

7/1/94 - 6/26/95

8

Minutes

## **GLADSTONE CITY COUNCIL STUDY SESSION**

**MONDAY, MARCH 27, 1995, 6:45 PM**

### **GLADSTONE, MISSOURI**

Mayor George Nodler opened the City Council Study Session in the Council Chambers.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Anita Newsom  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman Art Hammen

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **ITEM 1. DISCUSSION OF SPECIAL EVENTS/SEASONAL SALES ORDINANCE.**

City Manager Norris opened the Study Session Discussion on proposed BILL 95-18, RELATING TO THE REGULATION OF OUTDOOR SPECIAL EVENTS WITHIN THE CITY OF GLADSTONE, MISSOURI, PROVIDING FOR THE ISSUANCE OF A PERMIT THEREFOR, PROVIDING FOR STANDARDS OF REVIEW, AND PROVIDING PENALTIES FOR VIOLATION.

He said Gladstone is 100 percent surrounded and while we are in competition with our neighbors in terms of how business can advertise, use events to draw people in their stores, how they can utilize their parking for additional storage of materials and sales; we have also recognized the fact that we have had complaints about that and complaints about the fact that some times the debris does not get cleaned up.

Some times it blows off the site, some times so much of the parking lot is taken up for these special sales, that there is not enough parking space for people to utilize the pre-existing businesses at the site. The Director of Planning and Development, Scott Wingerson and the City Counselor Nancy Thompson worked to develop this ordinance which basically regulates outdoor special events. This does not include special events that occur on municipally-owned property such as the park property like the bar-b-que and Glad-Fest where the City is a co-sponsor. Those still have to go under the park use ordinance and obtain a permit that way.

There are three types of special events. If you turn to Page 2 of the ordinance, under Section 3, you will see the a Type I special event with two under it. The first is a fund raising activity by a not for profit and the second is an outdoor



commercial event immediately adjacent to the building. That would be for example on the sidewalk or the front apron to the building that is not in the parking lot but onto itself. An example of that would be the concrete area in front of Hy-Vee. It is not sidewalk right in front of the store it is just an apron area denoting the building.

Under Type 2 special event, you have outdoor sales events not adjacent to the existing building. These are things that are in the parking lots, not directly adjacent and these activities must be associated with the ongoing primary purpose of the original business and the same thing is true for the outdoor commercial events immediately adjacent. They have to be associated with what is otherwise occurring on the premises within the structure on both of those.

Councilman Norris said he is not sure exactly what that means. He questioned if he is a Western Auto for example and wants to sell puppets, as he understands it he can't do that. The Manager said under a Type 3 which we have not discussed yet, he could sell puppets but for a limited duration. What we are trying to do is deal with the velvet paintings, carpet sales, flowers, purses from a truck, jeans being purchased, those types of things. Also RV shows, different sales that may go on.

The Manager said we are not trying to exclude these from happening, but we are saying they should happen in a certain way under this ordinance. Councilman Norris said they are permissible and if commercial they are taxable. The Manager said that was correct if they are commercial sales they have to go through the cash register, have a sales tax number and through the business. We need to know who these people are, the business they are conducting and the time frame. He said in most instances, the way this is written they have to be the people who actually own or lease the property where they are conducting these sales.

Councilman Norris said a direct line of responsibility as to who is doing this business within the city limits of Gladstone. The Manager said yes and who for example is responsible if there is a trash problem or a parking problem.

Type 3 Events. First is a cultural event. short term cultural or entertainment events, runs, bike tours, races., circus carnivals. 2nd is an outdoor event not adjacent to the existing building that are not associated with the primary purpose of that business in operation at that site. There are 7 specific exemptions which the Manager read. The City Council

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questioned when #4 (persons acting pursuant to court order) might apply; Counselor Thompson said an example would be a bankruptcy sale.

The Manager said then there are Standards. A&B are really saying everything is basically complying with the City Codes and there has to be some land use compatibility. C is where we get into the true nuts and bolts of this ordinance and this is where it also gets confusing. All Type 2 Special Events shall not exceed 180 days in a calendar year. If you refer back to what Type 2 events are, those are the outdoor sales not adjacent to the building that are the primary purpose with the building. For example, Wal-Mart, Westlake, Hy-Vee's plant and lawn and garden sales. They are up now and have been up for several years from the middle of March through the middle of September or basically 180 days. We will continue to allow that under this ordinance.

Type I special events will not exceed 60 days in a calendar year. That doesn't mean they will run for 60 days, they may not exceed a total of 60 days. Then you cross reference that with frequency and we say that they may not be able to have them on the same property more than 6 times per calendar year, excluding shopping centers and for shopping centers it is 4 times a year.

Now if they use those events for the different duration, the frequency times the duration of each event can't exceed 60. The same thing is true for a Type 3 special event which cannot be for more than 30 days in calendar year again dealing with the same frequency limitations.

Traffic is an issue. off street parking is an issue, public conveniences and litter control are an issue. They must have restrooms available either within the existing business on the site, in close proximity to the location or they have to be addressed another way. They must be ADA handicapped accessible. they must deal with dust, smoke noise, those type of things. All the signage will be reviewed. There is a requirement that the parking lot to be used under Item J can be no more than 10% of the parking stalls required by the City. Let's say you are a business and under the City Code you are required to have 200 parking spaces; that means you can use only 20 of those for this special event. However, if you have 250 but are only required to have 200 then you can use those 50 excess plus the 20 for a total of 70 parking spaces for the event.

Items E, J and K deal with the scope of how big these events can become. We have already talked about the number of parking

stalls under J. Under K we talk about the proceeds from these cannot exceed 25% of the gross daily sales and they shall not exceed 30% of the gross floor area within the parking area. So we are trying to get at the size of the sale from two different directions; the number of parking spaces and the floor area of the existing business.

Let's say they have enough green area that they don't have to use parking stalls, then how do you regulate the size of the event in a tent - that is how we deal with that.

Mr. Reynolds said on the floor area, if a building had 1200 sq. ft. then they could only put 360 ft. to total use and then their parking would not be part of that 360. City Manager Norris said they would have to meet 2 standards. With 120 sq. ft. they could not exceed 360 sq. ft. wherever they do it. If it is a parking lot, they cannot exceed 10% of the number of parking spaces they have to have by code. So there are two standards they have to meet.

Under other conditions, we deal with things like traffic circulation, attention getting devices, screening, buffering, and some specific things. On performance bonds - if the City incurs additional costs like additional patrol, additional trash pickup, dumpsters, porta-pots, etc. we have the right under this ordinance to recoup that cost.

Then we require liability insurance which we have always done anyway. Mr. Reynolds asked how we will know when we need the bond. The Manager said we will have to do a great deal of education on this one. Counselor Thompson said it could be one of those situations where we look at the past history of the applicant and if someone has a good track history, we may not necessarily require the bond, where if you have a new person coming in with business; it might be prudent to require a bond in that situation. This allows flexibility if you are unsure of the application.

If they can provide good references, it might be something the City could look to waive. This is why that section allows some flexibility to City staff in determining what other criteria is considered. The Manager said it is a may clause not a shall clause and the Counselor is right if we have somebody who is operating a carnival and we look at the application and this person has never owned or operated a carnival and subcontracting, the questions we would ask are who is responsible for the pavement repair, trash pick-up, porta-potties and what happens if those bills aren't paid - the performance bond is there.

The Manager said Section 5 details what is required under the

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application including a site plan, sketch showing the location of things, written approval from the property owner that they agree to the event. Section 6 deals with review and approval - these will go through the Planning and Development Department because most will take place on commercial property. They then have to make the recommendation to the Manager and he has to approve or deny within 30 days of the application. Any denial will have the right to appeal to the City Council.

Section 8 deals with revocation. If any are revoked after issuance, they have the right to an appeal to the City Council.

Councilman Norris noted Section 5 under G which calls for written approval from the property owner and asked if that makes the property owner liable for the problems caused to his property. The Manager said it sure means that he can't say he did not know about it. One of the things he doesn't know is did the person who is leasing the property have an agreement with the property owner that deals with any waiver of liability. We would require a hold harmless certificate of insurance for our City property to be used. If that property owner did that as well, they may not be liable but even with the written permission they could still be sued. It helps us put the burden back on somebody.

Councilman Norris said if Joe Blow gives Charlie permission to use his property because he has know him for years and then Charlie bugs out and leaves the City with a mess who do we go after. The Manager said the property owner. Councilman Norris asked if this gives us the necessary tools. The Manager said it provides us evidence that they knew and accept the responsibility. Whether or not that person tries to collect from the person that bugged out is between the two of them.

The Counselor said it may become more of a property maintenance issue for the property owner under our existing code rather than this special event code. It may be that we say to the property owner this is what happened the last time you let Joe Blow use your property and this time we will have to have a performance bond. If there is trash left, that becomes a trash issue under our property maintenance code.

Mr. Hammen asked if we should perhaps require the approval from the property owner on some form generated by the City which clearly states that the owner will be responsible in the event that person hosting the event isn't.

The Manager said we can do that and have been wrestling for weeks on overkill. One of the concerns we have is that for a long time many businesses during the insurance crunch would not allow any types of carnivals or special events and there are

very good groups with the necessary insurance and financial capabilities to hold these events but they have not had a site to hold them. If we make our requirements too rigorous and put up too many stop signs for the property owner, none of these special events are going to happen and to some degree some of these things are what make a community a community. We can do it, whether or not the Council wants to take that next step is up to the City Council.

Counselor Thompson said a property owner in general is responsible for their property. That's their obligation that is imposed by their property ownership. Whether we want to take another step she said is the question. She does not know what more they can be responsible for by taking the additional step other than the fact that we have the additional knowledge that they have permission to be on the property to conduct the activity. Absent that, the property owner is responsible for maintaining the property and making sure that it complies with the City Code as far as any other requirements under here. Your special event is not going to be allowed to operate if your area is not paved, and your using up too many parking spaces, etc. and your special event is going to close down and your property owner will then be damaged by their lack of profit assuming they are making a profit. But as far as making them responsible for some sort of ongoing activity other than just making sure that the mess is cleaned up after they are gone, there is really not much benefit that she sees from doing that.

Mr. Hammen said he understands the Counselor's response and only concern is that we don't get into a situation where the property owner says that was the event users responsibility, I didn't have any thing to do with it and then all of a sudden we are caught in the middle. The Manager said the property owner is responsible for trash, nuisances, etc. under our existing code as the Counselor said. And this is just dealing with how the event is permitted. We want to have an acknowledgment that the property owner knows it is going on their property.

Mr. Reynolds said he also sees that in the case of an absent property owner, if you want to do a special event they might fax you a note but if you faxed them something they had to complete it may be just another step they might not want to take. Mr. Hammen said if the City is comfortable that is fine. He just did not want us to get caught in the middle.

Ms. Newsom said in Section 7 where it talks about transfer, she questions if say Walmart had a permit at their old business if it transfers to their new location. The Manager said they would have to get a permit for each year and at each location and each multiple event. For instance, if they have an event

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for lawn and garden now and also have an opportunity to do something on the sidewalk adjacent to their business say of sporting goods or something, if it is a short duration they would have to get a permit for that as well. They would be overlapping special events as he understands it.

Counselor said that is a good point and she will make an amendment to clarify the language to any business, person or location so that it is clear that if a business moves it is not transferable.

The Manager said the site conditions would change anyway and that is one of the things we ask for is a site sketch.

The Manager said that is basically a review of the ordinance and we think it addresses the concerns raised by the public and concerns by the business community about itself; and we are going to ask the Council to approve it on their agenda tonight with the amendments we have talked about in this study session.

Mr. Hammen asked about Section 4(d) where it references shopping centers, if the term should be defined in Section 2. Counselor Thompson agreed that was a good point and she will add the definition along with the other changes in a substitute version of this bill which she will have available by the time Council reaches the item on their formal agenda.

End of Study Session Discussion.

Respectfully submitted,

Marilyn F. Ahnefeld, CMC

GLADSTONE, MISSOURI

MONDAY, APRIL 10, 1995

Closed Executive Session: 6:45 PM

Study Session: 7:15 PM

Regular Meeting: 7:30 PM

**AGENDA**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** Designating April 27th through April 30, 1995 as "BEAUTIFICATION DAYS" in the City of Gladstone, Missouri.  
**PROCLAMATION:** Designating May 4th, 1995 as "NATIONAL DAY OF PRAYER". Sponsor: Ministries of New Life
4. Approval of Regular March 27, 1995 City Council Meeting Minutes.
5. **FIRST READING BILL 95-19,** Declaring the results of the Tuesday, April 4, 1995 General Election as certified by the Clay County Board of Election Commissioners that candidate GEORGE L. NODLER has been elected to a three year term on the Gladstone City Council.  
  
Final Votes: George L. Nodler: 1051; John C. Melton: 454
6. Oath of Office: Councilman Elect George L. Nodler
7. Election of Mayor and Oath of Office
8. Election of Mayor Pro Tem

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RECESS FOR LOBBY RECEPTION

YOU ARE CORDIALLY INVITED TO THE LOBBY RECEPTION  
HONORING THE CITY COUNCIL  
CO-HOSTED BY CITY OF GLADSTONE AND GLADSTONE AREA CHAMBER OF COMMERCE

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9. City Council Meeting Reconvened.

10. **CONSENT AGENDA**

**RESOLUTION NO. R-95-35,** authorizing acceptance of the proposal of Smokester of Mid-America for the installation of a vehicle exhaust removal system at Public Safety Station No. 2.  
Contract Amount: \$29,500. General Fund

**RESOLUTION NO. R-95-36,** authorizing execution of a contract with Gateway 2000 for purchase of a computer system to serve the Planning & Development and Engineering Departments.  
Contract Amount: \$28,101.00; General Fund

**RESOLUTION NO. R-95-37,** authorizing execution of contracts with Stonebrook LLC (Developer) and Havens Construction Company, Inc. (Contractor) for installation of sanitary sewer line and storm sewer serving Stonebrooke Subdivision at no expense to City.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. R-95-38, authorizing execution of a contract with Kansas Communications, Inc. for the purchase of the Executone Integrated Digital Telephone System with Executone Infostar VX/2 Voice Processing. Contract Amount: Not to exceed \$60,787.32  
General Fund: \$42,551.12; Water Fund: \$18,236.20

BUILDING PERMIT APPROVAL: Permit to rebuild roof and collapsed wall, Woodbine Health Care Center, 2900 Kendallwood Parkway.  
BP 95-002

BUILDING PERMIT APPROVAL: 999.25 sq. ft. building addition to existing building at 6927 North Oak Trafficway for Hillcrest Bank.  
BP 95-003

ACCEPTANCE OF GLADSTONE PARKS AND RECREATION ADVISORY BOARD  
1994 ANNUAL REPORT.

ADOPTION OF CITY OF GLADSTONE 1995-1996 MISSION STATEMENT &  
GOALS.

REGULAR AGENDA

11. Communications from the Audience.
12. Communications from the City Council.
13. Communications from the City Manager.
14. PUBLIC HEARING: on a request to rezone from RICH to CP-O, property at 100 NW Englewood Road. Applicant: KCRE Land.  
Owner: Robert & Amanda Day. File # 900
- 14a. FIRST READING BILL NO. 95-20, rezoning from RICH to CP-O, property at 100 NW Englewood Road. Applicant: KCRE Land.  
Owner: Robert & Amanda Day. File # 900
- 14b. FIRST READING BILL 95-21, approving a Site Plan in conjunction with rezoning of property at 100 NW Englewood Road.  
Applicant: KCRE Land. File #900
15. PUBLIC HEARING: on a request for a Site Plan Revision on property at 6605 North Oak. Applicant/Owner: Gladstone Auto Trim.  
(File #902)
- 15a. FIRST READING BILL NO. 95-22, approving a Site Plan Revision on property at 6605 North Oak subject to certain conditions.  
Applicant/Owner: Gladstone Auto Trim.  
(File #902)
16. FIRST READING BILL NO. 95-23, accepting Standard and Temporary Construction Easements from property owners in connection with Drainage Improvements on North Baltimore. (Project 9514)
17. Other Business.
18. Questions from the News Media.
19. Adjournment.

*Agenda Addition - Resolution R. 95-39 authorize execution of Grant under COPS East Program for funding of Crime Prevention Program.*



**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, APRIL 10, 1995, 7:30 PM**

Mayor George Nodler called the April 10, 1995, City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Anita Newsom  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman Art Hammen  
  
City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

Scouts from Troop #287 led the Pledge of Allegiance in which all joined.

**Item 3a. on the Agenda.**      **PROCLAMATIONS.**

Mayor Nodler read a proclamation designating April 27th through April 30, 1995 as "BEAUTIFICATION DAYS" in the City of Gladstone, Missouri. Assistant to the City Manager Laura Gay, coordinator of the City's 1995 beautification effort, accepted the proclamation from the Mayor.

Mayor Nodler also designated May 4, 1995 "NATIONAL DAY OF PRAYER" in the City of Gladstone as sponsored by the Ministries of New Life

**Item 4 on the Agenda.**      **Approval of Regular March 27, 1995 City Council Meeting Minutes.** Mr. Reynolds moved to approve the minutes as presented; Mr. Norris seconded. The vote: All "Aye" - Hammen, Norris, Reynolds, Newsom, Nodler. (5-0)

**Item 5 on the Agenda.**      **FIRST READING BILL 95-19,** Declaring the results of the Tuesday, April 4, 1995 General Election as certified by the Clay County Board of Election Commissioners that candidate GEORGE L. NODLER has been elected to a three year term on the Gladstone City Council.

Final Votes: George L. Nodler: 1051;      John C. Melton: 454

Mr. Norris moved to place Bill 95-19 on First Reading; Ms. Newsom seconded. The vote: All "Aye" - Hammen, Norris, Reynolds, Newsom, Nodler. (5-0)

Mr. Norris moved to accept the First Reading of the Bill, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The Vote: All "Aye" - Hammen, Norris, Reynolds, Newsom, Nodler. (5-0)

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as Ordinance No. 3.443; Ms. Newsom seconded. The Vote: All "Aye" - Hammen, Norris, Reynolds, Newsom, Nodler. (5-0)

Item 6 on the Agenda.      City Council Oath of Office.

The City Clerk gave the Oath of Office to George L. Nodler for a Three Year Term on the Gladstone City Council.

Item 7 on the Agenda.      Election of Mayor and Oath of Office

Mr. Hammen nominated Councilman Anita Newsom for the position of Mayor of the City of Gladstone; Mr. Norris seconded. The vote: All "aye" - Hammen, Norris, Reynolds, Newsom, Nodler. (5-0) The City Clerk administered the Oath of Office to Ms. Newsom.

Item 8 on the Agenda.      Election of Mayor Pro Tem

Mr. Reynolds nominated Councilman Art Hammen for the position of Mayor Pro Tem; Mr. Norris seconded. The vote: All "aye" - Nodler, Hammen, Norris, Reynolds, Newsom, (5-0)

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Mayor Newsom presented Councilman George Nodler with a certificate for a Bradford Pear Tree from his fellow Councilmembers and City Staff in appreciation of the time he devoted to his duties as Mayor this past year. She told Mr. Nodler that we are aware of his love of trees and this will serve as a replacement for a tree that was damaged at his residence this past summer.

Mayor Newsom called a short recess and invited all present to the reception for the City Council in the lobby jointly hosted by the City and Gladstone Area Chamber of Commerce.

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Item 9 on the Agenda.      City Council Meeting Reconvened.

Mayor Newsom reconvened the Council Meeting and said this is the second time she has been allowed to serve as Mayor of our

city and it is through the support of four very fine gentlemen sitting here with her that she is allowed to do so. She said it is also with great gratitude that she must honor the people who have guided her into public life here this evening, her mother, Lorene Newsom, brother David Newsom and nephews Stephen and Robby.

Ms. Newsom said her Dad was always the one who would respond if you complained - "Don't complain to me unless you can make it better". Mother was always the one who said "Let's get it organized and do it". She said she has a little bit of that in her system through and through. She said her family has been a special force and backing in her life and she does not spend as much time with them as she should because she has her own extended family here in Gladstone. She thanked them for coming up this evening.

Item 10 on the Agenda. CONSENT AGENDA

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-35, authorizing acceptance of the proposal of Smokeeater of Mid-America for the installation of a vehicle exhaust removal system at Public Safety Station No. 2. Contract Amount: \$29,500. General Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-36, authorizing execution of a contract with Gateway 2000 for purchase of a computer system to serve the Planning & Development and Engineering Departments. Contract Amount: \$28,101.00; General Fund; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-37, authorizing execution of contracts with Stonebrooke LLC (Developer) and Havens Construction Company, Inc. (Contractor) for installation of sanitary sewer line and storm sewer serving Stonebrooke Subdivision at no expense to City. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-38, authorizing execution of a contract with Kansas Communications, Inc. for the purchase of the Executone Integrated Digital Telephone System with Executone Infostar VX/2 Voice Processing. Contract Amount: Not to exceed \$60,787.32 (General Fund: \$42,551.12; Water Fund: \$18,236.20); Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom, (5-0)

Mr. Reynolds moved for BUILDING PERMIT APPROVAL to rebuild roof and collapsed wall, Woodbine Health Care Center, 2900 Kendallwood Parkway. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds moved for **BUILDING PERMIT APPROVAL** of a 999.25 sq. ft. building addition to existing building at 6927 North Oak Trafficway for Hillcrest Bank. BP 95-003; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom, (5-0)

Mr. Reynolds moved for **ACCEPTANCE OF GLADSTONE PARKS AND RECREATION ADVISORY BOARD 1994 ANNUAL REPORT**. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom, (5-0)

Mr. Reynolds moved for **ADOPTION OF CITY OF GLADSTONE 1995-1996 MISSION STATEMENT & GOALS**; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom, (5-0)

#### **REGULAR AGENDA**

##### **Item 11 on the Agenda. Communications from the Audience.**

There were no communications from the Audience.

##### **Item 12 on the Agenda. Communications from the City Council.**

Councilman Nodler thanked the citizens of Gladstone for the opportunity to serve a second term on the Gladstone City Council and his fellow Council for the great honor in allowing him to serve as Mayor this past year. He also thanked the City Manager, City Staff and Employees for making it such an enjoyable and easy job.

Councilman Norris congratulated Mayor Newsom and wished her as nice a year as her first year as Mayor. He said all the Councilmembers present who have been lucky enough to be Mayors did so when the City was growing and not fighting and it was a real pleasure. He also congratulated Mayor Pro Tem Hammen on entering his second year on the City Council.

Mayor Newsom said most present are aware that Mr. Dave Garcia, of Mid America Regional Council was killed in an accident about two weeks ago. Even though his family will be taken care of at this point in time there is a fund being set up for his children's future and education which is not provided for by the immediate insurance benefits. She offered to assemble an envelope and forward contributions to Mr. Garcia's family. He was very very active with our solid waste and recycling committee and has worked very closely with Gladstone on a number of issues throughout the years. His death is a great loss to the metropolitan community.

Mr. Reynolds also thanked Councilman George Nodler for the fine job he did serving as Mayor this past year and congratulated Ms. Newsom and wished her a good year.

Mr. Reynolds also noted that the City of Gladstone has lost two very fine residents this past week: Mr. Melvin West who was very much a supporter of Gladstone; and Mr. Darrell Cunningham who was very well known and close to a number of us died unexpectedly.

Councilman Art Hammen also congratulated both Ms. Newsom and Mr. Nodler. He asked City Manager Norris the status of his inquiry on real estate signs in right of ways. City Manager Norris said a letter will be going out within the next several days and a copy will be included in Council's packet. We are compiling a mailing list because there are a number of real estate companies doing business within our city

Mayor Newsom advised she was very pleased and proud of the Parks and Recreation Newsletter recently mailed to residents. It speaks very well for the strong program we have and it has been a pleasure these past few years to work with the Parks and Recreation Advisory Board. She said the Council has received their Annual Report and they are a very energetic, goal oriented group of people and great to work with.

Item 13 on the Agenda. Communications from the City Manager.

City Manager James Norris thanked Mayor Newsom for the kind words about Mr. Dave Garcia. He and Mr. Garcia were personal as well as professional friends and his death is a great loss. The Manager commented that Mr. Garcia's funeral was probably one of the largest attended funerals he has ever experienced and most impressive was close to thirty metropolitan area Fire Chiefs in their white hats who were in attendance.

The City Manager requested an Agenda Addition of Resolution 95-39, which authorizes the City Manager to execute an Application for a Grant under the COPS FAST PROGRAM of the United States Government for funding of a Crime Prevention Officer. The Manager explained that under the Crime Bill passed last year, there are grant funds available for extra law enforcement for communities who utilize them either in a crime prevention mode or in a community policing mode and we have been notified that we made the first cut. This application is for \$75,000 for three years. The Federal Government funds three-fourths the first year, half the second and one-fourth the third year reducing our dependency on them to fund the position.

Mr. Reynolds moved to approve the resolution; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The City Manager also announced that Browning Ferris who has long been the vendor for the City's annual Beautification Days will not be utilized this year. Waste Management beat BFI on

their bid and will be providing the dumpster services April 27th-30th.

The long awaited GEBC Building will be built and trees were downed over the weekend and the underground work will begin shortly. The City of Gladstone is a major participant in GEBC and we hold three positions on the GEBC Board.

The Manager said he typically has the authority to waive fees on a number of things as City Manager which we have done for groups that are civic or not for profit. GEBC is a 501-C3 Not for Profit Group but because he sits on the Board of Directors he did not want to just waive the fees himself and is bringing this forward to the City Council for their consideration of waiver of the building permit fee, water tap fee and other permit fees associated with the construction.

Councilman Norris moved that any fees required by the City for the GEBC building be waived; Mr. Hammen seconded.

Discussion.

Councilman Reynolds said as member of GEBC he will abstain.

Councilman Norris said the program is good and the building is needed. The City Manager clarified that the waiver is only for the fees not the process; any inspections, requirements under the Codes, etc. will still be met. In this instance the fees would be minor.

The Mayor said although the fees may be minor it would dilute the purchasing power of the whole unit. Mr. Reynolds advised for audience awareness that the building will be built on 72nd Street, one block west of N Oak and a lot of the construction work will be done by the North Kansas City School District Building Trades students and to his knowledge it is the first time for this cooperative effort on a commercial building. So not only are we doing something for the City of Gladstone but something for the School's trades program as well and they should receive a great deal of recognition for the project.

Mayor Newsom said it was a very innovative process. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. Mr. Reynolds "abstained". (4-0-1)

Item 14 on the Agenda. PUBLIC HEARING: on a request to rezone  
from RI-CH to CP-0, property at 100 NW Englewood Road.  
Applicant: KCRE Land. Owner: Robert & Amanda Day. File # 900

Mayor Anita Newsom opened the public hearing and explained the process that the applicant would make his presentation followed by those in favor and opposing the application.

Planning & Zoning Director Scott Wingerson, advised the applicant proposes development of the property depicted in blue on the Exhibit Map displayed on the easel. This property is currently zoned R1-CH and is surrounded by a variety of uses. Directly to the west is the State Office building; to the north is vacant developable property; to the south across Englewood Road is generally vacant property. As the exhibit map shows, this is the start of a true office corridor for the City of Gladstone. With the State Office Building and the recent rezoning to CP-O of currently City-owned property and some future developments in the area, staff believes this could be an encouraging development for the City. The terrain itself is basically rough; it is composed of a rather tall hill with a retaining wall adjacent to the site and a large hill to the west of the site.

Mr. Wingerson said water, sewer and storm sewers are available. The only entrance/exit to the property at this point is a short strip of publicly dedicated property which is located east of and adjacent to the site. The applicant's tonight have negotiated with the property owner to the north, Mr. Scharhag, to purchase additional right of way in exchange for constructing a full width, full length roadway along the eastern property line of this subject property. On the west side, the State Office Building developers, escrowed \$8,500 for the construction of a roadway which would be west of and adjacent to the site. Staff's recommendation tonight is that the developer escrow \$8,500 for the final construction of that roadway for a total of \$17,000. Information came to light at the last Planning Commission Meeting that the site would be rough graded, the roadway graded, so we believe that the \$17,000 is very very close to the cost of construction of that roadway. Staff is recommending approval of this request tonight with the following conditions:

- (1) The developer shall escrow \$8,500 toward construction;
- (2) The developer shall be responsible for installation of sidewalks on the east side of the west roadway at the time of Phase II construction;
- (3) The developer shall design, grade, and construct the west roadway at the time of Phase II construction. In the event the currently undeveloped property located north of and adjacent to the site develops prior to Phase II construction, that developer shall receive escrow monies and be responsible for design, grading, and construction of the west roadway.
- (4) The east roadway shall be constructed full-length and full-width to city specifications prior to Phase I occupancy.
- (5) A stormwater plan conforming to City specifications shall be submitted for both phases prior to Phase I construction.

(6) 25' x 25' site triangles shall be preserved at both Englewood Road intersections.

(7) Full site and construction plans shall be submitted prior to Phase I construction.

(8) Provision of a buffer zone at north property line 20' in width with a maximum 2:1 slope. Trees shown on landscape plan shall be spaced 30' on center and supplemented by shrubbery with an initial height of 3' and a design height of 6'. shrubbery shall be spaced between trees.

(9) All dumpsters shall be screened.

A supplemental memo was submitted to the Planning Commission at their last regular meeting which discusses the focus of this project. This property undeveloped and eventually developed will be the highlight of Englewood Road. It is visible from 1-69, both directions on Englewood Road and both directions on Broadway. Staff asked the developer to work very closely with the City and architects and engineers of their choosing to really make this a key feature of the Englewood Road office corridor and really make it a strong betterment of the overall community.

Mr. Hammen referenced Item 2 on the recommendations which is extending sidewalks during construction of Phase 2 and asked why we would not require the street improvement to the north boundary at that time. Wingerson said that is when it would be done.

Ms. Newsom asked if screening of the mechanical equipment on the roof is not a part of our current building code; Mr. Wingerson acknowledged it is.

#### IN FAVOR

Applicant Mike Perry, KCRE Land, 5500 N Oak, explained they are a residential franchise real estate company and have been leasing at their present location for the last four years and their current lease is up at the end of the year. They started on this about a year ago as far as researching the area and wanted to stay in the Gladstone area. They found there is not a lot of leasable space in the 7,000-8,000 sq. ft. range so they selected this site to build because it is in Gladstone and in close proximity to their current location and in their business, visibility is an important feature.

Mr. Perry said the main floor is about 9,000 sq. ft. and they intend to occupy about 80-90% of it, so they will have approximately 1200 sq.ft. occupied by related services such as a title company or loan company. 4,500 ft. in the lower level will allow future expansion. He displayed an artist rendering of the building and said their intention is to have an



aesthetically pleasing building that will look good because quite a few people will visit their offices. They are planning a second phase as shown on the plans and hope they can start that within a year or so from the time they complete the first building. At least that is their goal. They have had discussions with some prospective tenants but everything is very preliminary at this point.

Mr. Perry said the exterior will be all brick and trimmed with some pre-cast highlight bands above the windows and the entryway and they intend to terrace because it slopes quite a bit from the upper level to the ground east to west. They plan split rock and terracing down from the upper level because it will be a 2 story building on the west and 1 story on the east.

Councilman Norris said the drawing Council has shows a line that segregates phase one from Phase 2 and asked what condition Phase 2's property will be in by the time they finish construction on Phase 1.

Mr. Joe Lampin, SBC Engineering, said they intend to rough grade a pad site. The area on the far west end will be used for a detention area that will be put in at this time. The area to the west of the phase line will be rough graded to the finish grades shown. It will be bare at this time.

City Manager James Norris advised that it can't be just dirt. Depending on what is completed before you have occupancy on the building, that area will have to be paved or in grass for permanent occupancies according to the City Code. Mr. Lampin said if negotiations are not far enough along so they know what they are going to do.; the City Manager said the basin will have to have a full stand of grass anyway. Mr. Lampin said he understood.

Manager Norris said we have seen phasing where they have not gone ahead and done the grass work and it has caused us an enforcement problem. Councilman Norris said we don't want the outback look in Gladstone.

Councilman Norris asked if the hillside will be kind of flat then a retaining wall of some type of rock then an area somewhat flat and a terraced-down look. The Applicant said that is what they are intending and in front of the building where they show a straight retaining wall they intend to have more of a curve step-down on the south side of the building. It does not show up very clear on the drawing, it is actually going to be several different levels.

Councilman Norris asked if they are in agreement to the recommendations Mr. Wingerson read. The applicant said yes. Councilman Norris noted the reference to maximum slopes and trees which says that landscape plans shall be spaced 30 ft. on

center and said he would like to know if that means that is the bare minimum they are going to do or if they understand that is a maximum distance between trees.

City Manager Norris said the City does not want the trees any closer than that and that's why the recommendation is to augment with bushes. If they want to do more trees than shown on the plan they can do so. The 30 ft. on center is important because what happens is if they are located in the right of way they become ours and we don't want them any closer because once they grow we have to remove them and it falls back on us.

The Applicant said the landscape plan shows what they plan to do; if the City wants more or less or a different arrangement they would be willing to work within reason. Landscaping certainly adds to the outside appearance of the building and they do plan to do a little bit more landscaping than shown on the retaining wall area with low shrubs, etc. Mr. Perry said they watched the State Building go up on the corner and they have no intention of it looking like that - they want it to look much nicer.

There were no further comments in support or opposing the application and Mayor Newsom closed the public hearing.

Item 14a. on the Agenda. FIRST READING BILL NO. 95-20, rezoning from RICH to CP-O, property at 100 NW Englewood Road. Applicant: KCRE Land. Owner: Robert & Amanda Day. File # 900

Mr. Norris moved to place Bill 95-20 on First Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill. (5-0)

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as Ordinance No. 3.444; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14b. on the Agenda. FIRST READING BILL 95-21, approving a Site Plan in conjunction with rezoning of property at 100 NW Englewood Road. Applicant: KCRE Land. File #900

Mr. Norris moved to place Bill 95-21 on First Reading for approval subject to conditions enumerated on the Bill; Mr. Reynolds seconded.

Discussion.

City Manager Norris said the Applicant has spent a good deal of time tonight talking about the actual exterior building plans, composition of the building, etc. While that is important information to know, it should be reaffirmed that all that comes back during the building permitting process and there can be changes, improvements and enhancements the Council may want that will differ from presented tonight. The action tonight deals with the site plan rezoning and not the building facade and materials approval.

Mayor Newsom said being a real estate company they probably understand curb appeal more than others.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill. (5-0)

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as Ordinance No. 3.445; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 15 on the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision on property at 6605 North Oak. Applicant/Owner: Gladstone Auto Trim. File #902)

Mayor Newsom opened the hearing and again explained the hearing procedures.

Director of Planning & Zoning Scott Wingerson explained that on December 27, 1993 the City Council enacted an ordinance that allowed for the development at 6605 N Oak which is now Gladstone Auto Trim. Construction of the facility is now complete except for one condition contained in the ordinance which calls for the construction of a 6' wide privacy fence along the north property line. The Applicant and the Owner of the property are requesting that the requirement be deleted from the ordinance. There is a letter in Council's packet from the adjacent property owner to the north which requests that the fence not be required at this time.

City Manager Norris said if this had not been a condition on the actual ordinance we could have administratively handled it. But since it is an ordinance condition it had to come back to the City Council. He said the fence is between Gladstone Auto Trim and the Thornton property (white house) to the north. Our research shows it was a condition that was added on at the Council meeting by the City Council and not initiated by the Staff or Planning Commission and neither the Thornton's or the applicant desire to have it put in place.

Councilman Norris recalled the conversations when the original ordinance was enacted and there was concern for noise and proximity to the residential property owner that still lives there and several other things. The City Manager said he remembers that but also there was concern about the transition from the Gladstone Auto Trim property and its elevation to the property north if and when it is developed commercially. The Thorntons who own that property are trying to market it now and their opinion is that this will actually keep their property from being more marketable if it looks like it is entirely separated.

Councilman Norris said since the Thorntons don't want the fence he would be willing to eliminate the requirement unless whoever buys the Thornton property wants it put up and then it would be put up at Gladstone Auto Trim's expense as it would have been.

Jim Riddle, 7929 North Campbell, owner of Gladstone Auto Trim, 6605 N Oak, said that one of the things in the ordinance that was enacted when the site plan was approved was that at their expense they would construct the driveway to the property to the north. As it turned out as they came down to the completion of the project, that driveway is exactly where the fence would be and the elevation at the northeast corner of their property line is 1,018' above sea level and at the exact opposite end of the property which would be the southwest it is 1,008'. So in the grading process we now have a 9-10' hillside that we will have to put a fence on that the people next door don't want and object to and then tear the fence down to put a driveway through there. At that time he started working with City staff to see what was necessary to get it deleted from the project. As he understands it, the property to the north is designated commercial under the master plan. So if it is sold it will become commercial and probably 10' of their property will leave so that the level at the street will all be the same and at that point the fence is not wanted by the people it is intended to protect.

Mr. Riddle said they completed their trees and landscaping and other requirements. He thinks deleting the fence would be the simplest approach rather than leaving the issue open until someone else buys it because if it becomes commercial there has to be a driveway through there exactly where the fence is.

There were no further comments and the Mayor closed the Public Hearing.

Item 15a. on the Agenda. FIRST READING BILL NO. 95-22,  
approving a Site Plan Revision on property at 6605 North Oak  
subject to certain conditions. Applicant/Owner: Gladstone  
Auto Trim. (File #902)

Mr. Reynolds moved to place Bill 95-22 on First Reading; Mr. Hammen seconded.

Discussion.

Mr. Norris asked Mr. Riddle if the property to the north was sold and new owners wanted to do something on their property where they wanted separation from Gladstone Auto Trim if he would work with them in constructing a barrier if they were both involved.

Mr. Riddle said it brings us back to the access drive question and he doubts that a development would be allowed without a access through there. He said if that was the easiest way out it would be a lot cheaper than the drive.

City Manager Norris said they considered the same issue before the staff recommendation was made and one of the things they considered was the fact that if the Thornton's moved and sold it to someone who wanted to use it for residential they would be buying it with the property in an "as is" condition so they would be aware that it was not fenced. Also, given the Planning Commission and City Council's strong considerations for wanting to join the two properties staff felt that probably a site plan would not be approved for any other type of use that did not have that access drive. So it makes the fence a moot issue and the reason staff recommends approval.

Councilman Hammen said the memorandum from Mr. Wingerson references the fence being desired for the protection of the adjacent residential uses. It is obvious from the letter that the adjacent owner does not want to be protected and it is realistic to expect that the sale price of the adjacent property would not invite a future residential use and based on that he thinks this is a reasonable request.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill.

Mr. Reynolds moved to approve the First Reading; Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. The Clerk read the Bill. (5-0)

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as Ordinance No. 3.446; Mr. Hammen seconded.

Discussion.

Mayor Newsom said as long as everyone is in concurrence this is the thing we need to do to help our property owners and we can't anticipate the future need at this time.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 16 on the Agenda. FIRST READING BILL NO. 95-23,  
accepting Standard and Temporary Construction Easements from  
property owners in connection with Drainage Improvements on  
North Baltimore. (Project 9514)

Mr. Norris moved to place Bill 95-23 on First Reading; Mr.  
Nodler seconded.

Discussion.

City Manager Norris advised that the easements are in order and  
these complete the needed conveyances for this project.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom.  
(5-0) The Clerk read the bill.

Mr. Norris moved to accept the First Reading of Bill 95-23,  
Waive the Rule and place the Bill on Second and Final Reading;  
Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris,  
Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Norris moved to accept the Second and Final Reading of Bill  
95-23, and enact the Bill as Ordinance No. 3.447; Mr. Nodler  
seconded. The vote: All "aye" - Nodler, Norris, Reynolds,  
Hammen, Newsom (5-0)


Item 17 on the Agenda. Other Business.

City Manager Norris announced that Director of Engineering  
Norman LeClerq has just advised that the department now has all  
the needed easements for the NORTH WALNUT (70th Terrace to 72nd  
Street project and they will be on the next Council agenda for  
acceptance.

\* \* \*

There being no further business to come before the Regular  
April 10, 1995 City Council Meeting, Mayor Newsom adjourned  
the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Anita Newsom

**GLADSTONE, MISSOURI**

**MONDAY, APRIL 24, 1995**

**Closed Executive Session: 6:15 PM**

**Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**AGENDA**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** Designating May, 1995 as "BETTER HEARING AND SPEECH MONTH" in the City of Gladstone.  
Sponsor: Northland Sertoma Club
4. **Approval of Regular April 10, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-40**, authorizing the City Manager to execute a Modification Agreement relating to an Antenna Site Lease at Linden Water Tower with the Ardis Company.

**APPROVAL OF MARCH 1995 FINANCIAL REPORTS.**

**APPROVAL OF NEW CLASS "C" PACKAGE ONLY LIQUOR LICENSE & SUNDAY PACKAGE LICENSE**, American Drug Stores, Inc. dba OSCO'S DRUG STORE #2203, 6129 North Antioch Road.  
Managing Officer: Dennis M. VanEmmerik

**APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE**, John M. Lillich, Sole Proprietor dba UNCLE NEBO'S PIZZA & WINGS, 7102 North Oak.  
Managing Officer: John M. Lillich.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on a request for a Site Plan Revision on property at 5828 North Oak.  
Applicant/Owner: Duane Hubble. (File #903)

**Audience Note:** This Public Hearing will be opened and immediately continued to the May 8, 1995 City Council Meeting.

**NEXT ORD. NO. 3.448**

10. **FIRST READING BILL NO. 95-25**, amending Chapter 18 of the Gladstone City Code to add sections prohibiting parking in Fire Lanes, providing for enforcement; and establishing fines and penalties for violations.
11. **FIRST READING BILL NO. 95-26**, accepting Quit Claim Deeds and Temporary Construction Easements required for the North Walnut Reconstruction Project. Project #9405
12. **FIRST READING BILL NO. 95-27**, authorizing acquisition of the interests of Doyle E. and Pamela K. Newhouse in Real Property by purchase or condemnation for reconstruction of North Cherry Street from NE 70th Street to 72nd Street; declaring the necessity of same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance. Project #9501
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, APRIL 24, 1995, 7:30 PM**

Mayor Anita Newsom called the April 24, 1995, City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

**Item 3a. on the Agenda.**      **PROCLAMATION.**

Mayor Anita Newsom read a proclamation designating May 1995 as "BETTER HEARING AND SPEECH MONTH" in the City of Gladstone as sponsored by the Northland Sertoma Club. City Counselor Nancy Thompson, President Elect of the organization, accepted the proclamation on behalf of the organization from the Mayor.

**Item 4 on the Agenda.**      **Approval of Regular April 10, 1995 City Council Meeting Minutes.** Councilman Norris moved to approve the minutes as written; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the Clerk's reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### **CONSENT AGENDA DETAIL.**

Mr. Nodler moved to adopt RESOLUTION NO. R-95-40, authorizing the City Manager to execute a Modification Agreement relating to an Antenna Site Lease at Linden Water Tower with the Ardis Company; Mr. Norris seconded. The vote: All "aye" - Nodler,

Norris, Reynolds, Hammen, Mayor Newsom. (5-0) Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for APPROVAL OF MARCH 1995 FINANCIAL REPORTS. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for APPROVAL OF NEW CLASS "C" PACKAGE ONLY LIQUOR LICENSE & SUNDAY PACKAGE LICENSE, American Drug Stores, Inc. dba OSCO'S DRUG STORE #2203, 6129 North Antioch Road. Managing Officer: Dennis M. VanEmmerik; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE, John M. Lillich, Sole Proprietor dba UNCLE NEBO'S PIZZA & WINGS, 7102 North Oak. Managing Officer: John M. Lillich. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### REGULAR AGENDA

Item 6 on the Agenda. Communications from the Audience.

None.

Item 7 on the Agenda. Communications from the City Council.

Councilman George Nodler expressed his shock at the Oklahoma City bombings and extended his sympathy to the family members of loved ones who were lost to this tragic event. Councilmembers Roger Norris and Bill Reynolds echoed Mr. Nodler's sentiments.

Councilman Art Hammen thanked his fellow Council and Staff Members who are wearing the three color ribbons commemorative of the events in Oklahoma City. The blue is the Oklahoma State color; yellow represents those who have lost their lives or are missing; and the color purple is in remembrance of the children.

Mayor Anita Newsom also expressed her condolences to all those affected by this tragic happening.

The Mayor reminded that this weekend is Beautification Week. City Manager Norris advised that tires and appliances will be accepted for fees of \$1.00/tire and \$5.00/appliance and the beautification week schedule is publicized in the Gladstone Reporter which residents will receive early this week.

Item 8 on the Agenda. Communications from the City Manager.

City Manager Norris thanked the City Council, Staff and Rotary

Club members who attended the dedication of the new playground equipment in Oak Grove Park on Sunday, April 23rd.

The Manager also announced that the schedule of City Council Budget Study Sessions include: Monday, May 8, Thursday, May 11; and Monday, May 15 if necessary.

City Manager Norris said there is a special kinship among public employees who dedicate their careers to serving the public and our hearts go out to the Oklahoma City Public Employees and their families.

Mayor Newsom said hearing an interview relating to the disaster she was reminded that when you do a disaster drill such as those we do in Gladstone you don't realize how it will have to come in to play. City Manager said the disaster we had with Woodbine opened our eyes and those of other metropolitan area agencies. In the Oklahoma situation the mutual aid was nationwide as far as the entities that went in and helped with the rescue and recovery efforts.

Item 9 on the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision on property at 5828 North Oak. Applicant/Owner: Duane Hubble. (File #903)

Mayor Anita Newsom opened the Public Hearing and announced that it is continued to the Monday, May 8, 1995 City Council Meeting at which time the Planning Commission's recommendation will be available.

Item 10 on the Agenda. FIRST READING BILL NO. 95-25, amending Chapter 18 of the Gladstone City Code to add sections prohibiting parking in Fire Lanes, providing for enforcement; and establishing fines and penalties for violations.

Councilman Norris moved to place Bill 95-25 on First Reading; Mr. Reynolds seconded.

Discussion.

Councilman Norris asked if we are just now enacting ordinances prohibiting parking in fire zones.

City Manager Norris clarified that we are enacting an ordinance that allows the Gladstone Municipal Court to place such violations on the TVB (Traffic Violations Bureau) Docket which allows the pay by mail system. Currently such parking violations have to be written up as specific violations of the Uniform Fire Code that demands a Court appearance.

What we are doing now is making it more of parking/traffic ticket than a Court citations situation. It will be a better more efficient way to enforce such violations.

Mr. Hammen commended the City Staff for taking this action which is long overdue. Just last evening he visited one of our local stores where two "No Parking - Fire Lanes" signs were posted and a car was parked between the two signs. He said this is a very common problem and he sincerely hopes there will be vigorous enforcement because without it, the ordinance is worthless.

City Manager Norris said he believes we will see not only vigorous enforcement of this ordinance but of the handicapped parking ordinance as well in those same private establishments. He said another reason for this ordinance is because under the Uniform Fire Code only the Fire Marshall could enforce those sections; now, the entire Public Safety Department can enforce them. Anyone out on patrol can go through any one of the establishments where we know there are major violations all the time and write tickets. We will be undertaking a public relations campaign first, probably followed by warning tickets initially for several weeks and then followed by full fledged traffic violations.

The Mayor said in addition to our fire apparatus needs, parking in the fire lanes is not safe because people are darting in and out of cars.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-25, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 95-25, and enact the Bill as Ordinance No. 3.448; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0)

Item 11 on the Agenda. FIRST READING BILL NO. 95-26, accepting Quit Claim Deeds and Temporary Construction Easements required for the North Walnut Reconstruction Project. Project #9405

Mr. Norris moved to place Bill 95-26 on First Reading; Mr. Hammen seconded.

Discussion.

Councilman Norris said he is thrilled that we are at this point on this project because it has been a long time coming. The Manager said not only are we out to bid on this project, but also North Cherry and 57th Street, west of Oak; and we have all the easements as of today for the North Cherry project and they will be on the next City Council agenda for acceptance.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

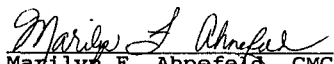
Mr. Norris moved to accept the First Reading of Bill 95-26, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 95-26, and enact the Bill as Ordinance No. 3.449; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0)

\* \* \*

There being no further business to come before the Regular April 24, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

GLADSTONE, MISSOURI

MONDAY, MAY 8, 1995

Closed Executive Session: immediately following  
adjournment of Regular Meeting.

Budget Study Session: 5:30 PM

Regular Meeting: 7:30 PM

**AGENDA**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular April 24, 1995 City Council Meeting Minutes.
5. CONSENT AGENDA

RESOLUTION NO. R-95-41, approving the sale of certain City-owned Real Estate at 5595 North Broadway and authorizing the City Manager to execute a Real Estate Contract with Lakey Custom Building, Inc. Sale Amount: \$125,000

RESOLUTION NO. R-95-42, authorizing execution of a contract with Bob Muehlberger Concrete, Inc. for reconstruction of North Cherry Street. Total Contract Amount: \$269,427.28 Project #9501 CIP Sales Tax Fund (\$206,164.93); Water Bond Fund (\$46,719.41); Combined Water Works & Sewerage System Fund (\$16,542.94)

APPROVAL OF BUILDING PERMIT for mansard roof modification,  
7512-21 North Oak. Applicant/Owner: John Washburn (BP95-005)

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. PUBLIC HEARING: on a request for a Site Plan Revision on property at 5828 North Oak. Applicant/Owner: Duane Hubble. (File #903)  
Continued from April 24, 1995 City Council Meeting.
- 9a. FIRST READING BILL 95-27, approving a Revised Site Plan for development of property at 5828 North Oak.  
Applicant/Owner: Duane Hubble. (File #903)
10. FIRST READING BILL NO. 95-28, Accepting a Quit Claim Deed and Temporary Construction Easement from property owners in connection with North Cherry street reconstruction. (Project #9501).

11. **FIRST READING BILL NO. 95-29, Accepting Quit Claim Deeds and Temporary Construction Easements from Property Owners required for 76th Terrace street reconstruction. (Project #9217)**
12. **FIRST READING BILL NO. 95-30, repealing Ordinance No. 3.383 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri due to increase from City of Kansas City, Missouri pursuant to contractual obligations for treatment of Gladstone sanitary waste.**
13. **SIGN VARIANCE REQUEST, 202 NW 72nd Street, R.K. TRANSMISSION.  
Applicant: Rick Carrell**
14. **SIGN VARIANCE REQUEST, 7001 North Oak, FIRST BANK OF MISSOURI.  
Applicant: Leo Slenker**
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**
18. **Motion to Adjourn to Closed Executive Session.**

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, MAY 8, 1995 7:30 PM**

Mayor Anita Newsom called the Regular May 8, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4 on the Agenda.**      **Approval of Regular April 24, 1995 City Council Meeting Minutes.** Councilman Reynolds moved to approve the minutes as written; Councilman Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the Clerk's reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**CONSENT AGENDA DETAIL.**

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-41**, approving the sale of certain City-owned Real Estate at 5595 North Broadway and authorizing the City Manager to execute a Real Estate Contract with Lakey Custom Building, Inc. Sale Amount: \$125,000 Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-42**, authorizing execution of a contract with Bob Muehlberger Concrete, Inc. for reconstruction of North Cherry Street. Project #9501; Total Contract Amount: \$269,427.28. Funding: CIP Sales Tax Fund (\$206,164.93); Water Bond Fund (\$46,719.41); Combined Water Works & Sewerage System Fund (\$16,542.94) Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)



Mr. Hammen moved for APPROVAL OF BUILDING PERMIT for mansard roof modification, 7512-21 North Oak. Applicant/Owner: John Washburn (BP95-005). Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**REGULAR AGENDA**

**Item 6 on the Agenda. Communications from the Audience.**

Mr. Wayne Patterson, 6711 North Grand, addressed the City Council on the condition of his street as well as North Walnut. He said his street is a down hill dead end street that is badly deteriorated. The water runs off the asphalt and into his yard and ditches. The drainage necessary for the street is lacking to deter the water back along this creek area and as a result it runs in back behind his property. Three other neighbors are also concerned but were unable to attend tonight. He asked that we look into this need because streets throughout Hamilton Heights are curbed except for the Grand dead end which is a "y" street as well as N Walnut.

Mr. Patterson said he appreciates the new fire hydrant but sees the streets being patched up over and over with no substantial repairs. It is an older neighborhood now but at one time it was an elite neighborhood and as a taxpayer and citizen he would like to see their needs addressed.

Mayor Newsom advised Mr. Patterson that he might be encouraged to learn that during the City Council's recent goal setting session, their highest priority of matters that needed to be dealt with was streets.

City Manager Norris agreed to have our engineering department determine where this street is on the pavement maintenance schedule. He will also have the street reviewed by the Capital Improvement's Committee as far as the drainage need. The CIP Committee will be touring by bus on June 17th and he will add this area to their list. It may not ultimately be their funding that does it; if it is all street it might be the road district or some other funding source but we will look into it.

Mr. Patterson described that the street virtually breaks off in chunks and he is the one who cleans it out over and over. Due to the runoff, there is one very large area where he is unable to grow grass.

City Manager Norris advised that we have a program where for the past 5-6 years, the Council and CIP Committee have selected a street without curb and gutter and sidewalks and put them in, and we have done a lot of work in that part of the city. We need to look at where this street fits in on that program. The City Manager said there are a number of streets in Hamilton Heights that don't have curb, gutter and sidewalks. Mr.

Patterson said to his knowledge only the portion of Grand he spoke of and N Walnut are without. Councilman Norris pointed out that Mr. Patterson is referring to the original Hamilton Height's subdivision and the Manager acknowledged he was referring to that whole area extending almost to Englewood Road.

Councilman Norris said there are worse streets in the city but this one could definitely use some work. He said primarily it is the drainage at the end of the street that causes the problems and they are similar to North Wyandotte situation where it runs down the driveways but these houses don't have connecting driveways so after it comes out of Mr. Patterson's driveway it ends up on the hillside and just disperses.

The Manager took Mr. Patterson's phone number and agreed to look into his concerns.

Item 7 on the Agenda. Communications from the City Council.

Mayor Anita Newsom advised that former Councilman Bill Patterson who served the city for three years passed way today. Mr. Patterson always had Gladstone in his heart, and worked for the betterment of the city. He worked early on for the Metropolitan Lutheran Ministries and the Northland Christmas Store and was always willing to give back to the community more than he received. The Mayor said he will definitely be missed in our community.

Councilman George Nodler echoed the Mayor's sentiments in our city's loss of Mr. Bill Patterson. He also thanked the City employees and volunteers who put in so much hard work to make beautification week a success, especially Laura Gay.

Councilman Roger Norris said he also extends his condolences in the death of Mr. Bill Patterson and thanks the participants in the Beautification Week effort.

Councilman Bill Reynolds, commenting on the community's loss of Mr. Bill Patterson, said he served the City well as a member of the City Council and was very much involved in the works of several charitable organizations. Mr. Reynolds said he had the pleasure of working with him the last several months on a Church Committee on which he was most active.

Mr. Reynolds thanked participants in the annual beautification effort. This year's beautification weekend was the first he has missed but he was in Arkansas.

Commenting on the proposed dedication plaques for the Oak Grove Park Amphitheater, Mr. Reynolds said he would favor one plaque only that listed Councilmembers alphabetically including Mr. Reinsch who was here when the campaign started. He sees no reason for multiple plaques and suggested that any dedication

plaque also reference the Park Board's involvement; the City Manager assured the Park Board as a body was listed.

Councilman Art Hammen said not only did the city lose a good servant but he lost a good friend in the passing of Bill Patterson.

He also asked City Manager Norris about the letters to real estate companies regarding signs in right-of-ways and asked if we have positioned ourselves to do any Sunday enforcement. The Manager advised that the letters have gone out to Realtors so they have been warned; and that the seasonal code enforcement officer starts as soon as school is out.

Mayor Anita Newsom thanked the staff for their involvement in the beautification activities. Definitely the team work was there with no hierarchy, all worked together.

Item 8 on the Agenda. Communications from the City Manager.

City Manager Norris requested the agenda addition of RESOLUTION NO. R-95-43, AUTHORIZING ADDITIONAL PAYMENT TO WASTE MANAGEMENT OF KANSAS CITY FOR SERVICES RENDERED IN CONJUNCTION WITH THE CITY OF GLADSTONE'S 1995 BEAUTIFICATION EVENT. ADDITIONAL: \$8,183.80; GRAND TOTAL AMOUNT: \$15,183.80.

The Manager explained when we originally talked to different haulers about providing this service, we told them we would have approximately 45 loads for the landfill which was what we had a year ago. Because of the different way of handling yard waste we thought we would have some yard waste but not 26 dumpsters which we ended up having. We expected closer to 10-15 because we just did a pickup city-wide when we had the windstorm in July and then we had the chipper available out at public works after the ice storm hit and we hoped that a lot of debris would have been dealt with.

The Manager reported that 60 loads of general trash/debris was taken to the landfill; (26) 40-yd. dumpsters of yard waste/brush was taken to public works; (6) 40-yd dumpsters of appliances were taken by the scrap dealer; and 56.98 tons of debris was taken to the landfill in rear-load trucks. The original bill was over \$20,000 from Waste Management and we were able to work with them to get it down to \$15,183 so in essence they did not charge us the full haul price on the compost loads but rather a re-spot charge because they only went to the Public Works building.

The Manager recommended passage of Resolution 95-43, authorizing a total payment of \$15,183.80 for the dumpster trash hauling service for this year's beautification.

Mr. Reynolds moved to adopt Resolution 95-43; Mr. Hammen seconded.

Discussion.

Councilman Norris asked if BFI submitted a bid on the cap of \$7,000. City Manager Norris responded that the firm did submit a bid, but they would not put a cap on it. He said their per unit haul was higher than Waste Management's anyway. Councilman Norris said to double the amount of dumpsters in a year seems like quite a jump; the Manager said it is how the yard waste is handled. When they changed general managers this year, they would not bid a not to exceed contract because in the past they have done our beautification as a public service because they basically have 95% of the City of Gladstone residential customers. They have had a change in corporate philosophy and with the changes in State law and lacking a hauler who wants to do this as a public service we will be faced with dealing with these higher costs. He also noted we did not do appliances last year.

Councilman Norris asked why was there a not to exceed \$7,000 if when the Manager came here 6-7 years ago we were spending \$13,000. City Manager said because we had refined the event back down to a four-day event and we felt with handling the dumpsters the way we did for the yard waste, we would be saving money and frankly there was a miscommunication between Waste and the City. They consider a haul as any time they pickup the dumpsters. We consider a haul any time they took it to the landfill. We thought that since their drivers would be in Gladstone anyway in the park, that to take it a mile and half to public works and dump it would not be considered a full haul. They initially tried to charge us for that when in the past we have had some of that service gratis in the not to exceed through another hauler.

The City Manager said so what we have really had is a major change in circumstances as well as corporate philosophy. The whole event needs to change and it pointed out a lot in terms of yard waste. The yard waste needs to be handled on a totally separate weekend; it needs to be taken out to public works so a tub grinder can be brought in. We need to change the event and maybe holding it twice a year for certain items will actually save money.

Councilman Norris said it is certainly a \$15,183.80 value to the City. The Manager said we do need to add some money into next year's budget for beatification to deal with this issue.

The Mayor said the next time we do the contract we need to look at definitions and communication. The Manager agreed.

All aye - Nodler, Norris, Reynolds, Hammen, Newsom, Norris.  
(5-0)

City Manager Norris announced there will be no need for the Thursday, May 11, 1995-96 City Council Budget Study Session because so much ground was covered this evening. The Council unanimously agreed it could be cancelled.

The Manager said we will have approximately \$70,000 in our proposed budget for Council consideration. We need to decide how we are going to use some of the money or if we want to use all of it. The Manager suggested \$10,000 additional funds will be needed for beautification next year; the City Council agreed to that amount. In addition a decision needs to be made on allocating funds for slurry seal or resurfacing. Councilman Norris said before we make a decision he would like to know how many streets can be done with slurry seal versus recaps; and the life extension of a slurry seal versus recap street. Mr. Reynolds said he would look to staff for a recommendation as to which is best.

Item 9. on the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision on property at 5828 North Oak.  
Applicant/Owner: Duane Hubble. (File #903)  
Continued from April 24, 1995 City Council Meeting.

Mayor Newsom opened the public hearing and explained the hearing procedure that the Staff will make a presentation, followed by the Owner/Applicant and persons in favor or against the application.

Director of Planning and Development Scott Wingerson, explained that Applicant Duane Hubble is requesting a site plan revision which will allow the construction of a 5,000 sq. ft. building which would replace the existing 1800 sq. ft. building on property at 5828 North Oak. The use is for retail sale of automotive parts.

The property is zoned CP-2 which requires a site plan revision for any substantial change to the property. It is located generally west of and adjacent to N Oak; and north of 58th Terrace. The Comprehensive Plan shows it is a general commercial district and it has been in this same zoning classification since 1972. The surrounding land uses themselves are generally commercial in nature with a day school church to the west; commercial uses to the north and south; and the Village of Oakwood to the east. Public utilities are available to the site.

Two comments on the improvements. They are requesting a 5,000 sq. ft. metal building and propose to have a drivet exterior on the front or east elevation; the south which would be adjacent to 58th Terrace; and standard metal prefinished panel covering on the back and north elevation. There are three entrances and exits. The main customer entrance would be from N Oak; a secondary customer entrance and delivery person

entrance would be closer to the intersection of N Oak and 58th Terrace. The last one would be a trash access driveway area and would also provide for employee parking.

On the public improvements, staff is not recommending any substantial public improvements to the secondary roadway (58th Terrace). What they are recommending is that the applicant be responsible for addressing the storm water problem on the site. Basically a large percentage of the N Oak water flows south on the east side of N Oak and then crosses N Oak at Mr. Hubble's property. That underground pipe daylights at the corner of his property and then flows on top of the surface from that point on, so we are requesting that Mr. Hubble make the improvements necessary to carry that back further past his property and better handle the drainage.

Staff originally made a recommendation that included 10 items; following the site visit that was reduced to 7 items. The staff recommends approval of the request with the 7 conditions.

1. Installation of a monument sign in compliance with the Sign Code. What is currently proposed is a pylon sign similar and possibly even larger than exists on the property now but advertising the new tenant, Car Quest.
2. Staff would like the western drive on 58th Terrace to be signed for employees only. Because Car Quest is a large wholesaler of automotive parts they have a lot of delivery drivers and we would like to make sure that they have a place to park as well as adequate customer parking so we would like the whole area signed for employee parking only.
3. We would like the applicant to install 4" caliper trees planted approximately 30' on center within the green areas adjacent to the east and south property lines. (N Oak and 58th Terrace).
4. Trash enclosures will be completely screened from public view and enclosed with materials architecturally compatible with the building.
5. Exterior drivit shall be used on all four sides of the building. Not just the front and public side.
6. Provides the existing building shall be removed and proposed improvement complete prior to occupancy. Mr. Wingerson said at one time it was mentioned that the applicant may want the existing building to remain in operation as long as possible while the new building is under construction. We recommend the applicant provide staff with a way to do that safely and we will consider that at the time of building permit approval if the site plan is approved tonight.

7. Provides that the applicant submit the necessary construction stormwater plans prior to any site work occurring and that the necessary drainage and utility easements required in conjunction with this project be dedicated to the City.

Applicant Duane Hubble, 2001 NW Woodland, Kansas City, Missouri, said there are no surprises as far as the conditions just read by Director Wingerson. He said he does have a problem or concern on having to put the drivit on all four sides of the building but if it is deemed necessary they will do it if they can get the contractor to work out a budget for it so they can save some money somewhere. It is just that the north and west sides are totally unseen by anyone and he doesn't know that it is necessary at all but if it makes a better building for some reason for the city, ok. He does not know what it would do for them, it just looks to him unnecessary. Mr. Hubble said they have no problem with the monument sign. He said they conned him into doing the sign and it will probably look better than the one that is there and maybe this will start the flow of getting all the signs on N Oak down and all that, but he doubts it.

Mr. Hubble said the issue of occupying the present building full time may have to be up to the man constructing the new building. He said if he was to tell the Car Quest people they have to shut down for a day or week, there is just no way. These people are totally in the wholesale business and people depend on them every hour every day and if they had some other way to supply their customers it could be done but he does not see it as possible.

The extra expense to the contractor is that obviously we will have to do fill up and around that building and then when the old building comes down we have to go in and do it twice you might say. So there has to be the rest of the fill of course that is not a very large spot there where the building sits on the whole lot. But when that building is down he has to go back in and fill that part and of course the asphalt, etc. and also the curb on that side. It is just one of those things, in this circumstance he does not know any other way it could possibly be done but if the City can give us some way he is sure the contractor can come up with a recommendation as to how it could be done. Mr. Hubble said it would be extra expense but that is their problem. The type of business they are in, the building just almost has to stay there because they have to be operating every minute and they will probably move over a weekend or a night.

Mayor Newsom said the buildings appear to be very very close from the drawings and asked Mr. Hubble how close the existing will be to the new construction.

Mr. Hubble said Alexander and Company will probably be doing the construction and as near as he recalls it is between 4-5 ft. He said somewhere along the line we discussed the possibility that the building could be moved back some because they will have extra land back there that they don't really need. At least it was discussed that if they needed to move the building back further they could. Mr. Hubble said they do not use the east or west end of the building so the blocking of it to them is not a problem.

Councilman Norris had questions of Mr. Hubble as far as the business which he answered as follows: Mr. Hubble said he had been in business 26 years but sold his business 4-5 years ago but still owns the building and property. He said Car Quest officially bought the last of his three stores last July so he is not officially in business. He will own the property and the building to be constructed.

Councilman Norris asked what will happen to the old Little Folks Day School behind this property. Mr. Hubble said nothing it stays as it is.

Councilman Norris said from the plans the new and old building look like they will be closer to 2' away from each other and he asked if the builder does not see it as a problem. Mr. Hubble said he would have to talk with the architect and the builder but he thinks there is leeway in moving the new building back.

City Manager Norris said when staff originally met with Mr. Hubble and his architect they were encouraged to move the building back for greenspace, etc. and the public safety issues dealing with trying to build the building and operate the other store at the same time. That is why the recommendation reads as it does. If they can present us with a plan that shows the building can be operated and the other one constructed at the same time without any undue public safety, health, and welfare issues, we are in favor and supportive of it.

The Manager said it is up to the contractor, owner and architect to come back to the City with a plan on how that can work. He said staff agrees with the comments of Mayor Newsom and Councilman Norris about proximity to existing improvements. He said another concern is how patrons will have ingress and egress off of 58th Terrace with that building in the middle of the parking lot. But he thinks they can work around that and they have to come up with a plan and a phasing of construction that will address those concerns. It will come back before the City Council at Building Permit time and Council will have the opportunity to say yes or no to their plans.

Councilman Norris asked Mr. Hubble what his long term goals for the property were. Mr. Hubble said just as rental property. Councilman Norris said if Mr. Hubble is going to continue to maintain rights to the property he has no problem with this



application.

Mr. Hammen asked Mr. Hubble if he believes he can come up with a satisfactory phasing plan so they can keep operating. Mr. Hubble said he thinks so but of course he has to rely on the contractors giving him assurance that it can be done.

There were no further questions or comments and Mayor Newsom closed the Public Hearing.

Item 9a. on the Agenda. FIRST READING BILL 95-27, approving a Revised Site Plan for development of property at 5828 North Oak. Applicant/Owner: Duane Hubble. (File #903)

Mr. Reynolds moved to place Bill 95-27 on First Reading; Mr. Norris seconded.

Discussion.

City Manager Norris said staff asks that the word "permanent" be added to Item 6 under Section 1. Councilman Reynolds moved to amend Item 6 of the Bill to read as follows:

6. "The existing building shall be removed and proposed improvements complete prior to permanent occupancy."

Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

The vote on First Reading of Amended Bill 95-27: "Aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. The Clerk read the Bill. (5-0)

Mr. Norris moved to accept the First Reading of Amended Bill 95-27, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact Amended Bill 95-27 as Ordinance No. 3.450; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0-)

Item 10. on the Agenda. FIRST READING BILL NO. 95-28, Accepting a Quit Claim Deed and Temporary Construction Easement from property owners in connection with North Cherry street reconstruction. (Project #9501).

Mr. Reynolds moved to place Bill 95-28 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Noiller, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 95-28, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Reynolds moved to accept the Second and Final Reading of Bill 95-28, and enact the Bill as Ordinance No. 3.451; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0)

Item 11. on the Agenda. FIRST READING BILL NO. 95-29,  
Accepting Quit Claim Deeds and Temporary Construction  
Easements from Property Owners required for 76th Terrace (west  
of North Oak) street reconstruction. (Project #9217)

Mr. Hammen moved to place Bill 95-29 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 95-29, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 95-28, and enact the Bill as Ordinance No. 3.452; Mr. Norris seconded.

Discussion.

Councilman Reynolds commented that he has witnessed staff's discussions with property owners to obtain easements and compliments the very nice job staff does. The City Manager said that would be primarily Mr. Scott Brandom and agrees he certainly does do well.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0)

Item 12. on the Agenda. FIRST READING BILL NO. 95-30,  
repealing Ordinance No. 3.383 and enacting a new ordinance  
levying Sewer Billing and Commodity Charges for the City of  
Gladstone, Missouri due to increase from City of Kansas City,  
Missouri pursuant to contractual obligations for treatment of  
Gladstone sanitary waste.

Mr. Reynolds moved to place Bill 95-30 on First Reading; Mr. Hammen seconded.

Discussion.

City Manager James Norris explained that each year the City of Gladstone, as a sewer contractual user of the City of Kansas

City Missouri's sewer treatment plant is presented with a billing for our use of their treatment plant and each year they submit a rate increase to us. The Manager said the rate increase this year is significantly higher than any time during his tenure with the City. They are looking at a 20% rate increase which for Gladstone equates to a .25/1,000 gallon rate increase on our sewer commodity charge.

He said the City of Kansas City's rationale is that with the increasing regulation on sanitary sewage treatment by the Federal EPA and the Missouri Department of Natural Resources, their plant which is significantly aged is in dire need of upgrade. Secondly, the great flood of 1993 caused that infrastructure in low-lying areas of the city which feed that plant to deteriorate at a significantly higher rate.

This is a .25 cent rate increase per 1,000 gallons for us which raises our rate from \$1.75/1,000 gallons to \$2.00/1,000 gallons. Our residents won't feel the total impact of this because it is not like a water increase where you feel the increase year around. In Gladstone our residents get the benefit of a "winter average" where the sanitary sewer bill in the summer months is actually determined by the water you use during the winter. In essence we do not charge residents for watering their lawns, washing their cars, or anything where the water does not go into the sanitary sewers and thus does not go into the treatment plant for treatment.

The Manager stressed if the City of Gladstone failed to pass this along to our customers it would cost the City \$159,570 on an annual basis. That in itself is enough to put the sanitary sewer side of our budget upside down as far as revenues to expenditures. It is almost enough to put the water and sewer side upside down and it does compromise our ability to make debt service payments and we would be in violation of our bond covenants for the water bonds. For this reason, the City Council has little opportunity or choice but to pass this rate increase that has been given to us by Kansas City on to our customers.

Councilman Reynolds commented that as much as we dislike the idea of this increase which would average \$3.00/month for the average user, the other options are as indicated by the City Manager are not viable.

Councilman Norris asked if Kansas City passed this 20% rate increase on to their customers. The Manager said they did and we are trying to determine whether it is the same increase or not. They have a different billing procedure than we do because theirs is based on cubic ft. As the memo says it averages out to \$3.00/month but theirs may not be exactly the same. The Manager said all other cities who are sewer users on Kansas City's system received the 20% increase.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 95-30, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Mr. Reynolds moved to accept the Second and Final Reading of Bill 95-30 and to enact the Bill as Ordinance No. 3.453; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

City Manager Norris pointed out that even with the rate increase if you look at where our water and sanitary sewer rate sits in terms of the metropolitan area it does not change our stance in comparison to other cities. Lee's Summit, Grandview, Liberty, Blue Springs still have a higher water/sewer bill total than Gladstone with only Kansas City, Lenexa, North Kansas City being below us. If you look at the later group they subsidize their residential rates with the high volume commercial and industrial users which we don't have.

Mayor Newsom said many residents may not realize how good our rates are until you move into some other areas. The Manager said on the average rate of 12,000 gallons usage which is the standards average across the country, ours will be \$57.76 every two months and Lee's Summit is \$78.55, Liberty/\$75.12 and Grandview/\$73.45 so they average more than \$20 above ours.

Item 13. on the Agenda. SIGN VARIANCE REQUEST, 202 NW 72nd Street, R.K. TRANSMISSION. Applicant: Rick Carrell

Director of Planning & Development Scott Wingerson, reviewed the variance application and advised that in January 1995, the City Council approved a variance which allowed SandyBrook Incorporated to install a 12 sq. ft. sign 17' in the air. It appears from the City Council Minutes, that Council had some discussion at the time about whether or not we would be faced again with another variance and tonight we are but it is substantially different than the direction the Council thought this might go. From the minutes it was thought there would be a SandyBrook sign on top, a Buckner Heating & Air Conditioning sign on one side, and possibly the Transmission Company sign adding to the overall non-conformity of the pylon sign.

Actually what we have this evening is a replacement of the existing sign cabinet for Buckner Heating and Air with a sign that advertises Mr. Carrell's business.

Mr. Wingerson said Mr. Carrell is in somewhat of an unusual position and the reason for that is his business is located in

the middle of the block between commercial enterprises on either side east and west and he is about 200 ft. north of 72nd Street back in the corner. If you add to the already limited identification of that building and those commercial businesses in that building, staff believes that Mr. Carrell has a hardship that would warrant granting this variance. Staff does recommend approval of this request with the condition that the existing sign pole be painted a high quality exterior paint not for aesthetic reasons but for safety reasons so the travellers on 72nd Street and people in the parking lot can have better visibility of that pole itself.

Councilman Norris asked if it is the transmission company's pole to paint. Mr. Wingerson said it is not their pole but he understands there will not be objection to it being painted.

Applicant Rick Carrell, owner of R.K. Transmission, 202 NW 72nd Street, said they are not asking to change anything other than the cabinet and they would keep the dimensions the same. They do feel it is imperative that they have a sign there for the success of their business. Mr. Carrell said he has no objection to painting the pole but cannot speak for the landlord because he has not been able to contact him.

Councilman Norris said he sees no problem with the application. Mr. Reynolds said if the landlord objects to the painting he still has no problem with the variance. Mayor Newsom said the pole needed to be painted anyway and it will benefit the business to have it painted.

Councilman Norris said he has no problem with this variance and on the subject of the previous sign variance on this pole back in January, we beat that discussion into the ground and when the 2x6 sign was placed on the pole it was so small and so high that it looked ridiculous. He would almost give a green light to the gentlemen if over the next several years he wanted to replace it. the City Manager reminded that the applicant at the time did not request any larger than the 2x6. Councilman Norris said he knew that but it is just so small and so high that it is not visible and we almost should have made him go larger.

**MOTION.** Mr. Reynolds moved to approve the sign variance request as long as the landlord will allow the sign pole to be painted white. Mr. Norris seconded.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14 on the Agenda. SIGN VARIANCE REQUEST, 7001 North Oak, FIRST BANK OF MISSOURI.

Director of Planning & Development Scott Wingerson, explained that the First Bank of Missouri requests a variance to allow

addition of a 9 sq. ft. sign cabinet to advertise the availability of a 24 hr. ATM sign to be located on the existing pylon type sign.

The Staff Recommendation was difficult to achieve because obviously we know that the First Bank of Missouri has been a substantial contributor to the community in time and other resources to the improvement of Gladstone. At the same time, staff recalls study sessions with City Council discussions of enforcing the sign code more literally and more as written to reduce the visual clutter and deal with some of the non-conforming signs that we have up and down North Oak and throughout the city. In doing that we arrived at a recommendation that requests denial of the variance.

He said first of all, the sign is a legal non-conforming sign the way it is right now and in order for implementation of the Sign Code to occur, it is necessary to limit additions especially increases in copy size to legal non-conforming signs. Secondly, the existing pylon sign contains 16 sq. ft. of changeable copy reader board which is the changeable letters where they advertise CD rates, etc. They also have a time and temperature module at the top of the sign and it might be possible to advertise the 24 hr ATM through that method.

Finally, a lot of banks have an ATM now and although every bank does not, most banks do. That, combined with the existing signs that are allowed on the canopy over the ATM itself combines to be we believe adequate identification of this service which is common in the community and throughout the country.

In summation, Mr. Wingerson said although the bank has been a fantastic contributor to the City we felt it was important to the enforcement of the Sign Code now and in the future to recommend that the request be denied.

Mayor Newsom asked how the sign is non-conforming now. Mr. Wingerson responded that it is non-conforming now because of its setback. The copy area of the sign including the request for 9 sq. ft. tonight is compliant because it is less than 100 sq. ft. It is the height of the sign and the setback from North Oak which is the part that is non-conforming.

Mr. Ken Fox, 134 The Woodlands, introduced himself as President and CEO of the First Bank of Missouri for the past year and a half. Mr. Fox said the variance is needed for the height of the sign not for copy or the amount of sq. ft. They are not asking for any additional height or width but are asking that they be permitted to place a small sign of a little over 2'x4' just below the signage already on the pylon. The suggestion that they advertise the ATM on the changeable board is not a good option because those letters are only 3" high and it is

almost useless. In fact they are looking at replacing the lettering with slightly larger letters. Not the copy board but the lettering. He said the electronics on top of the sign are for time and temperature only and are not programmable by the bank; therefore as far as he is informed it is not possible to advertise the ATM in that area.

Not all banks have ATMs but the newest do. The bank that just went in across the street from their facility does not but they plan one eventually. Whether all banks do or don't have ATM's is probably not germane to the discussion of whether or not they should be permitted to put the letters out advertising a 24-hr ATM. The fact is when people come from Leavenworth or St. Joseph or Kansas City, Missouri they come into the city limits of Gladstone and we hope that they will stop and spend some money with some of the merchants in our town. It was suggested that we can put some little letters on the changeable sign until our people become familiar. Mr. Fox said it has been there for about 8-9 years and the customers who are not familiar with the ATM now are probably not going to use it. The people we are trying to reach are those who come in to Gladstone from out of town and rather than have them drive from Vivion Road on up to Barry Road looking for an ATM machine and find themselves at the foot of the pylons at Barry & Oak that advertise Boatman's Bank and the 24 hr. ATM in two spots on their building and on their pylon. He submits that they would probably shop across the street in the strip center or Metro North rather than turn back south to Gladstone and our merchants would lose the benefit from those customers who would be going up and down Oak Street.

Obviously the bank would get a benefit from further usage from the ATA by the use of the sign. It is not going to make the sign less conforming tomorrow than it is today because the height is not going to change, the square footage is going to be well within the limitations of the 100 sq. ft. which is the maximum they can have on the sign.

According to Staff's report there is 71 sq. ft. on there now and they ask to put approximately 9' on it. It is a very desirable sign and they are going to spend \$8,650 to place that sign plus a little canopy over the ATM machine. The reason for the canopy is to protect the electronics from exposure to the weather. The 9x4 canopy will be attractively done and they are willing to spend the money to do that but would also like to put ATM on it. The reason for the two different signages is because when persons come into the parking lot they will look for the ATM and will see the canopy and sign denoting the 24-hr. ATM machine. It is very difficult to see that signage from the south to the north and in fact you would not see it until you were past it; so they felt they needed to have a small signage on their pylon that would point out the ATM service

Mr. Fox noted the Hillcrest Bank is coming in 75' from the First Bank of Missouri and there is also an application for a new bank at 5600 N Broadway and they think they should be permitted to place the small ATM sign when there is no other way to advertise its availability. They are not trying to clutter the streetscape and have spent money on their fountain and contributed \$25,000 to the light poles and spent a little over \$2,000 on re-landscaping.

Mr. Fox requested the City Council's approval of their request for the ATM signage to display its availability to all their customers.

**MOTION** Mr. Reynolds moved to approve the Sign Variance request; Mr. Norris seconded.

**Discussion.**

Mr. Reynolds said he is in favor of the variance because it is not going to clutter and as mentioned will not add to the non-conforming status of the existing pylon. Mr. Reynolds said it is important for the bank to display their interest rates and their time and temperature display is one of the few he is aware of in the city.

Councilman Norris said he also supports this request and noted that as a salesman he relies on ATM signs in his travels and likewise sees the time and temperature display as a public service. He also noted that this bank regardless of management is a Gladstone institution and we would not be what we are as a city today had it not been for this bank and he supports the variance request.

Mr. Hammen said in this instance the request may be of greater benefit to the city than to the bank. What Mr. Fox says as far as getting people to stop and spend their money in Gladstone certainly makes a lot of sense. It is not very often that he votes contrary to staff's recommendation but he will be voting in favor of this application.

Mr. Nodler said he thinks the First Bank of Missouri is one of the most attractive businesses along the North Oak corridor and this variance will not increase the non-conforming status of the pole sign so he will be voting in favor of the variance.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 15 on the Agenda. Other Business.**

Mr. Reynolds said as far as the earlier discussion on the Oak Grove Park Amphitheater Dedication plaques, he has made all the comments he needs to but again sees no reason for multiple plaques with Council's names.



Mr. Nodler said he did go view the Happy Rock Park Dedication plaques and what is being proposed for the amphitheater recognizing the two City Council's contributions is similar so he would be in favor of that style.


Councilman Norris said he will support the proposed version also and following additional discussion, there was Council consensus to the placement of dedication plaques listing the present and immediate past City Council.

**Item 18 on the Agenda.** Mr. Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office for Legal Action and Privileged Communications under the Missouri Open Meeting Act Exemptions, Section 610.021(1).

\* \* \*

There being no further business to come before the Regular May 8, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

# **CITY OF GLADSTONE**

**1995-1996**

## **MISSION STATEMENT AND GOALS**

### **MISSION STATEMENT**

The Gladstone City Council and staff shall work together to improve City Government for the benefit of residents and entrepreneurs in the Community. Furthermore, the City Council and City Management Team will maintain a strong and positive civic image and identity based on the delivery of responsive City services which address the needs and improve the quality of life for Gladstone residents

### **GOALS**

Continue the use of efficient, cost effective financial policies.

Maintain and improve the efficient delivery of City services, particularly in the area of road and street improvements.

Research, evaluate and develop Public Safety programs that enhance the quality of life, and ensure the health and safety of Gladstone residents.

Promote and enhance recreation and leisure opportunities to serve youth, adults and senior citizens in the area.

Emphasize capital improvement programming and planned capital equipment replacement.

Research, evaluate and implement programs and incentives to foster a rich and vital business community.

Promote public awareness and municipal commitment to neighborhoods, by encouraging beautification, property maintenance, code enforcement, and use of development tools.

Promote creative regional solution to environmental problems and solid waste disposal issues.

Continue to develop partnerships and encourage cooperation by taking an active leadership role on issues which affect our community, the metropolitan region and the state.

Provide a working environment for City employees that encourages high productivity, loyalty, creativity, professionalism and dedication to providing service to the residents of Gladstone

George Nodler  
Mayor

Anita Newsom  
Mayor Pro-Tem

Bill Reynolds  
Councilmember

Roger Norris  
Councilmember

Art Hammen  
Councilmember

GLADSTONE, MISSOURI

MONDAY, MAY 22, 1995

Closed Executive Session: 6:15 PM

Open Study Session: 7:00 PM

Regular Meeting: 7:30 PM

A G E N D A

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** Designating May 27 - June 4, 1995 as "NATIONAL AQUATIC WEEK" in the City of Gladstone.  
Sponsor: National Recreation and Park Association
4. **Approval of Regular May 8, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-95-43, authorizing execution of a contract with Gervy Construction for the NE 57th Street Reconstruction Project.  
Contract Amount: \$112,524.91. Project #9110  
Fund: Capital Improvements Sales Tax

RESOLUTION NO. R-95-44, adopting a new "OFFICIAL TRAVEL/TRAINING EXPENSE REIMBURSEMENT POLICY" for the City of Gladstone, Missouri consistent with Missouri State Law.

RESOLUTION NO. R-95-45, authorizing acceptance of work under contract with Miles Excavating, Inc. for the Bellefontaine Circle Drainage Improvements, Project #9323, and authorizing final payment.  
Contract Amount: \$44,212.75; Final Payment Due: \$4,570.20

RESOLUTION NO. R-95-46, accepting work under contract with Clay County Sanitary & Ditching Service, Inc. for 76th Terrace Drainage Improvements, Project #9307.  
Contract Amount: \$47,499.75; Final Payment Due: \$1,187.49

RESOLUTION NO. R-95-47, accepting work under contract with Decker Construction Services, Inc. for the Demolition of Hamilton Heights Country Club, Project #9512.  
Contract Amount: \$36,339.00; Final Payment Due: \$3,633.90

APPROVAL OF CLASS A&B LIQUOR BY DRINK RESTAURANT/BAR LICENSE, Old Chicago Westminster, Inc. dba Old Chicago, 6221 North Chestnut. Managing Officer: G. Elaine Iler

APPROVAL OF FINANCIAL REPORTS for April 1995.

5. **CONSENT AGENDA (CONTINUED)**

**APPROVAL OF BUILDING PERMIT** for tenant finish of 1,245 sq. ft. existing space at 2109 NE 72nd Street.

Owner: Gladstone Dental Group

Applicant: Ben Wesman (BP #95-007)

**APPROVAL OF BUILDING PERMIT** for remodeling of existing 2,628 sq. ft. building at 6880 North Oak for Arby's Restaurant.

Applicant/Owner: U.S. Beef Corporation

(BP #95-010)

**REGULAR AGENDA**

6. Communications from the Audience.

7. Communications from the City Council.

8. Communications from the City Manager.

9. **PUBLIC HEARING:** Request for Site Plan Approval, 6606 North Antioch Road. Applicant: Baldwin Properties, Inc.

Owner: Lou Springer (File #906)

9a. **FIRST READING BILL 95-31**, approving a Revised Site Plan for development of property at 6606 North Antioch.

Applicant: Baldwin Properties, Inc.

Owner: Lou Springer (File #906)

10. **FIRST READING BILL 95-32**, approving the Final Plat of "Resurvey of Lots 9 thru 12, LINDEN HEIGHTS SUBDIVISION", NW corner 70th Terrace & North Oak.

Owner: King & King Enterprises, Inc.

(File # 911)

11. **PUBLIC HEARING:** On Proposed 1995-96 City of Gladstone Annual Operating Budget.

12. **FIRST READING BILL 95-33**, an ordinance accepting Permanent Easements from property owners in connection with the installation of North Oak Street Lights.

13. Other Business.

14. Questions from the News Media

15. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MAY 22, 1995 7:30 PM

Mayor Anita Newsom called the Regular May 22, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
Deputy City Clerk Sondra A. Kasserman

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom introduced Scout Master Bob Brewer of Troop #270 and scouts Peter Priesinger, Ryan Adler, and Nate Domsech who presented the flags and led the Pledge of Allegiance in which all joined.

Item 3a on the Agenda. PROCLAMATION: Designating May 27 - June 4, 1995 as "NATIONAL AQUATIC WEEK" in the City of Gladstone. Sponsor: National Recreation and Park Association.

Item 4 on the Agenda. Approval of May 8, 1995 City Council Meeting Minutes. Councilman Norris moved to approve the minutes as written; Councilman Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the Deputy City Clerk's reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### CONSENT AGENDA DETAIL.

Mr. Nodler moved to adopt RESOLUTION NO. R-95-43, authorizing execution of a contract with Gervy Construction for the NE 57th Street Reconstruction Project. Contract Amount: \$112,524.91. Project #9110 Fund: Capital Improvements Sales Tax; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-44**, adopting a new "OFFICIAL TRAVEL/TRAINING EXPENSE REIMBURSEMENT POLICY" for the City of Gladstone, Missouri consistent with Missouri State Law; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-45**, authorizing acceptance of work under contract with Miles Excavating, Inc. for the Bellefontaine Circle Drainage Improvements, Project #9323, and authorizing final payment. Contract Amount: \$44,212.75; Final Payment Due: \$4,570.20; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-46**, accepting work under contract with Clay County Sanitary & Ditching Service, Inc. for 76th Terrace Drainage Improvements, Project #9307. Contract Amount: \$47,499.75; Final Payment Due: \$1,187.49; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-47**, accepting work under contract with Decker Construction Services, Inc. for the Demolition of Hamilton Heights Country Club, Project #9512. Contract Amount: \$36,339.00; Final Payment Due: \$3,633.90; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF CLASS A&B LIQUOR BY DRINK RESTAURANT/BAR LICENSE**, Old Chicago Westminster, Inc. dba Old Chicago, 6221 North Chestnut. Managing Officer: G. Elaine Iler; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF FINANCIAL REPORTS** for April 1995; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF BUILDING PERMIT** for tenant finish of 1,245 square feet of existing space at 2109 NE 72nd Street. Owner: Gladstone Dental Group, Applicant: Ben Wesman (BP #95-007); Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF BUILDING PERMIT** for remodeling of existing 2,628 square foot building at 6880 North Oak for Arby's Restaurant. Applicant/Owner: U.S. Beef Corporation (BP #95-010); Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**REGULAR AGENDA**

**Item 6 on the Agenda.      Communications from the Audience.**

There were none.

**Item 7 on the Agenda.      Communications from the City Council.**

Councilman Nodler wished everyone a safe Memorial Holiday.

Mayor Newsom stated some citizen brought to her attention that traffic controls on 73rd Terrace, 74th and North Wabash, since M-1 has opened it has become quite a cut through. Speed is increasing and there are still a lot of children playing outside.

City Manager Norris noted that the City started on this about twenty days ago. Engineering studies are being done on those areas.

Mayor Newsom asked, and the median on M-1 at 72nd Street is going to be taken care of?

City Manager Norris stated yes.

Mayor Newsom stated that she had stopped and had lunch at Oak Grove Park today. A school was there from Atchinson County Kansas. They loved the park. The teacher could not say enough nice things about it. She had another school principal stop her and ask about the playground equipment. They thought it was wonderful. The Oak Grove Park playground is a very positive influence in our community.

**Item 8 on the Agenda.      Communications from the City Manager.**

City Manager Norris announced that Gladstone City Hall would be closed on Monday, May 29, 1995, in observance of Memorial Day.

City Manager Norris brought an issue to the Council's attention to inform the Council on the outstanding efforts of two of our employees, not because there was damage done to City property. On Saturday, our ambulance, Rescue I, was responding to a cardiac code call in the area of 76th and Tracy. The ambulance went via 72nd Street to Troost, north on Troost, turned on 76th Street to go back towards Tracy and when they were a block in on 76th Street the left front tire hit a manhole cover that was askew. Tire dropped down, wheel dropped down, blew out the tire and wheel; the manhole cover got wedged underneath the side of ambulance and tore the whole left side out; the left rear wheel dropped down and was damaged as well. The ambulance went for about a half a block as they came to a stop. The two paramedics in the ambulance jumped out, ran over a block and a half to the call carrying all the equipment including a defibrillator, and revived the individual having a cardiac code. As of now the individual is still alive and in North Kansas City Hospital. The

manhole lid cover issue is another separate issue and the reason for bringing this to the Council's attention is to point out that he believes Paramedic's Mark Campbell and Larry Robinson went way beyond the call of duty. That is why Gladstone has a fifty percent save rate for cardiac codes, versus the national average of somewhere between twenty to twenty-three percent. Insurance will take care of the damage to Rescue I and that is why we have insurance. Rescue II is now in service instead of as the backup. We are trying to find a interim backup to Rescue II while Rescue I is repaired. The paramedic's efforts were way beyond the call of duty and were extraordinary.

Mayor Newsom stated this is some of the things that need to be shown on TV as some of the positive things that Public Safety does do for our community.

City Manager Norris stated while the paramedics were responding there were already trained medical personnel, because we are Public Safety, who were at the scene doing CPR and keeping the person vital, even without breathing, without heart beat, without pulse until the paramedics got there with the equipment and the drugs. If you had a law enforcement person that wasn't trained either as an EMT or a first responder, as some cities do, that person would not have been afforded that benefit at all. That is another advantage of being Public Safety.

Councilman Reynolds asked how many times has TPA been used during emergency call on cardiac patients by our paramedics?

City Manager Norris stated he did not know how many times it has been used but he would find out and let Council know.

Item 9 on the Agenda. PUBLIC HEARING on a request for Site Plan Approval, 6606 North Antioch Road. Applicant: Baldwin Properties, Inc. Owner: Lou Springer (File #906)

Mayor Newsom opened the public hearing and explained the hearing procedure. Staff will make a presentation, followed by the Owner/Applicant. Then persons in favor of the application may speak and then those persons in opposition to the application may speak.

Director of Planning and Development Scott Wingerson, explained that Applicant this evening will be Mr. Ron Baldwin. At the time of application Mr. Lou Springer owned the property. Council may be familiar with the property as Lasco Builders. It is the City's understanding that Mr. Baldwin has since purchased the property and is now the owner. Tonight a Site Plan Revision will be discussed in a CPO or Office Zoning District. That would allow the construction of a 420 square foot addition to the existing converted single family home. Basically Mr. Springer, the previous owner of the property, operated a contractors office from a home that was converted to an office sometime in the past. Mr. Baldwin tonight proposes to add an addition to that converted



single family home and then to allow construction of approximately 2,400 square foot utility building in the back western portion of the property. Current zoning is CPO. It is west of and adjacent to Northeast Antioch Road and south of 67th Street. To use as a guide, the Comprehensive Plan says that this property should be used as an office. Surrounding land use is a little bit important here and will come up a little bit later. To the north is residentially zoned property with residential uses as you would expect. To the south is office zoned property with offices or semi-public uses to the south. There are also some residential uses to the south, that being the cemetery. To the west are residential uses and to the east are residential uses and the Johnson farm. Basically all the public utilities are available to the project. Public Safety is requesting a fire hydrant within 150 feet of all portions of the building which will require the applicant to install that fire hydrant. The existing driveway is twelve feet in width. Parking is provided given our zoning ordinance ratios. The site is right for development. It slopes off to the west a little bit, but other than that there should be no impediment to improvement. Mr. Wingerson stated that he would be glad to give a recommendation at the conclusion of the Public Hearing if Council would like.

Mr. Ron Baldwin, 706 White Oak Lane, Gladstone, Missouri, stated that he did not have a lot to add to what Mr. Wingerson just described as what he proposed for this location.

Councilman Roger Norris asked what he proposed the out building to be used for and its construction?

Mr. Baldwin explained that the building in back is going to be constructed as a framed building with lapped siding on the front and wooden siding around the rest of the building. It is an attractive detached garage looking type of facility. They will be using it to strictly store equipment, trucks and vehicles.

Councilman Norris asked, of the house itself, in your addition is it going to change the character of the house?

Mr. Baldwin explained not really. He felt it will improve the looks of the building. Right now it looks kind of small and looks like a small home setting there. With the addition it is going to take on more of the appearance of an office building. The length will help the overall appearance of it. The building in back is quite attractive. He does plan to have a small office in it for his superintendent. The driveway is rather narrow now and they will widen the approach off of Antioch Road and construct a privacy fence down the north side, which they have already done and partially down the south side of the location.

There being no further questions or comments, Mayor Newsom closed the Public Hearing.

**Item 9a. on the Agenda.** FIRST READING BILL 95-31, approving a Revised Site Plan for development of property at 6606 North Antioch. Applicant: Baldwin Properties, Inc. Owner: Lou Springer (File #906)

Councilman Norris moved to place Bill 95-31 on First Reading; Mr. Nodler seconded.

Discussion: Councilman Norris stated that he thought this looks very good from the pictures they have seen of what it is to look like. The out building looks outstanding for an out building.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-31, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-31 and enact the Bill as Ordinance No. 3.454; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**Item 10 on the Agenda.** FIRST READING BILL 95-32, approving the Final Plat of "Resurvey of Lots 9 thru 12, LINDEN HEIGHTS SUBDIVISION", NW corner 70th Terrace & North Oak. Owner: King & King Enterprises, Inc. (File # 911)

Councilman Reynolds moved to place Bill 95-32 on First Reading; Mr. Hammen seconded.

Discussion: City Manager Norris explained that this plat is in front of the Council to deal with the right-of-way and position on North Oak. This is the replat that had to occur as a condition of rezoning on the King Oil site. It has been to the Planning Commission and meets staff approval as well. The Planning Commission voted unanimously to approve.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the First Reading of Bill 95-32, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the Second and Final Reading of Bill 95-32 and enact the Bill as Ordinance No. 3.455; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 11 on the Agenda. PUBLIC HEARING: On Proposed 1995-96  
City of Gladstone Annual Operating Budget.

Mayor Newsom opened the public hearing and explained the hearing procedure. Staff will make a presentation and then persons in favor and then those in opposition to the budget may speak.

City Manager Norris presented highlights of the budget and referenced the Open Study Sessions held previously on the budget. The Public Hearing document has been available to the public by contacting the City Clerks office and was in possession of the public that night at the Public Hearing. The City Manager recommended the budget for approval by the Council at the first Council Meeting in June.

Councilman Norris commented that City Manager Norris and his staff did an excellent job putting together the budget both this year and the way he conducted himself during last year's budget. Excellent!

Councilman Reynolds stated he would also like to compliment the staff. He believes the City of Gladstone is very fortunate to have a progressive staff that is proactive in Gladstone's needs. He feels that the low taxes that the residents pay they get a lot of amenities and he is very pleased to be a part of that operation.

There being no further questions or comments, Mayor Newsom closed the Public Hearing.

Item 12 on the Agenda. FIRST READING BILL 95-33, an ordinance accepting Permanent Easements from property owners in connection with the installation of North Oak Street Lights.

Councilman Norris moved to place Bill 95-33 on First Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-33, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-33 and enact the Bill as Ordinance No. 3.456; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 13 on the Agenda. Other Business.

Councilman Reynolds noted that the former General Administration Intern, Robert Hacker, has been named as the Executive Director of the Gladstone Area Chamber of Commerce.

Mayor Newsom noted that we will miss Robert Hacker and glad to have Ray Seidelman as the new intern.

Item 14 on the Agenda. Questions from the News Media.

There were none.

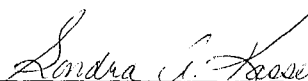
Item 15 on the Agenda. Adjournment.

Councilman Norris moved to adjourn back into Closed Executive Session in the City Manager's Office for Legal Action and privileged Communications under the Missouri Open meeting Act Exemptions, Sect 610.021(1).

There being no further business to come before the regular May 22, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

\* \* \*

Respectfully submitted:

  
Sondra A. Kasserman  
Deputy City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

GLADSTONE, MISSOURI

MONDAY, JUNE 12, 1995

Closed Executive Session: 6:45 PM

Open Study Session: 7:00 PM

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. CONGRATULATORY PROCLAMATION: Recognizing the Centennial Celebration of LINDEN BAPTIST CHURCH, 611 NE 69th Street.
- 3b. CONGRATULATORY PROCLAMATION: Recognizing the Oak Park High School Baseball Team, winners of the 1995 Missouri State Baseball Championship.
4. Approval of Regular May 22, 1995 City Council Meeting Minutes.
5. CONSENT AGENDA  
  
RESOLUTION NO. R-95-48, Setting a Public Hearing on Monday, August 28, 1995 to establish the City of Gladstone Property Tax Levy for the Taxable Year 1995 in compliance with State Law.  
  
RESOLUTION NO. R-95-49, Adopting the FY '95-'96 Annual Operating Budget for the City of Gladstone, Missouri and authorizing the expenditure of funds.  
  
RESOLUTION NO. R-95-50, Authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the annual audit for the City of Gladstone for the period ending June 30, 1995. Contract Amount: Not to exceed \$19,900.00  
  
RESOLUTION NO. R-95-51, Authorizing the City Manager to enter into an Agreement amending a Real Estate Contract with Lakey Custom Building, Inc. for the purchase of City-owned property at the SE Corner Englewood Ct. & North Broadway.  
  
RESOLUTION NO. R-95-52, Authorizing execution of a contract with Muehlberger Concrete, Inc. for the North Walnut Reconstruction Project (70th Terr. - 72nd St.) Project #9405  
Contract Amount: \$98,865.99  
Fund: Capital Improvements Sales Tax  
  
APPROVAL OF PARK FESTIVAL USE PERMIT for the 6th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 14-15, 1995 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.  
  
APPROVAL OF LIMITED 2-DAY BEER LICENSE for Midwest Regional Championship Barbecue competition, Friday and Saturday, July 14-15, 1995 in Gladstone Central Park.  
Managing Officer: Ken W. Hollander  
Hours: Friday, 3:30 PM - Midnight; Saturday, 9:00 AM - Midnight  
  
APPROVAL OF LIQUOR LICENSE RENEWALS:  
  
Godfather's Pizza, 328 NE 72nd St., Class A&B  
Quik Trip #181, 2590 NE 72nd St., Class C & Sunday Package  
Quik Trip #237, 6309 N Antioch Rd., Class C & Sunday Package  
Hy Vee Food & Drug, 7177 N Prospect, Class C & Sunday Package  
Applebee's, 6069 NE Antioch Road, Class A&B  
El Cerro Grande, 6906 N Oak, Class A&B

NEXT ORD. NO. 3.457

APPROVAL OF BUILDING PERMIT for remodeling of St. Charles  
Borromeo Hall, 710 Shady Lane Drive. 18,366 sq. ft. building.  
Applicant: WRS Inc.  
Owner: Catholic Diocese of Kansas City - St. Joseph (BP95-012)

RATIFICATION OF BUILDING PERMIT issued for Tenant Remodeling of  
2,440 sq. ft. dental office at 7229 N Oak.  
Applicant: Cedar Development  
Owner: Mark Macin. (BP95-09)

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. APPROVAL OF BUILDING PERMIT for Rock Bottom Restaurants, Inc.,  
6221 N. Chestnut remodeling. (BP# 95-008)  
Applicant: Rock Bottom Restaurants, Inc.  
Owner: Cascone Restaurants
- 9a. APPROVAL OF BUILDING PERMIT for King Oil, 7001 N Oak.  
2,700 sq. ft. gas station and convenience store.  
Applicant: King & King Enterprises, Inc. (BP #95-013)
10. RESOLUTION NO. R-95-53, authorizing execution of a contract by and  
between the City of Gladstone, Missouri, and the Kansas City Area  
Transportation Authority for public transportation for the Six  
Month Period July 2, 1995 through December 30, 1995.  
Contract Amount: Not to Exceed \$8,628
11. PUBLIC HEARING: Request for Site Plan Revision on property at  
2590 NE 72nd Street. Applicant: Quik Trip Corporation  
Owner: AGABYGG Limited Partnership. (File #908)
- 11a. FIRST READING BILL 95-34, approving a Revised Site Plan for  
2590 NE 72nd Street. Applicant: Quik Trip Corporation  
Owner: AGABYGG Limited Partnership. (File #908)
- 11b. RESOLUTION NO. R-95-54, authorizing the City Manager to execute  
an Agreement with Quik Trip Corporation and AGABYGG Limited  
Partnership relative to the development of property at the  
Northwest Corner of 72nd and N Prospect. (File #908)
12. PUBLIC HEARING: Request for Site Plan Revision on property at  
5600 North Broadway. Applicant: George R. Raupp  
Owner: KCJV-V, Inc. (File #909)
- 12a. FIRST READING BILL 95-35, approving a Revised Site Plan for  
5600 North Broadway. Applicant: George R. Raupp  
Owner: KCJV-V, Inc. (File #909)
13. PUBLIC HEARING: On request to rezone property at the Northwest  
Corner of 72nd Terrace & N Antioch Road.  
Applicant: Helt Management Group, L.L.C.  
Owner: Meadowbrook Realty Company (File #910)
- 13a. FIRST READING BILL 95-36, Rezoning property at the Northwest  
Corner of 72nd Terrace & N Antioch Road from M-1, Industrial  
District and C-3, Commercial District to CP-O, Non-Retail Business  
District-Planned. Applicant: Helt Management Group, L.L.C.  
Owner: Meadowbrook Realty Company (File #910)
- 13b. FIRST READING BILL 95-37, Approving a Site Plan for development of  
property at the Northwest Corner of 72nd Terrace & N Antioch Road.  
Applicant: Helt Management Group, L.L.C. (File #910)
- 13c. RESOLUTION NO. R-95-55, Authorizing execution of a Development  
Agreement with Helt Management Group, L.L.C. relating to the  
development of property at the Northwest Corner of 72nd Terrace &  
N Antioch Road. (File #910)

NEXT ORD. NO. 3.457

- 13d. APPROVAL OF A BUILDING PERMIT for construction of a 3,000 sq. ft. office building at the NW Corner of 72nd Terrace & N Antioch Road.  
Applicant/Owner: Helt Management Group, L.L.P. (BP95-011)
14. PUBLIC HEARING: On request to rezone property at the Northwest Corner of 72nd Street & N Antioch Road from C-3, Commercial District to RP-2, Two-Family District-Planned.  
Applicant: Havens Management, Inc.  
Owner: Meadowbrook Realty Company (File #912)
- 14a. FIRST READING BILL 95-38, Rezoning property at the Northwest Corner of 72nd Street & N Antioch Road from C-3, Commercial District to RP-2, Two-Family District-Planned.  
Applicant: Havens Management, Inc.  
Owner: Meadowbrook Realty Company (File #912)
- 14b. FIRST READING BILL 95-39, Approving a Site Plan for development of property at the Northwest Corner of 72nd Street & N Antioch Road.  
Applicant: Havens Management, Inc.  
Owner: Meadowbrook Realty Company (File #912)
15. FIRST READING BILL 95-40, Authorizing issuance and delivery of a Tax and Revenue Anticipation Note by the City of Gladstone, Missouri, in the Principal Amount of \$400,000; prescribing the form and details of said Note, and authorizing and approving certain other documents and actions in connection with the issuance of said Note.
16. RESOLUTION NO. 95-56, authorizing the City Manager to execute a Settlement Agreement with Stonebrook, L.L.C. and Marvin O. and Agnes Tarwater relative to the reconstruction and change of grade on NE 72nd Street.
17. FIRST READING BILL 95-41, authorizing acceptance of Temporary and Permanent Easements from property owners in conjunction with Street Improvements on NE 72nd Street, East of Antioch Road.
18. Other Business.
19. Questions from the News Media.
20. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JUNE 12, 1995, 7:30 PM**

Mayor Anita Newsom called the June 12, 1995, City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 3a. on the Agenda. CONGRATULATORY PROCLAMATION:** Mayor Anita Newsom read a Proclamation recognizing the Centennial Celebration of **LINDEN BAPTIST CHURCH**, 611 NE 69th Street and presented it to Mr. Charles Carmack who accepted the proclamation on behalf of the congregation.

**Item 3b. on the Agenda. CONGRATULATORY PROCLAMATION:** Mayor Anita Newsom presented the proclamation recognizing the **OAK PARK HIGH SCHOOL BASEBALL TEAM**, winners of the 1995 Missouri State Baseball Championship to Team Coach Cam Jury and extended our congratulations on this victory.

**Item 4 on the Agenda. Approval of Regular May 22, 1995 City Council Meeting Minutes.**

Councilman Reynolds moved to approve the Minutes as written; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the Clerk's reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)



**CONSENT AGENDA DETAIL.**

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-48**, Setting a Public Hearing on Monday, August 28, 1995 to establish the City of Gladstone Property Tax Levy for the Taxable Year 1995 in compliance with State Law. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-49**, Adopting the FY '95-'96 Annual Operating Budget for the City of Gladstone, Missouri and authorizing the expenditure of funds. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-50**, Authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the annual audit for the City of Gladstone for the period ending June 30, 1995. Contract Amount: Not to exceed \$19,900.00. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-51**, Authorizing the City Manager to enter into an Agreement amending a Real Estate Contract with Lakey Custom Building, Inc. for the purchase of City-owned property at the SE Corner Englewood Ct. & North Broadway. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-52**, Authorizing execution of a contract with Muehlberger Concrete, Inc. for the North Walnut Reconstruction. (70th Terr. - 72nd St.) Project #9405; Contract Amount: \$98,865.99, Fund: Capital Improvements Sales Tax. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved for **APPROVAL OF PARK FESTIVAL USE PERMIT** for the 6th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 14-15, 1995 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved for **APPROVAL OF LIMITED 2-DAY BEER LICENSE** for Midwest Regional Championship Barbecue competition, Friday and Saturday, July 14-15, 1995 in Gladstone Central Park. Managing Officer: Ken W. Hollander; Hours: Friday, 3:30 PM - Midnight; Saturday, 9:00 AM - Midnight. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved for **APPROVAL OF LIQUOR LICENSE RENEWALS** as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Godfather's Pizza, 328 NE 72nd St.  
Quik Trip #181, 2590 NE 72nd St.  
Quik Trip #237, 6309 N Antioch Rd.  
Hy Vee Food & Drug, 7177 N Prospect  
Applebee's, 6069 NE Antioch Road,  
El Cerro Grande, 6906 N Oak,

Mr. Hammen moved for **APPROVAL OF BUILDING PERMIT** for remodeling of St. Charles Borromeo Hall, 710 Shady Lane Drive. 18,366 sq. ft. building. Applicant: WRS Inc.; Owner: Catholic Diocese of Kansas City - St. Joseph (BP95-012). Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved for **RATIFICATION OF BUILDING PERMIT** issued for Tenant Remodeling of 2,440 sq. ft. dental office at 7229 N Oak. Applicant: Cedar Development; Owner: Mark Macin. (BP#95-09); Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

#### **REGULAR AGENDA**

Item 6 on the Agenda.      Communications from the Audience.

None.

Item 7 on the Agenda.      Communications from the City Council.

Councilman Hammen congratulated the Staff on the update of the four brochures recently included in Council's packet and suggested that if we go to envelopes for water billings we might consider an insert that advises residents the brochures are available. In addition, perhaps an article in the Gladstone Reporter and a cable message would also let people know that this information is available for their benefit.

Mr. Hammen said he recently noticed the North Oak right of way being mowed and the operator was followed by a City truck with a directional arrow. He asked if this was standard procedure to have the truck follow the mower.

City Manager Norris said we don't typically mow North Oak except when we have a problem or the growth is out of control as we have recently experienced. Mr. Hammen asked if it might be economically feasible to have a sign board actually mounted rather than a truck following the mower. The Manager said we rarely mow there but he would most certainly look into our practices and the need for such signage that perhaps could be mounted on various pieces of equipment.

Mayor Anita Newsom commenting on adoption of the budget earlier this evening, said if we can continue to operate in the coming year as we have with last year's budget, she will be extremely proud. The City Manager thanked her for her comment.

Ms. Newsom noted she recently saw a TV interview with Park Foreman Matt Hoops on a newscast that focused on what it took to maintain parks and keep softball diamonds going. Mr. Hoops was very eloquent on the subject and she also understands that DARE Officer Smith will be on Channel 9 on the "Those Who Care" Program. The Mayor said it makes her very proud to see our personnel focused in this manner.

Mayor Newsom also recognized former City Administration Intern Robert Hacker who is the newly appointed Executive Director of the Gladstone Area Chamber of Commerce. She congratulated Mr. Hacker and told him we look forward to continuation of a wonderful liaison between the City and the Chamber.

Ms. Newsom also reminded all of the upcoming Oak Grove Park Amphitheater Dedication on Sunday, June 25th.

Item 8 on the Agenda. Communications from the City Manager.

City Manager James Norris requested an addition to the Agenda of a **BUILDING PERMIT FOR MCDONALD'S CORPORATION, 6305 NORTH ANTIOCH ROAD FOR THE ADDITION OF A PATIO/PLAYGROUND ENCLOSURE. BP 95-004.**

City Manager Norris presented pictures of the front elevation of the facade and indicated that the Board of Zoning Adjustment has approved the variance to allow this structure and in essence it will be farther back from N Antioch than the original structure. The height is 19'. He said McDonald's is enclosing the play areas in many of their facilities for year round use. The Manager advised that the N Oak McDonald's may be making a similar request. Councilman Norris asked the present setback from the street. Director Scott Wingerson said at present it is surrounded by a short retaining wall and it will actually be setback farther than they are now.

Mr. Hammen said the area in front of the playland is still going to be used for outdoor seating if he recalls, so there will still be some brick wall around it. Mr. Wingerson said that is correct - the wrought iron comes down but the brick stays up.

Applicant Bob McGinnis, McDonald's Corporation, 11800 College Boulevard, Overland Park, Kansas, was present to respond to Council questions and displayed pictures of the proposed structure. Councilman Norris asked where the picture was taken he just displayed. Mr. McGinnis said it is of a facility in Park City, just north of Wichita.

Councilman Norris asked if they were still going to use the present outdoor seating and how people were going to access it. Mr. McGinnis said through the outside existing doors down the side to the front of the patio area. There will not be direct access from the building addition to that patio.

Mr. Reynolds asked what will contain the small children and keep them from going out onto Antioch Road. Mr. McGinnis said he would hope their parents would; but most of the kids will be inside the addition itself which is where the play equipment is. This McDonald's is a non-smoking facility so most of the patrons outside on the patio will be smokers. He won't say there won't be any children out there but he would have to assume they would be with their parents.

Mr. Reynolds said he did not get an answer as to what will be there to keep the children from going out in the street. Mr. McGinnis said there is the existing brick wall with landscaping and shrubbery between the patio and the street to serve as a barrier. There is nothing on the side.

Mayor Newsom said she has concerns for outdoor seating because children can slip away so quickly and said the North Oak McDonald's bothers here for this reason.

Councilman Norris asked if we are aware of any problems with it; City Manager Norris said he believes the whole thing on North Oak is enclosed with wrought iron but pointed out that there is potential to get past the brick wall at the Antioch facility right now.

Councilman Norris asked if there are any problems with the six items listed on the staff report. Planning & Development Director Scott Wingerson said there are no problems, the only question is where the sidewalk will actually be located in the right-of-way because of the grade differences and we will be working with them on this.

Mr. Reynolds moved to approve the Building Permit as requested; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 9 on the Agenda. APPROVAL OF BUILDING REMODELING PERMIT for Rock Bottom Restaurants, Inc., 6221 N. Chestnut remodeling. Applicant: Rock Bottom Restaurants, Inc. Owner: Cascone Restaurants (BP# 95-008)**

City Manager Norris advised that the Applicant is out of the city and they have the exterior treatment and coloration drawings so the request is for approval of a building permit for INTERIOR work only. The exterior approval will appear on a later agenda.

Mr. Reynolds moved to approve the Building Permit for INTERIOR ONLY AT 6221 N. Chestnut; Mr. Nodler seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 9a. on the Agenda. APPROVAL OF BUILDING PERMIT for King Oil, 7001 N Oak. 2,700 sq. ft. gas station and convenience store. Applicant: King & King Enterprises, Inc. (BP #95-013)

Councilman Norris moved to approve the Building Permit as submitted; Mr. Hammen seconded.

Discussion.

Councilman Reynolds asked if Staff has met with the Applicant about the trees and landscaping yet.

Director Scott Wingerson said it is a condition of the Site Plan Ordinance as requested by the Planning Commission and the City Council. He said Mr. King is here tonight and he has no objection to the trees. Mr. Wingerson said he will note for Council discussion that Item #5 on the Staff Report has been removed from consideration and no longer is a requirement.

Randy King, King & King Enterprises, Claycomo, Missouri, displayed the canopy and building colorations and materials. Ms. Newsom said so many of their facilities have bright red, yellow, and blue and she asked if that will be used or if they are abandoning those colors. Mr. King said they are trying to keep some of those colors but in a predictable color scheme. What he is displaying tonight will be the proto-type for future stores.

Councilman Norris asked if he has any problems with the remaining 16 stipulations particularly the fire hydrant. Mr. King said he did not, the only concern he had was some of the requested radius, because they will have a transport truck to get in there and it is getting a little tight. He said he was assured by City Staff that they can work through the stipulations.

Mr. Wingerson said he had been speaking with Architect Kathy Warman and Mr. Dan Weiskirk and all the technical issues are easily resolved with Mr. King's approval.

Mr. Reynolds said this application went through quite a few steps before it got here tonight and he thinks the truck issue should have been settled some time ago as far as the turning radius.

City Manager Norris explained with reference the street radius that when somebody applies for a building permit they don't always have the engineering for their public improvements in final form and in this case we chose just to document what the

engineering comments were on the building permit. In many instances you may not even see them and they are resolved at a later date. So all we have at this time is the preliminary engineering that has been sent back for final engineering on the public improvements and that is why the radius issue was not fully resolved before this time.

Mr. Reynolds said his reason for that comment is recalling the neighborhood citizens which were concerned about such issues as this and he just thinks it is one that possibly should have been addressed earlier. The City Manager indicated that the radius is not how wide the cut is going to be but how much curb there is going to be and that really deals with what their slopes will be coming out of the site. Until they give us the final engineering where that's final it is hard to say how much turning radius there should be for a transport truck. Those things can be worked out and we are always successful in doing that.

Ms. Newsom said she really likes the updated color. Mr. King said they have a bad reputation because people see the one on Brighton but the Randolph and Olathe stores are brick and they would be amazed at the difference. They are not too happy with the old steel buildings either but things are being done differently now.

Mr. Hammen expressed his thanks and appreciation to both the staff and the applicant for seeing to it that this project has a monument sign.

Councilman Norris also said he appreciated the way the applicant was able to work things out over some strong objections to some things initially. Mr. King said they are a family owned business and have dealt with similar issues in the past and understand the concerns.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 10. on the Agenda. RESOLUTION NO. R-95-53, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority for public transportation for the Six Month Period July 2, 1995 through December 30, 1995. Contract Amount: Not to Exceed \$8,628

Mr. Reynolds moved to approve the Resolution; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11. on the Agenda. PUBLIC HEARING: Request for Site Plan Revision on property at 2590 NE 72nd Street. Applicant: Quick Trip Corporation; Owner: AGABYGG Limited d Partnership. (File #908)

Mayor Newsom explained the public hearing procedure and invited the Applicant to make his presentation.

**IN FAVOR**

Gary Brouillette, 4900 Main ,11th Floor, Kansas City, Missouri 64112, said he was appearing on behalf of the applicant, Quick Trip Corporation, and the landowner, AGABYGG Limited Partnership. He said when they previously appeared before the Council the applicant wanted to widen the driveway around the north end of the pumps and add another pump which was granted in 1994.

The property was initially rezoned in 1988 from R-1 to CP-2 and when they came back with the revision in 1994 there was some concern about that because they are fairly close to the northern boundary. He said there was some concern on the part of Councilman Norris and others who indicated that they would like us to do something with regard to acquiring some northern access or highway access on that location, rather than just have one access.

In July of 1994 when the site plan was modified, the Highway Department owned the land just north of them and they were trying to acquire it but they had not put it out for bid yet. They ultimately did and Quik Trip has now purchased that buffer of land. Basically it is a 60 ft. strip lying immediately to the north and adjacent to the existing planned site. The present application is to come back and move nine parking stalls on the north end of that property. The parking stalls will be on the same property that is zoned CP-2 and the same property that existed with the Council's last approval; and then beyond the parking stalls will be that 60 ft. buffer that they will maintain.

The parking stalls are being placed there for employee parking. People at convenience stores like to park right by the door if they can so they will put the employee parking over at the north edge. To do that we have met with the City and Staff and are in agreement to maintaining that 60' wide strip as a buffer area permanently. It is now zoned R-1 just like the adjacent land beyond it to the north and they will maintain that as long as they operate the convenience store there and so long as the owner owns the convenience store. That agreement has been signed by Quick Trip Corporation but has not been signed by AGABYGG which includes some foreign investors and quite frankly they have not gotten it back in time but there is no contest about it at all, everyone is in agreement. We will present that to the staff, we have worked with Ms. Thompson frequently and everyone is in agreement with the language of it.

Mr. Brouillette said we did make an effort to do a couple of things, we wanted to see if there was any way to get access onto Prospect (M-1) because it looked in terms of some other access that was granted around town it would not seem that bad because you have a stop light up to the north about a block and a half; there is good visibility all the way down to 72nd & Prospect. They thought they could at least get a frontage line cut even if it was a right in only or a right in and right out, either way. The Highway Department has indicated there will absolutely not be a cut at that location.

Then they went to the gentleman that owned the property to the north of the buffer zone, the 60 ft. area, and they wanted to see if they could maybe get a frontage road all the way back up to where the light is and they talked to him about it and they looked at it and the excavation and engineering and layout costs were going to probably be in excess of \$200,000 because there is a severe topo change there down to Prospect and they would have had to shave the side of the hill, put a big retaining wall up and then go back up to the stop light to the north. It got to the point where the gentlemen to the north wanted the same price for the little strip of land that we might want to buy as he would for the whole thing. In his last conversation with them it was in excessive of their whole capital installation down to the south of here so they did not make much headway there.

Mr. Brouillette said we do have a buffer zone to the north and we are in agreement to maintain that buffer zone and the only thing they are going to do is change the light at one corner because it will be moved just a little bit because of the nine new parking stalls.

They will relocate about three existing trees on the north and are going to put in six new trees on the northwest so it will buffer that corner with a natural additional buffer. This was not necessarily the request of the staff we just felt that would bring it all together because we would have a buffer zone that would work there and it will be maintained as an R-1 buffered area.

Planning and Development Director Scott Wingerson said Staff recommends that this request be approved tonight with one change to the proposed ordinance and that is deletion of Item #2 which calls for an agreement which appears later on the agenda. He said Quik Trip has done a fantastic job; we asked them to do some of that initial research with adjacent property owners to see if there were any other alternatives available to accomplish the same ends and have better traffic circulation through the property. Unfortunately that appears to be impossible so Quik Trip is transplanting the trees that would be lost and adding additional trees. We feel this site plan modification is a good addition for the employees of Quik Trip and in the long run will help the overall development.



There were no further questions or comments and Mayor Newsom closed the Public Hearing.

Item 11a. on the Agenda. FIRST READING BILL 95-34, approving a Revised Site Plan for 2590 NE 72nd Street. Applicant: Quik Trip Corporation. Owner: AGABYGG Limited Partnership. (File #908)

Mr. Hammen moved to place Bill 95-34 on First Reading with the Deletion of Item 2. Under Section 1. of the Ordinance; Mr. Nodler seconded.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Amended Bill 95-34; Waive the Rule, and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 95-34 and enact the Bill as ORDINANCE NO. 3.457; Mr. Nodler seconded. The vote: All "aye" - The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11b. on the Agenda. RESOLUTION NO. R-95-54, authorizing the City Manager to execute an Agreement with Quik Trip Corporation and AGABYGG Limited Partnership relative to the development of property at the Northwest Corner of 72nd and N Prospect. (File #908)

Mr. Nodler moved to adopt Resolution 95-54; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12. on the Agenda. PUBLIC HEARING: Request for Site Plan Revision on property at 5600 North Broadway. Applicant: George R. Raupp; Owner: KCJV-V, Inc. (File #909)

Mayor Newsom opened the Public Hearing and explained the hearing process that first the Applicant and others in favor of the application are invited to speak followed by those opposed.

The Applicant was not present.

Planning and Development Director Scott Wingerson advised that Bannister Bank is applying for a Site Plan Revision at the corner of Englewood Road & Broadway for the former KCP&L facility. They request permission to add four drive thru lanes under a canopy that would include commercial lanes, regular banking lanes as well as an ATM machine.

As a general overview, Mr. Wingerson noted it is commercial

property and a part of the shopping center there on that corner. The bank has agreed to use a monument sign at the corner property. There were two comments in the recommendations to the Planning Commission; one was the construction of the sidewalk from where it ended on N Broadway west to the intersection on Englewood Road. When they mowed the grass the sidewalk was there so that condition was removed. The second was that they increase their stall length and aisle space a little bit and they have edited their plans appropriately and staff does recommend approval without condition. If approved tonight, we are anticipating a building permit request for an upcoming Council Meeting.

Mr. Hammen asked if the agreement on the monument sign was documented somewhere; Mr. Wingerson said it is not but is shown on the site plan. Mr. Wingerson said the Planning Commission had access to elevation drawings of the monument sign which will be located on the southeast corner of the building. Mr. Hammen asked if it is something that should be shown on the Site Plan? City Manager Norris said it can or Council can add the monument sign as a condition to the Site Plan Bill.

There were no other persons to speak for or against this proposal and Mayor Newsom closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL 95-35**, approving a Revised Site Plan for 5600 North Broadway. Applicant: George R. Raupp; Owner: KCJV-V, Inc. (File #909)

Mr. Norris moved to place Bill 95-35 on First Reading with the Amendment under Section 1. that a "Monument Sign be used at the corner of Englewood and Broadway". Mr. Reynolds seconded.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Amended Bill 95-35; Waive the Rule, and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 95-35 and enact the Bill as ORDINANCE NO. 3.458; Mr. Reynolds seconded. The vote: All "aye" - The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 13. on the Agenda. PUBLIC HEARING:** On request to rezone property at the Northwest Corner of 72nd Terrace & N Antioch Road. Applicant: Helt Management Group, L.L.C. Owner: Meadowbrook Realty Company (File #910)

Mayor Newsom opened the Public Hearing and explained the procedure that the applicant would be invited to speak followed by those in favor and in opposition.

Mr. Mark Hoffman, Merriam, Kansas, said he is the builder and was asked by the Applicant to be present for this application. They propose to take a piece of land that is C-3 and M-1 and develop it as an office building that is aesthetically pleasing to the surrounding residential areas. The proposed office has no provisions for signage, there is a sign down on the corner that says "Meadowbrook" and they have a landscaping plan to upgrade that somewhat but as far as needing added signage, that is not being considered. It is a building designed to look like a house and provide offices for approximately 3-4 people.

Mr. Hammen asked if this will be solely an office building; Mr. Hoffman said that was correct.

There were no other comments or persons to speak for or against this application and the Mayor closed the Public Hearing.

Item 13a. on the Agenda. FIRST READING BILL 95-36, Rezoning property at the Northwest Corner of 72nd Terrace & N Antioch Road from M-1, Industrial District and C-3, Commercial District to CP-O, Non-Retail Business District-Planned. Applicant: Helt Management Group, L.L.C.  
Owner: Meadowbrook Realty Company (File #910)

Mr. Reynolds moved to place Bill 95-36 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 95-36; Waive the Rule and place the Bill on Second Reading; Mr. Hammen seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.459; Mr. Hammen seconded.

#### Discussion.

Mr. Reynolds said this is a good project for this corner and commended the applicant for working so well with the Planning Commission and Staff. City Manager Norris complimented Scott Wingersen for his work with the applicant on this project.

Councilman Norris agreed that it is a good project and he is pleased to eliminate the industrial zoning.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 13b. on the Agenda. FIRST READING BILL 95-37. Approving a Site Plan for development of property at the Northwest Corner of 72nd Terrace & N Antioch Road. Applicant: Helt Management Group, L.L.C. (File #910)

Mr. Reynolds moved to place Bill 95-37 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 95-37; Waive the Rule and place the Bill on Second Reading; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.460; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 13c. on the Agenda. RESOLUTION NO. R-95-55, Authorizing execution of a Development Agreement with Helt Management Group, L.L.C. relating to the development of property at the Northwest Corner of 72nd Terrace & N Antioch Road. (File #910)

Mr. Reynolds moved to adopt Resolution 95-55; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 13d. on the Agenda. APPROVAL OF A BUILDING PERMIT for construction of a 3,000 sq. ft. office building at the NW Corner of 72nd Terrace & N Antioch Road. Applicant/Owner: Helt Management Group, L.L.P. (BP95-011)

Mr. Reynolds moved to approve the Building Permit as submitted; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14. on the Agenda. PUBLIC HEARING: On request to rezone property at the Northwest Corner of 72nd Street & N Antioch Road from C-3, Commercial District to RP-2, Two-Family District-Planned. Applicant: Havens Management, Inc. Owner: Meadowbrook Realty Company (File #912)

Mayor Newsom opened the Public Hearing and explained the process.

Planning & Development Director Scott Wingerson, advised that Mr. Haven is the developer of this project located at the northwest corner of 72nd & Antioch Road. The property is currently zoned C-3 and they are asking for an RP-2 zoning to allow development of 8 duplexes. Following on the Agenda is the preliminary plat which is the site plan for this zoning

change. Property to the north is undeveloped property which was just rezoned to CP-0 under the previous agenda item; to the south is RP-3 and C-3 undeveloped property. The Comprehensive Plan calls for general commercial and when adopted envisioned a large apartment complex which is now being developed as StoneBrook Single Family Home Subdivision. With that, staff believes the conditions have changed and warrants what amounts to a "down zoning" of this piece of property.

Mr. Wingerson said utilities are available, Public Safety is requesting a couple of fire hydrants, Monroe and 72nd street are improved; applicant will provide the required parking for each duplex if approved this evening. Soil is basically good on this property but it may contain substantial rock which will be a development concern for Mr. Havens.

Ingress and egress became a question at the initial Planning Commission Meeting and there was a great deal of discussion on it at the site visit and again at the Planning Commission's meeting at which the Council recommendation was made. Most of the discussion revolved around Lot 5 which is the corner lot at 72nd & Antioch Road. Originally staff requested that this driveway be on Antioch Road because the Comprehensive Plan calls for a certain distance from major intersections on arterials and it could not be achieved on 72nd Street. The Planning Commission recommended to the Council that the driveway for Lot 5 be on 72nd Street.

Mr. Wingerson said there are 11 Staff recommendations which he read from the report. Mr. Reynolds asked if the Applicant is aware of and in agreement to all 11 items. Mr. Wingerson said yes.

Councilman Norris asked if the Applicant is aware of the changes that will be taking place at Antioch Road & 72nd Street in the future; Mr. Wingerson said yes he is aware of the preliminary engineering.

Mr. Hammen said the report indicates the developer is responsible for 20% of the 72nd Street improvement costs and asked if that is the cost for the improvement that abuts the applicant's property. Mr. Wingerson said it is 20% of the cost of those improvements adjacent to his property.

Mr. Hammen asked how we arrived at 20%; Mr. Wingerson said it is the City's share of that project which will be federally funded. Mr. Hammen said so the applicant is getting off smelling like a rose instead of improving his half of the street as would normally be required.

Manager Norris said you could look at it that way but he and Counselor Thompson advised that all we can do is require the amount of money that we would spend on that roadway because we can't do anything else with the funds other than improve the

road. So knowing that the cost to the City is 20%, that is all that we can require. Mr. Hammen said he understands the circumstances but typically we would require the developer to improve his half of the street.

Counselor Thompson acknowledged that the Applicant finds himself in a very fortunate position. There were no further questions or comments and the Mayor closed the Public Hearing;

Item 14a. on the Agenda. FIRST READING BILL 95-38, Rezoning property at the Northwest Corner of 72nd Street & N Antioch Road from C-3, Commercial District to RP-2, Two-Family District-Planned. Applicant: Havens Management, Inc. Owner: Meadowbrook Realty Company (File #912)

Mr. Norris moved to place Bill 95-38 on First Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-38; Waive the Rule and place the Bill on Second Reading; Mr. Nodler seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.461; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14b. on the Agenda. FIRST READING BILL 95-39, Approving a Site Plan for development of property at the Northwest Corner of 72nd Street & N Antioch Road. Applicant: Havens Management, Inc. Owner: Meadowbrook Realty Company (File #912)

Mr. Reynolds moved to place Bill 95-39 on First Reading with amendment to Item 1 under Section 1 to read: " Lot 5 will be accessed off of NE 72nd Street or Antioch Road, to be determined by the City at the time of issuance of the building permit"; Mr. Norris seconded.

Discussion.

Mr. Reynolds said this was quite a controversial item with the Planning Commission and his reason for suggesting this is because as Councilman Norris said earlier, within 24 months hopefully there will be drastic changes to the street and this will allow the developer to come to the City and the City can make the decision at that time on which will be best so he does not have to come back through the process.

Mayor Newsom said she would hope that because of the traffic flow on this corner that the developer may consider in the drive way portion of this to include a back up spot so the residents can go out head-first in whichever direction they

need to go. Those are just her thoughts on it.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-39 as Amended; Waive the Rule and place the Bill on Second Reading; Mr. Reynolds seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.462; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 15. on the Agenda. FIRST READING BILL 95-40, Authorizing issuance and delivery of a Tax and Revenue Anticipation Note by the City of Gladstone, Missouri, in the Principal Amount of \$400,000; prescribing the form and details of said Note, and authorizing and approving certain other documents and actions in connection with the issuance of said Note.**

Mr. Reynolds moved to place Bill 95-40 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 95-40 as Amended; Waive the Rule and place the Bill on Second Reading; Mr. Hammen seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.463; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 16. on the Agenda. RESOLUTION NO. 95-56, authorizing the City Manager to execute a Settlement Agreement with Stonebrook, L.L.C. and Marvin O. and Agnes Tarwater relative to the reconstruction and change of grade on NE 72nd Street.**

Mr. Nodler moved to adopt Resolution 95-56; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 17 on the Agenda. FIRST READING BILL 95-41, authorizing acceptance of Temporary and Permanent Easements from property owners in conjunction with Street Improvements on NE 72nd Street, East of Antioch Road.**

Mr. Reynolds moved to place Bill 95-41 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

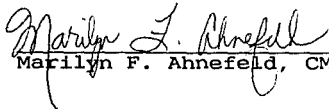
Mr. Reynolds moved to accept the First Reading of Bill 95-41 as Amended; Waive the Rule and place the Bill on Second Reading; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.464; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

There being no further business to come before the Regular June 12, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ✓

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

  
Mayor Anita Newsom



**GLADSTONE, MISSOURI**  
**MONDAY, JUNE 26, 1995**  
**Closed Executive Session: 7:15 PM**  
**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular June 12, 1995 City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-57**, authorizing execution of an Agreement with Briarcliff Development Company relative to the installation of sanitary sewer main to serve the Gladstone Water Treatment Plant.

**RESOLUTION NO. R-95-58**, authorizing acceptance of a proposal from Midway Ford for the purchase of a One-ton F350 Crew Cab Truck. Net Purchase Amount: \$24,037.00 includes \$1510.00 trade-in allowance for 1988 Chevrolet V6 Truck. General Fund

**APPROVAL OF FINANCIAL REPORTS FOR MAY, 1995.**

**APPROVAL OF LIQUOR LICENSE RENEWALS:**

Kwik Shoppe, 7603 N. Oak  
Gladstone Bowl, 300 NW 72nd Street  
Uncle Nebo's Pizza & Wings, 7102 N. Oak  
Aldi's, 6577 N. Oak  
Gene's Party Shop, 6313 N. Prospect  
Fire House North, Inc., 6944 N. Oak  
Pizza Hut, 6420 N. Oak

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **APPROVAL OF BUILDING PERMIT**, for addition to existing office and construction of equipment storage building at 6606 N. Antioch Road. Applicant/Owner: Baldwin Properties. (BP#95-014)
10. **PUBLIC HEARING:** Request for Site Plan Revision on property at 6221 North Chestnut. Applicant: Old Chicago Pizza. Owner: Cascone Land Co., LLC. (File #916)

**NEXT ORD. NO. 3.465**

- 10a. **FIRST READING BILL 95-42**, approving a Revised Site Plan for 6221 N Chestnut. Applicant: Old Chicago Pizza.  
Owner: Cascone Land Co., LLC. (File #916)
- 10b. **APPROVAL OF BUILDING PERMIT**, for exterior remodeling for Old Chicago Pasta & Pizza, 6221 North Chestnut.  
Applicant: Rock Bottom Restaurants, Inc.  
Owner: Cascone Restaurants (BP#95-008-A)
11. **FIRST READING BILL 95-43**, accepting Temporary Construction Easements and a Standard Easement from property owners required for NE 70th Terrace & North Troost Drainage Improvements.  
(Project #9021)
12. **FIRST READING BILL 95-44**, amending Schedule V of the Model Traffic Ordinance to establish NO PARKING ZONE on NORTH LOCUST STREET (EAST SIDE ONLY) - from 70th Street to 200' north.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 26, 1995 7:30 PM

Mayor Anita Newsom called the Regular June 26, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Gay  
Assistant to the City Manager Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Bill Reynolds

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4 on the Agenda. Approval of Regular June 12, 1995 City Council Meeting Minutes. Councilman Nodler moved to approve the minutes as written; Councilman Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

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

Following the Clerk's reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

#### CONSENT AGENDA DETAIL.

Mr. Nodler moved to adopt RESOLUTION NO. R-95-57, authorizing execution of an Agreement with Briarcliff Development Company relative to the installation of sanitary sewer main to serve the Gladstone Water Treatment Plant. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-58**, authorizing acceptance of a proposal from Midway Ford for the purchase of a One-ton F350 Crew Cab Truck. Net Purchase Amount: \$24,037.00 includes \$1510.00 trade-in allowance for 1988 Chevrolet V6 Truck. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Mr. Nodler moved for **APPROVAL OF FINANCIAL REPORTS FOR MAY, 1995**; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Mr. Nodler moved for **APPROVAL OF LIQUOR LICENSE RENEWALS** as listed: Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Kwik Shoppe, 7603 N. Oak  
Gladstone Bowl, 300 NW 72nd Street  
Uncle Nebo's Pizza & Wings, 7102 N. Oak  
Aldi's, 6577 N. Oak  
Gene's Party Shop, 6313 N. Prospect  
Fire House North, Inc., 6944 N. Oak  
Pizza Hut, 6420 N. Oak

#### **REGULAR AGENDA**

Item 6 on the Agenda.      Communications from the Audience.

None.

Item 7 on the Agenda.      Communications from the City Council.

Councilman Art Hammen asked if we are now actively enforcing the **NO PARKING IN FIRE LANES ORDINANCE**; City Manager Norris said we are.

Mr. Hammen also asked that we all remember Public Safety Officer Tony Marrali who will undergo surgery tomorrow for removal of a tumor on his kidney.

Mayor Anita Newsom asked if all shifts are enforcing the **NO PARKING IN FIRE LANES**. City Manager Norris said the traffic unit provides the enforcement when available and when the shift officers have the opportunity they also drive by the establishments. The Mayor said she had observed a Public Safety vehicle parked in the fire lane at a store along with three other vehicles on a busy Saturday afternoon and asked if it is possible the Public Safety Officer could enforce the fire lane parking. The City Manager said they can and should be, and asked for particulars on the location. The Mayor advised

she had spoken to Public Safety Director Adamo about the incident but was extremely disappointed with Public Safety's response.

Mayor Newsom thanked all who attended and supported the Amphitheater Dedication on Sunday, June 25th. It was a most successful event.

Item 8. on the Agenda. Communications from the City Manager.

City Manager James Norris announced the July 4th Fireworks Display would be held in Oak Grove Park and will be preceded by the North Star Community Band performance.

The first theatre production at the new Oak Grove Park Amphitheater will be Hello Dolly on July 7-9; the second production on August 4-6 is ANNIE GET YOUR GUN.

The City Manager requested an Agenda addition: RESOLUTION NO. 95-59, ACCEPTING THE PROPOSED FY 1995-95 ANNUAL OPERATING BUDGET FOR THE GLADSTONE ECONOMIC BETTERMENT COUNCIL.

Manager Norris explained that the Gladstone Economic Betterment Council is a private 501-C3 Corporation, and it is autonomous from the City; however the City was one of the founding members and does have board positions on the Board of Directors.

For GEBC to receive insurance from the MARCIT Trust which they are eligible to do, their budget needs to be reviewed and accepted by the governing body of the entity which they do work with. As example the Clay County Economic Development Council gets their insurance from MARCIT as well and their budget is reviewed and accepted by the Clay County Commission. We are not appropriating, are not responsible for the finances or the expenditures. But we know of their existence and the things they do and that is why this is brought to the Council for acceptance.

The Manager said it will be in a slightly different format and shown as an addendum in our City budget. However, it is not a part of the appropriations and does not impact our budget whatsoever. It is purely a step we must go through for GEBC for MARCIT.

The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom.  
(4-0)

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT, for addition to existing office and construction of equipment storage building at 6606 N. Antioch Road.  
Applicant/Owner: Baldwin Properties. (BP#95-014)

City Manager Norris advised that the plans and renderings are displayed on easels for Council's viewing and questions. He said the Staff recommends approval. Mayor Newsom said it appears to be a very nice addition. Councilmembers had no questions.

The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Item 10. on the Agenda. PUBLIC HEARING: Request for Site Plan Revision on property at 6221 North Chestnut. Applicant: Old Chicago Pizza.  
Owner: Cascone Land Co., LLC. (File #916)

Mayor Anita Newsom opened the Public Hearing and explained the process that the Applicant and those in favor of the application are invited to speak followed by those in opposition.

Planning and Development Director Scott Wingerson advised that Rock Bottom Restaurants requests approval of a revised site plan for 1,000 sq. ft. exterior patio addition to the former Red Lobster building at 6221 North Chestnut which is just east of and adjacent to Antioch Road. They propose an uncovered portion and Mr. Wingerson said Mr. Bill Wallace is present to explain in greater detail the actual site plan revision and exterior building permit request.

Mr. Wingerson reminded that at the last council meeting the applicant was not present but approval was given to the interior remodeling plans. This now focuses on the actual site plan, parking requirements, and the physical construction. The last item 10b is the building plans to construct the patio and finish the development in time for their Summer opening. The property is zoned C-3 (Planned Development) which necessitates the site plan revision.

The City Manager noted the Planning Commission unanimously recommended approval.

Applicant Bill Wallace, Rock Bottom Restaurants, presented a color rendering which he reviewed with the City Council. They propose a wood deck and are exploring options for umbrellas or a removable roof covering possibly corrugated metal with ceiling fans underneath for circulation. He said originally

they had proposed all open air but with the heat in the middle of the summer and the westerly sun they felt they needed to do something. He said what was displayed at the Planning Commission Meeting was with hoop lights but they are thinking about festoon lighting but it is something they can change.

There were no further questions or comments and the Mayor closed the Public Hearing.

Item 10a. on the Agenda. FIRST READING BILL 95-42, approving a Revised Site Plan for 6221 N Chestnut. Applicant: Old Chicago Pizza. Owner: Cascone Land Co., LLC. (File #916)

Mr. Norris moved to place Bill 95-42 on First Reading; Mr. Nodler seconded.

Discussion.

Mr. Hammen noted that the Staff Report indicates a variance would be required for their signage and asked if there have been discussions about a pylon sign.

Mr. Wingerson said there have been discussions on going to a monument sign and the suggestions was made early on to possibly locate a monument sign adjacent to Antioch Road similar to the UMB Bank monument sign that is across the street from Osco.

He said Mr. Wallace can elaborate but basically it is three times more expensive because of the trenching that would be required to bring electrical service to that sign. He said that brought us back to discussions of a pylon sign on the property back on Chestnut similar to where the Red Lobster sign is. Because of the height of the sign and the configuration of the Old Chicago sign it would have required a variance from the City Council.

Mr. Wingerson said Mr. Wallace has committed to conforming to our current sign ordinance if they use a pylon sign which would basically be 1 ft. of setback to every ft. in height. That left the leading alternative at this point which is a single pole sign rather than the double pylon that Red Lobster had which would be lower in height and comply with the required setback.

Councilman Norris asked the maximum height; Mr. Wingerson said it is 100 ft. and the sign they propose even though it was too close to Chestnut was in compliance with the size requirement and in fact a little but less.

Mr. Hammen asked about the landscaping plan. Mr. Wingerson said with this building and parking lot there are limited areas to provide landscaping on the site but they have encouraged Mr. Wallace and Rock Bottom Pizza to landscape appropriately the areas that can be landscaped. In addition, there is an existing sidewalk in front of the bank and around the corner that leads to Shoney's and Old Chicago will be installing a sidewalk in the front as required by Code so that cuts down even more on the locations for landscaping. So we are just basically asking that they landscape the areas that they can landscape with no specific requirement.

Mr. Hammen asked if there is ample parking that one or two spaces might be converted to landscape islands. Mr. Wingerson said it is a possibility because they are over their minimum requirement however the nature of the business is such that he is not sure he would suggest that they eliminate parking in order to provide a little bit more landscaping. He understands the satellite parking to the west was installed because there was not enough parking.

Mayor Newsom suggested to soften the look of the patio and provide some lower shade that perhaps beds or permanent planters like brick or whatever the posts are constructed of at different stations could be used. It would provide some nice screening.

Mr. Wallace said that would be easy enough to do and integrate it into the fencing around the side. Ms. Newsom said the fencing reminds her of the temporary cattle fencing; Mr. Wallace said it might be similar in design but it is a nice pipe and will be secured well and painted to compliment the decor. He said whether it would be attached to the fencing or they dig away between that and the first handicapped parking spaces, they want to put some kind of shrubbery in there just to keep some distance between the people and the cars. The way it lays out there is probably an 8' buffer there on site. We are starting out with a wood deck so at least we don't have that concrete retaining the heat.

The Mayor said her first suggestion would be some sort of landscaped beds even a raised bed with shorter yews or something.

The City Manager said that under the building permit approval discussion (Item 10b) we do have several recommendations that the approval should be contingent upon and landscaping is one of them.



The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom.  
The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-42; Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 95-42 and enact the Bill as ORDINANCE NO. 3.465; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom.

Item 10b. on the Agenda. APPROVAL OF BUILDING PERMIT, for exterior remodeling for Old Chicago Pasta & Pizza, 6221 North Chestnut. Applicant: Rock Bottom Restaurants, Inc. Owner: Cascone Restaurants (BP#95-008-A)

Mr. Norris moved to approve the Building Permit; Mr. Hammen seconded.

Discussion.

City Manager Norris said the issue of a specific landscaping plan for those areas that can be landscaped should be tied down because we think it is too open ended and those can be done as a condition of final occupancy under the building permit. So we ask that that be one of the conditions that the landscaping plan be approved by the Director of Planning & Development.

The second item which is how the patio will be covered; we can ask the City Council to approve the building permit for the deck only tonight and come back in two weeks for how the roofing or canopy is to be treated or we can ask the Council to take some time to discuss this and give us your thoughts on the best approach.

The City Manager said the specific plantings along the deck itself needs to be addressed.

Scott Wingerson said there are several options for the covering of the deck, one option would be a low pitch roof that would cover the entire patio area which would be similar in style to their entry way covering on the color rendering. Another option discussed has been the use of umbrellas at each of the tables. There are pros and cons to both of those from the business standpoint and Mr. Wallace is more prepared to discuss them.

Mr. Wingerson said the other issue would be landscaping of the property. He said he feels comfortable in working with Mr. Wallace and their representatives throughout this process that their desire is to bring to the city high quality aesthetically pleasing development and he feels comfortable that staff can work closely with Mr. Wallace to achieve an appropriate landscape plan for the site.

Mr. Wingerson invited questions and said the applicant would like a decision on the overhang on the patio if possible and if not they would bring that portion of this development back to the Council for consideration. Old Chicago hopes to open late July or early August unless that has changed recently so time is of the essence in getting started on the exterior construction.

Councilman Norris said he is thrilled that we are going to have a new restaurant in town. We like to see nice things and he thinks that is evident from the developments in the last five years. Umbrellas on tables is great for the two people in the shade but the other two people sweat to death; they also look very tacky and they are terrible in a windstorm. He asked what the roof on the entry way will be.

Mr. Wallace said it was a signature of all the Old Chicago establishments. Mr. Norris asked if it looked like a tin mining roof. Mr. Wallace said it is a fairly heavy gauge and has no flimsiness to it. Councilman Norris asked how it can be tied in to the front so it does not look shabby from 100 ft.

Mr. Wallace said that is being worked on as we speak by our designer back in Colorado and it is a major problem as far as how we tie it in. That is why it is still tentative and if the firm comes up with a design then he can have renderings made and submit it for Council's consideration.

Councilman Norris stressed that he does not have a problem at all with this type of establishment and thinks the patio in the front is a great idea. If the covering is not something really nice it would bother him. He said he has no problem going forward with authorization for the permit to do the deck tonight but we need to see something on paper for the covering and we need to tie down what will be done on landscaping. Mr. Wallace said they can probably submit that at the same time.

City Manager Norris said he and Director Wingerson recommend that the Council approve issuance of a building permit without a covering tonight; and the covering can be returned to the City Council at a later Council Meeting. The Manager said he

would like to talk with the applicant about the Clay County Health Department's food service regulations because it is his understanding that Mike Lombardo's Restaurant was recently required to screen their deck for outdoor food service when it was not required in the past under the previous operation.

The health regulations need to be clarified and there are other items that need to be worked out so he would encourage approval of the building permit without the canopy tonight to allow the applicant to come back with the landscape treatment, deck landscape and deck canopy.

Ms. Newsom said she was disappointed after seeing the plans presented to the Planning Commission which showed the larger posts or pylons as opposed to the Christmas Tree lights and the cattle fencing displayed tonight.

Mr. Wallace said the exterior lighting was not enough to cover the 20 ft. back of the building. Without putting additional poles in the middle or putting those same hoops out from the building there was no way to get the adequate lighting. Also, they have used this lighting in other facilities and when strung correctly appears very festive but he said it may be a look that is new to this area.

Councilman Norris said he shares the Mayor's view on the festoon lighting which she described as looking too temporary. Mr. Wallace said it would all be a moot point when we get a covering over the deck.

Mr. Wallace said on the health regulations, he had been assured they would be ok as long as they were bringing their product from the inside to outdoors and taking it back in. He will contact the Health Department immediately to clarify the regulations.

There was Council agreement that the approval would be only for the deck portion and the exterior of the building as submitted; it does not include any covering of the deck or landscaping which will be dealt with in a subsequent building permit.

The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Item 11. on the Agenda. FIRST READING BILL 95-43, accepting Temporary Construction Easements and a Standard Easement from property owners required for NE 70th Terrace & North Troost Drainage Improvements. (Project #9021)

Mr. Norris moved to place Bill 95-43 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-43; Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 95-43 and enact the Bill as ORDINANCE NO. 3.466; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

Item 12. on the Agenda. FIRST READING BILL 95-44, amending Schedule V of the Model Traffic Ordinance to establish NO PARKING ZONE on NORTH LOCUST STREET (EAST SIDE ONLY) - from 70th Street to 200' north.

Mr. Hammen moved to place Bill 95-44 on First Reading; Mr. Norris seconded.

Discussion.

City Manager Norris explained that this No Parking posting is being done at the urging of the public because parking on the east side of N Locust has created problems for access to the bank's rear entrances. Tenants and the customers of the Linden Oaks building are parking on the east side of the street which is too narrow when cars are parked on both sides.

The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 95-44; Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 95-44 and enact the Bill as ORDINANCE NO. 3.467; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. (4-0)

\* \* \*

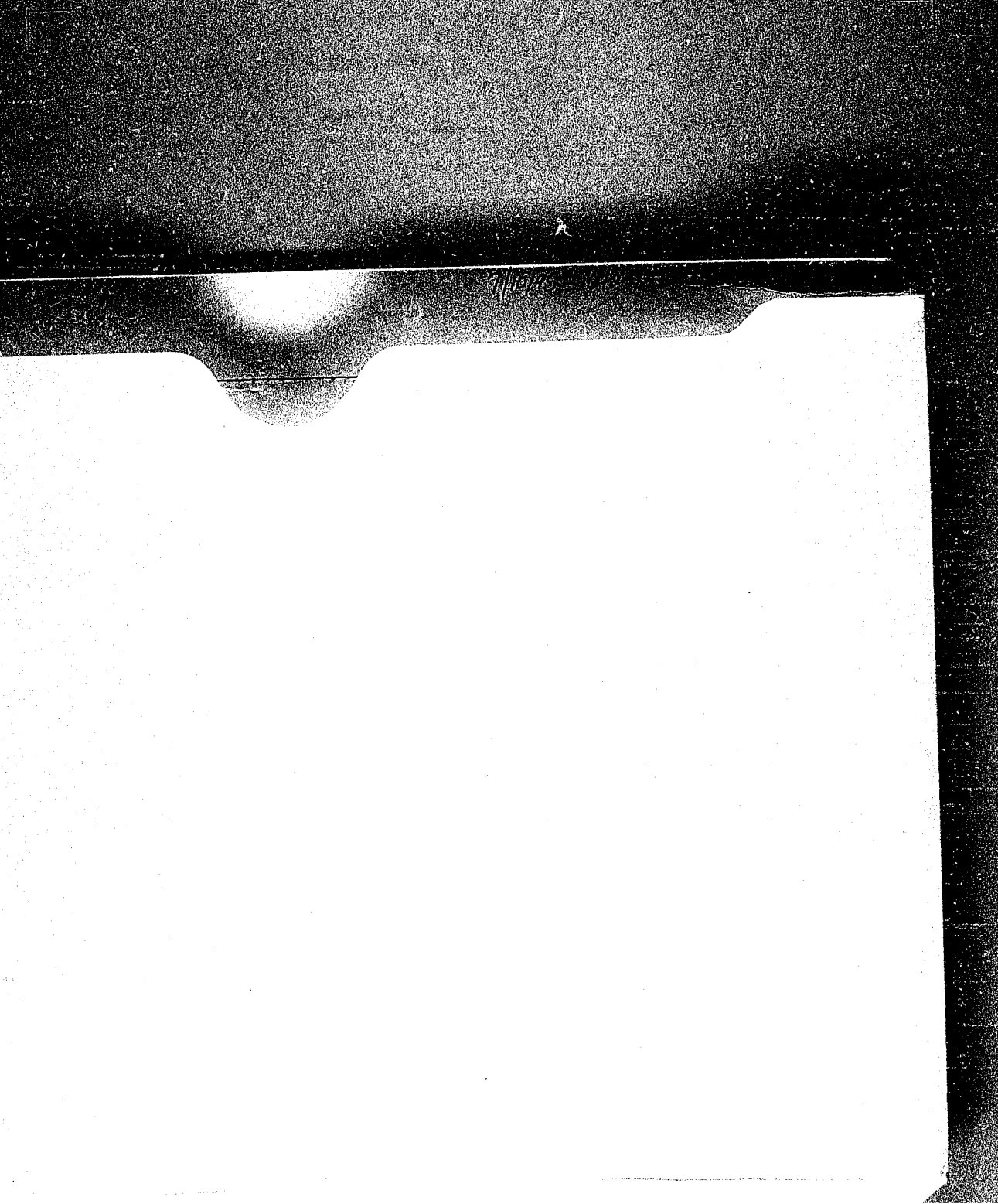
There being no further business to come before the Regular June 26, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom



**CITY COUNCIL MINUTE BOOK**  
**NO. 88**  
**1995/1996**

<b>MONDAY, JULY 10, 1995</b>	<b>REGULAR</b>
<b>MONDAY, JULY 24, 1995</b>	<b>REGULAR</b>
<b>MONDAY AUGUST 14, 1995</b>	<b>REGULAR</b>
<b>MONDAY, AUGUST 28, 1995</b>	<b>REGULAR</b>
<b>MONDAY, SEPTEMBER 11, 1995</b>	<b>REGULAR</b>
<b>MONDAY, SEPTEMBER 25, 1995</b>	<b>REGULAR</b>
<b>TUESDAY, OCTOBER 10, 1995</b>	<b>REGULAR</b>
<b>MONDAY, OCTOBER 23, 1995</b>	<b>REGULAR</b>
<b>MONDAY, NOVEMBER 13, 1995</b> (only one meeting in November)	<b>REGULAR</b>
<b>MONDAY, DECEMBER 18, 1995</b> (only one meeting in December)	<b>REGULAR</b>
<b>MONDAY, JANUARY 8, 1996</b>	<b>REGULAR</b>
<b>MONDAY JANUARY 22, 1996</b>	<b>REGULAR</b>
<b>MONDAY, FEBRUARY 12, 1996</b>	<b>REGULAR</b>
<b>MONDAY, FEBRUARY 26, 1996</b>	<b>REGULAR</b>
<b>MONDAY, MARCH 11, 1996</b>	<b>REGULAR</b>
<b>MONDAY, MARCH 25, 1996</b>	<b>REGULAR</b>
<b>MONDAY, APRIL 8, 1996</b>	<b>REGULAR</b>

MONDAY, APRIL 22, 1996	REGULAR
MONDAY, MAY 13, 1996	REGULAR
MONDAY, MAY 28, 1996	REGULAR
MONDAY, JUNE 10, 1996	REGULAR
MONDAY JUNE 24, 1996	REGULAR
<del>MONDAY, JULY 8, 1996</del>	<del>REGULAR</del>
<del>MONDAY, JULY 22, 1996</del>	<del>REGULAR</del>

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END BOOK NO. 88



**GLADSTONE, MISSOURI**

**MONDAY, JULY 10, 1995**

**Closed Executive Session: 6:45 PM**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** Designating July 15, 1995 as "D.A.R.E. DAY" in the City of Gladstone, Missouri, and encouraging all residents to salute the many students, educators and Public Safety Officers involved in this invaluable Drug Abuse Resistance Education Program.
4. **Approval of Regular June 26, 1995 City Council Meeting Minutes.**

5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-60**, accepting work under contract with Schweiger Construction Company for construction of Oak Grove Park Amphitheatre and authorizing final payment.  
Total Contract Amount: \$161,361.10  
Final Payment Due: \$16,727.52 Fund: Capital Improvement Sales Tax

**APPROVAL OF BUILDING PERMIT** for construction of demizing wall at 6479 North Prospect (former WalMart Store). (BP #95-018)  
Applicant: Hoover Construction Co. Inc.  
Owner: Mercantile Bank of St. Louis & Kessinger/Hunter Co., Inc.

**APPROVAL OF LIQUOR LICENSE RENEWALS:**

Smokehouse BBQ, Inc., 6304 North Oak  
Mama & Me, 6012 NE Antioch Road  
Sal's Grocery & Deli, 7125 North Broadway  
S&K Petroleum, Inc., 6305 North Oak  
Golden Eagle II, Inc., 6502 North Oak  
Total Petroleum Store #2118, 5800 North Oak  
J.C.'s Sports Bar & Restaurant, 6825 North Oak

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.

**NEXT ORD. NO. 3.468**

9. **APPROVAL OF BUILDING PERMIT** for 1,440 sq. ft. building addition to Kwik Shop at 7601 North Oak. (BP #95-016)  
Applicant: Northstar Construction  
Owner: Maher Guirguis
10. **APPROVAL OF BUILDING PERMIT** for tenant finish of 54,973 sq. ft. existing building at 6479 North Prospect. (BP #905-017)  
Applicant: Hobby Lobby  
Owner: Mercantile Bank of St. Louis & Kessinger/Hunter Co., Inc.
11. **FIRST READING BILL 95-45**, accepting Temporary Construction Easements and a Standard Easement from property owners required for Drainage Improvements in 1600 block of Rosewood Drive.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 10, 1995, 7:30 PM

Mayor Anita Newsom called the July 10, 1995, City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 3a. on the Agenda. PROCLAMATION: Designating July 15, 1995 as "D.A.R.E. DAY" in the City of Gladstone, Missouri, and encouraging all residents to salute the many students, educators and Public Safety Officers involved in this invaluable Drug Abuse Resistance Education Program. Director Bill Adamo accepted the Proclamation on behalf of the Gladstone Public Safety Department.

#### Item 4. on the Agenda. Approval of Regular June 26, 1995 City Council Meeting Minutes.

Mr. Norris moved to approve the Minutes as submitted; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Hammen, Mayor Newsom. Mr. Reynolds abstained having been absent from the June 26, 1995 meeting. 4-0-1)

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

Following the City Clerk's Reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### CONSENT AGENDA DETAIL.

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-60**, accepting work under contract with Schweiger Construction Company for construction of Oak Grove Park Amphitheater and authorizing final payment. Total Contract Amount: \$161,361.10; Final Payment Due: \$16,727.52 Fund: Capital Improvement Sales Tax. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF BUILDING PERMIT** for construction of demizing wall at 6479 North Prospect (former WalMart Store). (BP #95-018); Applicant: Hoover Construction Co. Inc.; Owner: Mercantile Bank of St. Louis & Kessinger/Hunter Co., Inc. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF LIQUOR LICENSE RENEWALS** as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Smokehouse BBQ, Inc., 6304 North Oak  
Mama & Me, 6012 NE Antioch Road  
Sal's Grocery & Deli, 7125 North Broadway  
S&K Petroleum, Inc., 6305 North Oak  
Golden Eagle II, Inc., 6502 North Oak  
Total Petroleum Store #2118, 5800 North Oak  
J.C.'s Sports Bar & Restaurant, 6825 North Oak

#### **REGULAR AGENDA**

Item 6. on the Agenda. Communications from the Audience.

None.

Item 7. on the Agenda. Communications from the City Council.

Councilman Norris complimented staff on the great 4th of July Fireworks Display.

Councilman Reynolds agreed with Mr. Norris and said it is appropriate that our Park and Recreation Chair Joyce Wild is here this evening because in the last month we have had a number of very positive park and recreation activities. He applauds the Parks and Recreation Advisory Board, the Director and Staff for a successful amphitheater dedication and 4th of July.

Mayor Newsom said the Theatre In The Park performance this weekend had one of the largest attendance counts ever. She has heard many positive comments about the amphitheater and noted that the new structure has brought people out to performances for the first time.

The Mayor reminded of DARE DAY on Saturday and the Barbecue and Blues Fest this weekend. She also compliments the Park and Recreation Staff for all their efforts this past month.

Item 8. on the Agenda. Communications from the City Manager.

City Manager Norris requested an Agenda Addition of a BUILDING PERMIT APPROVAL FOR OLD CHICAGO RESTAURANT, 6221 NORTH CHESTNUT. He said the information provided is basically in compliance with Council discussion at the last meeting on their building permit. The landscaping plan has been submitted and is appropriate for what they are trying to do and they have agreed to a monument sign versus a pole sign. He noted that Mr. Wingerson indicates that before we can approve that we have to have the property owner's signed affidavit that they understand that they will be allowing that sign on the property. They will place it along Route #1 in similar fashion to the United Missouri Bank sign.

The Manager said that will require a variance and we can't take action on the variance until we have notification from the property owner, Curry Company that they will allow that themselves.

He said Old Chicago has moved from a permanent roof to a canopy style roof and referred to the pictures of the canopy roof which will basically be beige with green accent to match their colors on the rest of the building and they will have two parts which will be clear to allow light in during the day time. \

The lighting style is going to be hanging lights as depicted; not the festival lights discussed at the previous meeting.

The Mayor asked if we can assume from the drawings that they will be getting rid of the corral fence and using a different style. The City Manager said Staff will hold them to the fence style and architectural mode and lighting style as depicted on Page 2 of their drawing and that is what they were told over the phone.

Councilman Norris asked if it is split rail; City Manager Norris said it does not angle and appears to be straight across rails. The Manager noted that non-festival lighting is a City Council and Staff condition of approval and indicated that the landscaping plan has now been submitted.

**MOTION:**

Councilman Norris moved to approve the additions to Building Permit #95-008 conditioned upon monument signage, the landscaping plan as attached, and the non-festival lighting. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

\* \* \*

City Manager Norris said the second item he has to bring to the Council is the item on commercial uses in M-1 zones discussed in Study Session.

The Manager said staff would recommend a Temporary Occupation License for Mr. Ryan at 700 NE 76th Street which expires June 30, 1996 when all other occupation licenses would normally expire. During that intervening period, staff would return to the City Council with the options available to the Council to address this on a more permanent basis including not only how to deal with it under the existing Zoning Ordinance but also the option of waiting until the new proposed Zoning Ordinance is adopted. In that same time frame we will meet with all the owners of property zoned M-1 on 76th Street which is where this problem exists and find out their feelings about being rezoned to C-2 or C-3 with the understanding that from this point forth we will not be issuing occupation licenses for commercial uses in M-1 zones because they are not appropriate.

#### MOTION

Mr. Reynolds moved to approve a ONE YEAR OCCUPATION LICENSE TO EXPIRE JUNE 30, 1996 TO DAVE RYAN TO OPERATE A USED CAR SALES BUSINESS AT 700 NE 76TH STREET AS AN ILLEGAL NON-CONFORMING USE ON PROPERTY ZONED M-1.

Mr. Hammen seconded and asked that the minutes clearly state that this is a one year temporary license that is non-renewable through June 30, 1996.

#### Discussion.

Mr. Reynolds asked if we would be looking at the other M-1 zoned property. City Manager Norris said we would pull out research on other M-1 property in the city.

Councilman Norris asked that the City Council think about one thing. If there was a manufacturer that wanted to come to town at this time he could park himself right next to Oak Grove Park and there is not a darn thing anyone at this table could do about it. He would be much more comfortable looking at C-2 and C-3 zoning and a Special Use permitting a manufacturer to do something here; rather than have an M-1 hanging out there and special use permitting everybody. This is not 1960 or 1965 and it is a far different Council then was at that time. Councilman Norris stated that although the current makeup of the Council may change he has no reason to believe that the political interests in this city will be changing and he does not think there should be industrial zones out there that are not being utilized for that purpose.

City Manager Norris said he would have to agree from a pure planning standpoint. If that property were currently zoned any other zoning, you would not see a recommendation from this staff to rezone it to manufacturing given where it is located unless it was such a clean, high tech computer chip use with no stacks or anything like that and would look like an office building. When staff returns with their recommendation, probably the recommended option will be city initiation of a rezoning.

The Manager said at this point in time a temporary license only does one thing and that is it allows Mr. Ryan to conduct his business for that short period of time. He agrees with Councilman Norris that where we want to be in the future is elimination of M-1 there.

Councilman Norris said during his four year Council service, we have drawn several lines with several people in this city because we thought they may have been wronged and we have granted extensions and more extensions. He has no reason to believe that the Council as a body will take a stand and make it happen and that is why he will vote "no." We will give an occupation license and next year the individual will tell us that we let them do it this year and we will be having the same discussion all over. And we will hear "you can't wrong me by not letting me do what you have let me do for the past year". If we are going to undo an industrial zone, let's undo it and not play around months and weeks and years.

Mr. Hammen said that he can support it because it gives us an opportunity to work with Mr. Ryan and gives the City the time frame to go back and figure out the proper solution to this and if for any reason this comes back to us for renewal even though the minutes state it is not renewable, we can count on his vote against renewing it.

Ms. Newsom said there is also the potential of the current councilmembers not being here. She said she is in total agreement with Councilman Norris that we do not need to continue this kind of situation and when someone comes up and pleads a hardship, sometimes we have to take that hard line which we have not always done.

City Manager Norris said this issue would likely have come about without Mr. Ryan's help because Director Wingerson and his staff have already been directed to review every vacant parcel of land in the City because of the changing development patterns we have and look at City-initiated rezonings. So this issue was going to come forward eventually.

The vote: "Aye" - Nodler, Reynolds, Hammen, Newsom. "No" - Hammen. (4-1)

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for 1,440 sq. ft. building addition to Kwik Shop at 7601 North Oak.**  
Applicant: Northstar Construction (BP#95-016)  
Owner: Maher Guirguis

Greg Guilfoil, was present to represent this application and said there have been discussions on how best to approach the non-sidewalked corner. They have reached an agreement to escrow money for that sidewalk construction in the future whenever the City does 76th Street.

He said the applicant is expanding the vacant cleaners building for future rental space but have no identified tenant at this time. All he is building at this time is a shell. This application does not include a tenant finish; that will be submitted when a tenant is acquired.

Ms. Newsom asked if the west and south elevations will be the same material as the existing front. Mr. Guilfoil said yes they would.

Ms. Newsom said this addition will eliminate the parking that was on the south side of the building and then there are two spaces on the west marked for "small cars". Considering the traffic flow there, she asked if they have to have those spaces to be compliant with parking regulations. Mr. Guilfoil said he believes they do. Director Wingerson said they are required to have 25 plus spaces, so they need those two spaces.

Ms. Newsom said she had an accident on that lot without the building addition because of the tight radius. City Manager Norris noted it would not be brought forward for a building permit if it did not meet the planning requirements.

Councilman Norris moved to approve the building permit; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for tenant finish of 54,973 sq. ft. existing building at 6479 North Prospect. (BP #905-017) Applicant: Hobby Lobby**  
Owner: Mercantile Bank of St. Louis & Kessinger/Hunter Inc.

City Manager Norris said Hobby Lobby is proposing to go into the old Wal-Mart site and take 54,000 sq. ft. of the space. They met with the Staff and their plans are in. For a development this size, the Staff Report is remarkably small which tells us the quality of the plans received. The exterior color is basically the same color that the old Wal-Mart building has been painted. New signage will be put in place for Hobby Lobby and Mr. Norris said he understands this will be their 100th store.



Mr. John Sanders, Hobby Lobby Stores, said Gladstone has been selected for their 100th store and they will have simultaneous sales throughout all their stores in celebration of their opening. Mr. Sanders said it will be a landmark in their history. They will occupy from Ace Hardware to the main entrance leaving the west end of the building with the automotive garages available.

Councilman Norris moved to approve the Building Permit; Mr. Reynolds seconded. The vote: All "aye" - The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The Mayor and Council welcomed Hobby Lobby to our Gladstone.

Item 11 on the Agenda. FIRST READING BILL 95-45, accepting Temporary Construction Easements and a Standard Easement from property owners required for Drainage Improvements in 1600 block of Rosewood Drive.

Councilman Norris moved to place Bill 95-45 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

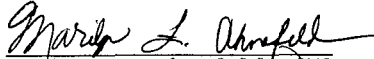
Mr. Norris moved to accept the First Reading of Bill 95-45, Waive the Rule and place the Bill on Second Reading; Mr. Hammen seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.468; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

There being no further business to come before the Regular July 10, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

**GLADSTONE, MISSOURI**

**MONDAY, JULY 24, 1995**

**Closed Executive Session: 6:15 PM**

**Open Study Session: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** Joining metropolitan area cities in designating July 25, 1995 as "SMART CITIES ISDN DAY" to promote the availability of the Integrated Services Digital Network positioning the Kansas City area on the forefront of telecommunications technology for local business, education and the general public.
4. **Approval of Regular July 10, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-61,** accepting a proposal from Midway Ford for purchase of a 1996 3/4 ton 3-speed Automatic Heavy Duty Pick-up Truck less trade-in of 1990 Chevrolet 1/2 ton Truck for the Water and Sewer Department. Fund: Combined Water and Sanitary Sewer  
Net Purchase Amount: \$13,879.00.

**RESOLUTION NO. R-95-62,** accepting a proposal from Broadway Ford, for the purchase of a 1996 F-Series 1 Ton Four Wheel Drive Ford Pick-up Truck less trade in of 1990 Chevrolet 1/2 ton Truck for the Parks and Recreation Department. Fund: General  
Net Purchase Amount: \$18,410.00

**RESOLUTION NO. R-95-63,** authorizing acceptance of work under contract with Mega Industries Corporation for the 58th Terrace & Garfield Box Culvert Project. Total Contract Amount: \$57,990.95  
Final Payment Due: \$25,200.76 (Project #9408)

**RESOLUTION NO. R-95-64,** authorizing acceptance of proposals from Publishing Perfection for the purchase of a Hewlett Packard 650 C Plotter and a Phillips CD Recorder Player. Total Purchase Amount: \$11,194.90. Fund: General

**RESOLUTION NO. R-95-65,** authorizing execution of a contract with Vision Construction Company for construction of curb, gutter and sidewalks in Central Park. Contract Amount: \$44,941.20  
Fund: Capital Improvements Sales Tax (Project #9606)

**NEXT ORD. NO. 3.468**

**RESOLUTION NO. R-95-66**, accepting work under the Hamilton Heights Water Main Replacement Contract with Clay County Sanitary & Ditching and authorizing final payment. (Contract #9413A)  
Total Contract Amount: \$375,470.20;  
Final Payment Due: \$9,627.44

**RESOLUTION NO. R-95-67**, authorizing appropriation of \$10,267.50 from the Combined Waterworks and Sewerage Service Fund for the 1995 Street Maintenance Program.

**APPROVAL OF LIQUOR LICENSE RENEWALS:**

Checkers Store, 6553 North Oak  
IGA Super Center, 5945 North Antioch Road

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
  - a. **MOTION:** Authorizing the City Manager to participate in a county-wide assessment of the purchase of an 800 MHZ trunked radio system and analysis of potential of a cooperative regional dispatch center.
9. **PUBLIC HEARING:** On a request to rezone from CP-1 and CP-2 to CP-3, property at 6902 North Oak.  
Applicant/Owner: Joe E. Dittmer (File #918)  
  
(AUDIENCE NOTE: Although advertised, no hearing will be held due to Applicant's withdrawal of this rezoning request.)
10. **RESOLUTION NO. 95-68**, Authorizing Mayor Anita Newsom to execute renewal of an "Employment Agreement" by and between the City of Gladstone, Missouri and Gladstone City Manager James H. Norris.
11. **BUILDING PERMIT APPROVAL**, for remodeling of existing 4,000 sq. ft. building and addition of exterior canopy at 5600 North Broadway.  
Applicant/owner: Bannister Bank & Trust. (BP# 95-019)
12. **BUILDING PERMIT APPROVAL**, for construction of new 12,770 sq. ft. office building at 10 NW Englewood Road. (BP #95-015)  
Applicant: Bowden Contracting Co. Owner: Realty Executives
13. **REQUEST FOR SIGN VARIANCE**, to allow erection of monument sign at Southeast Corner of North Chestnut & Antioch Road.  
Applicant: Old Chicago Restaurant
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

*Agenda Addition Nov 95 12  
to include report of Mayor on  
for the Board of Finance.*

M E M O R A N D U M

TO: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

FROM: City Clerk Marilyn Ahnefeld

DATE: July 24, 1995

SUBJECT: CONSIDERATION OF AGENDA ADDITION;  
LIQUOR LICENSE RENEWALS

Addition of Liquor License Renewals to the Monday, July 24, 1995  
Agenda is requested for the listed establishments.

In all cases, Gladstone Public Safety has conducted their customary  
review which includes contacts with State of Missouri Liquor Control  
and find nothing that would preclude authorization for renewal.

RENEWALS

- . Tortilla Flats, 5716 North Antioch
- . Mike Lombardo's, 6970 North Broadway
- . Margarita's, 7012 North Oak
- . KC Northland Elks, 7010 North Cherry
- . Aardvark Liquor, 7507 North Oak
- . Phillip's 66, 7303 North Oak
- . Bubble's Wine & Spirits, 7407 North Oak

NEW LICENSE APPROVAL (CHANGE IN OWNERSHIP OF EXISTING  
ESTABLISHMENT)

- . Roithco, Inc. dba Papa Nicks 21-21 Restaurant  
Managing Officer: Edward N. Roith II



P.O. BOX 10719 7010 NORTH HOLMES  
GLADSTONE, MISSOURI 64118-0719 GLADSTONE, MISSOURI 64118-2646 816-436-2200

July 19, 1995

Mr. Joe Dittmer  
P. O. Box 1030  
Blue Springs, MO 64013

Dear Mr. Dittmer:

In response to our telephone conversation of July 18, 1995, the application to change the zoning classification of property described below has been withdrawn. This action was taken at your request.

The subject property is generally described as being located west of and adjacent to North Oak and south of 70th Street with a legal description of Lot 5, Resurvey of Lot 26, Linden Heights and an address of 6902 N. Oak

If you have any questions, please call me at 436-2200.

Sincerely,

Scott Wingerson  
Planning & Development Director

SW/mw

cc: James H. Norris, City Manager

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JULY 24, 1995, 7:30 PM**

Mayor Anita Newsom called the July 24, 1995, City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

#### **Item 3a. on the Agenda. PROCLAMATION.**

Mayor Anita Newsom read a Proclamation joining metropolitan area cities in designating July 25, 1995 as "SMART CITIES ISDN DAY" to promote the availability of the Integrated Services Digital Network positioning the Kansas City area on the forefront of telecommunications technology for local business, education and the general public.

#### **Item 4. on the Agenda. Approval of Regular July 10, 1995 City Council Meeting Minutes.**

Councilman Reynolds moved to approve the Minutes as written; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the Clerk's reading, Mr. Norris moved to approve the Consent Agenda as listed; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Norris moved to adopt **RESOLUTION NO. R-95-61**, accepting a proposal from Midway Ford for purchase of a 1996 3/4 ton 3-speed Automatic Heavy Duty Pick-up Truck less trade-in of 1990 Chevrolet 1/2 ton Truck for the Water and Sewer Department. Fund: Combined Water and Sanitary Sewer. Net Purchase Amount: \$13,879.00; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-62**, accepting a proposal from Broadway Ford, for the purchase of a 1996 F-Series 1 Ton Four Wheel Drive Ford Pick-up Truck less trade in of 1990 Chevrolet 1/2 ton Truck for the Parks and Recreation Department. Fund: General Net Purchase Amount: \$18,410.00 Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-63**, authorizing acceptance of work under contract with Mega Industries Corporation for the 58th Terrace & Garfield Box Culvert Project. Total Contract Amount: \$57,990.95 Final Payment Due: \$25,200.76 (Project #9408); Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-64**, authorizing acceptance of proposals from Publishing Perfection for the purchase of a Hewlett Packard 650 C Plotter and a Phillips CD Recorder Player. Total Purchase Amount: \$11,194.90. Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-65**, authorizing execution of a contract with Vision Construction Company for construction of curb, gutter and sidewalks in Central Park. Contract Amount: \$44,941.20 (Project #9606); Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-66**, accepting work under the Hamilton Heights Water Main Replacement Contract with Clay County Sanitary & Ditching and authorizing final payment. (Project #9413A) Total Contract Amount: \$375,470.20; Final Payment Due: \$9,627.44; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved to adopt **RESOLUTION NO. R-95-67**, authorizing appropriation of \$10,267.50 from the Combined Waterworks and Sewerage Service Fund for the 1995 Street Maintenance Program. Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Norris moved for APPROVAL OF LIQUOR LICENSE RENEWALS for Checkers Store, 6553 North Oak and IGA Super Center, 5945 North Antioch Road; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**REGULAR AGENDA**

**Item 6 on the Agenda.      Communications from the Audience.**

Mr. Harold Clevenger, 103 NE 57th Street, told the City Council that the sidewalk and curb constructed as part of the 57th Street improvement project now under construction ends right in the middle of his property leaving half of his property curbed and sidewalked and half not.

Mayor Newsom asked why we would engineer anything to stop like that.

The City Manager said this issue has been before the Capital Improvements Committee for three-four years and one of the problems with 57th Street is that when the original road was built by the developer forty plus years ago, they located the road completely to one side of the right of way. If you have a 40-50 ft. right of way normally you would center it right in the middle. In this instance on 57th Street and a couple of other streets, we found the developer put the street almost all to one side. So it gave the property owners on the opposite side the perception that they had larger front yards even though a significant part of it was right of way for road purposes. The Manager said he has not had a opportunity to talk with Mr. Clevenger and he has not been out to the site.

Mr. Clevenger said he is not talking about the property it takes he is talking about where it ends right in the middle of his property and from there on down there is going to be a 2' fill and the water is all going to run right there.

The Manager said at one point in time the City's plans were to do 57th Street all the way over to Walnut and do Grand as well. Mr. Clevenger said yes they were going to do all of it but part of the neighbors didn't want it. The Manager explained that when the neighbors didn't want it and with the approval of the Council and the Capital Improvement's Committee, we engineered and contracted construction of the First Phase with the properties where the City did have cooperation. We are looking at the potential of: condemnation of the other property so we can do the rest of the project in the future; and also the Capital Improvements Committee is hopeful that when people see this completed construction those other property owners will think it is a good idea and will want their street to look like this and then we will be able to finish it all the way.



Director LeClerq said the ideal situation is to start at a property line if it is a situation where we cannot do the entire block. We started this property where we did unfortunately midway across Mr. Clevenger's property primarily because it is the crest of the hill. The road slopes both to the east and the west at the point where they are beginning. It was also the best point to tie into the existing pavement by extending the road further to the west side of Mr. Clevenger's property. They would not have been able to tie the new profile grade into the existing pavement without creating a potential hump where you would go from the old to the new, so that is why they reluctantly started the project where they did.

City Manager Norris said it is his understanding that the City does not have the cooperation of the adjacent property owners.

Mr. LeClerq said the property owners to the west did sign their easement but it was at the same time we advertised on the projects and we were not in a position to change the plans at that point.

City Manager Norris said you have to have a transition because you are going from a totally different cross section width of street down to what was there. And you have to have room to phase that in and since Mr. Clevenger was cooperating that was where we made the transition. We can go look at it to determine whether through a change order the other property can be added on but you are still looking at a transition somewhere to narrow it back down.

The Mayor said she thought that one of the ideas behind going ahead at this time was not only to improve the street and the situation for the property owners on 57th Street but also that the people on N Grand would see what an improvement would do for their property. She is having trouble visualizing that right now with the descriptions she is getting.

Mr. Clevenger said he would like the Council to come out and look at it.

Mr. Reynolds said he has been on the street many times and he and Mr. Hammen have served as liaison on this through the Capital Improvements Committee. Public Hearings have been held and he thinks the City has done everything they can and he is sorry that this has occurred. Mr. Reynolds said the City will do everything they can but there was a lot of effort to do the best we could on that street but the City just could not get the property owners to cooperate.

The City Manager said the street we are putting in is 4' narrower than the street standards and we are only putting in sidewalk primarily on one side versus sidewalks on both sides. The Manager stressed that when you prepare a project for bid

you do it based on what properties you have in hand at that time and at that time we did not have the neighbor next to Mr. Clevenger so we cannot run a 26' street back to back, curb to curb into a 14'-15' street gutter to gutter without a transition.

Mr. Clevenger said he believes the lady on the North would sign an easement now if somebody would talk to her. The City Manager said he thinks the best solution to this would be for the City to go back out and talk to the neighbors and see if they like what they are seeing in terms of construction now. As far as the person who has now signed an easement if we can find a way to work it there is no reason the City cannot do a change order with the existing contractor.

Mr. Clevenger said he would like to see the construction all the way across his property if he can get it. He also told the City Council that the workmen on the project are good.

The Manager said this situation would be looked at this week.

Item 7 on the Agenda. Communications from the City Council.

Councilman George Nodler noted the damage from the weekend storm particularly in the eastern part of the city and said he understands the City has established a drop off point for people to bring their limbs and brush.

City Manager Norris said that was correct and limbs could be brought to the Public Works Building. A policy has evolved as far as handling storm damaged trees with basically three levels of response:

**Level 1** - is if it is a really minor storm. You may have a couple of limbs down in subdivisions across the city with no major tree uprooting and lets say it affects maybe 10-15% of the City. In this case, the City does not do anything except encourage the property owners to bundle the limbs and brush up and if they have a yard waste program leave them for their yard waste hauler.

**Level 2** - is if there is more substantial damage. Let's say you have a third or more of the City involved in it and there is significant damage as this storm was. This storm hit basically the eastern side of town. Although there was some damage north of 72nd Street it was not nearly as dramatic as the damage between our southern City limits and 72nd Street. The subdivisions of Meadowbrook North, Old Meadowbrook, the Woodlands, Brooktree Carriage Hills, some parts of North Haven Gardens and the area in between Antioch and Indiana got hit pretty hard. Uprooted trees, major limbs splitting up etc. In that situation we open up the Public Works yard for people to haul their downed limbs up there and we will then run them through the City chipper and make sure they are disposed of.

Level 3 - is like we experienced a year ago 4th of July where a major storm went through and hit basically the entire City and we had limbs down throughout the entire city. In that instance, crews drive each street picking up the debris that is left at the curb by the residents.

In all those instances if trees are down that are parkway trees and they fall into and across the street, from a Public Safety standpoint the City has an obligation to remove them out of the street. The City does that in all three of the levels.

City Manager Norris stressed that when all of us buy houses, as property owners we not only buy the house, the structure and the plumbing and wiring, etc. but we buy the yard and the things in the yard like the fence to maintain and trees to take care of. The trees are on private property, people pay money to put the trees in and they are theirs to maintain.

The Manager said most callers have appreciated the fact that the Public Works facility is open to accept the tree limbs and branches.

Councilman Norris asked the cost of the extended clean-up a year ago provided to homeowners. The Manager said the cost alone of the hauling of the debris because it took almost eight weeks for us to complete it was over \$30,000. When you add in the labor and benefits, you are looking at \$80,000 - \$100,000. We exhausted the majority of our snow and ice control budget just for tree removal that year.

The City Manager said our city and others have to make conscious decisions on when we become involved in private property maintenance decisions and trees on private property are just that - private property.

He said a decision has been made in the past that because all residents pay taxes in the City the only time the City should go to a full fledged door to door disaster relief aided issue is when it affects the majority of the City, so that people are getting equity in services.

The Manager said many people in Gladstone do subscribe to yard waste services because BFI no longer provides it as a free service; so it is not as difficult an issue as it used to be.

Councilman Nodler said we should publicize our policy and let residents know what they can expect and that way it would not cause so much confusion.

City Manager Norris said we had the same discussion today and agree that we need to get that information out through press releases and newsletters. The Manager asked the Council for a motion to approve what he has just recited as public policy if

they agree or it can be amended or changed. He also indicated it could be written up in a Policy format for adoption by Resolution and brought to the Council.

Mr. Reynolds said he agrees that if it is a matter of health and welfare that we need to take care of it regardless of where it is and how much it is; but this last storm did not do major damage city-wide.

There was Council consensus that a written policy be brought back for adoption by Resolution.

\* \* \*

Mayor Newsom complimented all who were involved in the Bar-B-Que and Blues Fest the past weekend. She was impressed with the attendance and organization and felt it was a nice family event for the City.

The Mayor also reminded of the upcoming Theatre In The Park performance the first full weekend of August.

Mayor Newsom also recognized three Scouts present in the audience and thanked them for attending tonight's meeting.

Item 8 on the Agenda. Communications from the City Manager.

a. MOTION: Authorizing the City Manager to participate in a county-wide assessment of the purchase of an 800 MHZ trunked radio system and analysis of potential of a cooperative regional dispatch center.

City Manager Norris explained that the City of Gladstone is the only city in Clay County that already has a 800 mhz radio system although it is not a trunked system. North Kansas City is looking at a trunked 800 mhz system as is the County and the City of Liberty. One of the things that was heavily pointed out during the 1993 flood was that Clay County municipalities cannot communicate with each other well via radio. We had instances where we were loaning officers to Riverside and there would be officers from several jurisdictions working in the same area but they could not talk to each other. In times of disaster and other situations, we believe it is of paramount importance that the officers from the various jurisdictions be able to communicate with each other.

This issue came up at the Area City Manager and Administrators meeting and all are approaching their respective Councils on the potential of sharing the costs of such a system. This makes sense and a regional dispatch has been shown to be a money saving across the county.

The Manager said for now he requests the Council's blessing to continue discussions. At this time the group wants to develop the scope of services for a consultant and how that fee will be charged across the other cities. When that is done he will be coming back to the Council with specific costs to the City and at that time the Council will have another opportunity to decide if we want to continue this project.

**MOTION.** Mr. Reynolds moved that we participate in the County-wide assessment of the radio system; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Agenda Additions.**

The Manager requested the addition of Liquor Licenses to the Agenda as follows:

**RENEWALS**

- . Tortilla Flats, 5716 North Antioch
- . Mike Lombardo's, 6970 North Broadway
- . Margarita's, 7012 North Oak
- . KC Northland Elks, 7010 North Cherry
- . Aardvark Liquor, 7507 North Oak
- . Phillip's 66, 7303 North Oak
- . Bubble's Wine & Spirits, 7407 North Oak

**NEW LICENSE APPROVAL (CHANGE IN OWNERSHIP OF EXISTING ESTABLISHMENT)**

- . Roithco, Inc. dba Papa Nicks 21-21 Restaurant  
Managing Officer: Edward N. Roith II

Mr. Norris moved to approve the listing; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Agenda Addition.**

**RESOLUTION NO. R-95-69**, authorizing the Mayor of the City of Gladstone to execute an Agreement with Robert E. Day and Amanda Jane Day relating to certain easements acquired by the City of Gladstone.

City Manager Norris explained that the City acquired easements through inverse condemnation procedure for N Englewood Road and since those easements were never formally entered into any judgement at that time, they need to be done now because the Day's are in the process of selling their property.

Councilman Norris moved to adopt the Resolution; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

City Manager also called attention to the updated Aerial Map of the City mounted on the wall which is an important tool for City departments in discussions with residents. Several months ago the Council approved a proposal for cartology and a variety of mapping services for the City and this is one of the first results of it. By the time that contract is done the City will be well on its way to having our own geographic information system where we can do a variety of things from an engineering standpoint.

Item 9. on the the Agenda. PUBLIC HEARING: On a request to rezone from CP-1 and CP-2 to CP-3, property at 6902 North Oak. Applicant/Owner: Joe E. Dittmer (File #918)

Mayor Newsom announced that although advertised, no hearing will be held due to Applicant's withdrawal of this rezoning request.

Item 10 on the Agenda. RESOLUTION NO. 95-68, Authorizing Mayor Anita Newsom to execute renewal of an "Employment Agreement" by and between the City of Gladstone, Missouri and Gladstone City Manager James H. Norris.

Mr. Reynolds moved to adopt Resolution 95-68; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11 on the Agenda. BUILDING PERMIT APPROVAL, for remodeling of existing 4,000 sq. ft. building and addition of exterior canopy at 5600 North Broadway. Applicant/owner: Bannister Bank & Trust. (BP# 95-019)

Mr. Norris moved to approve the Building Permit; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12 on the Agenda. BUILDING PERMIT APPROVAL, for construction of new 12,770 sq. ft. office building at 10 NW Englewood Road. (BP #95-015) Applicant: Bowden Contracting Co. Owner: Realty Executives

Mr. Hammen moved to approve this Building Permit subject to conditions of the Staff Report; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 13 on the Agenda. REQUEST FOR SIGN VARIANCE, to allow erection of monument sign at Southeast Corner of North Chestnut & Antioch Road. Applicant: Old Chicago Restaurant

Mr. Norris moved to approve the Sign Variance Request; Mr. Hammen seconded.

Discussion.

Director Wingerson said Staff would suggest a condition that the Applicant work with Staff closely to determine the boundary of M-1 right-of-way to ensure that they do not encroach into any permanent easements or actual right of way in locating the sign. The packet enclosure is very close to accurate and we received some information from the Highway and Transportation today which should help us nail down that sign very very close.

The Manager said when the packet went out on Friday, the Highway Department had not responded to our request to actually physically locate the right of way in that location.

The motionmaker agreed that Mr. Wingerson's suggestion should be incorporated in the motion for approval of the variance; the seconder agreed. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

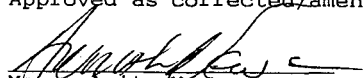
\* \* \*

There being no further business to come before the Regular July 24, 1995 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

**GLADSTONE, MISSOURI**  
**MONDAY, AUGUST 14, 1995**

**Regular Meeting: 7:30 PM**

**AGENDA**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular July 24, 1995 City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-70**, authorizing acceptance of work under contract with Kansas Communications, Inc. for the installation of the Executone Integrated Digital Telephone System with the Executone Infostar VX/2 voice processing system and authorizing final payment.  
Total Contract Amount/Final Payment Due: \$64,835.25  
(General Fund: \$45,384.68; Water Fund: \$19,450.57)

**RESOLUTION NO. R-95-71**, authorizing execution of a contract with Terri Enterprises for the North Euclid Sanitary Sewer Project.  
Contract Amount: \$29,250.50  
Fund: Combined Water & Sewer System Fund (Project #9319)

**RESOLUTION NO. R-95-72**, authorizing execution of Change Order No. 1 in the amount of \$60,988.69 for additional work under the Penniston Construction Company Contract for North Central Area water main replacement. (Project #9413B)  
Total Revised Contract Amount: \$541,327.74  
Fund: 1994 Water Bonds

**RESOLUTION NO. R-95-73**, adopting a "Tree Limb Removal Policy" to establish guidelines for the removal and disposal of tree limbs in the City of Gladstone which are damaged by severe weather.

**RESOLUTION NO. R-95-74**, authorizing the City Manager of the City of Gladstone to execute an Escrow Agreement with Helt Management Group, L.L.C. regarding the development of property located at the northwest corner of the intersection of NE 72nd Terrace and North Antioch Road, and accepting a Deed of Dedication from Helt Management in connection with said development.

**APPROVAL OF PARK FESTIVAL USE PERMIT** for the 16th Annual GladFest event, Friday, Saturday and Sunday, September 29 - October 1, 1995 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce.



**NEXT ORD. NO. 3.469**

**APPROVAL OF LIMITED 3-DAY BEER LICENSE** for 16th Annual GladFest event, September 29-October 1, 1995 in Gladstone Central Park.

Managing Officer: Mary Jo Baum, Gladstone Jaycees

Hours: Friday, 5:00 pm to 10:30 pm

Saturday, 10:00 am to 10:30 pm

Sunday, Noon to 5:00 pm

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL NO. 95-45**, an ordinance amending Chapter 25 of the City Code by repealing certain provisions of the Sign Code of the City of Gladstone, Missouri, declared Unconstitutional by the United States Court of Appeals-Eighth Circuit.
10. **FIRST READING BILL NO. 95-46**, an ordinance establishing a procedure to disclose potential Conflicts of Interest and Substantial Interests for certain Municipal Officials pursuant to the State of Missouri "Ethics Law".
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 14, 1995, 7:30 PM

Mayor Anita Newsom called the August 14, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: Councilman George Nodler

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. Approval of Regular July 24, 1995 City Council Meeting Minutes.

Councilman Reynolds moved to approve the Minutes as written; Mr. Norris seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Item 5 on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

CONSENT AGENDA DETAIL.

Mr. Hammen moved to adopt RESOLUTION NO. R-95-70, accepting work under contract with Kansas Communications, Inc. for installation of the Executone Telephone System with Infostar VX/2 voice processing system and authorizing final payment. Total Contract Amount/Final Payment Due: \$64,835.25 (General Fund: \$45,384.68; Water Fund: \$19,450.57); Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-71**, authorizing execution of a contract with Terri Enterprises for the North Euclid Sanitary Sewer Project. Contract Amount: \$29,250.50  
Fund: Combined Water & Sewer System Fund; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-72**, authorizing execution of Change Order No. 1 in the amount of \$60,988.69 for additional work under the Penniston Construction Company Contract for North Central Area water main replacement. (Project #9413B) Total Revised Contract Amount: \$541,327.74  
Fund: 1994 Water Bonds; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-73**, adopting a "Tree Limb Removal Policy" to establish guidelines for the removal and disposal of tree limbs in the City of Gladstone which are damaged by severe weather. Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-74**, authorizing the City Manager to execute an Escrow Agreement with Helt Management Group, L.L.C. regarding the development of property located at the northwest corner of the intersection of NE 72nd Terrace and North Antioch Road, and accepting a DEED of Dedication from Helt Management in connection with said development. Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mr. Hammen moved to adopt **APPROVAL OF PARK FESTIVAL USE PERMIT** for the 16th Annual GladFest event, Friday, Saturday and Sunday, September 29 - October 1, 1995 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce. Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Approval is subject to three conditions as follows:

- 1) Pets and animals will not be permitted on City park property during this event. The only exceptions to this condition are service animals, and pets involved in special activities associated with the event. Service animals and pets associated with the event will be under strict control at all times, by means of kennel or by approved leash. Animals associated with the event will be removed within a reasonable period of time after the conclusion of the event.

- 2) Electrical services will be arranged by the City of Gladstone. Specifications will be established and competitive price quotations will be requested. An electrical service provider will be selected based on price, quality of service, timeliness of service and materials and workmanship.

3) The City of Gladstone shall be designated as an additional insured on the Certificate of Insurance. The Chamber of Commerce will also execute a Hold Harmless Agreement against the City. Proof of Liability Insurance must be presented to the City of Gladstone.

Mr. Hammen moved for APPROVAL OF LIMITED 3-DAY BEER LICENSE for 16th Annual GladFest event, September 29-October 1, 1995 in Gladstone Central Park. Managing Officer: Mary Jo Baum, Gladstone Jaycees; Hours: Friday, 5:00 pm to 10:30 pm; Saturday, 10:00 am to 10:30 pm; Sunday, Noon to 5:00 pm.

Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

#### REGULAR AGENDA

##### Item 6. on the Agenda. Communications from the Audience.

None.

##### Item 7. on the Agenda. Communications from the City Council.

Councilman Hammen said recently we had discussed re-marking of the radius at 72nd and Broadway and that still needs to be done. The City Manager acknowledged Mr. Hammen's reminder.

Mayor Newsom commented that the Theatre in the Park performances were very successful this year and the crowds were exceptional.

The Mayor said she had been to an event recently and seen counter-sunk ring or bolts used for tent staking and suggested we may want to look at these for our use in the upcoming GladFest and next year's Barbecue. The City Manager said as far as the Barbecue, the layouts seem to change from year to year but we might look at these for the craft and commercial tents at GladFest.

Mayor Newsom also thanked the Staff for sending flowers to the funeral service for Dean Gromer's daughter. She expressed the City Council's sympathy to the entire Gromer family.

##### Item 8. on the Agenda. Communications from the City Manager.

City Manager Norris said there appears to be a conflict with the Monday, October 9th City Council Meeting and the Chief's Monday night home game, and he has been advised that a quorum of the City Council may not be present. Staff recommends moving that Council Meeting to TUESDAY, OCTOBER 10TH and providing advance notification now for scheduling of items to come before the City Council.

Secondly, in December we have typically held only one City Council Meeting and this year the second meeting of December would fall on Christmas Day; therefore, Staff recommends that only one City Council Meeting be held on MONDAY, December 18th with the understanding that a special meeting would be called if needed.

**MOTION:** Mr. Reynolds moved that the rescheduled City Council Meetings be set for TUESDAY, OCTOBER 10, 1995; AND MONDAY, DECEMBER 18, 1995. Councilman Norris seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Mayor Newsom asked the date of the Mayor's Christmas Tree; City Manager Norris said staff is looking at Sunday, November 26th which will fall after Thanksgiving.

**AGENDA ADDITIONS:** The City Manager requested addition of following Liquor Licenses; Renewal for Conoco, 5810 North Antioch Road; Pinky's, 316 NE 72nd Street (new owner/managing officer, Jack R. Henderson.)

Mr. Reynolds moved to approve the licenses; Mr. Norris seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

The City Manager also thanked the City Staff for their hard work during his recent vacation.

Item 9. on the Agenda. **FIRST READING BILL NO. 95-45**, an ordinance amending Chapter 25 of the City Code by repealing certain provisions of the Sign Code of the City of Gladstone, Missouri, declared Unconstitutional by the United States Court of Appeals-Eighth Circuit.

Councilman Norris moved to place Bill 95-45 on First Reading; Mr. Reynolds seconded.

Discussion.

Councilman Norris said after years of battling back and forth on this political sign issue, he will be voting in favor of the Bill although he will do so sadly.

The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. 4-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-45, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. 4-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.469; Mr. Reynolds seconded.

Discussion.

Mr. Reynolds said he agrees with the comments of his fellow Council and would also thank the Staff for their efforts. He believes in the system in the United States but we all wish the outcome had been different.

Mayor Newsom asked that the record show her appreciation to the Swanson Midgley firm and Rick Bien and Linda Salfrank for all their efforts and dedication in our behalf.

The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. (4-0)

Item 10. on the Agenda. FIRST READING BILL NO. 95-46, an ordinance establishing a procedure to disclose potential Conflicts of Interest and Substantial Interests for certain Municipal Officials pursuant to the State of Missouri "Ethics Law".

Mr. Hammen moved to place Bill 95-46 on First Reading; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. 4-0) The Clerk read the Bill.


Mr. Hammen moved to accept the First Reading of Bill 95-46, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. 4-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 95-46, and enact the Bill as ORDINANCE NO. 3.470; Mr. Reynolds seconded. The vote: All "aye" - Norris, Reynolds, Hammen, Mayor Newsom. 4-0)

\* \* \*

There being no further business to come before the Regular August 14, 1995 City Council Meeting, Mayor Newsom adjourned the meeting. Time: 7:45 P.M.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

M E M O R A N D U M

TO: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

FROM: City Clerk Marilyn Ahnefeld

DATE: August 14, 1995

SUBJECT: CONSIDERATION OF AGENDA ADDITION;  
LIQUOR LICENSE RENEWALS

Addition of Liquor License Renewals to the Monday, August 14, 1995  
City Council Meeting Agenda is requested for the listed  
establishments.

In both cases, Gladstone Public Safety has conducted their customary  
review which includes contacts with State of Missouri Liquor Control  
and find nothing that would preclude authorization for renewal.

RENEWAL

- . Conoco, 5810 NE Antioch Road

NEW LICENSE APPROVAL (CHANGE IN OWNERSHIP OF EXISTING  
ESTABLISHMENT)

- . Pinky's, 316 NE 72nd Street  
Managing Officer: Jack R. Henderson

GLADSTONE, MISSOURI

MONDAY, AUGUST 28, 1995

Closed Executive Session Immediately  
Following Close of Regular Meeting

Regular Meeting: 7:30 PM

A G E N D A

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular August 14, 1995 City Council Meeting Minutes.
5. CONSENT AGENDA

RESOLUTION NO. R-95-75, issuing a Massage Business Permit to Sarah Soptic, Massage Therapist, for a period of one year pursuant to Chapter 17.1 of the Gladstone City Code regulating massage.

RESOLUTION NO. R-95-76, authorizing execution of a contract with Stonebrooke, L.L.C. and Havens Construction Company, Inc. for installation of a water line and fire hydrants serving Stonebrooke First Plat. Contract Amount: (File #896)

RESOLUTION NO. R-95-77, authorizing acceptance of the proposal of Systems Development Corporation (SDC) for purchase of Development Permit Software. Net purchase amount: \$9,755.00 General Fund

RESOLUTION NO. R-95-78, authorizing acceptance of a proposal from Hutchinson Salt Company, for purchase of snow removal salt. Fund: General Fund

RESOLUTION NO. R-95-79, authorizing acceptance of a proposal from Broadway Ford, Kansas City, Missouri for the purchase of a 1996 Medium Duty Dump Truck. Net purchase amount: \$26,278.00. Fund: General Fund

RESOLUTION NO. R-95-80, authorizing acceptance of a proposal from H.H. Halferty and Sons of Smithville, MO for the purchase of One Hydrostatic Four Wheel Drive Skid Steer Loader and Pavement Planer. Net purchase amount: \$27,473.75. Fund: General Fund

RESOLUTION NO. R-95-81, authorizing the sale of surplus unused City-owned vehicles and equipment to the highest bidder by sealed bid.

RESOLUTION NO. R-95-82, authorizing the City Manager to execute the Master Answer Point 9-1-1 Sub-Agreement by and between the City of Gladstone, other various cities and counties in the Kansas City Metropolitan area, the state of Kansas, Fort Leavenworth, Mid-America Regional Council and Southwestern Bell Telephone Co.

RESOLUTION NO. R-95-83, authorizing the City Manager of the City of Gladstone to execute a Federal Aid-Urban Program Agreement with the Missouri Highway and Transportation Commission in connection with road improvements on NE 72nd Street from North Bellefontaine to east of North Antioch Road in the City of Gladstone.

RESOLUTION NO. R-95-84, authorizing the City Manager to accept the proposal from Hi-Gene's Janitorial Service, Inc. for the janitorial services at City Hall, the Animal Control Facility, and the Community Services Building, Gladstone, Missouri. Contract Amount: \$28,340.00 Fund: General & CWSS Funds



1

NDAY, AUGUST 28, 1995

Regular Meeting 7:30 PM

## AGENDA

## Leitender

223

0. R-95-75, authorizing execution of a contract with  
 1. and Havana Construction Company, Inc. for  
 2. of a water line and fire hydrants serving Aldaberrico  
 3. (Contract Agents) (File #896)

1. H-95-78, authorizing acceptance of a proposal from a company for purchase of and removal salt.

R-95-79, authorizing acceptance of a proposal from  
 Kansas City, Missouri for the purchase of a 1996  
 Jeep Truck  
 amount: \$26,270.00. Fund: General Fund

11-25-80, authorizing acceptance of a proposal from  
and Sons of Smithville, MO for the purchase of one  
for Wheel Drive Skid Steer Loader and movement  
purchase amount \$27,475.00. Fund: General Fund

10-26-81, authorizing the sale of surplus unused  
vehicles and equipment to the highest bidder by sealed

0-95-24, authorizing the City Manager to execute said Point-to-Point Sub-Agreement by and between the State, other parties to it and counties in the Kansas Indian Territory, and Fort Leavenworth, Kansas.

WILLIAM H. BROWN, Mayor  
JAMES M. KELLEY, Clerk

101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-109

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
  - a. Transportation Sales Tax
9. AUDIENCE NOTE: THE APPLICANT HAS WITHDRAWN THE FOLLOWING REQUEST AND WILL RE-SUBMIT AT A LATER DATE, THEREFORE, THE FOLLOWING PUBLIC HEARING SCHEDULED FOR TONIGHT HAS BEEN CANCELLED.

CANCELLED PUBLIC HEARING: On a request to rezone from R-1, Single Family District to CP-2, General Business District-Planned, property at 7120 N. Prospect. Applicant: Kaw Valley Engineering, Inc. Owners: Madalyn L. Westfall, Mary Ellen Westfall, Judith Lee Morgan, John William Westfall, Jr. (File #921)
10. AUDIENCE NOTE: THE APPLICANT HAS WITHDRAWN THE FOLLOWING REQUEST AND WILL RE-SUBMIT AT A LATER DATE, THEREFORE, THE FOLLOWING PUBLIC HEARING SCHEDULED FOR TONIGHT HAS BEEN CANCELLED.

CANCELLED PUBLIC HEARING: On a request to rezone from CP-O, Non-Retail District-Planned, to RP-2, Two Family District-Planned, Property at the northwest corner of NE 72nd Terrace and North Antioch Road. Applicant/Owner: Helt Mgt. Inc. (File #924)
11. PUBLIC HEARING: On setting the Annual Tax Levy for the 1995 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at .59/\$100.00 valuation.
- 11a. FIRST READING BILL NO. 95-47, fixing the Annual Rate of Levy for 1995 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.59/\$100 valuation.
12. PUBLIC HEARING: On a request to vacate right-of-way at the corner of NE 72nd Terrace and North Antioch Road. Applicant/owner: Havens Mgt. Inc. (File #923)
- 12a. FIRST READING BILL NO. 95-48, approving a request to vacate a certain portion of right-of-way at the corner of NE 72nd Terrace and North Antioch Road. Applicant/owner: Havens Mgt. Inc. (File #923)
- 12b. FIRST READING BILL NO. 95-49, approving the Final Plat of "Replat of Tract A, Meadowbrook Manor North", property at the northwest corner of NE 72nd Street and North Antioch Road. Applicant/owner: Havens Mgt. Inc. (File #923)
- 12c. RESOLUTION NO. R-95-85, authorizing the City Manager of the City of Gladstone to Execute a Land Development Agreement with Havens Management, Incorporated relating to the Development of Tract A, Meadowbrook Manor North in the City of Gladstone, Missouri. Applicant/owner: Havens Mgt. Inc. (File #923)
13. FIRST READING BILL NO. 95-50, approving the Final Plat of "Bannister Bank", property at 5600 North Broadway. Applicant/Owner: Bannister Bank & Trust (File #925)
14. Other Business.
15. Questions from the News Media.
16. Adjournment to Closed Executive Session.

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, AUGUST 28, 1995, 7:30 PM**

Mayor Anita Newsom called the August 28, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
Deputy City Clerk Sondra A. Kasserman

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. Approval of Regular August 14, 1995 City Council Meeting Minutes.

Councilman Reynolds moved to approve the Minutes as written; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 5 on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

CONSENT AGENDA DETAIL.

Councilman Hammen moved to adopt RESOLUTION NO. R-95-75, issuing a Massage Business Permit to Sarah Soptic, Massage Therapist, for a period of one year pursuant to Chapter 17.1 of the Gladstone City Code regulating massage; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-76**, authorizing execution of a contract with Stonebrooke, L.L.C. and Havens Construction Company, Inc. for installation of a water line and fire hydrants serving Stonebrooke First Plat at no expense to the City; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-77**, authorizing acceptance of the proposal of Systems Development Corporation (SDC) for purchase of Development Permit Software. Net purchase amount: \$9,755.00 General Fund; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-78**, authorizing acceptance of a proposal from Hutchinson Salt Company, for purchase of snow removal salt. Fund: General Fund; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-79**, authorizing acceptance of a proposal from Broadway Ford, Kansas City, Missouri for the purchase of a 1996 Medium Duty Dump Truck. Net purchase amount: \$26,278.00. Fund: General Fund; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-80**, authorizing acceptance of a proposal from H.H. Halferty and Sons of Smithville, MO for the purchase of One Hydrostatic Four Wheel Drive Skid Steer Loader and Pavement Planer. Net purchase amount: \$27,473.75. Fund: General Fund; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-81**, authorizing the sale of surplus unused City-owned vehicles and equipment to the highest bidder by sealed bid; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-82**, authorizing the City Manager to execute the Master Answer Point 9-1-1 Sub-Agreement by and between the City of Gladstone, other various cities and counties in the Kansas City Metropolitan area, the state of Kansas, Fort Leavenworth, Mid-America Regional Council and Southwestern Bell Telephone Company; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-83**, authorizing the City Manager of the City of Gladstone to execute a Federal Aid-Urban Program Agreement with the Missouri Highway and Transportation Commission in connection with road improvements on NE 72nd Street from North Bellefontaine to east of North Antioch Road in the City of Gladstone; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-95-84**, authorizing the City Manager to accept the proposal from Hi-Gene's Janitorial Service, Inc. for the janitorial services at City Hall, the Animal Control Facility, and the Community Services Building, Gladstone, Missouri. Contract Amount: \$28,340.00 Fund: General & CWSS Funds; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda. Communications from the Audience.**

Mr. Lee Laramore, 5 NW 64th Street, thanked the Council for honoring him with receiving the Missouri Municipal League Certificate of Appreciation for Outstanding Leadership Award in the City of Gladstone on July 20, 1995. He stated he did not know why he had got this award but he did appreciate it. He thanked everyone for voting for this award for him. Thank you very much.

Mayor Newsom thanked Mr. Laramore for all he does for the City.

Councilman Norris noted that Mr. Laramore just showed why he received this award.

Mr. Cecil Willans, 9 NW Englewood Court, thanked the City Council and City staff for getting his street done. It was started today. Thank you.

##### **Item 7. on the Agenda, Communications from the City Council.**

None.

##### **Item 8. on the Agenda. Communications from the City Manager.**

##### **Item 8a. on the Agenda. Transportation Sales Tax**

City Manager Norris noted that at the second Council Meeting in July, staff presented to the Council, during the Study Session, an overview of potential funding options that the City had for

road improvements. As the Council is aware, right now the City is on a thirty-four to thirty-five year pavement cycle in terms of when the City will work on the pavement in front of a residents house. As it stands now, an overlay will happen once in every thirty-four to thirty-five years. At the July meeting, as a result of looking at that report, the Council chose for further research the option of a Transportation Sales Tax and Council asked that staff talk to area businesses about 1. If the City Council would choose to place this item on the ballot and it would pass whether or not those businesses felt their business would suffer as the result of an additional 1/2 cent sales tax and 2., On some of the new businesses whether or not sales tax or an additional sales tax would have changed and/or affected their decision to locate within the City.

City Manager Norris stated that he has met with numerous businesses since that Council Meeting and he is pleased to say that all of his contacts have been positive. Both with large and small businesses. For those businesses that have recently relocated, he has talked to the real estate companies that handled their search for their parcels, and individuals there stated that sales tax wasn't even an issue for them. The only time sales tax would become an issue was if it was extraordinarily higher than surrounding jurisdictions. They said that what attracted their business specifically to Gladstone was our market area and the market area that their particular businesses would have and the disposable income that on average our residents have. Frankly, it was the make-up and composition of our community that attracted them, the fact that we have no earnings tax and the fact that our property tax was extremely low. As of this date, he has yet to have a business person or anybody in the public who has read about that issue indicate anything short of support of it when they understood what the City intended to do, with the money and that is to resurface a million dollars worth of roads every year and upgrade three hundred thousand dollars worth of roads every year from this point forward.

If the Council, after receiving this report, would like to see the Transportation Sales Tax issue placed on the ballot, the appropriate action of the Council would be to direct the City Manager and the City Counselor to draft the ordinance which would place this issue on the November ballot. That Ordinance would have to be placed on the September 11, 1995 City Council Agenda, passed that night and delivered to the Election Board on Tuesday, September 12, 1995 as the deadline for the November election is Tuesday, September 12, 1995. City Manager Norris stated he would be happy to respond to any questions about the tax, what the proposed plan is and any of his contacts as the Council would like to hear about it at this time.

Councilman Norris stated that he appreciated City Manager Norris' report. He noted there was also reference made in the report to Council about talking to a couple of the larger businesses in town, the retail people, and he thought it was interesting that they don't even look at sales tax as an issue at all. It's just merely a pass through expense.

City Manager Norris stated that it is part of doing business in any community in the country and it is a pass through expense. When a business looks at their operating costs they look at their building costs and property tax, and property tax is a building cost. They look at utility taxes because utility taxes are assessed based upon the usage of that particular utility at that site. They don't look at sales tax as being an operating cost for them. It is a consumption tax. It is passed along to the customer.

Councilman Norris noted that when he was elected four and a half years ago the Council went to work right away on a street bond initiative to see what they could do with Gladstone's streets. He noted the Council found it needs an income that is consistent and long term rather than one that is short term. The Council did a lot of neat things with that money and have done a lot of good upgrades on the roads, and by upgrades he doesn't mean just a resurface, he means a total take-it-to-the-dirt and let's rebuild it. There was some resurfacing done on the City's main thoroughfares. We need to have a consistent and a long term commitment to the roads here in Gladstone. He has not talked to businesses but he has talked to a lot of people. Surprisingly he has found no negatives. When they have seen what the City has been able to do with 72nd Street, with North Oak, when they have lived here long enough to see that this Council, and the ones hopefully to come, will do with the money as they say they will, he, as this Council, would like to see this issue on the ballot in November. He would like to see it on their next agenda as that would give the Council two weeks to study it, search their souls, look at the wording of the proposed issue and go for it. He thinks they ought to go for it!

Councilman Reynolds stated that like Councilman Norris he has talked to several people in the community since this issue was first brought up and similarly he has not talked to anyone who has had anything negative to say about it. He noted that Gladstone has a lot of roads that have a bad structure underneath it so that if we do go in and pave them then the lifetime of that road is so minimum to what it would be if it was reconstructed. There are a lot of streets in Gladstone that need to be replaced even though on the surface they may not look that bad, they are not going to be able to take the

wear and tear that they would if they had a good sub-surface and a good reconstruction. That is something the residents need to know about.

Councilman Hammen asked City Manager Norris if he had gotten any feedback from the folks he had talked too on a sales tax versus a property tax?

City Manager Norris answered absolutely. They said that by far they would prefer a sales tax over a property tax. As a matter of fact, of the larger businesses that he talked too, who have done significant studies on their market areas and who their consumers are, they went as far as to say that they could vouch based upon the demographics on their market area that the people that shop at their stores which are Gladstone residents would be more apt to be in support of a sales tax over a property tax. He found no person at this point who thought a property tax was a better solution than a sales tax. Part of that is understanding what the issue is. In some instances he had to say, here are your choices. For a half cent sales tax you can generate 1.1 million dollars a year and we know that we need over a million dollars a year to get on a fourteen year overlay cycle in the City. To do the same thing through a property tax we have to raise the property tax fifty-five cents. Our current property tax rate is only fifty-nine cents. So we are telling them we are almost looking at a 100% increase in their property taxes versus a half cent sales tax and when most people understand fully that sales tax is paid by people who purchase, and there are a lot of people who purchase goods in Gladstone that live outside of our City and those same people use our roads, they understood. The business people knew and understood that better than anybody he talked too. They understood that their consumers were not just Gladstone and the sales tax generated would be generated by people from outside the City as well as residents and all those people do use our roads.

Councilman Nodler stated that Gladstone has always been a leader in the metropolitan area and he would like to see us go ahead with this. He thinks that a fifteen year replacement schedule would put us up close to the national average.

City Manager Norris stated that the industry standard for asphalt life is twelve to fifteen years. A lot of that depends on predominately on what type of maintenance you are able to do during that life cycle of the pavement. That is why during the Goal Setting this year the Council and staff stressed intermediate maintenance; the crack sealing, the slurry sealing, the micro sealing, and full depth patching if necessary, then you can extend the life of the pavement to that



fifteen year outer boundary. The goal has been to come to at least a fifteen year cycle if not better and what staff is proposing to Council is a funding source that would put you on a fourteen year cycle at this point in time.

Mayor Newsom stated that she concurs with her brethren on the Council that as discussed at the Goal Setting session our roads are our number one concern right now. Having the right kind of infrastructure and transportation system within our City is the compliment we need to keep up with the quality of residences and businesses that we have here in Gladstone. She thinks it is definitely something that we need to move forward with. The Council can decide to put it on the ballot but the voters are the ones who have to make the decision to make the commitment. It is not something that the Council can make on their own and it is up to the voters to make the decision. Once they have been presented the facts she feels the citizens of Gladstone will make an educated choice. Do you need a motion?

City Manager Norris stated he would request a motion directing the City Manager and City Counselor to draft the ordinance to place this issue on the November ballot. The staff's understanding and review is that the language is very specific, it is called straight out in the Transportation Sales Tax Statute about the ballot question and how it has to read.

#### MOTION

Councilman Norris made a motion directing the City Manager and City Counselor to draft an Ordinance to place the Transportation Sales Tax issue on the November 1995 ballot; Mr. Nodler seconded.

#### Discussion.

Councilman Norris noted that since reporter Alan Mills was present that if he pushed one thing more than anything it is that everybody that drives through Gladstone and that purchases in Gladstone needs to pay the toll. For the City to go solely on a property tax would mean that the people who live here pay for it all when clearly if you stand over on North Oak you'll see that three times the amount of cars that are suppose to be in Gladstone as residents travel up and down that one single road in this town everyday. So people that stop here and shop here should help to keep the roads as they ought to be and the way we have seen that they can be the last three years during our last cycle.

City Manager Norris noted that the other positive point that Councilman Norris hit on the first time he spoke about this issue is that a sales tax is the type of revenue source that is elastic to inflation, as inflation goes up, prices go up, sales tax increases; so as asphalt prices go up sales tax should increase to keep pace with it. We are not looking at a short term, stop gap solution, we are looking for what can be perceived as a permanent solution to the overlay needs of the City.

Councilman Hammen noted that if memory serves him correct, from some research the City Manager did, even with the addition of this half cent sales tax Gladstone's total sales tax would not be any greater than some of the municipalities around us, is that correct?

City Manager Norris answered that Gladstone's sales tax would go to 6.975%. Excelsior Springs is at that same rate. Many of the Johnson County communities are at 6.75%. Kansas City is at 6.475% in some places, but because of their new entertainment tax as part of the Cleaver plan, hotels, motels and restaurants are 8.22%. Gladstone will not be extraordinarily higher than anybody else and will be slightly more than some that are directly surrounding us, but what we have to encourage people to look at is their total tax picture. You can look at Kansas City with a \$1.38 property tax and a 6.475% sales tax and Gladstone with a \$.59 cent property tax and a then 6.975% sales tax and look at how the money is spent and he would venture to guess that our residents would be very satisfied with that revenue mix. Liberty is at 6.475% with a \$1.17 property tax. Almost double our property tax. He thinks we are giving the residents a choice to make between property tax and sales tax, but if you look at it solely as one revenue source your not getting the total picture. You need to look at both the property tax picture and the sales tax picture combined to see how effective the City has been in the utilization of its resources.

Councilman Hammen asked, so in the big picture we are still very competitive?

City Manager Norris responded, extremely.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

City Manager Norris reminded everyone that Monday, September 4th is Labor Day and Gladstone City Hall will be closed as well as most other places.

Item 9. on the Agenda. PUBLIC HEARING: On a request to rezone from R-1, Single Family District to CP-2, General Business District-Planned, property at 7120 N. Prospect. Applicant: Kaw Valley Engineering, Inc. Owners: Madalyn L. Westfall, Mary Ellen Westfall, Judith Lee Morgan, John William Westfall, Jr. (File #921)

Mayor Newsom announced that although advertised, no hearing will be held due to Applicant's withdrawal of this rezoning request.

Item 10. on the Agenda. PUBLIC HEARING: On a request to rezone from CP-O, Non-Retail District-Planned, to RP-2, Two Family District-Planned, Property at the northwest corner of NE 72nd Terrace and North Antioch Road. Applicant/Owner: Helt Mgt. Inc. (File #924)

Mayor Newsom announced that although advertised, no hearing will be held due to Applicant's withdrawal of this rezoning request.

Item 11. on the Agenda. PUBLIC HEARING on setting the Annual Tax Levy for the 1995 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at .59/\$100.00 valuation.

Mayor Newsom opened the Public Hearing and explained the process that the Applicant and those in favor of the request are invited to speak followed by those opposed.

#### STAFF PRESENTATION

City Manager Norris that this year is very positive news, based upon the evaluations that have been provided to the City by the County Assessor's Office, we feel very comfortable that the City can live within the rate from the previous year which is 59 cents and so our recommendation is to leave things status quo and go with the rate of 59 cents for next year.

There were no further comments, whereupon Mayor Newsom closed the Public Hearing.

Item 11a. on the Agenda. FIRST READING BILL NO. 95-47, fixing the Annual Rate of Levy for 1995 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.59/\$100 valuation.

Councilman Norris moved to place Bill 95-47 on First Reading; Mr. Reynolds seconded.

Discussion.

Councilman Norris stated he thought it was absolutely wonderful that Gladstone can keep their property rate at \$.59 cents, the same as it was last year, so that there is no property tax increase. He asked City Manager Norris, for each penny raised how much money is brought into the City directly from our residents?

City Manager Norris answered, approximately twenty-one thousand dollars.

Councilman Norris noted that for each penny the City only gets twenty-one thousand dollars, and that is why when the City Manager was talking a few minutes ago he stated a fifty-five cent increase would get the City the million dollars needed. It is easy, with a little math computation, to see that property tax is a terrible way to go when looking to solely raise revenue above a set figure.

City Manager Norris stated he would agree with that, especially as solely the way to go when looking at who the utilizers of the services are. In this case we are looking at people who drive our roads all the time which aren't Gladstone residents. If it was a service that was to be 100% consumed by the residents of the City, and again as long as they have the opportunity to deal with it on the ballot, then there are instances when property tax might be the better solution. If the utilizers of the service aren't solely Gladstone residents or businesses, then property tax is not the best option.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-47; Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-47 an enact the Bill as ORDINANCE NO. 3.471; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 12. on the Agenda. PUBLIC HEARING On a request to vacate right-of-way at the corner of NE 72nd Terrace and North Antioch Road. Applicant/owner: Havens Mgt. Inc. (File #923)

Mayor Newsom opened the Public Hearing and explained the process that the Applicant and those in favor of the request are invited to speak followed by those opposed.

**STAFF PRESENTATION**

Scott Wingerson, Director of Planning and Development, noted the next four items on tonight's agenda concern the development of an eight duplex subdivision at the corner of North Antioch Road and 72nd Street. The first of those four items is the vacation of a portion of the North Antioch Road right-of-way. It is a small piece of the North Antioch Road right-of-way at the southwest corner of 72nd Terrace and Antioch Road. It is 10'x40' and the applicant is requesting that that section be vacated. The reason for it is that Mr. Havens requires a little bit of additional land in order to meet the required setbacks on that particular corner lot which the Council has on a plat in front of them. If the final plat is approved, immediately all easements that are existing and new required easements for the development will be re-recorded with the final plat. In other words, the land will not be under the City of Gladstone ownership, but the City will have all the easements to place any current utilities, proposed utilities or future utilities as well as perform the improvements to North Antioch Road in association with the improvements on 72nd Street. Mr. Wingerson noted that Mr. Havens is present if the Council has questions of him.

There were no further comments, whereupon Mayor Newsom closed the Public Hearing.

Item 12a. on the Agenda. FIRST READING BILL NO. 95-48,  
approving a request to vacate a certain portion of right-of-way  
at the corner of NE 72nd Terrace and North Antioch Road.  
Applicant/owner: Havens Mgt. Inc. (File #923)

Councilman Reynolds moved to place Bill 95-48 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the First Reading of Bill 95-48; Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded.

Discussion.

Mayor Newsom asked if vacating this easement is detrimental to any future road projects that may come forward?

City Manager Norris answered that as a matter of fact this is entirely in accordance with the preliminary plat and the improved site plan when the property is rezoned RP-2. The City already knows the depth and width of the 72nd Street improvement which includes the Antioch intersection which will touch this parcel and that is why we are able to do this.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the Second and Final Reading of Bill 95-48 an enact the Bill as ORDINANCE NO. 3.472; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 12b. on the Agenda. FIRST READING BILL NO. 95-49, approving the Final Plat of "Replat of Tract A, Meadowbrook Manor North", property at the northwest corner of NE 72nd Street and North Antioch Road. Applicant/owner: Havens Mgt. Inc. (File #923)

Councilman Norris moved to place Bill 95-49 on First Reading; Mr. Hammen seconded.

Discussion.

City Manager Norris noted that this is also in conformance with the preliminary plat and the approved rezoning. It should be noted that this action also dedicates to the City the necessary right-of-way along 72nd Street for the 72nd Street project to proceed in that area. In other words, the developer is dedicating to the City land which he formally owned through the 72nd Street project.

Mayor Newsom asked, so we are making a trade good for the both of us?

City Manager Norris stated, in the long run. As part of the site plan that was approved as part of this original development.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-49; Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-49 an enact the Bill as ORDINANCE NO. 3.473; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 12c. on the Agenda. RESOLUTION NO. R-95-85, \_\_authorizing the City Manager of the City of Gladstone to Execute a Land Development Agreement with Havens Management, Incorporated relating to the Development of Tract A, Meadowbrook Manor North in the City of Gladstone, Missouri. Applicant/owner: Havens Mgt. Inc. (File #923)

Councilman Nodler moved to adopt RESOLUTION NO. R-95-85, \_\_Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 13. on the Agenda. FIRST READING BILL NO. 95-50, approving the Final Plat of "Bannister Bank", property at 5600 North Broadway. Applicant/Owner: Bannister Bank & Trust (File #925)

Councilman Reynolds moved to place Bill 95-50 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the First Reading of Bill 95-50; Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded.

Discussion.

Councilman Norris stated that it should be noted for the record that this was an unanimous vote of the Planning Commission to approve.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Reynolds moved to accept the Second and Final Reading of Bill 95-50 an enact the Bill as ORDINANCE NO. 3.474; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 14. on the Agenda. Other Business.

AGENDA ADDITIONS: The City Manager requested addition of a proposed Sign Variance for Marcus Allen's Sales and Finance Center.

City Manager Norris noted that this would be taking the place of the former Liberty Auto Sales at Englewood and North Oak. They have requested a sign variance from the City. Under the memorandum the Councilmembers received from himself, there is a memorandum from Director Wingerson on the requested variance. In essence they are requesting to go from a 282 square foot wall sign on the south elevation, to a sign 312 square foot in size. This requested variance is very much like the variances that have been granted for Wal-Mart, Hy-Vee, Checkers and others which have large substantial buildings along arterial streets. Obviously it is a large building at that location. Conditions that staff would place on the variance are:

1. That no temporary signage be used in conjunction with this property and that no streamers or banner be utilized in the vehicle lot except in conjunction with an approved Special Event Permit.
2. That window signage be limited to 5% of the available window area at all times.

Mayor Newsom asked if that includes painting on the windows.

City Manager Norris stated it does.

3. That no banners or streamers be used on any vehicle at any time.
4. That required easements as shown on the attached Streetscape plans be granted at the time of implementation of the streetscape project.

City Manager Norris noted these items have been discussed with the members of Mr. Allen's Auto and Finance Center and they have concurred with them. There are representatives from both the sign company and Mr. Allen's business here this evening which can discuss the variance further if the Council desires. Staff does recommend approval of the variance with those conditions.

Councilman Norris asked to see the hand of the person that works from Marcus Allen. (Hand was raised.) You have read these four items and have no problem with them? (Answered: No problem at all.)

Councilman Reynolds asked, a couple of these conditions are similar to the ones that were on there before?

City Manager Norris responded, two are similar and one is a reaction to a concern that Council had about window painting.



Councilman Norris moved to approve the Sign Variance with the conditions listed; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

City Manager Norris stated that on behalf of the staff and Council they welcomed Mr. Allen and his staff to Gladstone.


Item 15. on the Agenda. Questions from the News Media.

None.

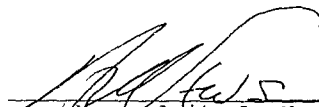
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There being no further business to come before the Regular August 28, 1995 City Council Meeting Mayor Newsom closed the meeting and Councilman Reynolds moved to adjourn to Closed Executive Session in the City Manager's office; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) Time: 8:10 pm

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

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

  
Mayor Anita L. Newsom

GLADSTONE, MISSOURI

MONDAY, SEPTEMBER 11, 1995

Closed Executive Session Immediately  
Following Close of Regular Meeting

Regular Meeting: 7:30 PM

A G E N D A

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.

3a. PRESENTATION OF CITY ADVISORY COMMITTEE SERVICE AWARDS:

DAVID ALLEN BUCK, Parks & Recreation Advisory Committee  
February 1993 - September 1995

TRACY HAYLES, Parks & Recreation Advisory Committee  
February 1993 - June 1995

WALT VAN ASSELT, Planning Commission  
January 1994 - July 1995

4. Approval of Regular August 28, 1995 City Council Meeting Minutes.
5. CONSENT AGENDA

RESOLUTION NO. R-95-86, amending certain sections of the "CITY OF GLADSTONE PERSONNEL MANUAL" to incorporate a "Sexual Harassment Policy" within such manual; and to adopt revisions to the section addressing "Unwanted Conduct".

RESOLUTION NO. R-95-87, authorizing execution of a contract with BES Company Inc. Consulting Engineers, for design and construction management services for modifications to the chlorine room at the Gladstone Water Treatment Plant.  
Contract Amount: \$16,555.00  
Fund: Combined Water and Sanitary Sewer Fund

RESOLUTION NO. R-95-88, authorizing execution of a contract with Public Sector Personnel Consultants in the amount of \$25,750.00 for a comprehensive Pay Classification Study.  
Total Contract Amount: \$25,750.00; General Fund

APPROVAL OF FINANCIAL REPORTS FOR THE MONTHS OF JUNE, 1995  
AND JULY 1995.

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. FIRST READING BILL NO. 95-51, accepting a Temporary Construction Easement and a Standard Easement from North Kansas City School District #74 required for water main replacement at Antioch Middle School. (Project 9413)
10. FIRST READING BILL NO. 95-52, imposing a City Sales Tax at a rate of one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Gladstone, Missouri for transportation purposes, subject to the approval by voters of the City at a Special Election to be held on Tuesday, November 7, 1995; calling an Election for such purpose; designating the form of the ballot; and directing the City Clerk to provide such notice of said election.
11. Other Business.
12. Questions from the News Media.
13. Adjournment to Closed Executive Session.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, SEPTEMBER 11, 1995 7:30 PM

Mayor Anita Newsom called the Regular September 11, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

Acting City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: City Manager James Norris

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

#### Item 3a. on the Agenda. PRESENTATION OF CITY ADVISORY COMMITTEE SERVICE AWARDS.

Mayor Newsom presented appreciation plaques on behalf of the City Council to the following outgoing City Board and Commission members and told the recipients that the members of our Boards and Commissions are part of what makes our City function as well as it does. The advice they give is taken to heart at all times by the City Council and she stressed that there is no way that the five members of the City Council could get the input they need from the community without the assistance of these active groups.

DAVID ALLEN BUCK, Student Member of the Gladstone  
Parks & Recreation Advisory Committee  
February 1993 - September 1995

TRACY HAYLES, Student Member of the Gladstone Parks &  
Recreation Advisory Committee  
February 1993 - June 1995

WALT VAN ASSELT, Gladstone Planning Commissioner  
January 1994 - July 1995

Item 4. on the Agenda. Approval of Regular August 28, 1995 City Council Meeting Minutes. Councilman Reynolds moved to approve the minutes as written; Councilman Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Mr. Reynolds moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

CONSENT AGENDA DETAIL.

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-86, amending certain sections of the "CITY OF GLADSTONE PERSONNEL MANUAL" to incorporate a "Sexual Harassment Policy" within such manual; and to adopt revisions to the section addressing "Unwanted Conduct"; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-87, authorizing execution of a contract with BES Company Inc. Consulting Engineers, for design and construction management services for modifications to the chlorine room at the Gladstone Water Treatment Plant. Contract Amount: \$16,555.00; Fund: Combined Water and Sanitary Sewer. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Reynolds moved to adopt RESOLUTION NO. R-95-88, authorizing execution of a contract with Public Sector Personnel Consultants in the amount of \$25,750.00 for a comprehensive Pay Classification Study. Total Contract Amount: \$25,750.00; General Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Reynolds moved for APPROVAL OF FINANCIAL REPORTS FOR THE MONTHS OF JUNE, 1995 AND JULY 1995. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. Communications from the Audience.

None.

Item 7. on the Agenda. Communications from the City Council.

Mayor Anita Newsom reminded of the 2nd Annual Northland Elks Club Spaghetti Dinner Fundraiser benefitting the Gladstone Amphitheater on Friday September 22. The Mayor said she is looking for individuals who will contribute a cake for the dessert and invited the cake bakers among us to contact her.

The Mayor also noted that volunteers are still needed for GladFest.

Item 8. on the Agenda. Communications from the City Manager.

Acting City Manager Dianna Wright announced that GladFest is the weekend of September 29-30 and October 1st and that a press release will be sent announcing that City Hall will be closed at noon on Friday the 29th due to the activities surrounding Central Park.

Ms. Wright also referred the City Council to a request for addition to tonight's agenda at their places; (RESOLUTION R95-89, issuing a Massage Therapist Business Permit to Barbara M. Kreisel, for one year pursuant to Chapter 17.1 of the Gladstone City Code for employment at The Andrew Concept, 57th Terrace & Antioch Road).

Mr. Reynolds moved to approve Resolution 95-89; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Councilman Hammen inquired about City Manager James Norris' health following his recent minor surgery; Ms. Wright said a speedy recovery is expected and at this time he is recovering nicely but not getting around quite as well as he would like.

Item 9. on the Agenda. FIRST READING BILL NO. 95-51, accepting a Temporary Construction Easement and a Standard Easement from North Kansas City School District #74 required for water main replacement at Antioch Middle School. (Project 9413)

Mr. Norris moved to place Bill 95-51 on First Reading; Mr. Hammen seconded. The vote: "aye" - Nodler, Norris, Reynolds, Hammen. Mayor Newsom "abstained" as the North Kansas City School District is her employer. (4-0-1) The Clerk read the bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. Mayor Newsom advised she will vote in favor of the bill to allow advancement for final reading and enactment. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of the Bill and enact it as Ordinance No. 3.475; Mr. Hammen seconded. The vote: "aye" - Nodler, Norris, Reynolds, Hammen. Mayor Newsom abstained. (4-0-1)

Item 10. on the Agenda. FIRST READING BILL NO. 95-52, imposing a City Sales Tax at a rate of one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Gladstone, Missouri for transportation purposes, subject to the approval by voters of the City at a Special Election to be held on Tuesday, November 7, 1995; calling an Election for such purpose; designating the form of the ballot; and directing the City Clerk to provide such notice of said election.

Mr. Norris moved to place Bill No 95-52 on First Reading; Mr. Nodler seconded.

Discussion.

Councilman Norris said he would encourage residents to drive around Gladstone neighborhoods and look at the streets because there are some that we have not touched for years and years. The street in front of his home was last done when he was in 7th grade - so it has been along time. We need to get on a schedule that is somewhere between 10-15 years; rather than 30-35 years to replace our streets. One of the positives of doing it as a sales tax is that the revenue is generated not only from those who live and shop here; but also from non-residents who shop in Gladstone.

Councilman Norris said it should be stressed that proceeds from a Transportation Sales Tax can be spent only for transportation purposes. There needs to be a revenue source that is continuous, that does not go away, but grows with us -- and sales tax dollars do just that. As businesses do better, their income goes up - so as we grow it will grow. A Transportation Sales Tax should be a permanent solution.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-52; Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-52 and enact the Bill as ORDINANCE NO. 3.476; Mr. Nodler seconded.

Discussion.

Mr. Reynolds said he made a purchase in Gladstone this evening with .40 cents in sales tax. The transportation sales tax would mean another .03 on that purchase.

Mayor Newsom said she drives outside of Gladstone to go to work and the lack of maintenance on some of those streets has caused her problems with her tires, alignment, etc. She had repairs recently because of the conditions of the streets. You don't

have these costs in the long run when you have good streets.

The Mayor said that good roads and good streets will be beneficial not only to those who drive on them but also to merchants who should have good streets in front of their business.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 11. on the Agenda. Other Business.

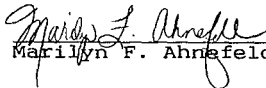
The Mayor told the City Council that a Committee of interested and involved residents to support this Sales Tax Question should be formed as quickly as possible.



The Mayor announced there is no need for the closed executive session listed on the agenda.

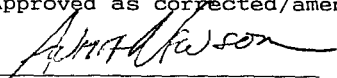
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There being no further business to come before the Regular September 11, 1995, 1995 City Council Meeting, Mayor Newsom adjourned the meeting. Time: 7:50 P.M.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted:   
Approved as corrected/amended: 

  
Mayor Anita Newsom



GLADSTONE, MISSOURI

MONDAY, SEPTEMBER 25, 1995

Closed Executive Session immediately following  
the Close of the Regular Meeting

Regular Meeting: 7:30 PM

A G E N D A

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** designating the week of October 15th as "PILOT INTERNATIONAL WEEK" in the City of Gladstone. Sponsor: Northland Pilot Club
- 3b. **PROCLAMATION:** honoring Reverend Loyd Gentry, on the occasion of his 20th Anniversary as Pastor of Fairview Christian Church.
4. **Approval of Regular September 11, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-90**, amending the 1995-96 Annual General Fund and Combined Waterworks & Sewerage System Fund Budgets for the City of Gladstone and authorizing expenditure of funds. Total additional appropriations: \$316,615.00

**RESOLUTION NO. R-95-91**, authorizing Change Order No. 2 in the amount of \$28,873.16 to the N. Cherry Street Reconstruction Project. Total Revised Contract Amount: \$299,798.44  
Fund: Capital Improvement Sales Tax Fund

**RESOLUTION NO. R-95-92**, accepting a bid from Broadway Ford for the purchase of a 1996 F-Series Half Ton 2-Wheel Drive Pick-up Truck. Net Purchase Amount: \$9,993.00 (Includes trade-in of 1991 Chevrolet Caprice) Fund: General Fund

**RESOLUTION NO. R-95-93**, authorizing renewal of a Sign Location Lease with WHITECO Outdoor Advertising for billboard signage on City-owned property in the area of the Gladstone Water Treatment Plant.

**RESOLUTION NO. R-95-94**, accepting the bid of Foster Coach Sales, Inc. for the purchase of one (1) 1995 Ford MedTec Type III Ambulance. Net Purchase Amount: \$66,468 (Includes trade-in of 1990 Type III Ambulance) Fund: General Fund

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
  - a. **Appointment of Park & Recreation Advisory Committee Student Members.**
    - . KYLE BRYANT - VOTING MEMBER  
Junior, Winnetonka High School
    - . JAIMIE NETHERTON - NON-VOTING MEMBER  
Freshman, North Kansas City High School
8. Communications from the City Manager.
9. **APPROVAL OF EXTERIOR BUILDING PERMIT** for construction of new Shoney's Restaurant entrance at 6303 North Antioch Road.  
Applicant/Owner: Shoney's Inc. (File #95-022)
10. **PUBLIC HEARING**, on a request to rezone from CP-2 (General Business District-Planned) to CP-3, (Commercial District-Planned) property at 77 NE 72nd Street. (File #928)  
Applicant: John T. Walker      Owner: Gibson Enterprises
- 10a. **FIRST READING BILL 95-53**, rezoning property at 77 NE 72nd Street from CP-2 (General Business District) to CP-3 (Commercial District Planned). (File #928)  
Applicant: John T. Walker      Owner: Gibson Enterprises
- NOTE: LEGAL PROTEST PETITION**
- 10b. **FIRST READING BILL 95-54**, approving a Site Plan in conjunction with a rezoning for property at 77 NE 72nd Street subject to certain conditions. (File #928)  
Applicant: John T. Walker      Owner: Gibson Enterprises
11. **FIRST READING BILL 95-55**, approving the Final Plat of "STONEBROOKE 2ND PLAT", 72nd & North Antioch Road.  
Applicant/owner: Stonebrooke LLC (File #927)
12. Other Business.
13. Questions from the News Media.
14. Adjournment to Closed Executive Session.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, SEPTEMBER 25, 1995 7:30 PM**

Mayor Anita Newsom called the Regular September 25, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
Deputy City Clerk Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 3a. on the Agenda. PROCLAMATION**

Mayor Newsom read a proclamation designating the week of October 15th as October 15th as "PILOT INTERNATIONAL WEEK" in the City of Gladstone and she presented the proclamation to Northland Pilot Club President, Norma Weaver, and immediate Past President, Patricia Crooks.

**Item 3b. on the Agenda. PROCLAMATION**

Mayor Newsom read a proclamation honoring Reverend Loyd Gentry, on the occasion of his 20th Anniversary as Pastor of Fairview Christian Church. This proclamation will be presented to Reverend Loyd Gentry by Mayor Newsom at a dinner given by the church on Sunday, October 1, 1995.

**Item 4. on the Agenda. APPROVAL OF SEPTEMBER 11, 1995 MINUTES**

Councilman Reynolds moved to approve the Regular September 11, 1995 City Council Meeting Minutes as written; Councilman Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman

Hammen moved to approve the Consent Agenda as listed; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**CONSENT AGENDA DETAIL.**

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-95-90**, amending the 1995-96 Annual General Fund and Combined Waterworks & Sewerage System Fund Budgets for the City of Gladstone and authorizing expenditure of funds. Total additional appropriations: \$316,615.00; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-95-91**, authorizing Change Order No. 2 in the amount of \$28,873.16 to the N. Cherry Street Reconstruction Project. Total Revised Contract Amount: \$299,798.44 Fund: Capital Improvement Sales Tax Fund Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-95-92**, accepting a bid from Broadway Ford for the purchase of a 1996 F-Series Half Ton 2-Wheel Drive Pick-up Truck. Net Purchase Amount: \$9,993.00 (Includes trade-in of 1991 Chevrolet Caprice) Fund: General Fund; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-95-93**, authorizing renewal of a Sign Location Lease with WHITECO Outdoor Advertising for billboard signage on City-owned property in the area of the Gladstone Water Treatment Plant; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-95-94**, accepting the bid of Foster Coach Sales, Inc. for the purchase of one (1) 1995 Ford MedTec Type III Ambulance. Net Purchase Amount: \$66,468 (Includes trade-in of 1990 Type III Ambulance) Fund: General Fund; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda. Communications from the Audience.**

John Olson, 2007 NE 64th Street, stated he had two questions. The first, on the Stonebrooke Subdivision the Land Development Agreement, when will the City Manager, City Council and the City Counselor be able to discuss what this is? Have they ever got their heads together, figured out what this is about and come to a final decision?

City Council Meeting Minutes  
September 25, 1995 Page #3

City Manager Norris stated this had been done and the Developer's Agreement was approved by the City Council months ago and he would be happy to give Mr. Olson a copy of the Agreement.

Mr. Olson asked if it was alright to have discussion on this now?

City Manager Norris stated if the Council wanted to discuss it now they could or they could place it on a future agenda.

Mayor Newsom asked Mr. Olson if there was something in particular that was of concern.

Mr. Olson stated he was caught off guard as he did not know that the Council was ready to discuss it.

Mayor Newsom asked if he would like to get a copy from City Manager Norris so he could look it over and come back with questions.

Mr. Olson stated okay. Next question, for a person who has run off the bridge on 72nd Street, east of Antioch Road, his personal thoughts are that this road is still not a safe road. The City has done nothing to this culvert or tube or whatever name is put on it. It lies between Gladstone and Kansas City, Missouri. It is on the east end of Gladstone on 72nd Street and it is on the west end of Kansas City, Missouri. This was not determined until he ran off of the bridge and went down into that gully. Jerry Menefee (Director of Community Services) is the one who came to the decision that this was half in Gladstone and half in Kansas City. Mr. Olson noted that he is aware that we are in the process of building this bridge. Now the City is in the process of putting in sixty-nine homes in Stonebrooke, which is on tonight's agenda, and Mr. Olson would like to present his comments on this and he hopes that the Council will not approve any additional houses on this development until the bridge has been built.

City Manager Norris explained that the developers of the Stonebrooke property also own the adjacent property outside of the City of Gladstone on the Kansas City side. The City of Kansas City and Gladstone's Engineering Department have been in discussion/negotiations. Gladstone's Engineering Department has designed the improvement; they have forwarded that to Kansas City; Kansas City has reviewed it; they have given tacit approval of it; and the issue that needs to be addressed now is where and how Kansas City is going to fund their portions of it and whether or not the singular bid that has been received from a contractor working for the developer is cost competitive. Right now the ball is more in the court of the City of Kansas City and their funding their share of the cost. The developers have indicated an interest in participating either in a shared cost and/or by sweat equity, their contractors doing the work and the City of Gladstone and Kansas City splitting the remainder which would

basically be a third a piece. The City has some funds budgeted to do this. It probably won't cover 100% of the cost. This project was originally budgeted and either Councilman Reynolds or Mayor Pro Tem Hammen may remember it came to Capital Improvements Committee, again it wasn't too long after Mr. Olson did have his accident down in the ditch. That was 1991 or 1992 when it happened. This is an excellent opportunity for this repair to get done. Hopefully, we can get Kansas City to fund their share of the cost and get it built.

Mayor Newsom stated, so the bottom line is that there are plans along with the development to remediate the problem?

City Manager Norris stated, it is not tied to this development, no. That was not a condition of this development. It is not a part of the Developer's Agreement or the public improvement plan, or the plan to do 72nd Street.

Mayor Newsom asked, but is it a very strong concern of the developers and the City of Gladstone?

City Manager Norris stated it is. The City of Kansas City also recognizes that since these developers do own the land on both sides of the street in Kansas City adjacent to the City of Gladstone and they most likely will be ultimately developing that property also in a residential fashion, that that culvert bridge does need to be addressed and now is an opportune time to do it. All the parties involved recognize that. But sixty-nine houses in Stonebrooke by themselves do not constitute enough traffic to mandate that bridge has to get done and it was not part of the original development plan, but the City is proceeding to try and get it done anyway through cooperation.

Mr. Olson asked, in addition to that, that Lot 68 and 69 do come right close to that bridge. The entrance on 72nd Street, that's in the Stonebrooke addition, they will be coming, if this road is not widened by us or somebody else and isn't done now, it will only be a two lane bridge and will be just like it is laying there and has always laid there. If you drive over there tomorrow or the next day the asphalt will be set up, but where Lot 68 and 69 is it will be just as natural as it has been for the last twenty years, unless somebody else does it. There will be no curbing or anything as he looks at it. In other words, the developer of Stonebrooke, his obligation has ceased when he gets up there to about...he has an obligation of surface for 11,000 feet and that's it. The rest is on somebody else unless there are new negotiations. But he understands that we have to let the Developer have these exits onto there. So he doesn't know where you'll get the money, but there is something that has to be done different than what we got down there.

City Manager Norris suggested that Mr. Olson read the Developer's Agreement because a lot of the issues that he has raised are

covered within it. For example, when the developers develop in Kansas City they have an obligation to deal with the transition area through Gladstone. That is one of the things that the City was specifically concerned about, that if we allowed them to transition the road back from three lanes down to two lanes on the Gladstone side before the bridge, which from a safety standpoint is what has to happen, then when they develop on the Kansas City side that you would have this narrowed section then a wider section again. If he remembers correctly, it is specifically written in that it will be at their sole cost and obligation to come back in and re-widen that road. He stated he felt that the City had that covered in the Developer's Agreement. He thinks Mr. Olson needs to read the Agreement.

Mr. Olson yelled, well the first thing is I have to get it to read it so don't be shouting at me. I got this here and that is all I ever got. Don't be rubbing me in the dirt now, I'm trying to do the best I can.

Mayor Newsom stated, Mr. Olson, let us get a chance to get the Developer's Agreement to you so you can look at it and then bring forward any other questions that you have.

Mr. Olson stated, okay.

City Manager Norris stated he was just saying that it is in the document.

Mayor Newsom stated to Mr. Olson, let us try and get that Agreement to you as soon as we can.

Cecil Willens, 9 NW Englewood Court, stated that he wanted to thank the City Council, City staff and everyone for getting a street light in down on the cul-de-sac. He appreciates it very much. It took a long time to get it but they finally got it there. Thank you.

Item 7. on the Agenda. Communications from the City Council.

Councilman Reynolds noted that he had had a business person on North Oak come into his office this morning and state that he had just left City Hall and had made the comment of how pleasant it was to work with the City staff. This businessman mentioned how helpful Scott Wingerson was and was very complimentary of the City. Mr. Reynolds stated he wanted to pass this along.

Mr. Reynolds stated that he had also seen Dick Powers today and thanks to him the Elks Spaghetti Dinner, to benefit the Amphitheater, raised over eight hundred dollars. He also noted that Gladfest is this weekend. Mr. Reynolds stated that at the Clay County Coordinating Meeting last week, they were given a resolution about the Chouteau Bridge. Kansas City has spent almost 3 million dollars in completing the design of that bridge

and they are looking at an estimated construction cost of 34 million. They are asking the Gladstone City Council to pass a resolution that they will participate, even to the point of some funding. He thinks that the Council needs to consider it, at least verbally, because that probably is going to be part of a major street reconstruction to get a lot of traffic over in that area on over to I-435. Chouteau is a major bridge in that area. We have talked about the fact that we have people that come to Gladstone and trade and we also have people that live here that work other places. At least we should ask staff to look into this resolution.

City Manager Norris noted that the Mayor had brought the resolution in the next day after the Clay County Coordinating Committee Meeting to either endorse it or change the resolution. What staff has discussed is that once we've receive a formal proposal from Kansas City on how the costs will be shared, on what basis, on what that dollar amount would be, and what the years would be they can consider it. Right now staff has nothing to look at. They gave us a resolution with blanks in it that says: we don't know what year we're going to do it, how much it is going to cost, and what your proportions will be based on. So there is nothing to review right now. Until staff gets that, we can't do it. Staff needs to know how many dollars when, how they are dealing with the assessment, and then the Council needs to make a decision on whether or not if it is really in the best interests of our citizens to be involved. Gladstone has participated in the past when the Heart of America Bridge was done. We participated with Kansas City on Englewood Road. We have a history of being cooperative and working cooperatively, including helping with funding on large scale projects that benefit the metropolitan area in the Northland, but right now we have nothing to look at at all.

Councilman Norris stated he would like to add some negatives to that. At his very first Clay County Coordinating Committee Meeting that he attended when he was first elected, Mayor Short had taken the Chouteau Bridge project as her ball to run with. She said, and he quoted, "If the State won't release the Proposition A money that was suppose to fund that bridge, she would fund it herself." Now they have Harrah's down there so...have a great time.

City Manager Norris stated that once staff receives a proposal they will analyze it and bring it to the Council for their discussion and review.

Mayor Pro Tem Hammen noted with appreciation that the City has remarked the division between the two left turn lanes westbound on 72nd Street to southbound on Broadway. Yet he was concerned when yesterday he saw a driver in the center left turn lane go straight through to the post office. He knows that there are left turn arrows on the light and that there is a sign that says



that the center lane is left turn only, he is wondering if the City should go one step further and mark the street "Left Turn Only". He doesn't know if it will do any good or not, but that gal could have caused a major accident there.

Mayor Newsom stated that she believes what we are dealing with, is that the first time she came up to that intersection after the light had been installed, she was used to being in the center lane and realized that she needed to go to the Post Office and was in the wrong lane. If the light is not green the arrow is not on the light and you have no signal. If cars are parked over the marking on the street you don't know what lane you are in until you are at the intersection and realize you are in the wrong lane.

City Manager Norris stated that is why a couple of weeks ago the City put signs up on the light mast arm to show how the lanes were suppose to be configured.

Mayor Newsom stated that has helped.

City Manager Norris stated that now we have the issue that Mayor Pro Tem Hammen is raising, whether or not we need to mark the pavement back further.

Mayor Newsom stated either back further and/or also post some signs so when traffic is stacked up and you've got mature eyes and can't make out the signs at the light, it would give a person some clue earlier on. Signs to let you know which lane is which as you are approaching the intersection.

City Manager Norris stated staff would look into it.

Mayor Pro Tem Hammen stated that he would like to express his concern about Marilyn's health and sure that all the Council feels the same way. We wish her a speedy recovery.

Mayor Newsom noted that she wanted to go on record as thanking the Elks for putting on their very successful Spaghetti Dinner to benefit the Amphitheatre. There was a great crowd. She thinks that they came out just about even on cake, spaghetti, and everything else. Thanks to the Elks we have eight hundred dollars more for the Amphitheatre. The Elks have done many, many things in our community for civic causes that are greatly appreciated.

Mayor Newsom stated that she wanted to remind everyone about Gladfest this weekend. She is sure that City Hall staff doesn't need any reminding, but for anybody else the best time north of the river or any place else in the metropolitan area.

Mayor Newsom noted that she saw in the MML Newsletter that City Counselor, Nancy Thompson, is now Vice President of the Missouri

Municipal Attorney's Association. Congratulations Nancy. Mayor Newsom stated that she thinks it is great that the professional staff of the City is involved in their own professional organizations. That speaks well for the people who work for the citizens of Gladstone.

**Item 7a. on the Agenda.** Appointment of Park & Recreation Advisory Committee Student Members.

Mayor Newsom noted that there are two student vacancies on the Parks and Recreation Advisory Board. At the last Parks and Recreation Advisory Board meeting, the Advisory Board came forward with two candidates for these positions. Mr. Kyle Bryant, a junior at Winnetonka High School and Ms. Jamie Netherton, a freshman at North Kansas City High School.

Councilman Norris made a motion to appoint Mr. Kyle Bryant, a junior at Winnetonka High School as a voting student member to the Parks and Recreation Advisory Board and to appoint Ms. Jamie Netherton, a freshman at North Kansas City High School as a non-voting student member to the Parks and Recreation Advisory Board; Councilman Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mayor Newsom asked Director of Parks and Recreation, Steve Buschor, to let these students know they have been appointed and will be welcomed at the next Parks and Recreation Advisory Board Meeting.

**Item 8. on the Agenda.** Communications from the City Manager.

City Manager Norris noted he had two items. On behalf of the Mayor and City Council a letter will be sent to the Northland Elks and Dick Powers for their involvement and role in the Spaghetti Dinner on behalf of the Amphitheatre. Secondly, Gladfest has been mentioned, but just for the media's and public's knowledge, because of the one-way street pattern and because of the setting up of the stage in front of City Hall and food booths, Holmes is closed off roughly at noon on Friday. Therefore City Hall closes at noon on Friday. All City employees will be either dealing with record retention and City Hall cleanup or they are actually involved with getting Gladfest staged and put together. Therefore, at noon this Friday City Hall will be closing.

Lastly, City Manager Norris noted he had just been passed a note by the Chairman of the City Float Decoration Committee, the City Counselor, and staff will be decorating and finalizing the City Float this Wednesday and Thursday night out at the Public Works facility in the garage if anyone is interested. Usually there is enough food to go around that in between the swinging of a hammer or painting something you can eat until you are stuffed. Council

is welcome to come attend. He knows the Mayor has attended every year since "Glady's" the dinosaur. Everyone is welcome to come.

City Counselor Thompson noted that there is plenty of painting for those who are not artistically inclined and we will have the Mayor drawing all sorts of things for us to fill in and color by number.

City Manager Norris reminded everyone that the next City Council Meeting will not be on a Monday night it will be held on Tuesday, October 10th.

Item 9. on the Agenda. APPROVAL OF EXTERIOR BUILDING PERMIT for construction of new Shoney's Restaurant entrance at 6303 North Antioch Road. Applicant/Owner: Shoney's Inc. (File #95-022)

Councilman Roger Norris moved to approve the Building Permit subject to the Staff Report; Mayor Pro Tem Hammen seconded.

Discussion:

Harold McFadden, 6726 N. Indiana, stated he was from Shoney's and he agrees with staff on the items they want.

Mayor Newsom asked what exactly was taking place? Does Mr. McFadden have any pictures?

Mr. McFadden stated that the current entrance has inside double doors that come straight out toward the front then you turn toward the right. That same area will be enclosed on the side and a pair of sliding doors will go straight out the front. The handicapped area around the front will be changed so accessibility will be easier. The outside of the building will be painted and new awnings will be put on. New paper and paint will be done inside. Just dressing it up basically. That is about all.

Councilman Norris stated there are two things listed on the Staff Report under additional information. One is the sidewalk along North Antioch Road, four foot green area behind the curb then four foot sidewalk to tie into the existing sidewalk at North Chestnut. Mr. McFadden do you have any problem with that?

Mr. McFadden stated no, he has already agreed to that.

Councilman Norris stated that the ceiling in the new entry shall be two layers of 5/8" type "X" fire code sheetrock. Any problem with that?

Mr. McFadden stated he was agreeable.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 10. on the Agenda. PUBLIC HEARING,** on a request to rezone from CP-2 (General Business District-Planned) to CP-3, (Commercial District-Planned) property at 77 NE 72nd Street. (File #928) Applicant: John T. Walker, Owner: Gibson Enterprises

Mayor Newsom opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Scott Wingerson, Director of Planning and Development, stated that the issue before the Council this evening was a zoning request from the current classification of CP-2 to that of CP-3 which would accommodate the construction of a self-service car wash facility. Basically the property, in a general sense, is south of and adjacent to 72nd Street and west of North Oak. More specifically, it's directly adjacent and west of Northland National Bank, directly east of and adjacent to Howard Realty, to the south is residential property and to the north is residential property as well as undeveloped property zoned CP-1. He thinks the issue that may be focused on tonight is how this request reflects with the City's Comprehensive Plan. Basically the property is located here (Showing the Council the Comprehensive Plan Map) and it is highlighted in pink. Council can see the legend down below shows pink as being an office classification. That projects to the request based on its non-conformance with the Comprehensive Plan. We have for your convenience, if it is your desire to approve this request, added several conditions. They are all contained in the Staff Report and the Draft Ordinance in front of you tonight. Basically the City worked really, really hard on adopting this Comprehensive Plan. It involved a wide variety of people from different areas of town. Staff would like to see the Comprehensive Plan used as a Land Use Guide to guide some of our decision making processes in order to provide for the orderly development of the City. To date, in reviewing the Planning Commission minutes from the Public Hearing and the site visit, the applicant hasn't provided any information to staff or to the Commission that shows that this is in compliance with our Comprehensive Plan in any way, shape or form. With that Mr. Wingerson stated he would be glad to answer any questions that he could. He also noted that there were several representatives for the applicant here tonight that would be willing to say a few words. Anytime throughout if Council has any questions, please do not hesitate to ask.

City Manager Norris stated that there are two things that Mr. Wingerson did not mention that need to be mentioned up front under the Staff Report. One is that there has been a Legal Protest Petition filed with the City for this property that has been found to be sufficient. Which means that it would take four affirmative votes of the Council for this to be approved. The second thing that he thinks is important, in reviewing the Planning Commission Minutes, is that the Planning Commission

almost in unanimity felt like this was an excellent project in terms of what the City would be getting, just not at this location. They felt very comfortable with how it was laid out. They like everything about it, including Mr. Walker, the Management, and they would like to see City staff find a different location to place it instead of where it is designated as office on the Master Plan.

Jim Bowers, represents Mr. Walker the applicant, and is here tonight on behalf of Mr. Walker. Mr. Bowers stated he appreciated the comments of City Manager Norris. It really focuses on the dilemma that his client is facing in this case. What he would like to try and address is that dilemma. As Mr. Wingerson pointed out, this is the City's Master Plan and the area in question is on the south side of NE 72nd Street. They are the first property within the "pink" which is designated "office". To the east, property immediately on the other side of the bank, it is shown as "general commercial", and there is also "general commercial" west of them with some intense residential between the "general commercial" and the "office". The property however is zoned CP-2 which is commercial. The plan shows office and commercial on the north side of NE 72nd Street and is currently used as residential. It is a mixed area. It's an area that he does not think can become an office corridor, nor is it planned as an office corridor. It is planned as mixed use; some commercial, some residential, some office, and the development of that portion of NE 72nd Street has followed that mixed use approach. The dilemma that we have is that the Planning Commission, he thinks accurately, assessed Mr. Walker's application in this case and said you have an excellent project and one that Gladstone would welcome, should welcome. But because of the Master Plan which calls out this piece of property as being held for office space we think we have to turn you down, and they did by a vote of 6-1.

The issue he thinks in part is, is it possible for this property to ever be developed for office use in the future? Mr. Bowers stated he doesn't intend to tell what the future is in ten or twenty years. He asked the Council to look back with him for just a moment. He has the broker which represents the seller with him tonight, Mr. Don Levan, who has had this property listed for three and a half years and who has had only two serious offers on it. One was an offer that was made last year that came before the Council and requested rezoning and was turned down. The second is his client. Prior to that time, the owner of the property, Mr. Max Gibson, has had the property on the market for ten years and has been unable to find anyone interested in developing it. Mr. Levan is prepared to testify concerning his efforts to try and market the property to office users, all of which have been unsuccessful. We have a situation in which we have a land use plan that shows a classification for this property that may simply be inconsistent with what the market will do with respect to the property. And that is not at all

unusual in master planning. Master Plans have been around for fifty years in this country or longer, and Master Plans often project land uses for areas that don't follow the Master Plan in the way in which they develop. And that is why they are considered to be guides for land use rather than restrictions on land use. These documents are guides for you to follow to consider in making your specific land use decisions and tonight is one of those specific land use decisions. It was never contemplated nor anticipated that you would rigidly and rotely follow the plan in every case. He believes that this is the type of situation that you should ask yourself, based upon the facts in this case is this a situation while we believe the Master Plan should be followed in general, that with regard to this site maybe we ought to not follow the Master Plan, maybe we ought to approve the specific site plan.

To talk about the site plan he showed it to the Council. This is Northeast 72nd Street at the top of the drawing. At the bottom of the drawing is the back lot lines of the property. We are holding back 85 feet from the rear lot line to allow this stand of trees that currently exists at this location to remain as they will help in buffering from the residents to the south of us. This is a twelve bay car wash. This is the artist's rendering of what that car wash will look like. The treatment will be brick and stone, anything that is compatible with the existing neighborhood. We have landscaping along both sides of the property and Mr. Walker testified at the City Planning Commission that he would do whatever landscaping that the City required. He believes one of the conditions that the City Planning Commission recommended, in the event City Council approves this project, is landscaping consistent with the existing plan and we are willing to do that. These two improvements are the vacuum and coin vending areas which have been broken into two separate improvements because of the existence of the easement that transverses the property along this portion here. In order to allow for this easement we had to design accordingly. With respect to operational issues, Mr. Walker is here and would be happy to address any specific concerns that you might have. Mr. Bowers stated that at this point he would conclude his presentation unless the Mayor or Council had any of him.

Mayor Pro Tem Hammen asked Mr. Bowers if he had received a copy of the proposed ordinance?

Mr. Bowers answered, yes he had.

Mayor Pro Tem Hammen noted that there are eleven items listed in there in the event of approval, one of which is open ended with regard to the hours of operation. Have you had any opportunity to review those?

Mr. Bowers stated they had, and they were prepared to limit their hours of operation in order to accommodate the City.

Mayor Pro Tem Hammen asked if he, and most importantly if Mr. Walker, was in agreement with those eleven items?

Mr. Walker stated they would like to have 24 hours of operation because they have to keep lighting on it or else you have vandalism.

Mr. Bower explained that they turn the lights half-way off round 9:30 or 10:00 pm so lighting is cut in half over-night. Mr. Bowers stated that he could devise a way if he had too, if there is no other way, where they come out with a security service that runs through every 30 minutes. In some way they could devise a gate and close the gate at a certain time if that is only the way the Council will approve it. They haven't done that yet but he is sure they could work out some way if they had too.

Mayor Pro Tem Hammen asked Mr. Walker if he was in agreement in general with the eleven items?

Mr. Walker stated he felt he could work anything out the Council felt needs to be worked out.

There were no additional questions or comments and Mayor Newsom closed the Public Hearing.

Item 10a. on the Agenda. FIRST READING BILL 95-53, rezoning property at 77 NE 72nd Street from CP-2 (General Business District) to CP-3 (Commercial District Planned). (File #928) Applicant: John T. Walker, Owner: Gibson Enterprises

Councilman Reynolds moved to place Bill 95-53 on First Reading; Councilman Norris seconded.

**Discussion:**

Councilman Reynolds stated that he had attended the Planning Commission Meeting and the minutes reflect the opinion and position of the sub-committee that reviewed this. He thinks they did a very good job in regard to their comments about the fact that the Master Plan does show office use, the increased noise, and the fact that Mr. Steffen was denied a proposal involving a less intensive use very recently. One thing Councilman Reynolds stated he would encourage Council to look at is the Planning Commission all felt that Mr. Walker should be encouraged to locate a car wash facility in Gladstone and that City staff should provide whatever help possible in helping Mr. Walker locate and developing an appropriate site. With the Master Plan and the good work that the Planning Commission did he will be voting "No" on this issue.

Councilman Norris stated that he appreciated the words of Mr. Reynolds and he too agrees with what the Planning Commission was

trying to point out. There is one thing that Mr. Bowers said that struck a cord with him and that is that when looking at the map, it is not intended to be a rigid way of looking at things, but it is intended to give us an idea of where we want to go. Mr. Bower pointed out several areas on that map that are more intense use. Those were existing when the Master Plan was brought up. So it is easy to see why they were still left at what they are now, because that is what they are being used as. He has a fear that if you look at developments and you look at a new mall that comes in and they want to have a big anchor tenant, and you look at those properties on 72nd Street, and look to that bank as an anchor, you can see why since that is one of the main entrances to Gladstone that we want to put the best face forward. While your project looks very good, and even members of the Planning Commission that he has talked to stated that this was a neat looking project and it works well, you can understand why we don't want a car wash next to the bank. We want a nice entrance to Gladstone. Not that your project isn't nice, don't take that wrong, but the use we are looking for there is something that gently brings you into Gladstone. Gently segue you into the neighborhood behind and gently adds to that. Yes, we can't have offices all up and down 72nd Street now, but step by step, as things change, as things get older, as those residential houses eliminate themselves from residential use, we think that we can in time, in ten, twenty years, have a more pleasing office corridor there as an entrance to our City. There was lots of discussion when putting together that Master Plan. Many hours of discussion from staff and other people involved and members of committees that talked about that very thing. We have a gas station on the corner, how can we then segue into offices. The gas station was there first. It won't be there forever. Things will change as time goes on. But to make those changes happen we must have patience and we must be diligent to what time and effort was put into that by staff and people that were present. So, I am going to have to agreed with Mr. Reynolds and vote "No" on the project.

Mayor Pro Tem Hammen stated that he thought it important at this point that he inform the Mayor and the rest of the Council that currently Mr. Bowers is working for a company in his control on a zoning issue in another municipality and as such it has been suggested by the City Counselor that he abstain from voting on this issue. That being said, he would also like to say that he has some real mixed feelings about this. It does appear to be a very quality oriented development. He was one of those people who put many hours into that Master Plan. The one things he remembers from that is that while they said this is what we feel the City needs to look at, they also said this is not cast in granite and certainly is subject to some interpretation and revision. He also wanted to highlight the fact that many of the people on the Planning Commission said we need this operation located somewhere in Gladstone. Mr. Hammen stated he did not know if there was a better location or not, but he would



encourage everyone else to keep in mind that this certainly is a business that we would like to have locate within our City.

Mayor Newsom stated that she too has some comments on this and she feels really, really torn by the whole project. From everything that she has seen, it appears that Mr. Walker does a quality development and runs a quality business, but again she is faced with taking a little different tack than Councilman Norris did. A little bit of residential to the north and more residential to the south of this property, not that these residents are not going to be there, maybe they won't be in ten or twenty years, but she feels incumbent upon them to protect their well being and their use as a residential property without the intrusion of more intense commercial use as they currently stand. They have those rights. They were there first. Again she would really like to see this business in Gladstone, but right now we are looking at putting it between uses that are already in existence that are not as intense as this and she too will be voting against this project at this point in time. She really hopes and wishes that there is another place in town that staff can find to site this where the zoning is more compatible with what currently exists. We all have to have a plan. We have to look forward to the future, but again we have to live with what we have today and the businesses and the properties that we have today. We have to respect those residents that currently live there as well as looking and planning for the future. That is the reason that we put the plan in place. So we don't end up with a patchwork that just happened and grew as Gladstone grew rapidly in its first thirty years.

The vote: "No" - Nodler, Norris, Reynolds, Newsom. "Abstain" - Hammen. (0-4-1)

Mayor Newsom stated that Bill No. 95-53 dies for lack of an affirmative vote.

Item 10b. on the Agenda. FIRST READING BILL 95-54, approving a Site Plan in conjunction with a rezoning for property at 77 NE 72nd Street subject to certain conditions. (File #928)  
Applicant: John T. Walker, Owner: Gibson Enterprises

Mayor Newsom stated that due to Bill No. 95-53 not passing, Bill No. 95-54 is eliminated. Mayor Newsom asked the City Counselor if that was correct?

City Counselor Nancy Thompson stated that was correct.

Item 11. on the Agenda. FIRST READING BILL 95-55, approving the Final Plat of "STONEBROOKE 2ND PLAT", 72nd & North Antioch Road. Applicant/owner: Stonebrooke LLC (File #927)

Councilman Norris moved to place Bill No. 95-55 on First Reading; Mayor Pro Tem Hammen seconded.

Discussion.

Councilman Norris asked City Manager Norris if everything was in order?

City Manager Norris responded, yes sir it is.

City Manager Manager Norris stated that he had asked the City Counselor to go to the Development Agreement files and get the Development Agreement for Stonebrooke. Mr. Olson can then have a copy of this Agreement tonight so he can read it. On the third page under section "M" it says, "in the event Developer or anyone on Developer's behalf acquires and develops the real property to the east of the Stonebrooke subdivision contemplated by this Agreement, Developer will be required to complete construction of Northeast 72nd Street from a point approximately one thousand one hundred and eighty feet east of the center line at North Antioch Road west of the City Limit line together with installation of such other public improvements required by the City Code for such development, including but not limited too sidewalks, curb and guttering, and storm drainage." What that means is that if they do develop on the Kansas City side of that bridge, they will have to come back in and do the area where we are having to do the transition from three lanes to two. It is specifically written in so they couldn't escape that obligation and right now they do own that property. There are all sorts of other things within the Agreement that cover the City's needs from a public improvements standpoint and he is happy to give it to Mr. Olson so he can read and review it. If Mr. Olson would feel free to call him after he has read it they can go over it if they need too.

Mr. Olson asked if there was an extension on the bar where the water line is?

City Manager Norris stated he did not understand?

Mayor Newsom asked Mr. Olson, extension being?

Mr. Olson stated from where it is stopped right now. From the primary extension on the water line. (Mr. Olson brought a piece of paper up to City Manager Norris.) What's that right there. You can probably read it better than I.

City Manager Norris stated that this water line would have to be extended clear over to the east property line.

Mr. Olson asked, when would that be done?

City Manager Norris stated it was already done.

Mr. Olson asked, it's already done?

City Manager Norris stated, yes as far as he knew it was already done. They moved the fire hydrant over there and everything.

Councilman Norris asked, how many feet it is from the center line of Antioch Road to that bridge? We have all driven across that bridge many times. Mr. Olson just had one point that is very good. To transition from three lanes to that bridge is not safe.

City Manager Norris stated, that is why the transition is so many feet back from that bridge so the pavement can be narrowed down so that by the point in time you get there it is a smooth transition. That is why the curb stops so many feet back from that bridge.

Councilman Norris asked, so in the way the Developer's Agreement is written, if anybody were to purchase the land to the east and develop it...

Mayor Newsom stated, not anybody.

City Counselor Thompson stated it is the Developer or anyone on the Developer's behalf, meaning the Developer cannot escape its obligation going to a third party to develop that piece of property.

City Manager Norris noted that if they sell the property outright, yes they can get out from under it because we can't put a restriction or covenant on property outside our City Limits and upon somebody who we don't even know who it might be someday. We've done as much as we legally can do to restrict the current developers of Stonebrooke on what they will have to come back into our City to do should they develop right adjacent to our City in Kansas City.

Councilman Norris stated, let me ask one more question just for information. Let's assume that no further development happens and they sell the property. It is in Kansas City so there is nothing we can do. Knowing what we know through the MARC Board and its planning dollars for roads, is that one of the roads slated for an improvement and upgrade to eventually connect?

City Manager Norris stated it is on the fifteen year Master Plan. Yes, that is how we are getting our funding. But that portion is not on either our submitted plans, which goes from basically Bellefontaine through the Antioch intersection, up to where the curb starts now. It would have to be on Kansas City's portion when they submit their plans for their segment to come back over the culvert and do that if it is not developed in between that point in time. Dollar for dollar the developer is spending more money on what they have done for the City to make it four lane grading with the three lane cross section than they would have had to have done just to improve their side of the street alone.

So dollar for dollar we are making out very well as a City. It was a trade-off. It really was. A trade-off to get a full width street done for "x" number of feet versus a half width street done only on their side. That legally is all their obligation is and all we can ask them to do.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 95-55, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 95-55 and enact it as Ordinance No. 3.477; Mayor Pro Tem Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12. on the Agenda. OTHER BUSINESS.

Mr. Olson said, about the Public Hearing on widening of 72nd Street being held Thursday, October 5th, he suggested that it be placed on the City's cable channel, Channel 25?

City Manager Norris stated we can do that.

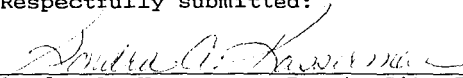
Item 13. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

None.

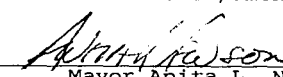
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There being no further business to come before the Regular September 25, 1995 City Council Meeting Mayor Newsom closed the meeting and Councilman Reynolds moved to adjourn to Closed Executive Session in the City Manager's office for personnel and litigation; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0) Time: 8:15 pm

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita L. Newsom

**GLADSTONE, MISSOURI**

**TUESDAY, OCTOBER 10, 1995**

**Closed Executive Session immediately following  
the Close of the Regular Meeting**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
- 3a. **PROCLAMATION:** designating the week of October 21-31 as "RED RIBBON WEEK" in the City of Gladstone and encouraging all residents to pledge: "NEIGHBOR BY NEIGHBOR...RIBBON BY RIBBON...WE ARE UNITED FOR A DRUG FREE YOUTH."  
Sponsor: North Kansas City School District  
Teaching & Reaching Youth (TRY) Program
4. **Approval of Regular September 25, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**  
  
**RESOLUTION NO. R-95-95,** authorizing execution of a contract with the SK Design Group for design engineering of the NE 72nd Street and N Euclid intersection realignment and signalization project. (Project #9604)  
Contract Amount: \$20,455; Fund: Capital Improvements Sales Tax  
  
**RESOLUTION NO. R-95-96,** authorizing the purchase of five 1996 Ford Crown Victoria Patrol Vehicles from Broadway Ford under the State of Missouri Cooperative Procurement Program. Unit Price: \$17,727  
Total Purchase Amount: \$88,635. Fund: General  
  
**RESOLUTION NO. R-95-97,** authorizing acceptance of the bid of Westfall GMC Truck Inc., for the purchase of a 1996 2 1/2 Ton GMC Truck with material spreader. Net Purchase Amount: \$41,426.00 (Includes \$3,500 trade-in of 1987 2-ton GMC truck with spreader)  
Fund: General  
  
**APPROVAL OF FINANCIAL REPORTS** for August 1995.

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 95-57**, amending Schedules V and VIII of the Model Traffic Ordinance to establish additional "NO PARKING" Zones AND "STOP" sign locations.  
(No Parking - south side of 73rd Street from North Michelle Lane to intersection of North Park; and west side of North Park from 73rd Street, southerly a distance of 25'.  
(Stop Signs - Northeast corner and southwest corner of 73rd Terrace and North Olive).
10. **FIRST READING BILL 95-58**, authorizing acquisition of the interests of William L. Ryan, Francis M. Ryan, Charles A. Ryan, Gary A. Ryan, Charles M. Ryan and Deborah L. Lassiter in certain Real Property by Purchase or Condemnation for reconstruction of 76th Terrace from North Oak Trafficway west into Hobby Hill Park (Project #9301), declaring the Public Necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance.
11. **FIRST READING BILL 95-59**, authorizing acquisition of the interests of Sylvia Therese Gould Trust and/or the Heirs of Sylvia Therese Gould in certain Real Property by Purchase or Condemnation for reconstruction of 76th Terrace from North Oak Trafficway west into Hobby Hill Park (Project #9301), declaring the Public Necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance.
12. Other Business.
13. Questions from the News Media.
14. Motion to Adjourn to Closed Executive Session.

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**TUESDAY, OCTOBER 10, 1995 7:30 PM**

Mayor Anita Newsom called the Regular October 10, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
Deputy City Clerk Sondra Kasserman

**ABSENT:** Mayor Pro Tem Art Hammen

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 3a. on the Agenda.**      **PROCLAMATION**

Mayor Newsom read a proclamation designating the week of October 21-31, 1995 as "RED RIBBON WEEK" in the City of Gladstone and she presented the proclamation to Ronn Shatswell, Gladstone Public Relations Officer.

**Item 4. on the Agenda.**      **APPROVAL OF SEPTEMBER 25, 1995 MINUTES**

Councilman Reynolds moved to approve the Regular September 25, 1995 City Council Meeting Minutes as written; Councilman Norris seconded.      The Vote:      All "Aye" - Nodler, Norris, Reynolds, Newsom.      (4-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Nodler moved to approve the Consent Agenda as listed; Councilman Norris seconded.      The Vote:      All "Aye" - Nodler, Norris, Reynolds, Newsom.      (4-0)

**CONSENT AGENDA DETAIL.**

Councilman Nodler moved to adopt **RESOLUTION NO. R-95-95**, authorizing execution of a contract with the SK Design Group for

design engineering of the NE 72nd Street and N. Euclid intersection realignment and signalization project. (Project #9604) Contract Amount: \$20,455; Fund: Capital Improvements Sales Tax; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-95-96**, authorizing the purchase of five 1996 Ford Crown Victoria Patrol Vehicles from Broadway Ford under the State of Missouri Cooperative Procurement Program. Unit Price: \$17,727 Total Purchase Amount: \$88,635. Fund: General; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-95-97**, authorizing acceptance of the bid of Westfall GMC Truck Inc., for the purchase of a 1996 2 1/2 Ton GMC Truck with material spreader. Net Purchase Amount: \$41,426.00 (Includes \$3,500 trade-in of 1987 2-ton GMC truck with spreader). Fund: General; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Councilman Nodler moved to **APPROVE THE FINANCIAL REPORTS** for August 1995; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.**

None.

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

Councilman Nodler thanked all the volunteers from City staff and from the Gladstone Area Chamber of Commerce for all their work on Gladfest. It was a great event. Mr. Nodler noted that he especially wanted to thank Councilman Reynolds for pulling through on the weather, he didn't think Mr. Reynolds was going to make it, but it turned out okay.

Councilman Reynolds thanked all the people who worked on the float and all the assistance that was given during Gladfest week. Mr. Reynolds noted that he appreciated Councilman Nodler mentioning the weather, as it was a little bit taxing this year and he really believes that he needs to break someone in as he may be losing his touch and he would feel a little more comfortable if he could get more help on controlling the weather for Gladfest.

Mayor Newsom stated that she would also like to echo her thanks to everyone who was involved with Gladfest and everything they did to help make it successful. Be it the weather, Saucy Buns,



or whatever. Mayor Newsom noted she would like it on the record that it should be renamed from "Saucy Buns" to "Scotty Dogs". It was a good weekend. Mayor Newsom stated she is no Betty Crocker but that was some cake that Director Steve Buschor made for the float. It was great.

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

City Manager Norris noted that he had two items. The first one is a Gladfest thank you. Thank you to Nancy Thompson and Marilyn Ahnefeld for co-chairing the float construction this year. To Steve Buschor and Jerry Menefee for their construction techniques. To Steve Buschor for his frosting machine and not getting it all over while he was doing it. Thank you to all the staff that was involved. Scott Wingerson Chaired the "Saucy Buns" booth. Jana Miller was a co-chair of the parade. Manager Norris stated he doesn't want to leave anyone out, but obviously our Director of Parks and Recreation was coordinating everything from the City's standpoint of how the park facility was used. All the Councilman had roles of some sort or another, whether or not they were emceeding on stage or helping with a carnival or watching the doors at City Hall while people were changing. The new Scarecrow Run, that was on Sunday, was a cooperative effort between the Rotary, the Parks Department and the Chamber. It was a big success for a first year run. The proceeds from that run will be going to the Northland Christmas Store. A good event all around. The weather cooperated.

City Manager Norris noted his second item is an Agenda addition. Council will find at their places this addition. It is really a reissuance of the same Building Permit. What happened is that there was a difficulty with the contractor for the owner and the owner decided to change contractors. The new contractor will provide the same plan, no real changes to it. The Building Permit needs to be reissued because the Building Permit has to be contractor specific. Staff needs a motion to approve Building Permit 95-016A pursuant to the Staff Report.

Councilman Reynolds moved to approve Building Permit 95-016A pursuant to the Staff Report; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

**Item 9. on the Agenda. FIRST READING BILL 95-57, amending Schedules V and VIII of the Model Traffic Ordinance to establish additional "NO PARKING" Zones and "STOP" sign locations. (No Parking - south side of 73rd Street from North Michelle Lane to intersection of North Park; and west side of North Park from 73rd Street, southerly a distance of 25'. (Stop Signs - Northeast corner and southwest corner of 73rd Terrace and North Olive).**

Councilman Norris moved to place Bill No. 95-57 on First Reading; Councilman Nodler seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill No. 95-57, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Nodler seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill No. 95-57 and enact it as Ordinance No. 3.478; Councilman Nodler seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Item 10. on the Agenda. FIRST READING BILL 95-58, authorizing acquisition of the interests of William L. Ryan, Francis M. Ryan, Charles A. Ryan, Gary A. Ryan, Charles M. Ryan and Deborah L. Lassiter in certain Real Property by Purchase or Condemnation for reconstruction of 76th Terrace from North Oak Trafficway west into Hobby Hill Park (Project #9301), declaring the Public Necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance.

Councilman Norris moved to place Bill No. 95-58 on First Reading; Councilman Reynolds seconded.

Discussion:

City Manager Norris stated that obviously when you are dealing with that many people, when an estate has been probated, getting all those people to agree as to how and when certain properties can be obtained for the City to do road construction is difficult. The Ordinance merely gives the City Manager and the City Counselor authority to negotiate and potentially move towards condemnation should the need arise. Staff needs this to keep this project on timeline so it can be constructed this following season. Staff has obtained all the other necessary properties on this street with the exception of the two properties on your agenda tonight.

Mayor Newsom asked, so at this point we are not yet to condemnation?

City Counselor Thompson stated, this is the last step before we go to condemnation. Once Council approves this Bill, if Council approves this Bill tonight, that will give staff the authority to go ahead and go to condemnation. Staff has had a very difficult time on Bill No. 95-58 getting all the signatures from all the property owners. Counselor Thompson stated the she thinks they are conceptually agreeable to this project but they have been having a difficult time getting the signatures. On the next Bill, Bill No. 95-59, that is one that will have to proceed to condemnation because the property owner cannot be located. It is in a trust and the person representing the trustee cannot be located. In light of that, it will have to go through condemnation because staff can't actually get the easements

necessary to perform the project without that signature. Hopefully, Bill No. 95-58 will not have to go through condemnation, but at least by going ahead and authorizing it at this point, staff can proceed with it if they need too.

City Manager Norris noted that obviously nothing of that nature will be filed without the Council being made aware of it.

The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)  
The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill No. 95-58, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Reynolds seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill No. 95-58 and enact it as Ordinance No. 3.479; Councilman Reynolds seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Item 11. on the Agenda. FIRST READING BILL 95-59, authorizing acquisition of the interests of Sylvia Therese Gould Trust and/or the Heirs of Sylvia Therese Gould in certain Real Property by Purchase or Condemnation for reconstruction of 76th Terrace from North Oak Trafficway west into Hobby Hill Park (Project #9301), declaring the Public Necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance.

Councilman Norris moved to place Bill No. 95-57 on First Reading; Councilman Reynolds seconded.

Discussion:

City Manager Norris noted, just to elaborate a little bit further, this condemnation is only for a temporary easement. This will be the first time Manager Norris can remember that the City has had to go to condemnation for only a temporary easement. But, as the City Counselor stated, the trustee of this estate is missing. Only the Court will be able to order the taking of this property, so the City will be having to go through the entire process on this one.

Councilman Reynolds stated that he is sure staff has done this, but have the tax rolls been checked?

City Manager Norris noted, it is beyond that and will be discussed more in Closed Session.

The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)  
The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill No. 95-59, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Reynolds seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill No. 95-59 and enact it as Ordinance No. 3.480; Councilman Reynolds seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0)

Item 12. on the Agenda. OTHER BUSINESS.

None.


Item 13. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

None.

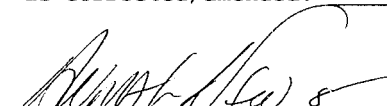
\* \* \*

There being no further business to come before the Regular October 11, 1995 City Council Meeting, Mayor Newsom closed the meeting and Councilman Reynolds moved to adjourn to Closed Executive Session in the City Manager's office for real estate, personnel, and litigation; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Newsom. (4-0) Time: 7:45 pm.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita L. Newsom

**NEXT ORD. NO. 3.481**

**GLADSTONE, MISSOURI**

**MONDAY, OCTOBER 23, 1995**

**Closed Executive Session Immediately Following  
Adjournment of Regular Meeting.**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular Tuesday, October 10, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-98**, authorizing the City Manager to execute a Water Main Extension Contract with King & King Enterprises and Mid Continent Mechanical for installation of water line and hydrant serving 7002 North Oak. (Contract solely at developer's expense).

**RESOLUTION NO. R-95-100**, authorizing acceptance of a bid from Victor L. Phillips for the purchase of a Rosco Vibrostat III Asphalt Roller/Compactor. Net Purchase Amount: \$12,447.00 (Includes trade-in of Rosco Asphalt Roller, City #47-002).

**RESOLUTION NO. R-95-101**, authorizing acceptance of a bid from Key Equipment for the purchase of a PB Loader Asphalt Patcher, Model B3T. Purchase Amount: \$11,936.00 Fund: General

**RESOLUTION NO. R-95-102**, authorizing acceptance of a bid from Goldstar Roofing for roof and building repairs to hail damaged City-owned buildings. Total Contract Amount: \$37,057.00. Fund: Insurance Proceeds deposited in General Fund.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.

**NEXT ORD. NO. 3481**

9. **RESOLUTION NO. R-95-99**, authorizing the City Manager to execute a Lease Agreement with Kansas City Power & Light Company for the installation, illumination, and perpetual maintenance of leased ornamental street lights adjacent to Gladstone Central Park.  
Total Amount: \$20,000.00; Funding: \$10,000.00 - Capital Improvements Sales Tax Fund; \$10,000.00 - Gladstone Chamber of Commerce contribution.
10. **APPROVAL OF BUILDING PERMIT** for 3,834 sq. ft. addition to existing Auto Body Shop at 700 NE 76th Street.  
Applicant/Owner: Tom Sims (BP# 95-023)
11. **APPROVAL OF BUILDING PERMIT** for addition of a new Multi-Purpose Room and Classrooms totalling 27,545 sq. ft. to existing Antioch Bible Baptist Church, 800 NE 72nd Street.  
Applicant/Owner: Antioch Bible Baptist Church (BP#95-021)
12. **PUBLIC HEARING** on a request for renewal of a Special Use Permit at 7406 North Main for operation of a day care facility.  
Applicant/Owner: Trudy Taylor (File #929)
- 12a. **FIRST READING BILL 95-60**, granting a Special Use Permit to Trudy Taylor for operation of a child day care center at 7406 North Main subject to certain conditions.  
Applicant/Owner: Trudy Taylor (File #929)
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 23, 1995 7:30 PM

Mayor Anita Newsom called the Regular October 23, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler  
City Manager James Norris  
Acting City Manager Dianna Wright  
Assistant to the City Manager Laura Gay

City Clerk Marilyn Ahnefeld

ABSENT: City Counselor Nancy Thompson

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. Approval of Regular Tuesday, October 10, 1995 City Council Meeting Minutes. Councilman Reynolds moved to approve the minutes as written; Councilman Norris seconded. The vote: "aye" - Nodler, Norris, Reynolds, Mayor Newsom. Mr. Hammen "abstained" having been absent from the meeting. (4-0-1

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

Following the Clerk's reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### CONSENT AGENDA DETAIL.

Mr. Nodler moved to adopt RESOLUTION NO. R-95-98, authorizing the City Manager to execute a Water Main Extension Contract with King & King Enterprises and Mid Continent Mechanical for installation of water line and hydrant serving 7002 North Oak. (Contract solely at developer's expense); Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt RESOLUTION NO. R-95-100, authorizing acceptance of a bid from Victor L. Phillips for the purchase of a Rosco Vibrostat III Asphalt Roller/Compactor. Net Purchase Amount: \$12,447.00 (Includes trade-in of Rosco Asphalt Roller,

City #47-002). Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

City Manager Norris noted that resolutions on the Consent Agenda that authorize acceptance of bids for purchase of the asphalt/roller and the asphalt patcher are a continuation of purchases made this year in keeping with the City Council's commitment to increased road maintenance.

Mr. Nodler moved to adopt RESOLUTION NO. R-95-101, authorizing acceptance of a bid from Key Equipment for the purchase of a PB Loader Asphalt Patcher, Model B3T. Purchase Amount: \$11,936.00 from the General Fund; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Nodler moved to adopt RESOLUTION NO. R-95-102, authorizing acceptance of a bid from Goldstar Roofing for roof and building repairs to hail damaged City-owned buildings. Total Contract Amount: \$37,057.00. Fund: Insurance Proceeds deposited in General Fund. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### REGULAR AGENDA

##### Item 6. on the Agenda. Communications from the Audience.

None.

##### Item 7. on the Agenda. Communications from the City Council.

Mayor Newsom suggested a date be set for the annual interviews of residents interested in appointment/reappointment to City Board and Commission positions expiring at the end of December. The City Council agreed on Saturday, December 16th and the City Manager assured that appropriate press releases and letters to those board/commission members with expiring terms would be sent.

Mayor Newsom also noted she and Councilman Reynolds attended the MARCIT Public Officials Liability Seminar this past weekend and found it very interesting. She encouraged other Councilmembers to attend in the future.

Mayor Newsom also complimented Gladstone Administrative Intern Ray Seidelman on the just completed STREETScape PROJECT NOTEBOOK which she found very comprehensive. City Manager Norris advised this will be a Study Session discussion item for the next City Council Meeting.

##### Item 8. on the Agenda. Communications from the City Manager.

City Manager James H. Norris announced that from November 3rd through November 5th, the City will conduct its first Fall Brush Drop-Off at the Gladstone Public Works Building. He stresses "brush" because we will not be accepting leaves or grass. The brush will be put into a tub grinder and be turned



into chip material for use in the parks. Councilman Hammen noted that the Faubion Methodist Church Men's Club had completed a cemetery clean-up and would be hauling the brush to the drop off site. City Manager Norris said he had noticed that clean-up project and the cemetery looks very nice. It is appropriate to extend some kudos to the church for this effort.

Councilman Reynolds noted that a number of Bradford Pear Trees have been damaged in today's high winds because of their dense foliage and he suggests that we consider an article in an upcoming City Newsletter that would provide tips for pruning, etc. The City Manager agreed that should be considered and asked staff to make a note of it.

\* \* \*

**AGENDA ADDITION.** City Manager Norris requested the addition of **RESOLUTION NO. 95-103**, authorizing the City Manager to accept the bids of Enviro Controls for the purchase of chart recorders and transmitters; and turbidity meters for the Gladstone Water Treatment Plant for a total purchase amount of \$15,100.00 from the Combined Water and Sewer Fund.

Councilman Norris moved to adopt the Resolution; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 9. on the Agenda.** Mr. Nodler moved to adopt **RESOLUTION NO. R-95-99**, authorizing the City Manager to execute a Lease Agreement with Kansas City Power & Light Company for the installation, illumination, and perpetual maintenance of leased ornamental street lights adjacent to Gladstone Central Park. Total Amount: \$20,000.00; Funding: \$10,000.00 - Capital Improvements Sales Tax Fund; \$10,000.00 - Gladstone Chamber of Commerce contribution. Mr. Norris seconded. The vote: All "aye" -Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

City Manager Norris advised that closer to the lighting installation, a formal presentation will be arranged to accept the Gladstone Area Chamber of Commerce's contribution in the amount of \$10,000 to this project.

**Item 10. on the Agenda.** Councilman Reynolds moved for **APPROVAL OF BUILDING PERMIT** for 3,834 sq. ft. addition to existing Auto Body Shop at 700 NE 76th Street. Applicant/Owner: Tom Sims (BP# 95-023); Councilman Norris seconded.

Discussion.

Councilman Norris inquired which building this is and what backs up to this property; City Manager Norris advised this is the Bossert building and it does back up to the Oak Park High School track field.

There were no further questions. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT for addition of a new Multi-Purpose Room and Classrooms totalling 27,545 sq. ft. to existing Antioch Bible Baptist Church, 800 NE 72nd Street. Applicant/Owner: Antioch Bible Baptist Church (BP#95-021)

City Manager Norris advised that because of some disputed ownership on certain parts of the property, staff asks that this item be tabled.

Motion to Table: Councilman Norris moved to table this item to the November 13, 1995 City Council Meeting; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Councilman Reynolds said he noticed a lengthy listing on the Staff Report considerations and it was indicated the Church had agreed to them. The City Manager said that listing deals basically with the building and the ownership of the land would not change that.

Councilman Hammen asked if all of this land is currently platted as a single parcel because he was concerned about the extension over on N Harrison. He said at one time there was a for sale sign there that advertised "building lots" and that was the reason he raises that issue. If it is not platted as a single parcel obviously that it something we need to address. Director Wingerson said he certainly agrees and believes it is platted as single parcel and not as individual lots.

Item 12. on the Agenda. PUBLIC HEARING on a request for renewal of a Special Use Permit at 7406 North Main for operation of a day care facility. Applicant/Owner: Trudy Taylor (File #929)

Mayor Newsom opened the Public Hearing and explained the procedure that first the applicant is invited to make their presentation followed by those in support and opposition of the request.

Applicant Trudy Taylor, 7406 North Main, Gladstone, Missouri, said she resides at that property with her husband and her three children and requests renewal of her Special Use Permit for another five (5) years to continue operation of her home day care.

Mr. Reynolds said maintenance of a 42" fence is referenced in the conditions of the Bill and he asked if that fence is currently there. The Applicant said it was.

City Manager Norris noted that there have been no complaints regarding this special use since it was issued.

There were no further comments for or against this application and Mayor Newsom closed the Public Hearing.

Item 12a. on the Agenda. FIRST READING BILL 95-60, granting a Special Use Permit to Trudy Taylor for operation of a child day care center at 7406 North Main subject to certain conditions. Applicant/Owner: Trudy Taylor (File #929)

Mr. Norris moved to place Bill 95-60 on First Reading; Mr. Hammen seconded;

Discussion.

Councilman Norris said it should be noted for the record that there have been no complaints regarding this day care operation, the applicant has complied with all the City recommendations and maintains a very nice, clean property.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 95-60, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded; The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0). The Clerk read the Bill.


Mr. Norris moved to accept the Second and Final Reading of Bill 95-60 and enact the Bill as Ordinance No. 3.481; Mr. Hammen seconded; The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0).

\* \* \*

There being no further business to come before the Regular October 23, 1995, City Council Meeting, Mayor Newsom adjourned the meeting. Time: 7:50 P.M.

Motion to Adjourn to Closed Executive Session. Mr. Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office for Personnel and Litigation Discussion as previously posted pursuant to the Missouri Open Meetings Law Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

**NEXT ORD. NO. 3.482**

**GLADSTONE, MISSOURI**

**MONDAY, NOVEMBER 13, 1995**

**Closed Executive Session Immediately Following  
Adjournment of Regular Meeting.**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. **Pledge of Allegiance:** Cub Scout Pack #447 Wolverine Patrol  
sponsored by New Mark Middle School.
4. **Approval of Regular Tuesday, October 23, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-95-104**, authorizing the City Manager to execute Water Main and Sanitary Sewer contracts with Havens Management, Inc. to serve Meadowbrook Manor North Replat of Tract A. (Contract solely at developer's expense).

**RESOLUTION NO. R-95-105**, authorizing acceptance of work under contract with Gervy Construction, Inc. for the 57th Street Reconstruction Project (Oak to Grand) and authorizing final payment. (Project #91-110) Total Contract Amount: \$117,685.18  
Final Payment Due: \$6,031.13  
Fund: Capital Improvements Sales Tax

**RESOLUTION NO. R-95-106**, authorizing acceptance of work under contract with Eureka Environmental, Inc. for the 67th Street & 67th Terrace Water Main Upgrade and authorizing final payment. (Project #9321) Total Contract Amount: \$169,930.00  
Final Payment Due: \$9,500.00  
Fund: Combined Water & Sewer System Fund and 1994 Water Bonds

**RESOLUTION NO. R-95-107**, authorizing acceptance and final payment of work performed under the Superior/Bowen Asphalt Company contract for the 1995 Street Maintenance Program which included N Oak water main repairs. (Project 9515)  
Total Contract Amount: \$354,357.65  
Combined Water & Sewer System Fund Authorization: \$12,346.50  
(Contract Balance of \$342,011.15 funded by Gladstone Special Road District #3)

**NEXT ORD. NO. 3.482**

**RESOLUTION NO. R-95-108**, accepting Bills of Sale to convey Water and Sewer Lines constructed to serve **STONEBROOKE SUBDIVISION** to the City for maintenance.

**APPROVAL OF FINANCIAL REPORTS** for September 1995.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
  - a. Appointment of two Council representatives to the Investment Banking & Financial Services Consultant Selection Committee
8. Communications from the City Manager.
9. **APPROVAL OF BUILDING PERMIT** for addition of a new Multi-Purpose Room and Classrooms totalling 27,545 sq. ft. to existing Antioch Bible Baptist Church, 800 NE 72nd Street.  
Applicant/Owner: Antioch Bible Baptist Church (BP#95-021)  
(TABLED FROM OCTOBER 23, 1995 CITY COUNCIL MEETING)
10. **APPROVAL OF BUILDING PERMIT** for construction of new 5,000 sq. ft. building for **CAR QUEST** at 5828 N Oak. (BP95-024)  
Applicant: Don Alexander; Owner: Duane Hubble
11. **APPROVAL OF BUILDING PERMIT** for Gladstone Plaza Shopping Center Exterior Renovation, 6591 N Oak. (BP#95-025)  
Applicant: Leonard Hicks Construction Co.  
Owner: Clay County Realty
12. **FIRST READING BILL NO. 95-62**, declaring the results of the Tuesday, November 7, 1995 Gladstone Special Election on the Ballot Question of imposing a Sales Tax of One-Half of One Percent for Transportation Purposes in the City of Gladstone, Missouri; and directing the City Clerk to forward certification of this ordinance to the Missouri Director of Revenue within ten days of enactment. (Certified Results: YES: 1,011; NO: 600)
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, NOVEMBER 13, 1995 7:30 PM**

Mayor Anita Newsom called the Regular November 13, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Councilman Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda. Pledge of Allegiance.**

Scouts from Cub Scout Pack #447 Wolverine Patrol sponsored by New Mark Middle School presented the Colors and led the Pledge of Allegiance in which all joined.

**Item 3a. on the Agenda. PROCLAMATION**

Mayor Newsom read a proclamation designating the week of November 12th through November 18th, 1995 as "AMERICAN EDUCATION WEEK" in the City of Gladstone as requested by Linden West PTA. The Proclamation encourages individuals to join the PTA in support of our public education system.

The Mayor said she would be joining Linden West students for lunch on Tuesday and encouraged her fellow Councilmembers to also attend if their schedules allow.

**Item 4. on the Agenda. APPROVAL OF REGULAR TUESDAY, OCTOBER 23, 1995 CITY COUNCIL MEETING MINUTES.**

Councilman Reynolds moved to approve the Regular October 23, 1995 City Council Meeting Minutes with correction to the attendance listing on Page 1 as noted to the City Clerk; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Hammen moved to approve the Consent Agenda as listed; Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-104**, authorizing the City Manager to execute Water Main and Sanitary Sewer contracts with Havens Management, Inc. to serve Meadowbrook Manor North Replat of Tract A. (Contract solely at developer's expense). Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-105**, authorizing acceptance of work under contract with Gervy Construction, Inc. for the 57th Street Reconstruction Project (Oak to Grand) and authorizing final payment. (Project #91-110) Total Contract Amount: \$117,685.18; Final Payment Due: \$6,031.13 from the Capital Improvements Sales Tax Fund. Councilman Norris seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-106**, authorizing acceptance of work under contract with Eureka Environmental, Inc. for the 67th Street & 67th Terrace Water Main Upgrade and authorizing final payment. (Project #9321) Total Contract Amount: \$169,930.00; Final Payment Due: \$9,500.00; Fund: Combined Water & Sewer System Fund and 1994 Water Bonds; Mr. Norris seconded. All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-107**, authorizing acceptance and final payment of work performed under the Superior/Bowen Asphalt Company contract for the 1995 Street Maintenance Program which included N Oak water main repairs. Total Contract Amount: \$354,357.65; Combined Water & Sewer System Fund Authorization: \$12,346.50. (Contract Balance of \$342,011.15 funded by Gladstone Special Road District #3). The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-95-108**, accepting Bills of Sale to convey Water and Sewer Lines constructed to serve **STONEBROOKE SUBDIVISION** to the City for maintenance. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Norris. (5-0)

Mr. Hammen moved for **APPROVAL OF FINANCIAL REPORTS** for September 1995. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Norris. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.**

None.

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

Mayor Anita Newsom thanked the Scouts in attendance for presenting the Colors this evening.

- a. Appointment of two Council representatives to the Investment Banking & Financial Services Consultant Selection Committee.

City Manager Norris advised that approximately five years ago, the City went through a similar process and selected a financial services consultant who also does the underwriting for any bond issue the City might do and at that time we selected George K. Baum and Company. It was a three year relationship agreement that was entered into to provide those services to the City. That Agreement has expired and because we have not had a bond issue since the 1994 water bonds, we haven't had the need for those services. The Manager said we do need to go through the selection process using an interview team comprised of 3-4 staff members and two councilmembers.

The Mayor asked for Council volunteers. Councilmembers Roger Norris and Bill Reynolds agreed to serve on the Committee.

**Item 8 on the Agenda. Communications from the City Manager.**

City Manager Norris requested a motion to proceed on Phase #1 Bids for the Streetscape Project. Councilman Norris so moved; Mr. Hammen seconded.

Discussion.

Mr. Reynolds thanked the Staff, Citizens and Commission Members who provided so much input on this project. They did a good job and he looks forward to the implementation. The Mayor said it will do a great deal to identify where Gladstone is and give a much cleaner look to North Oak. We have had a small resurgence of businesses doing some face lifts on North Oak and it will all play in together. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

City Manager Norris announced the City Hall's closure for the Thanksgiving Holiday on Thursday, November 23rd and Friday, November 24th.



Item 9 on the Agenda. APPROVAL OF BUILDING PERMIT for addition of a new Multi-Purpose Room and Classrooms totalling 27,545 sq. ft. to existing Antioch Bible Baptist Church, 800 NE 72nd Street. Applicant/Owner: Antioch Bible Baptist Church (BP#95-021) (Tabled from October 23, 1995 City Council Meeting).

Mr. Norris moved to approve the Building Permit for 800 NE 72nd Street subject to conditions listed on the Staff Report which he noted the Applicant has agreed to comply with; Mr. Reynolds seconded.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The Mayor and City Council wished the church well in this expansion effort. Church representatives present said they plan an open house upon completion and would love to have the City Council attend.

Item 10 on the Agenda. APPROVAL OF BUILDING PERMIT for construction of new 5,000 sq. ft. building for CAR QUEST at 5828 N Oak. (BP95-024). Applicant: Don Alexander; Owner: Duane Hubble

City Manager Norris said this application is in order with the exception of the Phasing Plan for the construction that the Council discussed during the site plan review. We did receive a fax of a proposed phasing plan letter late this evening but really have not had a chance to review it and would request that the motion to approve the building permit be subject to the phasing being worked out to a schedule that is acceptable to the City Staff.

Councilman Norris moved to approve the Building Permit subject to the Staff Report and subject to a phasing schedule that is acceptable to the City Staff; Councilman Reynolds seconded the motion. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11 on the Agenda. APPROVAL OF BUILDING PERMIT for Gladstone Plaza Shopping Center Exterior Renovation, 6591 N Oak. (BP#95-025) Applicant: Leonard Hicks Construction Co. Owner: Clay County Realty

Councilman Norris moved to approve the Building Permit subject to conditions of the Staff Report; Councilman Hammen seconded.

Discussion.

City Manager Norris thanked Mr. Byers who is representing the Applicant and is present tonight for bringing this renovation plan forward. It is a project the Council and Staff have had an

interest in for some time. What they do there is the main focal point of N Oak in terms of sq. footage, size and number of shops in terms of our streetscape plan. The Mayor said there is a lot of potential there and some people do not realize what businesses are even in the shopping center. With a face lift and fresh signage some economic resurgence may occur in that center.

Councilman Norris asked if a sign variance is included in this building permit or is it something that will be discussed later? The Manager clarified that is the old variance that was approved a long time ago. Councilman Norris said so nothing will actually change there. City Manager Norris said not at this time.

The Mayor also commented that she had seen the color rendering and it should look very nice.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12 on the Agenda. FIRST READING BILL NO. 95-62, declaring the results of the Tuesday, November 7, 1995 Gladstone Special Election on the Ballot Question of imposing a Sales Tax of One-Half of One Percent for Transportation Purposes in the City of Gladstone, Missouri; and directing the City Clerk to forward certification of this ordinance to the Missouri Director of Revenue within ten days of enactment. (Certified Results: YES: 1,011; NO: 600)

Councilman Norris moved to place Bill 95-62 on First Reading; Mr. Hammen seconded.

Discussion.

Councilman Norris said voters approved the Half-Cent Transportation Sales Tax question by 69% and he hopes this will be a final solution to our streets.

The vote: All "aye" Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Norris moved to accept the First Reading, Waive the Rule, and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Norris moved to accept the Second and Final Reading of Bill 95-62 and to enact the Bill as Ordinance No. 3.482; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

There being no further business to come before the Regular November 13, 1995 City Council Meeting, Mayor Newsom closed the meeting and Councilman Reynolds moved to adjourn to Closed Executive Session in the City Manager's office for personnel, and litigation discussion as previously posted; Councilman Hammen seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) Time: 7:50 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita L. Newsom

GLADSTONE, MISSOURI

MONDAY, DECEMBER 18, 1995

Closed Executive Session Immediately Following  
Adjournment of Regular Meeting.

Open Study Session: 7:00 PM

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular Monday, November 13, 1995 City Council Meeting Minutes.
5. **CONSENT AGENDA**

RESOLUTION NO. R-95-109, authorizing execution of a contract with Industrial Excavating and Equipment, Inc. for construction of Buttonwood Lane Drainage Project. Contract Amount: \$43,072.50  
Fund: Capital Improvement Sales Tax (Project #9603)

RESOLUTION NO. R-95-110, authorizing execution of a contract with R.K. Breit Construction Services for construction of the 6300 N Woodland Drainage Project. Contract Amount: \$57,610.00  
Fund: Capital Improvements Sales Tax (Project #9602)

RESOLUTION NO. R-95-111, authorizing execution of a contract with Baldwin Properties, Inc. and Haines-Stowers Construction Company, Inc. for installation of water line and fire hydrant serving 6606 NE Antioch Road. (Installation at no expense to the City)

RESOLUTION NO. R-95-112, authorizing the City Manager to accept streets constructed at the developer's expense in Northaven Meadows Subdivision for City maintenance.

RESOLUTION NO. R-95-113, authorizing acceptance of Bill of Sale conveying water line and fire hydrants, sanitary sewer and storm sewer constructed at the developer's expense to serve Northaven Meadows Subdivision to the City for maintenance.

RESOLUTION NO. R-95-114, authorizing acceptance of work under contract with Stelmach Construction Company for the NW 59th Terrace and NW 61st Street & N Broadway Drainage Improvement Projects. Total Contract: \$76,181.65. Final Payment Due: \$4,340.55. (Projects 9503 and 9513)

RESOLUTION NO. R-95-115, authorizing acceptance of work under contract with Miles Excavating, Inc. for East Creek Drainage Improvements and Old Maids Creek Gabion Replacement. Total Contract: \$134,181.49; Final Payment Due: \$13,418.15. (Projects 9003 and 9120)

**NEXT ORD. NO. 3483**

**CONSENT AGENDA (CONTINUED)**

**RESOLUTION NO. R-95-116**, authorizing the City Manager to accept a Bill of Sale conveying water line, fire hydrant and sanitary sewer constructed at the developer's expense to serve Meadowbrook Manor North Replat of Tract A to the City for maintenance.

**RESOLUTION NO. R-95-117**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the two year period January 1, 1996 through December 31, 1997.

**APPROVAL OF FINANCIAL REPORTS** for months of October 1995 and November, 1995.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION NO. R-95-118**, rescinding Resolution 95-102 which authorized the City Manager to enter into a contract with Gold Star Roofing Company for certain repairs to municipally owned buildings.
10. **RESOLUTION NO. R-95-119**, authorizing the City Manager to enter into an Agreement with the Gladstone Economic Betterment Council to provide Economic Development Services to the City of Gladstone.
11. **FIRST READING BILL NO. 95-63**, approving the Final Plat of "Replat of Part of Lots 11 and 12, Block 27, LINDEN SUBDIVISION". Applicant/Owner: Dean Chester, Image Builders, Inc. (File #933)
- 11a. **RESOLUTION NO. R-95-120**, authorizing execution of a Land Development and Escrow Agreement with Brenda Bowen relating to the development of residential property at 6909 N Cherry. (File #933)
12. **FIRST READING BILL NO. 95-64**, providing for the assessment of an additional court cost not to exceed one dollar for each Municipal Ordinance violation to be used for the purpose of contributing to a State Wide Law Enforcement Training Fund.
13. **FIRST READING BILL NO. 95-65**, amending Section 19-29 of the Gladstone City Code relating to the assessment of court costs in Municipal Court and authorizing the Court to assess an additional court cost in connection with certain motorcycle violations to be paid into the State Motorcycle Safety Trust Fund.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, DECEMBER 18, 1995 7:30 PM

Mayor Anita Newsom called the Regular December 18, 1995 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. Approval of Regular Monday, December 18, 1995 City Council Meeting Minutes. Councilman Reynolds moved to approve the minutes as written; Councilman Norris seconded. The vote: "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

CONSENT AGENDA DETAIL.

Mr. Nodler moved to adopt RESOLUTION NO. R-95-109, authorizing execution of a contract with Industrial Excavating and Equipment, Inc. for construction of Buttonwood Lane Drainage Project. Contract Amount: \$43,072.50; Fund: Capital Improvement Sales Tax. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt RESOLUTION NO. R-95-110, authorizing execution of a contract with R.K. Breit Construction Services for construction of the 6300 N Woodland Drainage Project. Contract Amount: \$57,610.00/Capital Improvements Sales Tax Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-111**, authorizing execution of a contract with Baldwin Properties, Inc. and Haines-Stowers Construction Company, Inc. for installation of water line and fire hydrant serving 6606 NE Antioch Road at no expense to the City. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-112**, authorizing the City Manager to accept streets constructed at the developer's expense in Northaven Meadows Subdivision for City maintenance. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-113**, authorizing acceptance of Bill of Sale conveying water line and fire hydrants, sanitary sewer and storm sewer constructed at the developer's expense to serve Northaven Meadows Subdivision to the City for maintenance. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-114**, authorizing acceptance of work under contract with Stelmach Construction Company for the NW 59th Terrace and NW 61st Street & N Broadway Drainage Improvement Projects. Total Contract: \$76,181.65. Final Payment Due: \$4,340.55. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-115**, authorizing acceptance of work under contract with Miles Excavating, Inc. for East Creek Drainage Improvements and Old Maids Creek Gabion Replacement. (Projects 9003 and 9120) Total Contract: \$134,181.49; Final Payment Due: \$13,418.15. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-116**, authorizing the City Manager to accept a Bill of Sale conveying water line, fire hydrant and sanitary sewer constructed at the developer's expense to serve Meadowbrook Manor North Replat of Tract A to the City for maintenance. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to adopt **RESOLUTION NO. R-95-117**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the two year period January 1, 1996 through December 31, 1997. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved for **APPROVAL OF FINANCIAL REPORTS** for months of October 1995 and November, 1995; Mr. Norris seconded. The vote: All "aye" - All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.      Communications from the Audience.**

None.

**Item 7. on the Agenda.      Communications from the City Council.**

Councilman Reynolds wished all a Happy Holiday season.

Councilman Hammen expressed his family's appreciation for the condolences received at the death of his mother-in-law, LaNea Voyce.

Mayor Newsom complimented employee Pat Crooks on the arrangements for the December 16th City Employee Recognition Dinner. The Mayor also extended holiday wishes to all.

**Item 8. on the Agenda.      Communications from the City Manager.**

City Manager Norris expressed the City's sadness at the death of former Gladstone Mayor and Clay County Presiding Commissioner Edward J. Bauman. He advised that the City of Gladstone's condolences had been sent to the Bauman Family and the City Clerk represented the City at services held for Mr. Bauman.

**Item 9. on the Agenda.      Resolution No. R-95-118,** rescinding Resolution 95-102 which authorized the City Manager to enter into a contract with Gold Star Roofing Company for certain repairs to municipally owned buildings.

Mr. Reynolds moved to adopt Resolution 95-118; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 10. on the Agenda.      Resolution No. R-95-119,** authorizing the City Manager to enter into an Agreement with the Gladstone Economic Betterment Council to provide Economic Development Services to the City of Gladstone.

The item was moved to Other Business on the Agenda. (Item 14).

**Item 11. on the Agenda.      FIRST      READING      BILL      NO.      95-63,** approving the Final Plat of "Replat of Part of Lots 11 and 12, Block 27, LINDEN SUBDIVISION". Applicant/Owner: Dean Chester, Image Builders, Inc. (File #933)

Mr. Reynolds moved to place Bill 95-63 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading; Waive the Rule and place Bill 95-63 on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.



Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.483; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11a. on the Agenda. RESOLUTION NO. R-95-120, authorizing execution of a Land Development and Escrow Agreement with Brenda Bowen relating to the development of residential property at 6909 N Cherry. (File #933)

Mr. Hammen moved to adopt the Resolution; Mr. Reynolds seconded.

Discussion.

It was noted that this agreement defines Ms. Bowen's responsibility for sidewalk, curb and gutter public improvements and contributions for the construction along N Cherry Street adjacent to the property.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12. on the Agenda. FIRST READING BILL NO. 95-64, providing for the assessment of an additional court cost not to exceed one dollar for each Municipal Ordinance violation to be used for the purpose of contributing to a State Wide Law Enforcement Training Fund.

Mr. Nodler moved to place Bill 95-64 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Nodler moved to accept the First Reading; Waive the Rule and place Bill 95-64 on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Nodler moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.484; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 13. on the Agenda. FIRST READING BILL NO. 95-65, amending Section 19-29 of the Gladstone City Code relating to the assessment of court costs in Municipal Court and authorizing the Court to assess an additional court cost in connection with certain motorcycle violations to be paid into the State Motorcycle Safety Trust Fund.

Mr. Reynolds moved to place Bill 95-65 on First Reading; Mr. Hammen seconded.

**Discussion.**

City Counselor Nancy Thompson advised that this Bill provides for amendment of the Gladstone City Code to collect an additional \$5.00 court cost assessment in connection with motorcycle related offenses. The Court costs collected shall be paid into the State Treasury to the credit of the Motorcycle Trust Fund. This additional court cost assessment is mandated by State Law enacted by the Missouri General Assembly during its First Regular Session in 1995.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading; Waive the Rule and place Bill 95-65 on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading of Bill 95-65 and enact the Bill as ORDINANCE NO. 3.485; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 14. on the Agenda. Other Business.**

**Resolution No. R-95-119**, authorizing the City Manager to enter into an Agreement with the Gladstone Economic Betterment Council to provide Economic Development Services to the City of Gladstone.

Mr. Reynolds moved to adopt Resolution R-95-119; Councilman Norris said he would second for sake of discussion.

**Discussion.**

Councilmembers discussed this Agreement in Study Session prior to the formal meeting and generally were not opposed to the concept of the Agreement but had questions on the sturcture of the agreement including the City's role, the input they would have in the hiring and firing of this position and to whom the position would be accountable, and the stability of the Gladstone Chamber of Commerce.

Mr. Pete Hall, Chairman of the Gladstone Economic Betterment Council arrived and engaged in the discussion.

Councilman Norris told Mr. Hall that of all the people in the entire discussion besides the other members of this Council he would probably trust him over anybody. He asked Mr. Hall how he is going to guarantee stability in the Chamber of Commerce.

Mr. Hall said if that is an issue perhaps he is the wrong person to be discussing this with because he cannot guarantee that nor can anyone in this room or anyone in the world. He said he can guarantee contractually that if the function is not

performed correctly, then that function will no longer be allowed to be performed by that entity. The downside bluntly is that we would go back to the way we are now in otherwords nothing ventured nothing gained.

Mr. Hall said he believes and he believes a lot of people share in the belief that this is a phenomenal opportunity for the City, the Chamber, GEBC and the business community. If it flounders for lack of support or if it flounders because of instability the very worse thing that can happen is that the Chamber, the City and GEBC all go back functioning like they were. That is the downside. If we take a chance and make the effort it is a great opportunity.

Councilman Norris said in the past five years there have been five different directors; and three either left under their own accord looking for another job or were asked to leave all because of personality conflicts. This city is in a position where we want economic development to happen especially redevelopment on a lot of our corridors. We cannot have five different economic development directors over the next five years.

Mr. Hall said it is the timing and he agrees with Councilman Norris. Everything happens for a reason. One of the reasons that this is attractive is that as long as you pay someone a low salary it is going to be a stepping stone as far as a Chamber Executive Director. Usually you get someone that is not qualified or you will get someone that is qualified but needs the experience to go on to bigger things. This contract allows us to employ someone with the qualities of Jana Miller who is the individual we are offering the contract to. We will have enough money in that pool to hire a quality person who does not need to use it as a stepping stone. For the salary that we are intending to provide we can find a very good qualified person.

Mr. Hall said he believes the timing and people involved are substantially the best, we could not design or make a better set of circumstances for the people that make this thing work. One of reasons that there has been instability is because of the low pay. If you get someone with the qualities that money can buy, then you won't have that turnover and instability. As long as the Chamber changes leadership every year in the Board and President, you have to have that Executive Director to add the stability to the Chamber. Mr. Hall said he is hopeful that they can make the Executive Director an officer of the Chamber as well to again add that additional stability that has been lacking in the past.

Mr. Hall said it has the people and the leadership and with that one little piece that this contract will add, we will see the Chamber and the Economic Business climate in Gladstone improve this next year more than in any year in the history of our city.

Councilman Roger Norris said politics have been in the Chamber in the past. It also seems to him that we have seen a decline in the attendance at monthly meetings of the Chamber and they were begging people to be President. There was no diversity and only one candidate for the each of the Chamber positions.

Councilman Norris said we don't know who is going to hire and fire people and who is going to hold the hammer but it is not the City. All he sees is all of the City's money going out and we have nothing to say about it.

Mr. Hall said the political aspects were over six years ago and are behind us now.

Councilman Norris said if we were just looking at it from a savings standpoint, he is willing to pay for stability. Consistency shows stability and stability shows pride and shows camaraderie and teamwork and that's what Gladstone is growing toward.

Mr. Hall agreed that stability is what we want. He said by allowing someone to make a reasonable wage we can have that. That is what has been lacking and he blames the majority of it on dollars and cents. He also blames micromanaging but those things are behind us now. Part of this program is to make this position an officer and make the position accountable like you would a CEO to a company. Like anybody, this position holder could be fired by the board of directors. Mr. Hall said he is here to ask that we be willing to take a chance. The downside is that we go back the way we were. The upside is it should work wonderfully, the business community and the city both benefit substantially. The people who are directly involved are very excited about it which tells us a lot.

Mr. Hall said he is committed to making it work Is there a guarantee? Absolutely not.

Mr. Reynolds said he would disagree with Mr. Hall's comment that if this new approach fails we would go back the way we were. He does not think we can but does agree with all of Mr. Hall's other comments especially timing. Mr. Reynolds said he too believes the setting is the best it can be with the people that we have on the GEBC Board and the individual we have for this position.

Mr. Reynolds said he believes the timing is great but if we don't enact this tonight we are sending a message to the Chamber that is more negative and could hurt more than if we were to enact this and the concept fails.

Mayor Newsom said she won't be held hostage by the Chamber of Commerce. She is elected to represent 27,000 people.

Mr. Reynolds asked that he not be misunderstood. If the Council denies this this evening it will send a negative message back to the Chamber and it has nothing to do with us representing the people of Gladstone.

Further discussion was held and Mr. Hall told the City Council if they are not comfortable with this Agreement then we have to find a way to make them comfortable. This is a business transaction and not to be played with by personalities. Councilman Norris said that was absolutely correct and Mayor Newsom said that is a fear that some members of the City Council have because we have seen it happen.

Mr. Hall continued that no one individual can make this work, it takes teamwork. Jana Miller is the key to start it and from discussions with her he feels she is very excited and enthusiastic about the opportunity.

Councilman Norris noted there is no Chamber of Commerce representative present tonight and suggested that a Chamber representative be present if this item is placed on the January 8th City Council Meeting Agenda.

Mr. Hall said he is a representative of both groups and City Manager Norris said although his allegiance is to the City he too serves on the GEBC Board and the Chamber Board.

City Manager Norris said but for Jana Miller being the person she is with the respect she has from him as Chief Administrator of the City; from the elected City Council; from the GEBC group; and from the Chamber for the things she has done in her role with GEBC and the City to benefit the Chamber, this agreement probably would not have gone anywhere. City Manager Norris said at one point in time he told them, if it is not Jana, we don't start this because there has to be a comfort level for the Council, the Director of Planning & Development and the City Manager. Jana would be making a move from government to the private sector. All important in this are the contract requirements in pages two through four and the annual plan which the Council adopts and that is key. The Council remains in control of what they are going to do in the annual plan.

City Manager Norris said while he understands Councilman Norris' concerns, he has seen a major change in the Chamber since he came to the city in October 1988 to the present. The Chamber is not political and cited the Transportation Sales Tax Election where they chose not to take a stand. The Manager also pointed out that the current President and Vice President have a background in managing staff and delegating responsibility but we have had some difficulty in the past because we have not always had individuals with that in their leadership style. And we also saw this year the leadership of the Chamber Board say "no" to the Chamber President.

Mayor Newsom said it makes a difference because having no City Council representation on the Board or in an advisory capacity none of the City Council were there to see that. She suggests that the seated Mayor be invited to be an Advisor so at least they could come and hear what takes place and have a little more opportunity for input and reflection.

The Mayor said everyone has spoken of timing and real change takes real time and that is what we are looking at here. She acknowledged we have taken a lot of time this evening but only because this is not a matter we take lightly. She said this is a good concept, all of the players or current personalities are in place to make this a success right out.

Mayor Newsom said she thinks the pilot year will probably be very very successful considering the personalities involved but the Council's concerns are that the contract be written in such a way that should any one or a number of those personalities change that we have the safeguards in place to ensure that we have continued cooperation and that the performance standards and goals are written in such a way that all of these bases are covered so that they are not running in opposition to one another.

The Mayor also suggested inclusion of a reference that open political activity is not appropriate much like the City's Personnel Manual. She said she certainly encourages everyone to be knowledgeable and vote in elections but as a public employee herself she has learned that in certain situations it is prudent to step back and squelch your political activities and desires particularly when you represent public entities.

Mr. Hall said he certainly agrees and that is part of the employment contract. The Mayor said not being privy to the employment contract, the Council was unaware. She suggested that some of the lengthy discussion this evening could have been circumvented if they had known more about that.

Mr. Hall said they spent so much time on it and there were not too many things they did not address and they tried to anticipate the Council's concerns and bring forward a document that would be acceptable. But he certainly understands the Council's concerns not being as close to it as they were and agree their concerns need to be addressed.

Mr. Hammen said going into this discussion he shared many of the concerns that the Mayor and Councilman Norris voiced; after listening to the City Manager and Mr. Hall, if it is the desire of this City Council he is prepared to cast a vote this evening on this resolution.

Councilman Norris said if we have ended the discussion, he withdraws his second on the motion to adopt the Resolution. He clarified that his second was only for purposes of discussion.

The Mayor asked if there was another second to the motion; No second was made.

City Manager Norris said it is very important if we are going to enter into a contractual agreement at any point in time on this that we cover all the bases. The Council raised some good issues and we need to go back to the negotiating and contract drafting table and see if we can't address some of

these matters and bring it back on January 8, 1996. The Manager said in his opinion we would potentially be setting ourselves up for failure and as Mr. Hall said, if we don't address the concerns and something minor happens in the future and because we did not address something it snowballs, it would be a disservice to Jana Miller and all three parties.

The Manager said he would recommend that it not be voted upon tonight and that we look at the important suggestions on items in the contract language that need to be re-written or renegotiated and bring it back to the City Council for their January 8, 1996 meeting.

The Manager said when we have spoken of timing we mean the Council stability, Jana is in place, GEBC's stability and the changing and direction and leadership of the Chamber of Commerce and their need to hire an Executive Director. As far as he is concerned this can happen anytime over the next 2-3 months and still meet the goals of the Chamber, City and GEBC. The Chamber does conduct their membership drive in January and February and they wanted a focal point for that but they did not have that last year and they survived.

Mr. Reynolds said he has listened to the three gentlemen who worked on this at length and he feels regardless of how much more time is spent and how much they go back to the drawing board on this there are only some minor things that need to be changed along the way and he honestly cannot see anything that will be a major stumbling block.

The Mayor told Mr. Reynolds that he has been on the inside and privileged to these conversations where the rest of the Council has not and perhaps that is why they do not have the same level of comfort that he has. City Manager Norris pointed out that Mr. Reynolds was at the GEBC Board Meeting where this was voted upon but other than that he has not been party to discussions nor has he seen the employment contract.

City Manager Norris said the agreement was put in written form in the past two weeks and he did not write the draft employment contract until late last week and the Chamber job description is still in flux so perhaps this is happening rather fast.

The Mayor thanked Mr. Pete Hall for his discussion of this matter and said the message that should come out of these deliberations is that it is not that the City is not in support of this agreement but that we are cautious about it because we are cautious about everything we do. City Manager Norris said also that we have a very good employee now and before that relationship changes, we want to make sure that her security is handled as well as it should be. Almost every question tonight has dealt more with Jana Miller's security in that position and the stability of the Chamber as well as the services.

\* \* \*

City Council Meeting Minutes  
December 18, 1995 Page #11

(Agenda Addition)


Resolution No. 95-121, authorizing installation of remotely activated electric power gate for the City Water Plant by Kansas City Fence & Guard Rail Corporation in the amount of \$7,118.00 with an additional estimated \$2,000 allocated for installation of the electric line and control wires required for a total cost of \$9,118.00 from the Combined Water and Sanitary Sewer Fund.

Mr. Reynolds moved to adopt this Resolution; Mr. Hammen seconded. the vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

There being no further business to come before the Regular December 18, 1995, City Council Meeting, Mayor Newsom adjourned the meeting.

Motion to Adjourn to Closed Executive Session. Mr. Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office for Personnel and Litigation Discussion as previously posted pursuant to the Missouri Open Meetings Law Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Respectfully submitted:

  
Marilyn/F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom



**NEXT ORD. NO. 3.486**

**GLADSTONE, MISSOURI**

**MONDAY, JANUARY 8, 1996**

**Closed Executive Session Immediately Following  
Adjournment of Regular Meeting.**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular Monday, December 18, 1995 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-96-1, expressing the City of Gladstone's support for replacement of the Chouteau Bridge over the Missouri River.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
  - a. Board and Commission Appointment/Reappointments.
8. Communications from the City Manager.
9. **RESOLUTION NO. R-96-2, authorizing the City Manager to accept the proposal of Corporate Express for the purchase and installation of Haworth Premise System Modular Office Furniture Units in certain City Hall office areas. Fund: Capital Improvements Sales Tax Fund**
10. **RESOLUTION NO. R-96-3, authorizing the City Manager to enter into an Agreement with the Gladstone Economic Betterment Council to provide Economic Development Services to the City of Gladstone.**
11. **FIRST READING BILL NO. 96-1, an ordinance declaring that a Primary Election will not be required; calling a General Election in the City of Gladstone on Tuesday, April 2, 1996 for the election of two City Council positions; describing the form of the ballot; and directing the City Clerk to submit certification of such election ballot to the Clay County Board of Election Commissioners pursuant to RSMO 115.125. (BALLOT: CANDIDATES ANITA NEWSOM, BILL REYNOLDS)**
12. Other Business.
13. Questions from the News Media
14. Adjournment

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JANUARY 8, 1996, 7:30 PM

Mayor Anita Newsom called the January 8, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular December 18, 1995 City Council Meeting Minutes.

Mr. Reynolds moved to approve the December 18, 1995 Minutes as submitted; Mr. Norris seconded with correction to roll call vote on Item 11a to reflect the unanimous vote. The Clerk acknowledged the correction. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the City Clerk's Reading, Mr. Nodler moved to approve the only Consent Agenda item, **RESOLUTION NO. R-96-1**, expressing the City of Gladstone's support for replacement of the Chouteau Bridge over the Missouri River; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### REGULAR AGENDA

#### Item 6. on the Agenda. Communications from the Audience.

None.

Item 7. on the Agenda. Communications from the City Council.

a. Board and Commission Appointment/Reappointments.

Mayor Anita Newsom announced that these appointments would be deferred to the January 22, 1996 City Council Meeting. She said the Board and Commission interviews were very heartwarming this year because we had such a great number of citizens who indicated their interest to be involved and volunteer their services to the city. As we began looking for places to utilize these people and their wealth of talents it became clear that we had a real task at hand.

The Mayor also noted that the Council would also have something different to deal with this year with the passage of the half cent transportation sales tax. She asked that the City Council discuss under other business later on tonight's agenda, amendment to an existing committee that would deal with distribution and allocation of transportation sales tax funds. She asked that the Council provide her with their comments and opinions.

Item 8. on the Agenda. Communications from the City Manager.

City Manager James Norris advised that the dog license renewals have been mailed and the City will extend the deadline to February 1st. Press releases have been distributed to the news media announcing this extension.

Mayor Newsom asked why this occurs. She said it certainly does not look very efficient on our part if a resident receives something in the mail on January 6th and it indicates it is due January 1st.

The City Manager responded that we have a conflict between printing tax bills at year end and dog license renewals. We need to look at changing the dog license renewal date and this is a computer technology issue that is on our list for review. Our license forms are printed with the January 1st due date and we are trying to use them up.

\* \* \*

City Manager Norris referred the City Council to a Memorandum at their places that explains that municipalities in Clay County along with the County itself have been looking at the potential of moving towards the 800mhz trunked radio system. Representatives from all of the major cities are involved, law enforcement and fire departments and all the City Manager/Administrators as well as the County Administrator. Several committees have been formed to review this proposal. Director Adamo served on a Committee that wrote the request for

proposals for a consultant to look at a 800mhz system that would serve county-wide and a centralized dispatcher center which could have some real significant cost savings for the larger communities.

The Manager stated he served on the Committee which interviewed the consultants and made a recommendation for the final consultant.

There was another Committee which came up with a cost sharing formula for the \$59,000 cost of the consultant. That Committee came up with a population based distribution which is obviously the easiest one to choose but in his opinion this method does not adequately address the equity issue. Gladstone is the only community that has a fully installed 800 Mhz system although not trunked at this time. We have the engineering for this and have our specifications.

The Manager advised he would advocate a system that deals with the need for new technology, number of mobile radios, number of portable radios, number of calls responded to and that type of thing to come up with the distribution. He said it is difficult for him to accept their formula where Gladstone would pay one-third of the total cost for the consultant when we basically have a system already although it is not the state of the art, it is not trunked and it doesn't give us the capability of talking with the other communities but we are closer than anybody.

If Council concurs with his views, the Manager said he would like direction to go back to the Committee and negotiate a different formula that gets this cost down. Councilman Norris said he would certainly agree.

The Manager said the goals are good but the formula is not. He hates to ham-string a process that has the potential of doing so much good over the money but he thinks we can have success if we go back to the table.

Mayor Newsom said having just received this memorandum she did not have the opportunity to read all of it and asked City Manager Norris to recap what this radio system will do for us.

City Manager Norris said essentially cross-talk between the communities. The 1993 flood and other disasters and mutual aid calls have pointed out this need. For example we have a mutual aid with Liberty and Riverside but we cannot communicate on the radio and that does not work well. Since Liberty, North Kansas City and Clay County were all looking at upgrading their radio systems, it made sense for us to begin looking at something county-wide but there is significant difference between our 800 Mhz system and a trunked system so we need to pay part of it. At least half of the cost of this is the study and feasibility on regional dispatch which would benefit us.

City Manager Norris said he would be glad to get our costs reduced to the \$5,000 - \$6,000 range which he feels would be more equitable.

The Mayor said we are dealing with the outlying unincorporated areas of the County who need assistance and also the sq. miles of the jurisdictions involved. The Manager said that is why a population based system does not work to our benefit since we are fully developed. Mayor Newsom said for instance Kearney's population is much lower than ours but the outlying areas they have that need assistance on a regular basis are much higher.

Councilman Norris said the number of radios and cars of the entities involved would change the ratio considerably.

The City Council was unanimous in their direction to City Manager Norris to go back to the table and renegotiate the formula.

Item 9. on the Agenda. RESOLUTION NO. R-96-2, authorizing the City Manager to accept the proposal of Corporate Express for the purchase and installation of Haworth Premise System Modular Office Furniture Units in certain City Hall office areas. Contract Amount: \$72,084.79; Fund: Capital Improvements Sales Tax Fund.

Councilman Reynolds moved to adopt Resolution 96-2; Councilman Nodler seconded.

Discussion.

Mayor Newsom advised she was very pleased that the City Employees Committee worked hard and found something that will update not only the appearance of City Hall but the functionality of their work space and improve the privacy and efficiency in dealing with our citizens.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 10. on the Agenda. RESOLUTION NO. R-96-3, authorizing the City Manager to enter into an Agreement with the Gladstone Economic Betterment Council to provide Economic Development Services to the City of Gladstone.

Mr. Reynolds moved to place Bill 96-3 on First Reading; Mr. Hammen seconded.

Discussion.

Councilman Norris asked if the changes discussed at the meeting last week are now incorporated into this agreement.

City Manager Norris said they were.

Mayor Newsom said she was pleased to see the outcome of the discussions in the form of amendments and additions to this agreement. City Manager Norris said the effective date to be inserted into the agreement is January 17, 1996.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11. on the Agenda. **FIRST READING BILL NO. 96-1**, an ordinance declaring that a Primary Election will not be required; calling a General Election in the City of Gladstone on Tuesday, April 2, 1996 for the election of two City Council positions; describing the form of the ballot; and directing the City Clerk to submit certification of such election ballot to the Clay County Board of Election Commissioners pursuant to RSMO 115.125. (BALLOT: CANDIDATES ANITA NEWSOM, BILL REYNOLDS)

Councilman Hammen moved to place Bill 96-1 on First Reading; Mr. Norris seconded.

Discussion.

Mr. Hammen said the fact that Anita Newsom and Bill Reynolds are running unopposed is testimony that the City is running along smoothly and the citizens realize that the current Council is doing its best to provide the citizens with what they expect.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved to accept the First Reading of Bill 96-1, Waive the Rule and place the Bill on Second Reading; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.486; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12. on the Agenda. Other Business.

Mayor Newsom said as referred to earlier, she had proposed restructuring a committee to deal with the transportation sales tax revenue.

City Manager Norris said the Capital Improvements Committee met last week because they are preparing a new Comprehensive Five

Year Capital Improvements Plan. Traditionally our existing Capital Improvements Committee has dealt with Capital Improvements Sales Tax Funds but a review of the 1987 ordinance which established the CIP Committee does not preclude that Committee to only Capital Improvement Sales Tax but rather it says "Capital Improvements Program". Staff discussed the Transportation Sales Tax and it does not make sense in their mind to have a separate committee for the Transportation Sales Tax and it does not make sense to have a sub-committee because a subcommittee would probably only meet once or twice a year.

Staff's recommendation to the Council would be to amend the ordinance dealing with the CIP Committee and to add whatever members the Council determines whether they be citizen members, Planning Commission or the composition the Council wants.

The City Manager said they would encourage a Road Commissioner since we have and will continue to work cooperatively with them. In the section of the ordinance that deals with the duties of the Committee it is suggested to add a sentence that states that they are responsible for recommending the overall program to the Council from all sources of funds, CIP Sales Tax and Half-Cent Transportation Sales Tax, Combined Water and Sanitary Sewer Funds and any other funds that might come available such as grants, whatever. Therefore, we would be looking at our infrastructure and physical development of the community from an overall basis not piecemeal. So staff recommendation is the one committee with expansion to achieve the representation the Council desires but not create more committees that might serve to fragment.

Mr. Reynolds asked if 30% of the CIP Committee funding was not going to roads now; the Manager said it is a little more, approximately 41%. Mr. Reynolds said he would agree that it would work much smoother if it was integrated with the Capital Improvements Committee and does concur with the suggested addition of a Road District Member. He asked if the Road District would determine who would represent them on this his Committee, the Manager said that is up to the Council and suggested Council may want to retain the right to make those appointments, it is a liaison role but would be a voting member. He said currently the Park Board as example recommends to the City Council who their representative on the CIP Committee should be. The Mayor said past practice has been that it is the chair or past chair that have that depth of interest in serving on the CIP Committee but that is just how the Park Board has dealt with it.

The Mayor said she would be interested in additional Council comments.

Mr. Hammen said he wholeheartedly concurs that there needs to be coordination between the CIP Committee and the group charged with administering the half cent transportation sales tax. He

has two concerns about combining it into one Committee with all due respect to Staff. #1, he questions the wisdom of asking those folks who are interested primarily in the transportation sales tax to sit through all of the details of every capital improvements meeting, because those meetings tend to be long and arduous and if we lose the interest of those who might be there primarily for road improvements, he questions their effectiveness.

Secondly, he would like to raise the issue of some general discussion that was held with some members of our general community prior to the sales tax election that a separate committee would be put together for the express purpose of administering the sales tax for transportation. Mr. Hammen said this will not take effect until next year because the receipts will not start until the first of April but he would encourage the Council and Staff to consider putting together a separate oversight committee for transportation sales tax with some sort of coordination between it and the CIP whether one person acts as a liaison or how it works that is open to discussion but he feels if we are going to keep our promises made prior to the time it was approved by popular vote, we need to consider establishing a separate committee.

City Manager Norris said we may be dealing with semantics but in the discussions he had his recollection was that the responsibility for oversight would be an advisory board or commission. He does not personally recall saying the word separate or distinct, but he could be wrong and he does not know what discussions other members of the Council may have had but he believes his discussions were that there could be a Committee for oversight but the word separate was not what he recalled and he apologizes if he was misunderstood.

Mr. Hammen said he believes that there are members of the community that believe that the intention was that it was to be a separate and distinct group. City Manager Norris said that could be their perception.

Councilman Norris stated he and the Mayor had discussion several days ago regarding Board and Commission appointments and he like a plan that involved some restructuring that she had./ He thought it was well thought out.

Mayor Newsom pointed out her plan was to utilize the existing Capital Improvements Committee because it is definitely a big picture committee and presently is comprised of 5 citizen members, 2 park and recreation board members and 2 planning commission members. Her recommendation to Councilman Norris was the addition of two citizen members and the addition of a road district member for their input. Again she sees it as a big picture committee and feels it should function so that everyone can see what is going on and how it affects everyone else. If we are making capital improvements to a drainage



ditch and going to tear up the road but not going to replace the road until next year or some similar situation we can coordinate the work and if we do need to make an adjustment in the initial five year plan that we put to our community we can still hold to that but we may have to move something back or forward a year to get the most for our money. We have been good about maximizing our dollars when we go out to bid on these projects. The Mayor said those were thoughts on this issue.

Mr. Nodler indicated he concurs with staying within the existing CIP committee because he thinks forming a separate Committee could possibly create some problems. We can expand the CIP committee as the Mayor suggested.

City Manager Norris said Mr. Pete Hall, Chairman of the Capital Improvements Committee was one of the people who discussion was held with about what might be done and Council may want to obtain his recollection on whether there was discussion of a separate committee, not a separate committee or a committee which would have oversight. The Manager said that is what he thought the goal was, a committee that would have oversight.

Councilman Hammen suggested we put Mr. Hall on the spot and hear his recollections.

Mr. Pete Hall, 5621 North Clinton Place, Gladstone, Missouri, said as best he recalls his understanding was that a group of people would be assigned to look after or work with the Staff to watch and make sure it was going the right direction both from an oversight standpoint and an input standpoint separate from CIP. He said originally, we talked about putting it in to CIP but as time progressed and circumstances dictated and requests were made it kind of got separated. Mr. Hall said that was his understanding that it would be a separate committee from CIP. Prior to that it was CIP and then it went from there to a separate committee and that is his understanding of the conversations held with some of the people in the community who felt very strongly about serving on that committee.

Mr. Reynolds said one of the Half Cent Transportation Sales Tax Campaign Committee Co-Chairs, Carol Rudi is present and he would be interested in her recollection because if that is a promise we made he thinks we should keep it. As far as functioning he does believe it would be better as only one committee.

City Manager Norris suggested if it is made a separate committee then they need to have liaisons to Capital Improvements and it needs to be more of a subcommittee not meaning subordinate but a subcommittee because if you are going to have a comprehensive capital improvements plan the inter-fund relationships are extremely important and if the two

don't know what the others are doing especially when you are looking at 40% money from CIP being spent on roads already, if you don't have that other 1.1 to 1.2 million dollars being programmed in effectively to compliment we are going to have a segmented approach. The Manager said his concern is coordination of our capital improvements programming for the most efficient program we can with the biggest bang for our buck.

Mr. Pete Hall said as the current Capital Improvements Committee Chairman, he might add that he would concur with the City Manager. He thinks it is a very good idea to have a liaison for the big picture so if in fact this Council elects to form a separate committee he would hope that at least one person from that committee would be a part of the Capital Improvements Committee. Mr. Hall said he feels very strongly that way but he also feels that the comment was made that a small committee for purposes of oversight would be appointed separate from CIP but it does need to be connected.

City Manager Norris indicated a 3-5 member committee could be formed to make recommendations that would flow jointly to the CIP and the Council at the same time. The Manager said he still personally does not think it makes that much difference whether it is one committee or two committees because you are looking for representation input and thought so if you increase the Capital Improvements Committee by a significant number to get that input you accomplish that.

Mayor Newsom said she sees a duplication of staff time and effort holding two separate meetings for committees who would be so closely integrated in their goals and that is why she was suggesting a combined capital improvement and transportation sales tax committee. The Manager said that was the staff's thought process because they actually saw it as three separate meetings: road district, CIP and transportation sales tax. The City Manager said if you already have a committee charged with the overall capital improvements programming which the CIP is, it does not make sense for the transportation part of it not to flow through them in some way.

Mr. Reynolds asked if Ms. Carol Rudi would like to make comment and he also said if we cannot come to a determination perhaps we should delay this matter until our next council meeting and obtain additional input.

The Mayor said she is holding up the board and commission appointment/reappointments because of this so that we can put people on the Committees where they can best utilize their talents. Not that we should make a decision in haste but she does think we need to work efficiently and expeditiously to do this.

Carol Rudi, 6709 N Agnes, said actually on this whole discussion of a committee, she did not know anything about until the issue was on the ballot and ready for a vote. It was not until probably a week before the election that she heard anything about it. She does not know that she has any impression about whether or not it was supposed to be a separate committee or part of an existing committee. She knows that when she agreed to Chair this she assumed it would be part of capital improvements. She asked if this is a precedent in appointing a committee to oversee taxes that we have agreed to collect. She asked if we have done this in the past.

Mayor Newsom said as she recalls in the case of the Capital Improvement Sales Tax, this was all very new and there was a promise to the voters in the campaign literature distributed that there would be a citizen advisory committee. Councilman Reynolds and City Manager Norris said that is accurate.

Ms. Rudi said if we have done it in the past it is conceivable but she cannot help us out on what was agreed to before the vote. Ms. Rudi said she does see it as part of capital improvements and they definitely have to have major oversight on this whole issue.

Councilman Norris asked how much money the Capital Improvements Committee deals with a year. City Manager Norris said it is about \$1.2 million which is the same amount that the Transportation Sales Tax would generate but that does not include any grants or matches, etc. The Manager said we have also run other storm water grants and sanitary sewer projects, water bonds, etc. through that body and in fact the committee reviewed the transportation sales tax proposal and agreed with it and encouraged it.

City Manager Norris advised that during his tenure, the Council has not for any bond issues passed put together an oversight committee but there was a commitment made that there would be an oversight for these transportation sales tax funds. The Mayor said citizen oversight is what she understood.

The Mayor said her hope was for a vote of affirmation from the Council and direction to the staff to pull together an ordinance by our next meeting to address this based on the Council's consensus.

Councilman Norris said we had 17 individuals who wanted to be on a board or commission. He said the Mayor had 4 openings but through restructuring we would have positions for 7 citizens. He said that is not all 17 but it is certainly more than 4. He thinks that shows a lot of leadership as well as time and effort on her part. He thinks we should allow the Mayor to make these appointments. The Mayor said she is not prepared to make all of the appointments this evening.

Mr. Hammen asked if creation of a new board would not result in additional openings for those interested citizens. The Mayor said we would have to review all those interviewed in a new light and said perhaps we were in error in not having this in mind before the board and commission interviews.

Mr. Reynolds said if we did not do some switching it would be all new people on one committee.

The City Manager suggested Staff could create two ordinances for the next Council Meeting. One that would expand the existing Capital Improvements Committee as the Mayor suggested; and one that would create a new committee. Councilman Norris pointed out that would result in a lot of telephone lobbying.

Councilman Norris said we are having this discussion now because a couple of days before the actual vote, the lobbying started and all because we did not want to have a big tizzy and it is the same thing now. We have a committee, we can expand that committee and keep the oversight in that committee. He has no problem with expansion and no problem with a subcommittee off of the Capital Improvements Committee but we need to keep something consistent and not create things every time somebody gets a little upset.

Mr. Hammen responded the sub-committee suggestion that Councilman Norris made is appropriate. He would also like to remind him that when the City makes commitments to other citizens that its integrity is on the line and when people like Mr. Hall come up here and say this is the way I remember it, he thinks the City needs to look up to its obligations and if a sub-committee of the Capital Improvements Committee is a compromise way to do that, he would certainly support it.

Councilman Norris suggested if we really take a look at the way the Mayor is restructuring it does what we want it to do, it puts the people in the flow and the oversight who requested to be there for that transportation sales tax money. So really it does fulfill our commitment without making a new place to push paper from staff to people and back again and to the CIP and the City Council. It seems to him that the Mayor had a means to keep the people who wanted to be in the flow in the flow.

Mayor Newsom said in the last two minutes two words were brought up that she feels very strongly about. One of them being commitment and one being integrity. The first time she and Mr. Reynolds ran for the City Council, they ran on a campaign on integrity and she would like to feel over the last six years she has conducted herself with integrity. And she does not think there are any one of the five City Council who are any more committed to the City than she is, she thinks they are all equally committed. She thinks what we need to look forward to is what is best for the City. If somebody went out


and made political promises and commitments to a few citizens then they must have done it on their own. What she recalls is that as a Councilmember she said she had concerns; yes, she had assumed that the Capital Improvement Committee would be the oversight committee for this money also and that she was willing to look at adjusting this committee to accommodate the people who were concerned that we may not spend the money prudently. That is where she stands. Her vote and her push right now is to amend the Capital Improvements Sales Tax Committee as it stands. She suggests that if anyone wants to contact the other Councilmembers they can do so but she has made her view known.

Mayor Newsom requested City Staff to prepare an ordinance that would amend the Capital Improvements Sales Tax Committee to include two (2) additional Citizen Members and one (1) Road District liaison to address the needs and distribution of the Transportation Sales Tax Fund. By voice vote, the City Council unanimously agreed.


\* \* \*

There being no further business to come before the Regular January 8, 1996 City Council Meeting, Mayor Newsom adjourned the meeting and announced there would be no need for the Closed City Council Executive Session this evening which was previously posted.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

GLADSTONE, MISSOURI

MONDAY, JANUARY 22, 1996

Closed Executive Session Immediately Following  
Adjournment of Regular Meeting.

Open Study Session: 7:15 PM

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular Monday, January 8, 1996 City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-96-4,** authorizing acceptance of work under contract with Total Electric Construction Company for the 72nd & N Broadway Traffic Signal Installation Project and authorizing final payment. Total Contract Amount: \$51,985.10.  
Final Payment Due: \$7,917.50. (Project #9415).

**RESOLUTION NO. R-96-5,** authorizing execution of a contract with Beemer Construction Company for the South Central Area Water Main Replacement Project. Contract Amount: \$311,751.00  
Fund: Water Bond (Project 9413C)

**RESOLUTION NO. R-96-6,** declaring certain City-owned equipment as "Surplus City Property" and authorizing its disposal or sale to the highest bidder at auction or by sealed bid as appropriate.

**RESOLUTION NO. R-96-7,** authorizing acceptance of work under contract with Wilson Plumbing Company for N Baltimore Drainage Improvement Project. Total Contract Amount: \$72,397.00  
Final Payment Due: \$1,500.00;  
Fund: Capital Improvements Sales Tax

**RESOLUTION NO. R-96-8,** authorizing the Mayor to execute a Memorandum of Understanding with Mid America Regional Council for the City of Gladstone's participation in the MARC Solid Waste Management District Brush Chipper Cooperative Purchase Project with the cities of Kearney and Smithville.

**APPROVAL OF LIMITED (ONE DAY) BEER LICENSE** for annual School Auction Event. St. Charles Borromeo School, 704 Shady Drive.  
Saturday, February 3, 1996; Hours: 6:00 PM - Midnight  
Managing Officer: Pamela S. Smedile, 4417 NW Briarcliff Lane

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** On a Site Plan Revision for property at 7412 N Oak Trafficway. (File #935)  
Applicant: McDonald's Corporation; Owner: James W. Wagy
- 9a. **FIRST READING BILL 96-2**, approving a Site Plan Revision for property at 7412 N Oak subject to certain conditions. (File #935)  
Applicant: McDonald's Corporation; Owner: James W. Wagy
- 9b. **BUILDING PERMIT APPROVAL**, addition of patio/playground enclosure for McDonald's Restaurant, 7412 N Oak. (BP 96-001)  
Applicant: McDonald's Corporation; Owner: James W. Wagy
10. **PUBLIC HEARING:** On a request to rezone from M-1 and R-1 to RP-1, property generally located east of Highway 169 and north of Vivion Road. Applicant: Intra State Development Company. Owner: United Missouri Bank (File #937)

**AUDIENCE NOTE:** Applicant has withdrawn this application, therefore no Public Hearing will be held. Applicant anticipates filing another request in the near future.

11. **FIRST READING BILL NO. 96-3**, approving the Final Plat of "Englewood Office Park", and directing the appropriate officials to affix their signatures to the plat for recording.
12. **FIRST READING BILL NO. 96-4**, accepting a Temporary Construction Easement required in conjunction with the NE 72nd Street widening project. (East of Antioch Road) (File #9417)
13. **FIRST READING BILL NO. 96-5**, accepting Temporary Construction Easements, a Standard Easement and a Quit Claim Deed from property owners required in conjunction with the 76th Terrace, West of Oak Reconstruction Project. (Project #9217)
14. **FIRST READING BILL NO. 96-6**, accepting Temporary Construction Easements and Standard Easements from property owners required in conjunction with the 6300 N Woodland Drainage Improvements. (Project #9602)
15. **FIRST READING: BILL NO. 96-7**, amending Ordinance 2.747 which established a Capital Improvement Committee by adding three additional members and further amending said ordinance by creating additional responsibilities for recommending utilization of funds received by the City from revenues of the Transportation Sales Tax.
16. Other Business.
  - a. Board and Commission Appointment/Reappointments.
17. Questions from the News Media
18. Adjournment

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, JANUARY 22, 1996, 7:30 PM**

Mayor Anita Newsom called the January 22, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.** Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda.** Approval of Regular January 8, 1996 City Council Meeting Minutes.

Mr. Reynolds moved to approve the January 8, 1996 Minutes as submitted; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the City Clerk's Reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**CONSENT AGENDA DETAIL**

Mr. Hammen moved to adopt RESOLUTION NO. R-96-4, authorizing acceptance of work under contract with Total Electric Construction Company for the 72nd & N Broadway Traffic Signal Installation Project and authorizing final payment. Total Contract Amount: \$51,985.10; Final Payment Due: \$7,917.50. (Project #9415). Mr. Norris seconded. The vote: All "aye" -Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)



Mayor Newsom reminded that there was discussion at one time about doing some landscaping at the 72nd & Broadway signal location and asked if that would still be done. The City Manager said it was not part of the installation contract but will be done and is being designed at this time.

Both Councilman Reynolds and Mayor Newsom asked if there are any additional signs or pavement markings that can be placed at this location.

City Manager Norris said we can look at additional arrows before you reach the Gladstone Bowl location. But we did not do it earlier because we moved the signs farther back and putting pavement markings down is expensive and they don't last very long. He said both Public Safety and our Engineers believe that it will take time for the public to become accustomed to the changes at this intersection but he will look at the pavement markings needed.

Mr. Hammen moved to adopt **RESOLUTION NO. R-96-5**, authorizing execution of a contract with Beemer Construction Company for the South Central Area Water Main Replacement Project. Contract Amount: \$311,751.00; Fund: Water Bond (Project 9413C). Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-96-6**, declaring certain City-owned equipment as "Surplus City Property" and authorizing its disposal or sale to the highest bidder at auction or by sealed bid as appropriate. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mayor Newsom asked if the old uniforms listed in the surplus property list can be given to an organization for the needy. The City Manager acknowledged that we had done that this year following removal of the patches and markings.

Mr. Hammen moved to adopt **RESOLUTION NO. R-96-7**, authorizing acceptance of work under contract with Wilson Plumbing Company for N Baltimore Drainage Improvement Project. Total Contract Amount: \$72,397.00; Final Payment Due: \$1,500.00; Fund: Capital Improvements Sales Tax. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-96-8**, authorizing the Mayor to execute a Memorandum of Understanding with Mid America Regional Council for the City of Gladstone's participation in the MARC Solid Waste Management District Brush Chipper Cooperative Purchase Project with the cities of Kearney and Smithville. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved for **APPROVAL OF LIMITED (ONE DAY) BEER LICENSE** for annual School Auction Event. St. Charles Borromeo School, 704 Shady Drive. Saturday, February 3, 1996; Hours: 6:00 PM - Midnight. Managing Officer: Pamela S. Smedile. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda. Communications from the Audience.**

Doug Cole, 3208 NE 64th Terrace, said he is employed in Kansas City, Missouri and his hours are 8:00 - 5:00, Monday through Friday. His work schedule does not allow him to come to City Hall during the City's office hours to pay his dog license fee and he suggests that the City look at being open on Saturday, 8:00 AM - Noon or extended hours through the week because it is very hard for people with hours like his to come to City Hall.

It was noted that the dog license application can be made through the mail and his receipt, tag and rabies certificate mailed right back to him but Mr. Cole said there might be some other service a resident might need on a Saturday particularly if you were a new resident and needed water turned on.

Mr. Hammen suggested that we look into Saturday or extended hours and perhaps some hours on some of the lesser holidays when some work places are open and some are not. He does not know the logistics or how difficult it might be but it is something we can look at.

City Manager Norris advised we looked at it about 5-6 years ago and scheduling was a problem but we will look at it again.

Mr. Hammen said we probably aren't too far away from needing someone in on Saturday for Parks and Recreation now. The Manager said they do adjust their schedules now for registrations at the pool and there is some seasonal Saturday and Sunday work in the Parks and Community Services Department crews now.

The Mayor said we are in the business of customer service and perhaps this is something we need to look into at goal setting time. The Manager said with our own page on Internet ultimately residents will be able to do some of this from the home and this falls right in line with that. Councilman Norris said we could look at one or two days a week with extended hours realizing that most people do work. He said the last survey he saw said that only 37% of the people have a home computer and the number of people who access the Internet is less than that so we are not there yet.

The Mayor said there are times when it is nice for a resident to be able to clarify something face to face as she did

recently with a tax question. The Manager agreed that staff will look into this issue.

Item 7. on the Agenda. Communications from the City Council.

Councilman Norris said he received a message that the 900 block of NE 61st Street does not regularly see a snow plow and when he tried to defend that, the resident was quite adamant that their street does not receive attention. City Manager Norris said we will definitely look into it.

Councilman Hammen said the City has done a good job of cleaning our streets and certainly better than the State. He said one of the most serious problems we had in the City was along N Prospect (M-1) which is State Highway road and asks if we can encourage the State to give it more attention particularly at 72nd & North Prospect.

The City Manager agreed that location was a problem and said Kendallwood Parkway south to Englewood Road was impassable. He called the State and was told that their routes are set in numerical order and they do not vary the order. The Manager reminded that the State had a hard task those days in handling the interstates and said Gladstone is going to have to look at augmenting the State's service on State roads in Gladstone.

Mayor Newsom asked if we have any figures on snow removal costs for last Thursday and Friday. The Manager said we spend about \$40,000 - \$45,000 annually on salt and \$3,000 - \$3,500 on calcium chloride but he does not have the man hours. He will have staff try to pull that information together.

Mayor Newsom reminded that residents on Maple Lane had written about snow removal and she observed Thursday that crews had not been on Maple Lane yet. The Manager said they were there on Thursday afternoon and again on Friday because he and Director Menefee had conversation specifically about Maple Lane.

The Mayor asked if the Employee Newsletter included in Council packets is done in-house. The Manager said it is written and edited by Assistant City Manager Laura Gay on a monthly basis for inclusion with City Employee's Payroll checks.

Mayor Newsom also asked that her regrets be given to the Public Safety Department DARE Officers because due to work conflicts she will not be able to attend the DARE Graduations she was invited to.

Item 8. on the Agenda. Communications from the City Manager.

City Manager James Norris announced the City and Gladstone Area Chamber of Commerce are jointly hosting a Forum on Smoking in the council chambers on February 1st at 5:30 PM. The public is welcome.

The City Manager also announced that on February 5, 1996 at 6:00 PM there is a joint work session on BACO with the Planning Commission, Board of Zoning Adjustment and the City Council.

**Item 9. on the Agenda. PUBLIC HEARING:** On a Site Plan Revision for property at 7412 N Oak Trafficway. (File #935)  
Applicant: McDonald's Corporation; Owner: James W. Wagy

Mr. Jim Wagy, introduced himself as the owner/operator of McDonald's, 7412 N Oak. He also owns and operates the McDonald's outside of Metro North Mall.

Mr. Wagy said 1995 has been a very challenging year for the Gladstone location. They have been impacted by the new store at Metro North as well as the facility inside of Wal-Mart and also the Burger King remodeling. He said now we are suffering through the enclosed playland at the Antioch Road McDonald's which he does not own.

Mr. Wagy reported that sales were down for 1995 by 17% and as the weather continued to worsen for the past several months so have his sales. His cash flow has been affected by these decreases which he told were October (23 1/2%); November (24%); December (24 1/2%) and thru 21 days of January they were down 31%. He said they looked at ways to recoup sales and the only thing they feel they can do at the Gladstone McDonalds that will give them a return on their investment is to remodel and enclose their existing outdoor playland. Having an enclosed playland with an extra 35 seats will allow their customers to utilize their playland 363 days of the year, where now they use it generally in the Spring, Summer and particularly the Fall. The playland will be located in a separate section of the McDonald's lobby. These play places have demonstrated the ability to draw sales from other markets and they expect to draw from Kansas City locations, Riverside and others.

Mr. Wagy said they only want to enclose what they are currently occupying and it will still be further from the road than the awnings of the old Clark Gas Station and Gladstone Auto Sales right next to him. Gladstone Auto Sales is about 4 1/2' further to the road than where they would be proposing to enclose.

Mr. Wagy said they have had some vandalism concerns and have had numerous children leap over their fence at night and cut a lot of their playland material and there are some safety concerns as well and he wants to make sure that if they enclose it there will not be a chance of kids going over the fence and onto N Oak. He wants to make sure that never happens. The addition will be state of the art, all glass exterior so the play place can be seen as it is now. It will have 35 in-door seats and the color schemes will match existing. Outside color schemes will be followed there as well. Also the playland

will be upgraded and have several new components added. Mr. Wagy said they agree to all four City recommendations requested which included a new landscaping plan coinciding with Streetscape.

Mayor Newsom asked if the large pole sign will remain; Mr. Wagy said yes.

Mayor Newsom asked why the handicapped parking places are so far from the entrance doors because handicapped does not always mean wheel chair because there are people with breathing and heart impairments who need to be closer to the door.

Mr. Wagy said they have followed all the current ADA Codes well before their enactment in 1991. He said the ramp cut is at the very end of the sidewalk and he does not think they usually put them in the middle of the sidewalk because people could trip and fall and twist an ankle. The sidewalk where the ramp is is the closest to those stalls. Mayor Newsom said she understands that for the persons in the wheel chair; but there are those persons who are not in a wheel chair and have either heart problems or other conditions and need a shorter distance handicapped parking spot.

City Manager Norris said that the City does not have the authority or power to say where the handicapped parking goes on a site plan. The spaces are required but they can put them anywhere on their parking lot they want. City Manager Norris also pointed out that these ramps and sidewalks are already existing and they are not replacing them so therefore they have to put the parking adjacent to those ramps.

The Mayor said her beef may be with ADA standards.

The Manager said we are not given the power or authority to dictate where those parking spaces must be and we cannot force the building owner to rip up existing improvements that meet the code. Also there is a maximum ramp slope under the guidelines that must be followed. Since these spaces are existing it does not make prudent sense for them to be moved.

The Mayor said locating handicapped spaces in remote corners of the parking lot does not address the needs of many people who need them. The Manager agreed and said in many cases it is a direct attempt to meet the code but not the intent of the code. In this case we are dealing with existing conditions and he also noted there is a new playland door right by the ramp.

Director of Planning and Development Scott Wingerson, stated that Mr. Wagy had done a very nice job in his presentation and he would only add that Staff recommends to the City Council that they concur with the Planning Commission who voted 8-0 in favor of this application for a site plan revision which will allow Mr. Wagy to build the playland he describes approximately

13' from the N Oak east property line.

There being no further comments for or against this application, the Mayor closed the Public Hearing.

**Item 9a. on the Agenda. FIRST READING BILL 96-2**, approving a Site Plan Revision for property at 7412 N Oak subject to certain conditions. (File #935) Applicant: McDonald's Corporation; Owner: James W. Wagy

Mr. Norris moved to place Bill 96-2 on First Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 96-2, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-2, and enact the Bill as ORDINANCE NO. 3.487; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 9b. on the Agenda. BUILDING PERMIT APPROVAL**, addition of patio/playground enclosure for McDonald's Restaurant, 7412 N Oak. (BP 96-001) Applicant: McDonald's Corporation; Owner: James W. Wagy.

Mr. Nodler moved to approve the Building Permit; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The City Manager commented that it is very nice to see a long time Gladstone business make the investment needed to make their business competitive and not allow the property to decline. The Mayor agreed and commented on their good service. Councilman Norris also agreed and said Mr. Jim Wagy, and his father, Mr. Lee Wagy do a fine job in representing McDonalds as well as Gladstone.

**Item 10. on the Agenda. PUBLIC HEARING:** On a request to rezone from M-1 and R-1 to RP-1, property generally located east of Highway 169 and north of Vivion Road. Applicant: Intra State Development Company. Owner: United Missouri Bank (File #937)

Mayor Newsom announced that the Applicant has withdrawn this application, therefore no Public Hearing will be held. Applicant anticipates filing another request in the near future.

**Item 11. on the Agenda. FIRST READING BILL NO. 96-3**, approving the Final Plat of "Englewood Office Park", and directing the appropriate officials to affix their signatures to the plat for recording.

Mr. Reynolds moved to place Bill 96-3 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 96-3, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading of Bill 96-3, and enact the Bill as ORDINANCE NO. 3.488; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 12. on the Agenda. FIRST READING BILL NO. 96-4**, accepting a Temporary Construction Easement required in conjunction with the NE 72nd Street widening project. (East of Antioch Road) (File #9417)

Mr. Hammen moved to place Bill 96-4 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 96-4, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 96-4, and enact the Bill as ORDINANCE NO. 3.489; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 13. on the Agenda. FIRST READING BILL NO. 96-5**, accepting Temporary Construction Easements, a Standard Easement and a Quit Claim Deed from property owners required in conjunction with the 76th Terrace, West of Oak Reconstruction Project. (Project #9217)

Mr. Norris moved to place Bill 96-5 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 96-5, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-5, and enact the Bill as ORDINANCE NO. 3.490; Mr. Hammen seconded.

Discussion.

Councilman Norris said he understands this takes care of everything we need to get this project underway and no condemnation action was needed. City Manager Norris said superb work was done by Counselor Nancy Thompson, Scott Brandom, Norman LeClerq and Scott Wingerson in gaining these easements.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14. on the Agenda. FIRST READING BILL NO. 96-6, accepting Temporary Construction Easements and Standard Easements from property owners required in conjunction with the 6300 N Woodland Drainage Improvements.  
(Project #9602)

Mr. Reynolds moved to place Bill 96-6 on First Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the First Reading of Bill 96-6, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-6, and enact the Bill as ORDINANCE NO. 3.491; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 15. on the Agenda. FIRST READING: SUBSTITUTE BILL NO. 96-7, amending Ordinance 2.747 which established a Capital Improvement Committee by adding three additional members (Additional Citizen Member, Planning Commission Member and Special Road District No. 3 Member) and further amending said ordinance by creating additional responsibilities for recommending utilization of funds received by the City from revenues of the Transportation Sales Tax.

Mr. Hammen moved to place Substitute Bill 96-7 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 96-7, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.



Mr. Hammen moved to accept the Second and Final Reading of Bill 96-7, and enact the Bill as ORDINANCE NO. 3.492; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 16. on the Agenda. Other Business.

a. Board and Commission Appointment/Reappointments.

Mayor Newsom read her recommended appointments/reappointments to City Boards and Commissions as listed in the attached Exhibit "A". Councilman Norris moved to approve the recommendations as listed; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The Mayor said in her opinion we have a lot of great people serving on our Boards and Commissions and we are appointing some very good people to fill the vacancies and she looks forward to working with them.

It was noted there is a need to name a Cable TV Advisory Committee Chairman. Council was in agreement that they would look to the Committee to nominate a Chairman and bring the nomination forward to the City Council for confirmation.

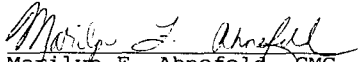
\* \* \*

There being no further business to come before the Regular January 22, 1996 City Council Meeting, Mayor Newsom adjourned the meeting.

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.**

Councilman Reynolds moved to adjourn to the City Manager's Office for a Closed Executive Session on Personnel and Litigation as previously posted pursuant to the Missouri Open Meetings Law Exemptions 610.021(3) and 610.021(1); Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

\_\_\_\_\_  
Mayor Anita Newsom

**AGENDA ITEM #16A**

**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS  
FOR COUNCIL ACTION JANUARY 22, 1996**

**PLANNING COMMISSION -- Appointments effective January 22, 1996**

Re-Appointment: Edward O'Neill 1/96 - 12/99  
Carol Rudi 1/96 - 12/99  
Les Smith 1/96 - 12/99

New Appointment: Pamela Morrow 1/96 - 12/97  
J.P. Rand 1/96 - 12/97

**PARKS AND RECREATION ADVISORY BOARD -- Appointments effective  
January 22, 1996**

Re-Appointment: Dick Powers 1/96 - 12/98  
Roger Shannon 1/96 - 12/98  
David Stanley 1/96 - 12/98

**INDUSTRIAL DEVELOPMENT AUTHORITY -- Appointments effective  
January 22, 1996**

Re-Appointment: Arthur Nichols 1/96 - 12/01

**CAPITAL IMPROVEMENTS PROGRAM COMMITTEE -- Appointments effective  
January 22, 1996**

Re-Appointment: Citizen Member - Mike West 1/96 - 12/98  
Planning Commission - Sharon Lyons 1/96 - 12/96  
Planning Commission - Edward O'Neill 1/96 - 12/96  
Parks & Recreation - Joyce Wild 1/96 - 12/96  
Parks & Recreation - David Stanley 1/96 - 12/96

New Appointment: Citizen Member - Lee Laramore 1/96 - 12/98  
Planning Commission - Les Smith 1/96 - 12/96  
Road District - Charles Carmack 1/96 - 12/96

**RECYCLING AND SOLID WASTE COMMITTEE -- Appointments effective  
January 22, 1996**

Re-Appointment: Susan Piburn 1/96 - 12/98  
Gene William 1/96 - 12/98

New Appointment: Julie Linscott 1/96 - 12/97  
Ella Bowles 1/96 - 12/98

Appointment of Chair by the Mayor for a one year term.  
Current Chairman: Susan Piburn

**UNIFORM CODES BOARD OF APPEALS -- Appointments effective  
January 22, 1996**

Re-Appointment: Ken Christenson 1/96 - 12/97  
Charles Logan 1/96 - 12/98

**BOARD OF ZONING ADJUSTMENT -- Appointments effective  
January 22, 1996**

Re-Appointment: Leroy Gunselman 1/96 - 6/00

New Appointment: 1st Alternate James Dyer Jr. 1/96 - 6/00  
2nd Alternate Bob Frank 1/96 - 6/98

**CABLE TV ADVISORY BOARD -- Appointments effective  
January 22, 1996**

Re-Appointment: Ethelyn McCleave 1/96 - 12/98  
Herbert Watson 1/96 - 12/98

New Appointment: Thomas Howell 1/96 - 12/96

Appointment of Chair: No direction in Ordinance  
Mayor appointed in 1990 & 1993

1/22/96

**GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 12, 1996**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular Monday, January 22, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-96-9, authorizing the City Manager to accept the bid of the City of Lancaster, Missouri in the amount of \$19,000 for the purchase of a City of Gladstone surplus 1977 model 570A John Deere Grader.**

**ACCEPTANCE OF FINANCIAL REPORTS FOR DECEMBER 1995.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** On a Site Plan Revision for property at 77 NE 72nd Street. Applicant: Sweers Toben Architecture & Design for Charter Funeral Home Owner: Max Gibson (File #938)
- 9a. **FIRST READING BILL 96-8, approving a Site Plan Revision in a CP-2 Zone for property at 77 NE 72nd Street.**  
Applicant: Sweers Toben Architecture & Design  
Owner: Max Gibson (File #938)
10. Other Business.
11. Questions from the News Media
12. Adjournment

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 12, 1996, 7:30 PM**

Mayor Anita Newsom called the February 12, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

Acting City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**ABSENT:** City Manager James H. Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular January 22, 1996 City Council Meeting Minutes.**

Mr. Nodler moved to approve the January 22, 1996 Minutes as submitted; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the City Clerk's Reading, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**CONSENT AGENDA DETAIL**

Mr. Hammen moved to adopt RESOLUTION NO. R-96-9, authorizing the City Manager to accept the bid of the City of Lancaster, Missouri in the amount of \$19,000 for the purchase of a City of Gladstone surplus 1977 Model 570A John Deere Grader; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Mr. Hammen moved to approve **FINANCIAL REPORTS FOR DECEMBER 1995** as submitted; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda. Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Reynolds** advised that the City's Annual Audit for the fiscal year ended June 30, 1995 was presented in Study Session earlier this evening and he compliments our Staff on the great job they did.

**Councilman Hammen** said he would echo the comments of Councilman Reynolds in complimenting the annual audit.

Mr. Hammen also complimented Administration Intern Ray Seidelman on his internship paper that was included in the recent City Council FYIN Memorandum. Mr. Hammen told Mr. Seidelman that he was extremely impressed and has shared the report with his daughter who is a senior in college this year. He congratulated Ray on everything he has accomplished during his tenure with the city.

Mr. Hammen noted the information provided to the City Council on the number of meters the City had to thaw in this last round of freezing temperatures. He asked if we had ever considered changing from outside meters in the meter pits at the curb and to inside meters with outside reading units.

Director Menefee said we have a limited number of inside meters now and have had some problems with them so we have no plans to move toward all inside meters at this time.

Mr. Hammen said he was curious to know the cost comparison in having to thaw 400 meters each winter to putting in meters located in basements but with outside reading units.

Mr. Menefee said he would have to calculate the costs but this Winter was an unusual situation because of the extreme freezes. He said during his five years with the City he does not recall this number of freeze-ups at one time. If this does not occur any more frequent than it has, he does not know that inside installations would be cost effective.

Mr. Hammen congratulated the City Staff for conducting the **NO SMOKING FORUM** held recently and directing his comments to Antioch Publications Reporter Alan Mills he said the article in the paper was not quite accurate and he would like to set the

record straight tonight. Mr. Hammen pointed out that the story than ran in the paper attributed a comment to him about establishing a smoking ordinance based on a restaurant's food selections. Mr. Hammen said while he may not have made himself clear he thinks his comment was intended to say that as a non-smoker he would like to choose which restaurants he patronizes not based on their smoking policy but based on the food they offer - which is a little different than the way it was stated. Mr. Mills said that was what it was meant to imply. Mr. Hammen said as written it just did not come across that way so he just wanted to make some comment this evening.

Mayor Anita Newsom advised that staff has been working on the painting and renovations to the interior of City Hall and it is looking very nice.

She also advised that the Amphitheater Golf Tournament is scheduled for Friday, April 26th and we are looking for Tee Sponsors.

The Mayor also expressed the City Council's sadness at learning of the death of Mr. James L. Youngers, Vice President of the Curry Company who had been a long time supporter of our City.

Item 8. on the Agenda. Communications from the City Manager.

Acting City Manager Dianna Wright announced that City Hall will be closed on Monday, February 19th in observance of President's Day.

Ms. Wright also referred Councilmembers to a memorandum at their places from Hy-Vee Grocery on their sponsorship of Northland Days in connection with their 3rd anniversary in Gladstone on Saturday, February 24th from 10:00 - 11:00 AM. Various community and civic organizations will be on hand and the City of Gladstone will staff a table to distribute brochures and provide information on City services.

Item 9. on the Agenda. PUBLIC HEARING: On a Site Plan Revision for property at 77 NE 72nd Street. Applicant: Sweers Toben Architecture & Design for Charter Funeral Home. Owner: Max Gibson (File #938)

Mayor Newsom opened the public hearing and explained the hearing process.

Tom Toben, Sweers Toben Architecture & Design, introduced himself as the primary design architect for the building. He said since the Planning Commission meeting they have met with Director Scott Wingerson to go over the items recommended by the Staff and have resolved them to everyone's satisfaction.

He reviewed the artists rendering for the City Council and explained the material to be used. The construction will be

drivet type stucco, metal roof and landscaped front and back. Mr. Toben invited questions.

The Mayor asked if there is glass block between the roof and the top of the drivet wall. Mr. Toben said it is tinted sprandel glass within a metal lattice as a decorative element.

Planning & Zoning Director Scott Wingerson, said he does not have a lot to add to Mr. Toben's comments. The property is currently zoned CP-2 and for is located south and adjacent to 72nd St., west of No. Oak and adjacent to Northland National Bank. He said we may remember an application for a car wash on the same property several months ago but that application never made it to the City Council for a formal decision.

Mr. Wingerson said the Planning Commission unanimously recommended approval of this request with nine conditions which are incorporated in the approval Bill (#96-8) as follows:

- 1) That ten feet of additional right-of-way shall be deeded to the City to allow for future improvements to NE 72nd Street. The minimum ROW width is 40' from section line.

- 2) Storm sewer easements shall be provided to the City to reflect current and proposed storm water structures.

- 3) A storm water detention system is to be designed, approved, and implemented on the site.

- 4) All required public improvements, including a sidewalk on NE 72nd Street shall be installed to City specifications prior to occupancy.

- 5) The 10' easement covering the existing sanitary sewer shall be increased to 15'.

- 6) A maximum of one compliant wall sign and one compliant monument sign may be utilized in this development.

- 7) A buffer and lighting plan shall be submitted for review with any building permit application to ensure that adjacent properties are protected from any adverse impact such as proximity to commercial development, parking lot lighting, and vehicular lighting.

- 8) Hydrants shall be installed to provide that no portion of the building is located more than 150' from a hydrant.

- 9) Plantings similar to those shown on the southwest corner of the parking area shall be installed at the southeast parking area.



Mr. Wingerson said this is a compliant development which meets setbacks, parking requirements, and height requirements and all the things we look at in a zoning case.

**Opposition.**

Mr. Keith Barnes, 10 NE 70th Place, said his residence backyard is to the rear of this proposed funeral home. His house sits on a hill and overlooks this property. The back end of the building would be facing his backyard and his concern is for the hearse and traffic coming in and out of the back of the property. He does not think his children should have to watch this activity everyday. Landscaping was mentioned but the way his house is situated the landscaping would not block the view. He is also concerned about the funeral processions and what kind of traffic problems they may cause for 72nd Street.

There were no additional comments and Mayor Newsom closed the public hearing.

**Item 9a. on the Agenda.** FIRST READING BILL 96-8, approving a Site Plan Revision for property at 77 NE 72nd Street subject to certain conditions. Applicant: Sweers Toben Architecture & Design. Owner: Max Gibson. (File #938)

Mr. Norris moved to place Bill 96-8 on First Reading; Mr. Reynolds seconded.

**Discussion.**

Councilman Norris said he would like to respond to Mr. Keith Barnes' concerns expressed during the public hearing. He told Mr. Barnes he read his comments at the Planning Commission hearing and even discussed them with his children. He said his 12 year old was probably the wisest in her remark that it is part of dying.

Mr. Norris said we have had a number of applications for this property that would have been less desirable than a funeral home. Applications that would have a lot of lighting and garages which would have an adverse affect on the adjacent neighborhood.

Mr. Norris said he is familiar with the neighborhood and Mr. Barnes' street is a quiet little area and at least this business is a quiet business. He believes this application is a step in the right direction and noted that this use could go in a C-0 zone. We can all wish it was something other than a funeral home and having to deal with that part of explaining to your kids that life does come to an end. But at least it is better than a garage or car wash or something that could have impacted his house and potentially its value.

City Council Meeting Minutes  
February 12, 1996 Page #6

Councilman Reynolds said he attended a visitation this evening at a funeral home and even though there were two visitations going on at the same time and the parking lot was full, it was still quiet. He said as Councilman Norris remarked, it is still the quietist type of business that could be placed at this location. As far as the traffic it would not generate the amount of traffic that a lot of businesses would and he also feels the traffic will be at off-peak hours usually either morning or evening.

Mr. Reynolds said the owner does have a right to develop this property and he does not know of anything that might fit this area any better.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

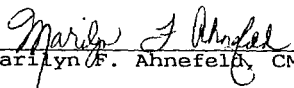
Mr. Norris moved to accept the First Reading of Bill 96-8, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.


Mr. Norris moved to accept the Second and Final Reading of Bill 96-8, and enact the Bill as ORDINANCE NO. 3.493; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

There being no further business to come before the Regular February 12, 1996 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

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

  
Mayor Anita Newsom

**NEXT ORD. NO. 3.494**

**GLADSTONE, MISSOURI**

**MONDAY, FEBRUARY 26 1996**

**Open Study Session: 6:00 PM**

**Closed Executive Session: 7:00 PM  
and continued immediately following  
close of Regular Meeting if necessary.**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular Monday, February 12, 1996 City Council Meeting Minutes.
- 4a. PRESENTATION OF BOARD AND COMMISSION SERVICE APPRECIATION AWARDS
  - John Flournoy, Planning Commission  
January 1989 - December 1995
  - Charles Sherman, Board of Zoning Adjustment  
July 1989 - December 1995
  - Bob Quackenbush, Board of Zoning Adjustment  
January 1990 - December 1995
  - John Palmisano, Cable TV Advisory Committee  
May 1989 - December 1995
  - Lee Laramore, Recycling and Solid Waste Committee  
January 1990 - December 1995
  - Pete Hall, Recycling and Solid Waste Committee  
January 1990 - December 1995
  - Tom Clayton, Capital Improvements Program Committee  
March 1994 - December 1995
- 4b. PRESENTATION OF MISSOURI MUNICIPAL LEAGUE PUBLIC SERVICE AWARDS TO CITY OF GLADSTONE EMPLOYEES.
  - City Collector Carol Hopper, 20 Yrs Service
  - Public Safety Sergeant Stan Dobbins, 10 Yrs Service
  - Public Safety Corporal William Willoughby, 10 Yrs Service

**NEXT ORD. NO. 3.494**

**5. CONSENT AGENDA**

**RESOLUTION NO. R-96-10**, authorizing execution of a contract with L & L Maintenance, Inc. for the contractual mowing of certain City of Gladstone Parks, Facilities, and Right-of-Ways for the 1996 mowing season. Contract Amount: \$17,442.00. General Fund

**RESOLUTION NO. R-96-11**, amending the 1996-97 Annual General Fund Operating Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds.

Total Additional Appropriations: \$ 200,545

Revised Total General Fund Budget: \$9,391,550

**RESOLUTION NO. R-96-12**, authorizing the City Manager to execute an Intergovernmental Agreement with Clay County municipalities for the study of a County-wide 800 MHz trunked radio system and authorizing expenditure of funds in the amount of \$15,000.00 from the General Fund for the City of Gladstone's share of such study.

**ACCEPTANCE OF FINANCIAL REPORTS FOR JANUARY 1996.**

**REGULAR AGENDA**

6. Communications from the Audience.

7. Communications from the City Council

a. Appointment of Park & Recreation Advisory Board Member Bobby Thompson to the Capital Improvements Program Committee.

8. Communications from the City Manager.

a. Request for City Council Motion accepting the 1996 Clay County Municipal Legislative Priorities.

9. **FIRST READING BILL NO. 96-9**, authorizing acceptance of Temporary Construction Easements from property owners in conjunction with the 76th Terrace Street Reconstruction Project. (#9406)

10. **FIRST READING BILL NO. 96-10**, authorizing acceptance of Temporary Construction Easements from property owners in conjunction with the 70th Terrace & North Troost Drainage Improvement Project. (#9021)

11. Other Business.

12. Questions from the News Media

13. Adjournment

**GLADSTONE CITY COUNCIL**

**OPEN STUDY SESSION MEETING**

**MONDAY, FEBRUARY 26, 1996**

**TIME: 6:00 PM**

**AGENDA**

1. Mid Year Review of 1996-97 City of Gladstone  
Annual Operating Budget.
2. Review of City of Gladstone Pay Classification  
Study Results.  
**Presentation by PUBLIC SECTOR PERSONNEL CONSULTANTS**
3. Review of City Hall Lobby Renovation Proposal.

\* \* \*

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 26, 1996, 7:30 PM**

Mayor Anita Newsom called the February 26, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular February 12, 1996 City Council Meeting Minutes.**

Mr. Reynolds moved to approve the February 12, 1996 City Council Meeting with the Clerk's corrections; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**Item 4a. on the Agenda. PRESENTATION OF BOARD AND COMMISSION SERVICE APPRECIATION AWARDS**

Mayor Anita Newsom recognized the listed outgoing Board and Commission members for their voluntary service to our City and noted we are privileged to have over 60 residents who serve in these positions.

John Flournoy, Planning Commission  
January 1989 - December 1995

Charles Sherman, Board of Zoning Adjustment  
July 1989 - December 1995

Bob Quackenbush, Board of Zoning Adjustment  
January 1990 - December 1995

John Palmisano, Cable TV Advisory Committee  
May 1989 - December 1995

**Lee Laramore, Recycling and Solid Waste Committee**  
January 1990 - December 1995

**Pete Hall, Recycling and Solid Waste Committee**  
January 1990 - December 1995

**Tom Clayton, Capital Improvements Program Committee**  
March 1994 - December 1995

Mr. John Flournoy, Mr. John Palmisano, and Mr. Lee Laramore were present to accept their awards and Mayor Newsom's appreciation on behalf of the City Council. Awards will be delivered to those recipients who were unable to attend tonight's meeting.

**Item 4b. on the Agenda. PRESENTATION OF MISSOURI MUNICIPAL LEAGUE PUBLIC SERVICE AWARDS TO CITY OF GLADSTONE EMPLOYEES.**

**City Collector Carol Hopper, 20 Yrs Service**

**Public Safety Sergeant Stan Dobbins, 10 Yrs Service**

**Public Safety Corporal William Willoughby, 10 Yrs Service**

Mayor Newsom advised that annually the Missouri League and municipalities throughout the State recognize individuals with ten or more years of public service. The Mayor said Public Safety Officers Dobbins and Willoughby are attending classes tonight and Ms. Hopper was unable to attend. The Mayor said these awards recognize not only these employees tenure but their exemplary service with the City of Gladstone.

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

Following the City Clerk's Reading, Mr. Norris requested removal of **RESOLUTION 96-10** for discussion under the Regular Agenda. Mr. Hammen moved to approve the remaining Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**CONSENT AGENDA DETAIL**

Mr. Hammen moved to adopt **RESOLUTION 96-11**, amending the 1996-97 Annual General Fund Operating Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds. Total Additional Appropriations: \$ 200,545; Revised Total General Fund Budget: \$9,391,550; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-96-12**, authorizing the City Manager to execute an Intergovernmental Agreement with Clay County municipalities for the study of a County-wide 800 MHz trunked radio system and authorizing expenditure of

funds in the amount of \$15,000.00 from the General Fund for the City of Gladstone's share of such study. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds commended the Manager for bringing the City's costs down from \$20,261.00 to \$15,000.00 for this radio study.

Mr. Hammen moved for **ACCEPTANCE OF FINANCIAL REPORTS FOR JANUARY 1996**; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

#### **REGULAR AGENDA**

Item 5a. on the Agenda. Mr. Reynolds moved to adopt **RESOLUTION NO. R-96-10**, authorizing execution of a contract with L & L Maintenance, Inc. for the contractual mowing of certain City of Gladstone parks, facilities, and right-of-ways for the 1996 mowing season. Contract Amount: \$17,442.00. General Fund. Mr. Norris seconded.

#### **Discussion.**

Councilman Norris said from the memorandum and bid results included with the resolution he understands that we are giving the contract to L&L Maintenance but he is at a loss to understand why because they were higher on Plan A, Plan B and the totals and placed 2nd 3rd and 2nd respectively. Are we recommending L&L because they have more employees and more equipment? He asked if there were problems with Jerry's Lawn Care which was the firm we had last year.

City Manager Norris said yes there were problems with the company's ability to maintain the basins last year and we had to go in and actually get the higher grass out of the way before they could mow. They just did not have the equipment to do some of the terrain and the high growth which was a result of the rains and we had to mow it ourselves. He said we have two years of experience with contractual mowing now, the first year was a very dry season and anybody could have maintained the properties with whatever equipment they had. But Jerry's just did not have the equipment last year and that is why Director Buschor's memorandum discusses the equipment the bidders have.

Given the total dollar amount difference, about a \$100 difference per mowing treatment, it is insignificant given the amount of staff time we spend if we have to go in and mow one parcel one time.

Councilman Norris said he was interested in the justification because the memorandum that was given to the City Council did not provide that much information.



The City Manager said it was an attempt not to have to belittle a good lawn care company that might be great for residential or private lawn care where there are all finished grades and finished slopes; but that is not our need.

Councilman Norris said he would hope that sending memos to the City Council does not constitute belittling anybody. The Manager responded that it can publicly.

Item 6 on the Agenda. Communications from the Audience.

None.

Item 7 on the Agenda. Communications from the City Council

Councilman George Nodler offered his personal thanks to all the board and commission members honored here tonight and Councilman Roger Norris said he would echo those sentiments.

Councilman Bill Reynolds complimented the employees who participated in the Compensation Study presented earlier this evening in study session. He thinks the City is going in the right direction to look at the classifications and he encourages the staff to proceed with finalizing the recommendations. He also encouraged working with any employees who have a problem with the study recommendations so that the recommendations can be finalized and brought back to the City Council for adoption as soon as possible.

Councilman Art Hammen complimented Assistant City Manager Laura Gay on the GUIDE TO CITY SERVICES she has put together. The preliminary copy distributed in Council packets appears to be very comprehensive and beneficial to our citizens. He asked if the format would allow larger print so that everybody will have as easy a time as possible reading it. The Manager agreed to provide an example of the proposed print size so that we can all make a judgement if the size is adequate.

Mr. Hammen referenced the summary review of the recent joint study session on BACO distributed in Council packets and called Staff's attention to a calculation error in the discussion of the cost impact of the BACO changes for new home construction. Staff readily acknowledged the error and assured it would be corrected.

Mr. Hammen said when the Smoking Forum was held they discussed the possibility of citizens having the opportunity to call in on our telephone service and register an opinion on various items. He asked if any further consideration had been given to that.

City Manager Norris said not beyond just trying to see how we would logistically do that and how we could control what the survey was being used for. He said we need to come back to

the City Council in study session and talk about the smoking issue separately.

Mr. Hammen said he is raising this separately from the smoking issue and just saw it as a potential way to obtain feedback.

The City Manager said one of our concerns is that when you are trying to obtain results that are statistically relevant you usually do not do it by a volunteer call-in program. The people who call in typically are those who care about an issue to the extreme one way or the other. In the City Management profession it is not considered statistically relevant to use it as a sampling measure for local government as a basis for decision making. However, the idea of having some type of system where people can call in on issue and leave messages or opinions is important and we are trying to look at that.

Mayor Newsom complimented the Staff on the Compensation Study and also thanked the members of our boards and commissions because they are a very very valuable part of what we do.

**Item 7a. on the Agenda.**

- a. Appointment of Park & Recreation Advisory Board Member Bobby Thompson to the Capital Improvements Program Committee.

Mayor Newsom explained the need to appoint one new Park & Recreation Advisory Board member to the Capital Improvements Program Committee because present appointee Joyce Wilde has chosen to relinquish her seat at this time to pursue interests on the Performing Arts Subcommittee.

Councilman Norris moved to appoint Mr. Bobby Thompson who is the new Chair of the Park & Recreation Advisory Board to the Capital Improvements Program Committee; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 8 in the Agenda.** Communications from the City Manager.

- a. Request for City Council Motion accepting the 1996 Clay County Municipal Legislative Priorities.

Mr. Reynolds moved to accept the listed 1996 Clay County Municipal Legislative priorities; Mr. Hammen seconded.

**Discussion.**

Mr. Reynolds said it is important that we take a position on State legislation affecting our City and communicate with our legislators and he thanked the City Manager for providing this information to the City Council. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**AGENDA ADDITIONS**

**Building Plan Approval** for Dooley's Auto Body, 720 NE 76th Street. File #BP96-002

City Manager Norris advised this is a small front facade and front landing area to the existing building.

Councilman Norris moved to approve the Building Permit as submitted; Mr. Reynolds seconded.

Discussion.

Councilman Norris said this auto body business on 76th Street is a clean operation and he knows of no complaints regarding the facade changes and he would recommend approval. It is a small porch area which he viewed this afternoon and it looks fine to him.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Norris moved to adopt **RESOLUTION NO. R-96-13**, authorizing renewal of Massage Therapist Permit to Jennifer Johnson for a period of one year all pursuant to chapter 17.1 of the Gladstone City Code. Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

City Manager Norris said he would like to thank Assistant City Manager/Personnel Officer Dianna Wright for all the work and time she has put in on the compensation study. The Council heard tonight that 78% of the positions in the City of Gladstone were at or around the mid-point where they needed to be and that is very unusual. The study recently completed for Clay County revealed they were 20-25% below market for the majority of the positions and it is costing them a significant amount of money to address that. That has not happened here and it is mostly Dianna's responsibility and hard work that has kept us where we are as well as the Council willingness to fund those recommendations when they come forward. So his hat is off to Dianna for the work she did.

**Item 9 on the Agenda. FIRST READING BILL NO. 96-9**, authorizing acceptance of Temporary Construction Easements from property owners in conjunction with the 76th Terrace Street Reconstruction Project. (#9406)

Mr. Norris moved to place Bill 96-9 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Norris, Nodler, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.494; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 10 on the Agenda. FIRST READING BILL NO. 96-10, authorizing acceptance of Temporary Construction Easements from property owners in conjunction with the 70th Terrace & North Troost Drainage Improvement Project. (#9021)

Mr. Reynolds moved to place Bill 96-10 on First Reading; Mr. Nodler seconded.

Discussion.

City Manager Norris said these easements will bring this project to closure and as Councilmembers Hammen and Reynolds can advise this project is has changed in scope and right of ways and easements have had to change. This brings to an end the needed property acquisitions and we are now ready to go out to bid. Councilman Reynolds said some of the correspondence on this project goes back a number of years and he is pleased to see us bring it to this point.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Reynolds moved to accept the First Reading of Bill 96-10, Waive the Rule and place the Bill on Second Reading; Mr. Nodler seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Reynolds moved to accept the Second and Final Reading and enact the Bill as ORDINANCE NO. 3.495; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11 on the Agenda. Other Business.

Mayor Anita Newsom said she would make a personal plea to all present to become informed about the bond issue that the North Kansas City School District is bringing forward to the voters of the school district. It is very important to become informed and make educated decisions on this April ballot issue.


\* \* \*

MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION: Councilman Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office for discussion of Personnel and Litigation under the Missouri Open Meetings Law Exemptions as previously posted; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

\* \* \*

There being no further business to come before the Regular February 26, 1996 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

**GLADSTONE, MISSOURI**

**MONDAY, MARCH 11, 1996**

**Open Study Session: 7:00 PM**

**Closed Executive Session: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular Monday, February 26, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA -- NO ITEMS.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.
9. **RESOLUTION NO. R-96-14, a Resolution adopting a REVISED SUBSTANCE ABUSE POLICY for the City of Gladstone and amending certain sections of the "City of Gladstone Personnel Manual" to incorporate such policy.**
10. **APPROVAL OF BUILDING PERMIT for construction of new retaining wall for Woodbine Healthcare Center, 2900 Kendallwood Parkway. Applicant: Stonescape. (BP#96-003)**
11. **PUBLIC HEARING: On a request to rezone from M-1, (Industrial District) to R-1 (Single Family District) property generally located east of Highway 169 and north of Vivion Road. (The Oaks Subdivision) (File # Revised 937)  
Applicant: Intra State Development Co.  
Owner: United Missouri Bank**
- 11a. **FIRST READING BILL 96-11, rezoning from M-1, (Industrial District) to R-1 (Single Family District) property generally located east of Highway 169 and north of Vivion Road. (File # Revised 937)**
12. **PUBLIC HEARING: On a request to rezone from R-1 (Single Family Residential) to CP-1 (Local Business District - Planned), property at 7604 N Oak.  
Applicant: Aldi, Inc. (File #940)**

**NEXT ORD. NO. 3.497**

- 12a. **FIRST READING BILL 96-12**, Rezoning property at 7604 N Oak from R-1 (Single Family Residential) to CP-1 (Local Business District - Planned).  
Applicant: Aldi, Inc. (File #940)
- 12b. **FIRST READING BILL 96-13**, Approving a Site Plan in conjunction with a rezoning for property at 7604 N Oak subject to certain conditions. Applicant: Aldi, Inc.  
(File #940)
- 12c. **REQUEST FOR SIGN VARIANCE**, Aldi Grocery Store, 7604 N Oak.  
Applicant: Aldi, Inc.
13. **PUBLIC HEARING:** On a request for Site Plan Revision in a RPCH-1 (Single Family Cluster Housing-Planned District) Zone, property generally described as 31-33-35 Woodlands Drive East. Applicant: Joe & Jim Presko (File #939)
- 13a. **FIRST READING BILL 96-14**, approving a Site Plan Revision in a RPCH-1 Zone for 31-33-35 Woodland Drive East.  
Applicant: Joe & Jim Presko (File #939)
14. **FIRST READING BILL NO. 96-15**, approving the Final Plat of "CLAYBROOK FIRST PLAT". (3800 & 3900 blocks of NE 77th Street) Applicant/Owner: Five Star Homes (File #941)
15. **FIRST READING BILL NO. 96-16**, amending Chapter 18 of the Gladstone City Code to enact a new article entitled "Financial Responsibility" which prohibits the operation of motor vehicles on city streets without maintaining financial responsibility and provides penalties for violation.
16. Other Business
17. Questions from the News Media
18. Adjournment

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, MARCH 11, 1996 7:30 PM**

Mayor Anita Newsom called the Regular March 11, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular Monday, February 26, 1996 City Council Meeting Minutes.** Councilman Reynolds moved to approve the minutes as written; Councilman Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

**Item 5. on the Agenda. No Consent Agenda.**

#### **REGULAR AGENDA**

**Item 6. on the Agenda. Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Reynolds said he appreciated the booklet published by the Parks and Recreation Department recently mailed to residents and compliments Director Buschor and staff on a good job.

Councilman Hammen said he would echo the compliment on the brochure because it is very professionally done and he is proud of it. He said he was also pleased to find out that the type size for the Resident Information Booklet we are preparing is such that everyone will be able to read it and he appreciates that.



The City Manager asked that Councilmembers return their comments to Staff on this brochure in the next 7-10 days.

Mayor Newsom suggested that we may want to publicize the no open burning law on our cable television in light of the extremely dry weather. The City Manager agreed it is a very dangerous season and said Public Safety will be giving additional publicity to this regulation.

Mayor Newsom also noted that establishments will be gearing up for outdoor sales and asked that we make contact with those businesses to make sure they are aware of our restrictions. We do need to be pro-active to avoid possible problems. The City Manager said we will be making those contacts and advised that Osco applied for their permit today. The Mayor said she observed that they have supplies blocking the handicapped spaces. The Manager said they will be moving them.

Item 8. on the Agenda. Communications from the City Manager.

City Manager Norris announced that the 1995 Annual Report of City Services is available for the press and the public's viewing.

City Manager Norris advised that we have had two fires in the city in the last several days. On March 7th there was a structure fire at El Cerro Grande Restaurant, 69th & N Oak which was extinguished by Gladstone Public Safety and there is significant restoration work that will be required.

On March 10th there was a residential fire at 5917 N Euclid initially reported by a patrol officer who observed smoke in the area. The City Manager read from a Gladstone Public Safety Department Press Release which noted that four residents had already escaped and the officer assisted a third resident in her escape from a bedroom window. Another patrol officer arrived at the scene and aided by a third officer entered the window to rescue a resident who was confined to a wheelchair. The officer carried him to the window where the officers outside lifted him out.

All were transported by ambulance to North Kansas City Hospital for examination and treatment. No injuries appeared severe and there were no injuries to officers. The fire appeared to have started in the front part of the single story house and caused flame and smoke damage throughout. No damage estimate is available, and the exact cause is still under investigation.

PSO Pouliot, PSO Bowlin, and Corporal Willoughby were the Public Safety personnel involved.

Mayor Newsom asked if our 911 system identifies homes with individuals who might have trouble exiting. The City Manager said he thinks there is that capability and he will check into it.

City Manager Norris also announced that modular furniture will be arriving in city hall toward the end of this week and the related construction may cause for some confusion in routing of calls and we ask for the public's understanding for this three day interruption to our service. The modular furniture installation will be completed by Monday, March 18th and all personnel will be in their new work units and back in operation.

Item 9. on the Agenda. RESOLUTION NO. R-96-14, a Resolution adopting a REVISED SUBSTANCE ABUSE POLICY for the City of Gladstone and amending certain sections of the "City of Gladstone Personnel Manual" to incorporate such policy.

Mr. Reynolds moved to adopt Resolution 96-14; Mr. Norris seconded. the vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for construction of new retaining wall for Woodbine Healthcare Center, 2900 Kendallwood Parkway. Applicant: Stonescape. (BP#96-003)

Mr. Reynolds moved to approve the Building Permit subject to Staff Report Conditions; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

Item 11 on the Agenda. PUBLIC HEARING: On a request to rezone from M-1, (Industrial District) to R-1 (Single Family District) property generally located east of Highway 169 and north of Vivion Road. (The Oaks Subdivision) (File # Revised 937) Applicant: Intra State Development Co. Owner: United Missouri Bank

Mayor Newsom opened the Public Hearing and explained the procedure that the Applicant will make his presentation followed by those in favor and those opposed.

Applicant, Dan Weiskirch, Hands-Farrow-Weiskirch Engineers, 200 1/2 N Liberty, Independence, Missouri, introduced himself and said he was here to ask for consideration on rezoning of this property north of the Courtesy Chevrolet agency which is a slightly high piece of property, heavily timbered and basically east of Highway 169. The request is to rezone the property from M-1 to R-1. He said the plan is for a typical single family layout that will fit our single family ordinance.

Mr. Weiskirch said the original plan would have provided for the southerly 55 acres of this parcel. The plan called for only one ingress and egress from the property and that plan was shown both to Gladstone staff and the City of Kansas City and they both expressed concern for lack of access. They went back to the drawing board and back to purchase some additional 20 acres of property to the north which did afford re-working of the plan to include two ingress, egress points. However in discussing with the Planning Commission and Gladstone staff and some of the local citizenry, there was expressed concern for a

renovation of the points of access to minimize traffic impact in the neighborhood.

Mr. Weiskirch said again back to the drawing board and a third revision to the plan and an additional property acquisition which would allow the generation of three points of access and perhaps one principal point of access that will become the focal point and take the emphasis off of a more neighborhood access. So they think that over time they have perfected the plan and are hopeful the City Council can see the merits. He said he thinks we have a bargain in a way because they are asking to rezone property that is currently zoned for open manufacturing use and all the City Council has to do is vote in the affirmative and turn it into R-1 which will provide a much more suitable land use.

Planning and Development Director Scott Wingerson said Mr. Weiskirch is just a little modest in his explanation of the additional means of egress. The original plan called for an entrance off of Washington and 53rd Street. After hearing the Planning Commission discuss the matter they chose to obtain additional property at substantial expense to the developer and provide an entrance off of Old Pike Road. That does a couple of things, #1 it minimizes the impact on adjacent properties which is good and #2, it provides a good marketing tool for the developer in providing an entrance to this particular development.

The Planning Commission voted 6-yes and 1-abstention and there are thirteen conditions to the development request. There are a couple of themes which run through the conditions, #1 is drainage. There is a significant drainage way which runs through the property. They feel comfortable that Mr. Weiskirch and the other engineers will ensure that there will be no adverse impacts from the development on the drainage system. The other item shown in the conditions is a traffic concern. Mr. Wingerson said they believe that sound engineering will resolve all of those concerns however he wants to point out that staff will watch both of those issues very very closely.

In general, Mr. Wingerson explained, there are 140 lots in Gladstone. The very southern tip will remain as the M-1 zoning classification and that actually does not have frontage from the proposed street off of Old Pike or any of the other streets in the development but from the Vivion Road service road for lack of a better term. Mr. Wingerson invited questions.

Councilman Reynolds asked Mr. Wingerson if he had gone over these thirteen conditions with the developer and asked if they are in favor of all of them; Mr. Wingerson said they expressed their agreement to those conditions at the Planning Commission Meeting.

Mr. Hammen said #11 references evidence of Kansas City considering a preliminary plat and asked if that is what we mean or are we looking for approval of the preliminary plat from Kansas City. Mr. Wingerson said really what we are

looking for is some sort of comfort level from the Kansas City staff if the preliminary and final plat fall through on the process. He said Mr. Weiskirch talked to Kansas City this morning and their staff is in favor of the development so we are looking to ensure that the project completes itself on the other side of our city limits. City Manager Norris said we need to add the caveat that it is not necessary, we would like to see it completed on the Kansas City side but as this is platted in Gladstone it can stand alone and that is why the requirement as worded is not extremely strong.

#### OPPOSED

Shawn Neal, 5222 N. Washington, stated he would be an adjacent neighbor to the proposed development and in relation to the total development of The Oaks he hopes that the developer will adhere to the water main extension as requested by the Planning Commission staff as referenced in the Planning Commission January 3, 1996 Minutes, Page 5 Paragraph 6. He said this is nothing that you have to reference right now or respond to right now, but he would like the Council to take this into consideration for the overall development.

City Manager Norris noted that this is condition #1 on the Staff Report and it is extremely important.

Mr. Neal stated that he would also like to see all of the lots meet the 70' lot requirement and not allow for any possible variance as could possibly be construed in the Planning Commission January 3rd Meeting Minutes, per Page 5, Paragraph 5. He would just like to see that the minimum lot size is not changed.

City Manager Norris stated that he has not looked at Paragraph 5, Page 5, but since this is a straight zoning it has to meet the minimum lot requirement. So where you see the changes on cul-de-sac lots that is allowed by Code now.

Mr. Neal said he also would like information and or actions concerning the Planning Commission's site visit of January 8, 1996, which was to determine any existing road deterioration on North Washington and possibly with the emphasis on the road in front of 5222 N. Washington that was mentioned at the meeting but not specifically recorded in the notes.

Mayor Newsom asked for clarification; the road deterioration concerning the current state that the road is in, or the deterioration that may occur because of construction?

Mr. Neal said he would say for the current state right now. At the last meeting they had they said they were going to inspect the current road conditions because he had complained of road conditions in the past in front of his specific properties. And they had alluded that they were going to inspect that during their site visit. Needless to say there was several inches of snow during their site visit and he is not sure they inspected the road.

Mayor Newsom asked if we aren't checking most all the roads in the City because of our transportation sales tax to ascertain their condition?

City Manager Norris stated only those roads that were on the five year plan. He needs to see if Washington is on the five year plan and if it is not make sure that Director of Engineering and/or the Director of Community Services have a chance to go out and look at it.

Mr. Neal stated that in closing, he would like to formally submit for the Council's future review, petitions that someone circulated around to note some of his neighbors concerns. Although some of the concerns have already been addressed, the petition just lists concerns that the neighborhood would like to see addressed in the future. Mr. Neal provided the City Clerk a copy of the petition which is attached to these minutes.

There being no further comments for or against this application, the Mayor closed the Public Hearing.

**Item 11a. on the Agenda. FIRST READING BILL 96-11, rezoning from M-1, (Industrial District) to R-1 (Single Family District) property generally located east of Highway 169 and north of Vivion Road. (File # Revised 937)**

Mr. Hammen moved to place Bill 96-11 on First Reading; Mr. Norris seconded.

Discussion:

Mr. Norris asked Mr. Neal if he had been given a copy of the Staff Report. Mr. Neal stated he had not. City staff provided him a copy so he could follow the discussion.

Mr. Norris read the thirteen items listed on the staff report.

1. Escrow to upgrade the existing 2" water main from a point on Washington Street at the termination of planned water bond project, north of Washington Street to 53rd Street, and west on 53rd Street and into the development. This line is to be upgraded to 8".
2. Determine flows and capacity of 12" sewer main located at the southern portion of the property. Submit all calculations with final plat or final engineering. Developer will be responsible for upgrading this main, if necessary.

Councilman Norris noted that the developer will have to incur that cost if that is necessary.

3. Relocated water main on Jefferson Street into City of Gladstone. Developer is responsible for drafting and submitting for approval an agreement between Gladstone and

Kansas City to ensure water service to all lots.

4. Proposed sewer mains serving Gladstone shall be located in Gladstone. Proposed sewer mains serving Kansas City shall be located in Kansas City.
5. Relocate fire hydrant at lot 31/32 to lot 29/30. Relocate hydrant at lot 26/27 to NW corner of lot 23.
6. Utilize Gladstone hydrant specifications within Gladstone and on Jefferson Street.

Mr. Norris noted that these were upgraded about two years ago so there will be plenty of flow for fighting fires.

7. Drainage calculations must be approved prior to final plat considerations.
8. Utilize USGS datum and submit dwg format computer file with final plat.
9. Edit proposed restrictive covenants to match City requirements concerning setbacks.

Mr. Norris noted, in other words, you have to modify them to meet our Code because it is straight R-1 so on your building lot size concern, they will all be to Code, because this is a straight R-1, not a planned district.

10. Submit an existing tree survey and a proposed tree preservation and landscape plan prior to final plat approval.

Mr. Norris stated this normally means that they are not going to cut down the big trees that they can avoid.

11. Provide evidence of Kansas City preliminary plat consideration prior to submitting final plat.
12. Provide all required easements on final plat according to City specifications. Final Engineering must be submitted with final plat.
13. Turning radius at the Old Pike entrance will be reviewed with construction plans to accommodate safe traffic circulation. Also, right-of-way dedication may be necessary along Old Pike to accommodate the new entrance.

Councilman Norris stated that the reason he read that to Mr. Neal was because when he got involved in politics in Gladstone they were shoving stuff through and nobody told us anything. He said the items he read have to happen before they can build.

One of the items mentioned was drainage. The rule is, anything that you build can't let water off the property any faster than it would have in its natural state. So you won't have a problem with water runoff or anything like that. The water and

sewer lines should be upgraded and now with our 1/2 cent transportation sales tax, Washington Street if it is destroyed will fall into the system and go right along with the rest of the roads here that should be on an upgrade every fourteen years.

City Manager Norris stated that in this instance the developer may be responsible for some improvements to Washington pending the construction traffic issue. One of the things that needs to be added here, is that this is the rezoning hearing. All the Council is doing here is the conditions to rezoning to R-1. The developer has several major hurdles they still have to go through in Gladstone and that is: final plat approval. In final plat all the engineering has to be submitted and considered at the same time. That is where many of the details that are on the rezoning will get actually put down physically in writing and other conditions will arise as they go along. The traffic construction issue and potential restoration of streets issue will also have to be addressed. We are probably at step two of the development process from the City's standpoint but there is a third step that has yet to come and obviously the fourth step is actually the issuance of building permits on individual lots.

Councilman Norris said that because this is a straight R-1 single family housing request there are not requests for variances or setbacks changes. He said while he will always be concerned for the loss of wooded areas he would much rather lose them to a house with people who are buying it than to a manufacturing zone or whatever. He said what is allowed under and M-1 zone is incredible. This place would be more than a little full, it would be jam packed. He told the residents that we will make sure that everything is done the way you would want it done in your neighborhood if you were doing it yourself.

City Manager Norris said he can now confirm that N Washington from 52nd Terrace to the City Limits is included within the street improvement five year plan. He will make sure that the address Mr. Neal referenced is within that gap but he believes it to be. If you look at the petition that the residents submitted a majority of the issues that are listed were addressed through many of the changes and revisions made in the plan between the time it originally came forward as an RP-1 plan to the R-1 plan when they gained the additional access off of Old Pike. We will look at this between now and the final plat and if there are any issues that are not addressed we will see what responses need to be made.

The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 96-11, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 96-11, and enact the Bill as ORDINANCE NO. 3.497; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 12. on the Agenda. PUBLIC HEARING:** On a request to rezone from R-1 (Single Family Residential) to CP-1 (Local Business District - Planned), property at 7604 N Oak. Applicant: Aldi, Inc. (File #940)

Mayor Newsom opened the Public Hearing and explained the procedure that the Applicant will make his presentation followed by those in favor and those opposed.

Applicant spokesman, Scott Cargill with John Lutjen and Associates provided an overview of the plan on behalf of the developer. He said this particular site plan will allow for the construction of a 15,000 square foot grocery facility. It will generally be located on the northwest corner of the property with the front of the building facing North Oak Trafficway. The rear of the building to the west. Access to this particular site is going to be off the signalized intersection of NE 76th Terrace. The actual building itself will have a recessed dock area at the western end toward the back of the building which basically means the dock area is going to be 4' - 5' lower than the finished floor.

The trash enclosure for this particular site is within that recessed dock area. The actual building will be finished around its entirety in otherwords it won't have grey concrete block at the back. It will be finished all the way around in its entirety. The particular site plan you see before you does provide for detention on the site. It also will provide for the extension of Northeast 76th Street about 250 feet onto the west which would be the western property line of this particular site. Northeast 76th Terrace will remain as it is. Detention on the site is going to be pretty much like that at the Ryan Family Steak House right across the street. They have taken a look at all the comments by staff, as well as the Planning Commission. They see no problem adhering to those comments, some of them have even been addressed on the plan that you see before you.

Mr. Cargill invited questions on the site and said if there are any questions on the operation or aesthetics of the building Mr. Martin Flourie with the Aldi Food Store is here and could answer them.

Director of Planning and Development, Scott Wingerson, stated that Mr. Cargill did a good job of providing the general information on this development. A couple of issues came forward from the Planning Commission which he will reiterate for the Council's consideration. One is the buffer area on the north of the store. He believes they have shown 26' feet on the plan in Council's packet as a buffer area from the property line. An exhibit was passed out at the last Planning Commission meeting that actually shows from the back of the



building to the curb line of the new 76th Terrace would be in the neighborhood of 40'. So the Commission ultimately voted to approve this request taking that issue into account. The other issue is the back of the building which Mr. Cargill did a good job of describing. We are recommending some sort of graffiti retardant or some sort of treatment on the back of the building which would be the north and the west elevations, to help ensure that our exit from Hobby Hill Park is satisfactory.

Finally the Planning Commission added a condition (Condition #17) in the draft ordinance, concerning berming and landscaping incorporated within the west buffer zone. Landscaping shall include berming and the installation of evergreen trees spaced 15' on center parallel with the west property line. Basically what that does is protect the property owner to the west who is actually one of the applicants at tonight's hearing.

Councilman Norris stated that there had been a concern on the trucks being able to turn in and pull around so they could back to the dock, and one of the Planning Commissioners concerns was that they may, by necessity, use Ryan's parking lot a little bit. That's not going to happen is it?

Mr. Wingerson answered, the way he addressed that same question to the Planning Commission was that they believe the developers intention and the really only logical way for this to work would be for the delivery trucks to pull in the east driveway of the development and then take a left through the front of the store, head out into 76th Street but they won't need to make it, then back into the loading dock at the west end of the building. We see the likelihood of any kind of trucks using Ryan's property or the need for that as just not something that needs to be done. That is part of the reason that the developer has an extra-wide drive there, sort of on the south of the store where it is shown as 30' and the requirement is 24'. That is to accommodate vehicles and truck together.

Councilman Norris asked if we are going to begin using curbs instead of building lines as setbacks or is that just this time?

Mr. Wingerson responded those are some of the reasons for the P zoning classification is that in certain instances it makes a better development.

Councilman Norris said and sometimes it is better to use the curbs than the building lines. Would you admit to that?

City Manager Norris stated no. What he thinks Mr. Wingerson is trying to say is that since 76th Terrace is going to be ripped out and not reconstructed, the developer had no idea what our plans were, we wanted to advise the Planning Commission what the actual distances were going to be as they are going to change dramatically between now and the time everything is constructed.

Mr. Norris said so then staff and everybody brought up the issue of the setback not the Planning Commissioners.

City Manager Norris stated that is correct. They knew that they were going to have a shorter than normal setback and that is why they applied for that. What we are trying to say is look at the improvements that we are doing, here's what the actual distance is going to look like from the curb line.

Mr. Wingerson stated, just a quick follow-up on that, the original plan that staff saw and the original plan that the Planning Commission saw showed that setback as being 21', they have increased that in your packet tonight by 5' to 26' and with the addition of the right-of-way it is nearly 40' of green open space.

Mr. Hammen asked Mr. Wingerson to bring them up-to-date on the traffic signalization issue?

Mr. Wingerson advised that Mr. LeClerq is still waiting for information from the signalization firm. We believe that the controller in the box may be adequate to accomplish what we want which is dedicated north and dedicated south. That should help to alleviate a lot of the concerns. It would be the same signal operation as 72nd & Troost except that it is dedicated east and west. The dollars that the developer has pledged to help us do that will be more than adequate to change the actual light part of the signal. Before permitting we should have a definite answer on that.

Mr. Hammen said the wording on this pledge is up to \$5,000 and in reading the Planning Commission Minutes it appears that the intention is that the developer would pay the cost of the change over in full provided it does not exceed \$5,000; and if it exceeds \$5,000 the City picks up the rest. Mr. Wingerson said that was correct.

The City Manager said there is always the option of not making a change. Mr. Hammen said he understood that. His understanding is that if there is a change, anything up to \$5,000 the developer would bear and anything over \$5,000 the City would bear. City Manager Norris said that was correct if the City chooses to make the change.

Councilman Norris said first we must determine if a change needs to be made. City Manager Norris said that is correct

Councilman Norris said he does not intend to hold the project up because of a traffic light and he does understand that in the last three years we have had 5, 10, and 13 wrecks respectively but he wonders if the light will make a difference. North Oak is heavily travelled and dedicated north south backs up traffic because it makes it a slower signal from any direction.

City Manager Norris agreed it is slower but it is safer. Councilman Norris said during the high peak times you are doing

well to get through it now when everyone can go north and south in one stop at busy times of the day. We need to look at whether or not the accidents are happening because there is extra traffic at Ryans or at the Video Store. We need to look at it first but without holding this project up. The Manager noted that staff has proposed to the CIP Committee that 76th Street between Oak and Troost be done in the first two years of the plan and whether that will or won't be a part of N Oak is yet to be determined and so that needs to be factored into that equation as well.

Mr. Reynolds asked if he is hearing that we are suggesting the cycling be like 72nd & N Troost because if so, it will delay traffic a lot. The City Manager said from a staff standpoint it is the best and most efficient moving intersection we have in the City right now. It does not seem that way to persons waiting but that whole sequencing is the best and most efficient we have. The Mayor recalled that at one time that intersection was the highest accident rate in the City. Councilman Norris said he had a head-on at that location before the signal installation.

There were no other persons to speak for or against this application and the Mayor closed the Public Hearing.

Item 12a. on the Agenda. FIRST READING BILL 96-12, Rezoning property at 7604 N Oak from R-1 (Single Family Residential) to CP-1 (Local Business District - Planned).  
Applicant: Aldi, Inc. (File #940)

Councilman Norris moved to place the Bill on First Reading; Mr. Reynolds seconded.

Discussion.

Councilman Norris asked if the offer is still available that if changes are still deemed necessary at that signal we get help. Martin Florie, Director of Real Estate for Aldi Foods said on their behalf they will do whatever they need to do to keep that a possibility.

The City Manager suggested that the signal not be dealt with as a Site Plan requirement but be held until the building permit because public improvements are usually a part of the building permit and this will allow the developer to proceed with work on their site plan. We will have an answer from our traffic signal consultant by building permit issuance time and we will begin with facts rather than unknowns.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0-) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the bill on Second and Final Reading; Mr. Reynolds seconded.

Discussion.

Councilman Hammen asked to clarify that we have the ability to deal with the signalization as a permit issue. The Manager responded that if the developer agrees that we deal with the issue as part of the building permit we have that ability. Mr. Hammen asked what if the developer doesn't agree. The Manager said the developer did agree on the record. The Manager said if the developer could not agree to it now then he thinks he is in the position as City Manager to say that we have to put the breaks on and not enact the bill tonight until we hear from our consultant. Mr. Hammen said he would like to see the developer move forward but not at the expense of losing participation in this.

City Manager Norris Aldi's will be one-quarter of this intersection with Ryans, Kwik Shop and the small strip center generating traffic as well. We recognize what the potential impact of this developer could be and we don't think we are looking at drastic changes but he would be more comfortable knowing what our traffic signal contractor has to say about it and are awaiting his response.

Councilman Hammen said his affirmative vote will be predicated on the City being able to reach a satisfactory agreement with a developer at the building permit stage on any necessary upgrades to the traffic signalization. The City Manager said ultimately those upgrades will rest in the hands of the Council whether or not how we want any changes to the signal. Because if north-south is not the Council's preference we may recommend that there is no need to do anything.

Councilman Hammen said and that is fine he just wants to make sure we are all in agreement here so that we can let the developer proceed with out any unnecessary delay. The City Manager said he feels comfortable with this.

Mr. Florie asked for a statement as to what the developer is agreeing to. The City Manager said they are agreeing to give the City the chance to meet with our traffic signal consultant to get his definitive answer on what it would take to upgrade the signal and what our options are with the controller that is there and then we will be meeting with the developer to better quantify what your impact would be and that we recognize up front that you are only one-quarter of the intersection.

Councilman Norris said it is also understood that the deal as it is now is "up to a maximum of \$5,000.00". Mr. Florie said the project could grow beyond that but he understands that he is agreeing up to \$5,000.00.

Councilman Hammen asked the Manager if staff is comfortable with the \$5,000 cap; the Manager said if we are talking about a cap of \$5,000 which is the recommendation from the Planning Director then we don't need to tie it to the building permit. which is the recommendation from the Planning Director and the Planning Commission. The Manager said honestly he does not have a comfort level until we hear from our traffic consultant.

The Mayor stated for the record that we have a verbal agreement from the developer to provide up to \$5,000.00 for increased or upgraded signalization at that intersection if needed.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-12 and enact the Bill as Ordinance No. 3.498; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12b. on the Agenda. FIRST READING BILL 96-13, Approving a Site Plan in conjunction with a rezoning for property at 7604 N Oak subject to certain conditions. Applicant: Aldi, Inc. (File #940)

Mr. Reynolds moved to place Bill 96-13 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the bill on Second and Final Reading; Mr. Reynolds seconded.

Discussion.

Amendment. City Manager Norris said given the discussion we just had, a condition #18 needs to be added to the conditions listed in the ordinance that says the developer shall contribute up to \$5,000.00 for any signalization changes deemed necessary by the City.

The Motionmaker Mr. Reynolds moved to amend his motion to include condition #18 as read; seconder Mr. Hammen concurred. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-13 and enact the Bill as Ordinance No. 3.499; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 12c. on the Agenda. REQUEST FOR SIGN VARIANCE, Aldi Grocery Store, 7604 N Oak. Applicant: Aldi, Inc.

Mr. Reynolds moved to approve the Sign Variance as requested; Mr. Norris seconded.

Discussion.

Councilman Norris referred to the Staff report which indicates the sign height is exceeded by 6" and Staff recommends approval. The City Manager noted that the developer is putting in a monument sign versus a pole sign and this is a very minor variance.

Councilman Norris said he knows we need to stay consistent with

the Sign Ordinance but it is also our responsibility as a City Council to look at situations and where there is a need such as this one he has no problem.

Mayor Newsom said she would concur and what she particularly likes is the brick base which gives it enough height that some landscaping can be done. She is glad to see a monument sign with landscaping.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 13. on the Agenda.** PUBLIC HEARING: On a request for Site Plan Revision in a RPCH-1 (Single Family Cluster Housing-Planned District) Zone, property generally described as 31-33-35 Woodlands Drive East. Applicant: Joe & Jim Presko (File #939)

Mayor Newsom opened the Public Hearing and explained the procedure that the Applicant will make his presentation followed by those in favor and those opposed.

No representative of the Applicant was present.

Director of Planning & Development Scott Wingerson advised that the applicant requested a change from one four-plex which was planned for the development into two duplexes and the reason is that middle units in a four-plex don't sell. The Planning Commission unanimously recommend approval. Mr. Wingerson invited questions.

There were no further questions or comments and the Mayor closed the Public Hearing.

**Item 13a. on the Agenda.** FIRST READING BILL 96-14, approving a Site Plan Revision in a RPCH-1 Zone for 31-33-35 Woodland Drive East. Applicant: Joe & Jim Presko (File #939)

Mr. Norris moved to place Bill 96-14 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the bill on Second and Final Reading; Mr. Hammen seconded. The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-14 and enact the Bill as Ordinance No. 3.500; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 14. on the Agenda.** FIRST READING BILL NO. 96-15, approving the Final Plat of "CLAYBROOK FIRST PLAT". (3800 & 3900 blocks of NE 77th Street) Applicant/Owner: Five Star Homes (File #941)

City Manager Norris announced that the City received a request

through the developer's agent Mr. Cargill to table this item for two weeks. Mr. Norris made a motion to table the item until March 25, 1996 City Council Meeting; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammer, Newsom. (5-0).

Item 15. on the Agenda. FIRST READING BILL NO. 96-16, amending Chapter 18 of the Gladstone City Code to enact a new article entitled "Financial Responsibility" which prohibits the operation of motor vehicles on city streets without maintaining financial responsibility and provides penalties for violation.

Mr. Norris moved to place Bill 96-16 on First Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading; Waive the Rule and place the bill on Second and Final Reading; Mr. Nodler seconded. The Clerk read the Bill.

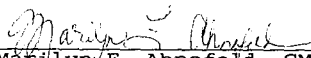
Mr. Norris moved to accept the Second and Final Reading of Bill 96-16 and enact the Bill as Ordinance No. 3.501; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 16. on the Agenda. Other Business.

The City Manager suggested that given the actions of our Public Safety Officers in the fire on N Euclid we may want to find a way to recognize officers individually for acts of heroism. The City Council agreed it was something that should be considered and Councilman Norris stressed that our officers are heroes all the time and perform such tasks routinely as a part of their duties.

There being no further business to come before the Regular March 11, 1996 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

City of Gladstone  
7010 N. Holmes  
Gladstone, MO 64118

ATTN: City Council Members  
Gladstone Planning & Development Commission  
Other Interested Parties

RE: Rezoning and Development  
Public Hearing Notice of 12/11/95  
Public Hearing Meeting of 01/03/96

We, the below signed property owners hereby formally express and document strong concerns relating to the rezoning and proposed Development referenced above.

A) Notification

We do not believe that all of the property owners within 185' of the proposed development were officially notified.

Nor do we feel that a strong effort was made to notify "other interested parties".

We believe that all of the property owners whose roadway traffic will increase should have been notified.

B) Traffic Flow

The strongest concern is that, due to only two (2) proposed entrances to the proposed development, extremely heavy traffic will occur with in the two (2) tributaries entrances between Old Pike and the proposed development.

C) Road Deteriation

We do not feel that the roads proposed as entrances could hold up to the accelerated auto traffic or the heavy construction traffic.

D) Water Supply

We realize that it is planned to bring the main water supply line from Old Pike to a corner of 52nd St. and N. Washington. As stated in the public hearing, we wholeheartedly recommend the continuation of the main water line north on N. Washington, to the hill's crest, as a low water pressure problem already exists.

E) Property Tax

We feel that the traffic flow would be too excessive for any neighborhood and that it may also hamper emergency vehicle traffic. We continue by formally requesting that other entrances to the proposed development be utilized.

*Rec'd*  
*3/11/96*  
*Rec'd File # 95*



Suggestions Include:

- 1 ) 50th St. from Old Pike. North and south warning signs could and should be posted if it is construed as a dangerous intersection, as is 53rd Terrace from Old Pike.
- 2 ) Existing roadway to the south of the existing auto lot on the northwest corner of Vivion and Old Pike.
- 3 ) Highway 169 and/or Englewood Express.

E) Property Taxes

We feel that there is a potential (and probability) for accelerated/exaggerated property value assessment that will unjustifiably increase our property tax rates.

We propose a freeze/or percentage limit on our future assessments.

F) Road Safety

We would relish the idea of posting speed limits signs and/or speed bumps on the tributaries leading into the proposed development.

G) Lot Size

We feel that the size of the proposed lots greatly undermines the size of the existing adjacent lots and would like to see an increase in their size.

H) Cultural Enhancement

In closing, we would like to see the "common" (underdeveloped area in the center) area developed into a functional park for all to use.

Allen Sargent  
Beth Allen Sargent

5300 NW Washington HCMC  
5300 N. Washington K.C., Mo.

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In closing, we would like to see the "common" (underdeveloped area in the center) area developed into a functional park for all to use.

Area 777 - Palma  
404 N.W. 53rd Street

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	24
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H) Cultural Enhancement

In closing, we would like to see the "common" (underdeveloped area in the center) area developed into a functional park for all to use.

Howard Neal 1.14.96

5222 N. Washington

Carolene M. Neal

5222 N. Washington

Wallace L. Caldwell  
5226 N. Washington

1.14.96

5222 N. Washington

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**GLADSTONE, MISSOURI**

**MONDAY, MARCH 25, 1996**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular Monday, March 11, 1996 City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-96-15**, authorizing the City Manager to accept the proposal of Browning-Ferris Industries, Inc. (BFI) for the hauling and disposal of debris collected during the City's annual Beautification event.

**RESOLUTION NO. R-96-16**, authorizing execution of a contract with Weidenmann & Godfrey Construction, Inc. for NE 70th Terrace and N. Troost storm drainage improvements. Contract Amount: Not to exceed \$68,000  
Fund: Capital Improvement Sales Tax Fund (Project 9021)

**RESOLUTION NO. R-96-17**, authorizing acceptance of work under contract with Bob Muehlberger Concrete, Inc. for the North Cherry Street Reconstruction project.  
Total Contract Amount: \$294,672.93  
Final Payment Due: \$31,245.87  
Fund: Capital Improvement Sales Tax (Project 9501)

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.
9. **APPROVAL OF BUILDING PERMIT** for roof modifications to Gladstone Furnace, 5812-5816 N. Oak. Applicant: Big G Construction (BP#96-004)

**NEXT ORD. NO. 3.502**

10. **RESOLUTION R-96-18**, authorizing Change Order No. 1 to the 1994 Water Main Replacement Program, South Central Area, in the amount of \$20,875. Original Contract Amount: \$311,751  
Revised Contract Amount: \$332,626  
Fund: Capital Improvement Sales Tax (Project 9413c)
11. **FIRST READING BILL NO. 96-15**, approving the Final Plat of "CLAYBROOK FIRST PLAT". (3800 & 3900 blocks of NE 77th Street) Applicant/Owner: Five Star Homes (File #941)  
(Tabled from March 11, 1996 meeting at Applicant's request)
12. **PUBLIC HEARING:** on a request for a Special Use Permit for operation of Happy Rock TV and VCR Repair Shop in a C-1 Zone on property generally described as 7515 North Oak.  
Applicant/Owner: Vincent Gullota, Jr. (File #943)
- 12a. **FIRST READING BILL NO. 96-17**, authorizing a Special Use Permit for Happy Rock TV and VCR Repair Shop on property at 7515 North Oak subject to certain conditions.  
Applicant/Owner: Vincent Gullota, Jr. (File #943)
13. **FIRST READING BILL 96-18**, authorizing acceptance of permanent easements required in connection with the extension of a city drainage line at NW 53rd Street and N. Central.
14. Other Business
15. Questions from the News Media
16. Adjournment

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, MARCH 25, 1996, 7:30 PM**

Mayor Anita Newsom called the March 25, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.** Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda.** Approval of Regular March 11, 1996 City Council Meeting Minutes.

Mr. Reynolds moved to approve the March 11, 1996 City Council Meeting Minutes as submitted; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

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

Following the City Clerk's Reading, Mr. Nodler moved to approve the Consent Agenda as listed; Mr. Reynolds seconded; the vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**CONSENT AGENDA DETAIL**

Mr. Hammen moved to adopt RESOLUTION R-96-15, authorizing the City Manager to accept the proposal of Browning-Ferris Industries, Inc. (BFI) for the hauling and disposal of debris collected during the City's annual Beautification event. Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt RESOLUTION NO. R-96-16, authorizing execution of a contract with Weidenmann & Godfrey Construction, Inc. for NE 70th Terrace & N Troost storm drainage improvements. Contract Amount: Not to exceed \$68,000; Fund: Capital Improvement Sales Tax (Project 9501); Mr. Reynolds seconded. The vote: All "aye" - - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Hammen moved to adopt RESOLUTION NO. R-96-17, authorizing acceptance of work under Contract with Bob Muehlberger Concrete, Inc. for the North Cherry Street Reconstruction Project. Total Contract Amount: \$294,672.93; Final Payment Amount: \$31,245.87; Capital Improvements Sales Tax Fund. (Project 9501) Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

#### REGULAR AGENDA

##### Item 6. on the Agenda. Communications from the Audience.

Mr. Jerry Nolte, 1304 NE 64th Street, told the City Council that three - four years ago funds were allocated to improve approximately 200 ft. of Shady Lane as it intersects with N Flora. We have four schools in the area and he just does not understand why residents can't get some relief because this is such a dangerous spot with children going to and from schools walking and on bicycles. Because of land acquisition problems with a corner resident this improvement has been delayed. This is a main east-west thoroughfare for Gladstone and he wants his comments on record because he has called a lot and if there is an accident at this location it would be tragic. He sees no reason why we can't go forward with this project.

Mr. Nolte said the Village of Oakview has completed their widening and again he sees no reason for Gladstone's delay. After four years he knows of no condemnation action to acquire the land needed for a sewer project that was needed as well. He said he sees so many projects being done and he is certainly not saying they are not important too but this is a bad situation because it is a bus stop and its proximity to St. Charles, Antioch Middle School, Oakwood Manor and Meadowbrook schools. This dangerous area deserves attention.

City Manager Norris advised that the Capital Improvements Program Committee addressed the Shady Lane project for several years and did vote to move the funding to another road segment which is in just as deplorable a condition and easements have been obtained. The CIP Committee did leave funds for the cost of an appraisal and the ownership and encumbrance report to begin the process but the policy of the committee has been that unless it is an arterial or a major collector street, they are not interested in paying for land when they are basically improving someone's property. Shady Lane is not classified as

a major collector street but rather a secondary collector street.

The Manager said the city is having difficulty obtaining easements needed for another CIP project also, so recently the Director of Engineering was asked to move this Shady Lane project along and the ownership and encumbrance report has been ordered to obtain appraisals. We are doing this in case we don't get the easements for one of the other budgeted projects. The engineering is done on the Shady Lane project, it is only the lengthy condemnation process that is not done. So there are two projects that are competing at this time, Shady Lane and 57th/Grand/Walnut.

Mayor Newsom asked if the Shady Lane project would go to the bottom of the list if the easements are obtained for the other projects first. The Manager responded that the Shady Lane project is very much on the list.

Mr. Nolte said this helps him but he questions why the roads seem to get done in front of the private schools (referring to N Cherry Street reconstruction).

City Manager Norris said he does not make the decisions, the CIP Committee does and invited Mr. Nolte to come to the April 11th Capital Improvements Committee Meeting and discuss the Shady Lane project with them because they prioritize the projects. Mr. Nolte again pointed out the need and that Shady Lane is a major east-west corridor between two shopping centers as well as its proximity to the four schools.

Mr. Hammen told Mr. Nolte there are five Councilmembers who would totally agree with him but he again suggests that the problem is not with the City but with the property owner who has refused to cooperate with the City.

Mr. Nolte said they have been patient for years and that we are not even talking about a great deal of money to make this a safe section of street because the land on each side of the street is quite level and could be black topped and widened as Oakview did. Mr. Nolte had questions on the amount of money the homeowner is seeking.

City Manager Norris said he is not at liberty to discuss money as far as the property in question because that is a legal and privacy matter but the budgetary amount for Shady Lane construction is \$230,0090.

The City Manager also noted that Shady Lane was never dedicated. It was an original County Road and on a section line therefore there is no right-of-way there at all so if we even want to put curb and gutter there we would be inversely condemning that person's property without a legal right to be on it. All we are allowed to do at this time through a



prescribed easement is to overlay the street at the width it is now, which fixes the ride of the street but it does not widen or sidewalk.

Councilman Reynolds said he has served on the CIP Committee since its inception and would agree that up to now they have not gone to condemnation. He encouraged Mr. Nolte to attend the April 11th meeting of the Committee because they will appreciate his input and want to work with him.

Mr. Nolte noted the gas company needs to move and better protect their pipe line which sets at the eastern edge of the bridge.

Councilman Norris said that it has been the Council's policy that we are not in the business of paying people for their property and then improve it so they can make more money. We need the cooperation of those property owners. People look at government as a pie in the sky but we aren't. We are working diligently to fund these projects, a condemnation procedure takes time because we have to create a paper trail to display that we have taken every necessary step and that is where we are right now.

Mr. Nolte suggested we could improve only the north side. The Mayor said the problem is we have to do it right the first time or it is not cost effective.

City Manager Norris advised the bridge is a storm culvert and has to be widened and expanded as part of this project and that will impact the gas line which will have to be relocated. So on this project we can't do north versus south because the grades will change.

Item 7. on the Agenda.      Communications from the City Council.

Councilman Norris expressed his sympathy to the relatives and friends of the three North Kansas City High School students who died in the car wreck this past weekend.

Councilman Reynolds reminded of the Tuesday, April 2nd election which includes a school issue and urged voters to study the issues and vote accordingly.

Mayor Pro Tem Hammen said he appreciated the Annual Report from the Senior Citizen Advisory Committee and said there are some issues the staff needs to communicate with them on. City Manager Norris advised that the Staff has met and discussed the report and he would like to meet with Councilmembers who have questions.

Mayor Newsom complimented the staff involved in the modular furniture installation and said she is amazed at the noise reduction, the privacy it affords to employees and hopes it is

working well. She compliments the Staff for working together to come up with the options they did. It looks professional and she is glad we can give our employees a good place to work.

The Mayor said she saw several Capital Improvements Committee members over the weekend who were most complimentary on the new 5 year CIP Plan which Assistant City Manager Laura Gay has worked so diligently on for the past several months.

Item 8. on the Agenda. Communications from the City Manager.

City Manager Norris announced that April is Beautification Month and this year back yard waste days will be April 12, 13 and 14 at the Public Works Garage and general debris and trash will be taken on April 26th and 27th in Central Park. The Gladstone Reporter Newsletter which will be mailed to residents this week will discuss the beautification activities in detail.

Item 9. on the Agenda. Mr. Reynolds moved to approve the BUILDING PERMIT for roof modifications to Gladstone Furnace, 5812-16 N Oak. Applicant: Big G Construction (BP#96-004). Mr. Norris seconded.

Discussion. It was noted this request involves the addition of a peak roof line which will provide a nice change to the building exterior.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 10. on the Agenda. Mr. Norris moved to adopt RESOLUTION NO. R-96-18, authorizing Change Order No. 1 to the 1994 Water Main Replacement Program, South Central Areas, in the amount of \$20,875. Original Contract Amount: \$311,751. Revised Contract Amount: \$332,626; Capital Improvement Sales Tax Fund (Project 9413c) Mr. Nodler seconded.

Discussion.

City Manager Norris advised that this resolution adds streets to the contract by change order because we were able to save money on this project.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 11. on the Agenda. FIRST READING BILL NO. 96-15 approving the Final Plat of "Claybrook First Plat" (3800 & 3900 blocks of NE 77th Street). Applicant/owner: Five Star Homes (File #941) (Tabled from March 11, 1996 meeting at Applicant's request).

City Manager Norris announced that via faxed letter received this afternoon, Mr. Harris, President of Five Star Homes has

requested that this item be indefinitely tabled.

Councilman Norris moved to indefinitely table Bill 96-15; Mr. Reynolds seconded. The vote was unanimous.

Item 12. on the Agenda. PUBLIC HEARING: On a request for a Special Use Permit for operation of Happy Rock TV and VCR Repair Shop in a C-1 Zone on property generally described as 7515 North Oak. Applicant/Owner: Vincent Gullota, Jr. (File #943)

Mayor Newsom opened the Public Hearing and explained the hearing process that the applicant and persons in favor of the application will speak followed by those opposed.

Applicant Vincent Gullota, Jr., 4112 NE 59th Terrace, said he is requesting a special use permit at 7515 N Oak for the operation of his repair shop which includes tvs, computers, stereos and anything electronic including microwaves but there will not be refrigerators or dishwashers.

Mr. Gullota said he is providing a very good service for people in our city and drawing customers from a larger area as well such as Parkville and Liberty. He requests the City Council's approval of his application.

Director of Planning & Zoning Scott Wingerson advised that the Planning Commission unanimously recommended approval of this special use permit request with the condition that all of the equipment (VCR, computers or whatever is being repaired) is contained within the building.

Councilman Norris asked if that is agreeable to Mr. Gullota; Mr. Gullota said yes.

Mayor Newsom said she read the Planning Commission's discussion on cellular phones and said she understands they are portable phones and there will be no car installation on the premises. Mr. Wingerson said that is correct.

There were no further comments and Mayor Newsom closed the Public Hearing.

Item 12a. on the Agenda. FIRST READING BILL 96-17, authorizing a Special Use Permit for operation of Happy Rock TV and VCR Repair Shop in a C-1 Zone on property generally described as 7515 North Oak. Applicant/Owner: Vincent Gullota, Jr. (File #943)

Mr. Norris moved to place Bill 96-17 on First Reading; Mr. Reynolds seconded.

Discussion.

Discussion was held on the need for an expiration date in the body of the Bill and City Manager Norris explained that the intent was that this permit run with Mr. Gullota's ownership of the shop and is not transferrable to a new owner. Because this location is in a strip shop and you have a landlord-tenant relationship to the business we do not feel there is much exposure to the City. He noted the City Council always has the ability to revisit this special use permit should the conditions be violated.

Following additional discussion it was determined advisable to add a Section 2 to Bill 96-17.

**Amendment:** Councilman Norris moved to amend the Bill by the addition of:

**Section 2. Special Use Expiration.** This Special Use Permit shall expire upon cessation of business at 7517 N Oak Trafficway by Vincent F. Gullota, Jr.

Mr. Reynolds seconded. The vote on the Amendment: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The vote on placement of Amended Bill 96-17 on First Reading: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Amended Bill 96-17, Waive the Rule and place the Bill on Second and Final Reading; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final reading and enact the Bill as Ordinance No. 3.502; Mr. Reynolds seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

**Item 13. on the Agenda.** FIRST READING BILL 96-18, authorizing acceptance of permanent easements required in connection with the extension of a city drainage line at NW 53rd Street and N Central.

Mr. Norris moved to place Bill 96-18 on First Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading 96-18, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final reading and enact the Bill as Ordinance No. 3.503; Mr. Nodler seconded.

The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 14. on the Agenda. Other Business.

City Manager Norris explained that the City has long had difficulty with the 7-8 different HVAC systems that are part of the City Hall building due to the different phases of the additions. When the building facility study was done a year and a half ago the study recommended that \$60,000 - \$80,000 of work needed to be done on basically the roof area unit. In the last week and a half two of the furnaces downstairs have malfunctioned and resulted in carbon monoxide in the building which required transport of two City employees to the hospital.

The City Manager said the cost to replace the entire HVAC system in City Hall is approximately \$200,000 and we have \$80,000 already budgeted in next year's Capital Improvement Budget. Investigation indicates that the units on top of the building are even worse than those downstairs so we are asking for approval from the City Council to enter into a contract with a mechanical company to engineer the HVAC replacement on this building whether we do it all at one time or phased in is yet to be determined. The Manager said last year we spent \$15,000 in repairs to the air conditioner during the Summer so the problems are not from lack of preventive maintenance but just the age of the equipment and the number of zones.

The City Manager said he asks for authority to enter into an emergency contract with consultants who are already designing the HVAC for the lobby renovation to do the rest of the building.

**Motion:** Mr. Reynolds moved to authorize the City Manager to enter into an emergency contract in the estimated amount of \$15,000 for design engineering for City Hall HVAC system. Capital Improvement Sales Tax Fund. Mr. Norris seconded.

Discussion.

Mr. Reynolds said because of the different zones we really need to make sure that what we are doing ties into the front lobby addition. The City Manager agreed and said it will. He said we have funding to do the front part, it is the remainder of the building which we have to find the balance of the funding for. We will do our best and work with the Capital Improvements Program Committee and the General Fund. We will also apply for funds from the Missouri Department of Energy 2% loan fund. It is based on savings realized by replacing your heating and air conditioning and is an 8 year loan. The consultants will meet with the utility companies to determine if we are better to go all electric or natural gas.

City Council Meeting Minutes  
March 25, 1996 Page #9

The loan is on the energy savings so it will not be the total amount we need.

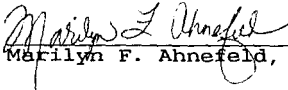
The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

The City Manager said we will have a resolution on the next City Council agenda formalizing this approval but because of the emergency nature we did want to obtain Council authorization to proceed tonight.

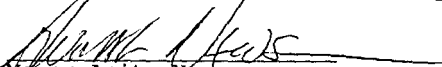
\* \* \*

There being no further business to come before the Regular March 25, 1996 City Council Meeting, Mayor Newsom adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Anita Newsom

NEXT ORD. NO. 3.504

**GLADSTONE, MISSOURI**

**MONDAY, APRIL 8, 1996**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, March 25, 1996 City Council Minutes.**
- 4a. **PROCLAMATION:** Designating April 11, 1996 as "School Bus Driver Day" in recognition of North Kansas City School District Bus Drivers.  
Sponsor: Norclay Optimist Club Respect for Law Program.
5. **FIRST READING BILL NO. 96-23**, declaring the results of the Tuesday, April 2, 1996 General Councilmanic Election and declaring that candidates Anita Newsom and Bill Reynolds have been elected to three year terms on the Gladstone City Council.  
Final Votes: Anita Newsom (2982); Bill Reynolds (2770)
6. City Council Oath of Office: Anita Newsom and Bill Reynolds
7. Election of Mayor and Oath of Office  
Election of Mayor Pro-Tem
8. Recess for Lobby Reception.

\* \* \* \*

**YOU ARE CORDIALLY INVITED TO THE LOBBY RECEPTION**

**HONORING THE CITY COUNCIL**

**CO-HOSTED BY CITY OF GLADSTONE & GLADSTONE AREA CHAMBER OF COMMERCE**

\* \* \* \*

9. City Council Meeting Reconvened.
10. **CONSENT AGENDA**

**RESOLUTION R-96-19**, authorizing the City Manager to execute a Design Engineering Contract with Larson Binkley Associates, Inc. for design of a new HVAC System for the Gladstone City Hall Building. Contract Amount: Not to Exceed \$10,000. Capital Improvement Sales Tax Fund

**RESOLUTION R-96-20**, authorizing the City Manager to execute a Letter of Agreement with George K. Baum & Company for financial advisory and underwriting services for the City of Gladstone, Missouri.

## **NEXT ORD. NO. 3.504**

**RESOLUTION R-96-21**, authorizing the City Manager to enter into a Cooperative Agreement with the City of Kansas City, Missouri, and Stonebrook, L.L.C. to reconstruct a drainageway located under NE 72nd Street.

**RESOLUTION R-96-22**, authorizing execution of a contract with K.C.R.E. Land, L.L.P. and Bowden Contracting Co., Inc. for installation of a storm sewer serving development at 100 NW Englewood Road.

**RESOLUTION R-96-23**, authorizing execution of a contract with Tasco Construction Company for the N Walnut reconstruction project. Contract Amount: \$74,119.20  
Capital Improvement Sales Tax Fund.

**RESOLUTION R-96-24**, authorizing Change Order No. 2 to the 1994 Water Main Replacement Program, South Central Area Project 9413C in the amount of \$22,186.08 and authorizing an additional appropriation from the Water Bond Fund.

**APPROVAL OF FINANCIAL REPORTS** for month of February, 1996.

### **REGULAR AGENDA**

11. Communications from the Audience.
12. Communications from the City Council
13. Communications from the City Manager.
14. **PUBLIC HEARING:** On a request to rezone from CP-0 (Non-retail Business District-Planned) to CP-4 (Small Warehouse and Storage District-Planned), property generally described as 2001 NE 72nd Street. (File #948)  
Applicant: Pine Lake Development Co., Inc.  
Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth
- 14a. **FIRST READING BILL 96-19**, rezoning from CP-0 (Non-retail Business District-Planned) to CP-4 (Small Warehouse and Storage District-Planned), property at 2001 NE 72nd Street. Applicant: Pine Lake Development Co., Inc. (File #948)  
Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth
- 14b. **FIRST READING BILL 96-20**, approving a Site Plan for development of property at 2001 NE 72nd Street subject to certain conditions. (File #948)  
Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth
15. **FIRST READING BILL NO. BILL 96-21**, Approving the Final Plat of "Amended Plat Of Claymont Pointe Tenth Replat", and directing the appropriate officials to affix their signature to the plat for recording.
16. **FIRST READING BILL NO. 96-22**, accepting a Quit Claim Deed from property owners required in conjunction with Aldi's development at 7604 North Oak Trafficway.
17. Questions from the News Media
18. Other Business
19. Adjournment



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 8, 1996, 7:30 PM

Mayor Anita Newsom called the April 8, 1996, City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Anita Newsom  
Mayor Pro Tem Art Hammen  
Councilman Bill Reynolds  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3 on the Agenda. Pledge of Allegiance.

Mayor Newsom led the Pledge of Allegiance in which all joined.

Item 4 on the Agenda. Approval of Regular March 25, 1996 City Council Meeting Minutes. Mr. Reynolds moved to approve the minutes as presented; Mr. Norris seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Mayor Newsom. (5-0)

#### Item 4a on the Agenda. PROCLAMATIONS.

Mayor Newsom read a proclamation designating April 11, 1996 as "SCHOOL BUS DRIVER DAY" in Gladstone in recognition of North Kansas City School District Bus Drivers as requested by the Norclay Optimist Club as part of their Respect for Law Program.

Ms. Newsom noted that annually the State safety inspections are passed with a 99% rating and school bus drivers are consistent winners in the Rodeo sponsored by the State School Bus Drivers Association. We have some of the best in our area and we should be proud of them.

Item 5 on the Agenda. FIRST READING BILL 96-23, Declaring the results of the Tuesday, April 2, 1996 General Election as certified by the Clay County Board of Election Commissioners and declaring that candidates ANITA NEWSOM and BILL REYNOLDS have been elected to three year terms on the Gladstone City Council. Final Votes: Anita Newsom (2982); Bill Reynolds (2770)

Mr. Nodler moved to place Bill 96-23 on First Reading; Mr. Hammen seconded. The vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to accept the First Reading of the Bill, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Mr. Nodler moved to accept the Second and Final Reading and enact the Bill as Ordinance No. 3.504; Mr. Hammen seconded. The Vote: All "Aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0)

Item 6 on the Agenda. City Council Oath of Office.

The City Clerk gave the Oath of Office to Anita Newsom and Bill Reynolds for Three Year Terms on the Gladstone City Council.

Councilman Bill Reynolds presented Mayor Newsom a bouquet from her fellow Council in appreciation of her leadership as Mayor this past year. Ms. Newsom expressed her thanks and said it has been a pleasure working with the City Council and the professional City Staff as Mayor and she looks forward to the coming year.

Item 7 on the Agenda. Election of Mayor and Oath of Office

Councilman Norris nominated Councilman Art Hammen for the position of Mayor of the City of Gladstone; Councilman Reynolds seconded. The vote: All "aye" - Norris, Nodler, Reynolds, Hammen, Newsom. (5-0) The City Clerk administered the Oath of Office to Mayor Art Hammen.

Item 8 on the Agenda. Election of Mayor Pro Tem

Councilman Norris nominated Councilman Bill Reynolds for the position of Mayor Pro Tem; Councilman Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Reynolds presented the Mayor's wife, Johanna Hammen a congratulatory bouquet from the City Council and the City of Gladstone.

\* \* \*

Mayor Hammen called a short recess and invited all present to the reception for the City Council in the lobby jointly hosted by the City and Gladstone Area Chamber of Commerce.

Item 9 on the Agenda. City Council Meeting Reconvened.

Mayor Hammen said before we move back into the formal City Council Meeting it is appropriate that he extend his thanks to

some people present in the audience. He will start by thanking his parents who had the wisdom and foresight to move to Gladstone in 1963 and are enjoying their retirement in our wonderful community.

He also thanked his wife Johanna for her support and understanding the past eight years for the hundreds of meetings he has attended and her willingness to give up some of their time together. The Mayor said he has three wonderful daughters. Becca and Jessica are present tonight and he would like to thank them for not complaining when he missed one of their activities. His oldest daughter Wendy is away at college learning new and creative ways to spend her parent's money.

The Mayor also thanked his fellow Councilmembers for the confidence they have shown in electing him Mayor and also extends his appreciation to all the members of the City staff who have conducted themselves in a very professional manner in running the day to day operations of the City. He told City Manager James Norris that all five Councilmembers have now had the opportunity to sit in the Mayor's seat and he is sure the coming year will be fun and challenging.

Lastly, Mayor Hammen extended his appreciation to the Gladstone Area Chamber of Commerce for co-hosting the nice lobby reception this evening.

**Item 10 on the Agenda. CONSENT AGENDA**

Following the Clerk's reading, Ms. Newsom moved to adopt the Consent Agenda as listed; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**CONSENT AGENDA DETAIL**

Ms. Newsom moved to adopt **RESOLUTION R-96-19**, authorizing the City Manager to execute a Design Engineering Contract with Larson Binkley Associates, Inc. for design of a new HVAC System for the Gladstone City Hall Building. Contract Amount: Not to Exceed \$10,000 from the Capital Improvement Sales Tax Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom moved to adopt **RESOLUTION R-96-20**, authorizing the City Manager to execute a Letter of Agreement with George K. Baum & Company for financial advisory and underwriting services for the City of Gladstone, Missouri. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom moved to adopt **RESOLUTION R-96-21**, authorizing the City Manager to enter into a Cooperative Agreement with the City of Kansas City, Missouri, and Stonebrook, L.L.C. to reconstruct a drainageway located under NE 72nd Street. Mr.

Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom moved to adopt **RESOLUTION R-96-22**, authorizing execution of a contract with K.C.R.E. Land, L.L.P. and Bowden Contracting Co., Inc. for installation of a storm sewer serving development at 100 NW Englewood Road. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom move to adopt **RESOLUTION R-96-23**, authorizing execution of a contract with Tasco Construction Company for the N Walnut reconstruction project. Contract Amount: \$74,119.20 Capital Improvement Sales Tax Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom moved to adopt **RESOLUTION R-96-24**, authorizing Change Order No. 2 to the 1994 Water Main Replacement Program, South Central Area Project 9413C in the amount of \$22,186.08 and authorizing an additional appropriation from the Water Bond Fund. Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Ms. Newsom moved to **APPROVE FINANCIAL REPORTS** for the month of February, 1996; Mr. Hammen seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

#### **REGULAR AGENDA**

##### **Item 11 on the Agenda. Communications from the Audience.**

Anne Alexander, 6767 North Askew Circle, Meadowbrook Manor Townhomes, told the City Council there have been two water leaks in two years on her street and the City has been great about fixing the leaks but then they have to repair the sidewalk and she understands it has to dry. But as an award winning artist with work in collections all over the country she would certainly not choose two saw horses as lawn sculpture but she does understand the City's liability. She asks the City's consideration in placing the dirt in those areas and seeding when we can. If we had filled in with dirt when the sidewalk was done we could have removed the saw horses and seeded when we wanted to and then she would not have needed to write the letters she has.

##### **Item 12 on the Agenda. Communications from the City Council.**

Councilman Nodler congratulated Mr. Hammen and Mr. Reynolds on their election to the office of Mayor and Mayor Pro Tem and Ms. Newsom and Mr. Reynolds on their reelection to the City Council. He also complimented Ms. Newsom on her excellent job as Mayor this past year and echoes Mr. Hammen's sentiments that five individuals sitting on the City Council who have all

served as Mayor is probably a City Manager's nightmare. Councilman Norris also congratulated Mayor Hammen. He said two years ago he decided he would run again for reelection and his running mate, former Councilman Mike Reinsch, had determined he would not run again. When he talked to Art Hammen he knew this was a man that needed to be on the City Council because of his expertise in various fields. Art Hammen has been outstanding these past two years and has been a joy and pleasure to work with and he is happy to call him a friend.

Councilman Newsom added her congratulations to Mayor Hammen and Mayor Pro Tem Reynolds. She said City Manager Norris should have a good year because all the City Council certainly respect our professional staff. She also thanked the Staff who provided the information to the Northland Business Ledger for the nice community profile that appeared last week. It speaks very well of our community and she is glad to see this kind of publicity.

Mayor Pro Tem Reynolds thanked the citizens of Gladstone for their support and said he has enjoyed his past six years and looks forward to the coming three year term.

Mayor Hammen again expressed his appreciation to his fellow Council and especially to Ms. Newsom for her excellent service as Mayor this past year.

Item 13 on the Agenda. Communications from the City Manager.

City Manager Norris noted there are barricades in the 7200-7300 block of North Troost because of a major water main break at that location. It is too deep for our crews to handle so we have been in the process of emergency appropriations of getting a contractor who has the equipment and shoring capabilities to repair it. We should have a contractor on line by tomorrow to make the repairs.

The City Manager also reminded that April is Beautification Month and that April 12-13 yard waste only will be accepted at the Public Works Building, 4000 NE 76th Street. It must be brought in paper bags or containers that can be emptied and taken away.

The general clean up will be held in Central Park on April 26-28. We will accept tires and other general debris but no yard waste and no white goods (appliances). Individuals with questions may contact Assistant City Manager Laura Gay.

The Manager added the City Staff's congratulations to Mayor Hammen and Mayor Pro Tem Reynolds and Ms. Newsom and Mr. Reynolds on their reelection. He said we are looking forward to the challenge of working with five Mayors.

\* \* \*

Mayor Art Hammen said before we open the Public Hearing he advises that he does have a financial interest in Pine Lake Development Company and as such he will be recusing himself at this time and ask Mayor Pro Tem Reynolds to handle the Public Hearing and related items on the Agenda. (Items 14, 14a and 14-b.)

**Item 14 on the Agenda. PUBLIC HEARING:** On a request to rezone from CP-O (Non-retail Business District-Planned) to CP-4 (Small Warehouse and Storage District-Planned), property generally described as 2001 NE 72nd Street. (File #948)  
Applicant: Pine Lake Development Co., Inc.  
Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth

Mayor Tem Reynolds opened the Public Hearing and explained the process that first the applicant would speak followed by those in favor and those opposed.

R. Brian Hall, introduced himself as the Attorney for the applicant and said he would be making the presentation on their behalf. He has with him representatives from Kaw Valley Engineering, Mr. Greg Christianson and Mr. Tom Watson, who were instrumental in developing the plans and he will look to them for any technical assistance.

Mr. Hall explained that this was originally described as Gladstone Commons project but they found that legally that name was not available so they have named it WOODLAND PARK PLACE. He asks that we make note of that change.

Mr. Hall distributed handouts to the City Council and explained that this project involves a portion of the five acre tract that is closest to 72nd Street being developed with an office project and the portion to the rear being developed as a residential storage-type facility. The applicant is Pine Lakes Development Company and they are the company who developed Pine Lakes residential development to the north off of N Oak and it involves a very nice residential development around a lake. Mr. Les Smith and Mr. Art Hammen are the two principals in the development and both of these gentlemen are long time Gladstone residents who live within a half mile of this particular project and it is their present intent that they will actually be operating it on a personal basis.

Mr. Hall said it is important to describe this property. It is an approximate 5 acre tract of land but as you will see if you look at it there is not really five acres available for development. The Staff Report indicates there are three significant features to this property that would make it a very difficult piece of property to develop.

The first is a 100' wide power utility easement that goes along one side of the property which makes it very undesirable for

any type of residential development. The second feature is a drainageway at the south and southwest portion of the property leading into a heavily wooded area that is within the 100 year flood plain that really is not usable for any particular property and he believes it is owned by the City of Gladstone because it is in the flood plain. Thirdly, there is a sewer easement running in an east-west direction across the property. As the Staff Report indicates because of these problems it is a very unique project that can go onto this tract in order to utilize this property properly. At present, the entire five acre tract is zoned CP-O which occurred back in 1986. Obviously, there has not been any development to date.

One of the things we wanted to show this evening is that at present not only is it CP-O but the plan has already been approved and the plan as it would be developed is set out in a drawing he displayed. Note that this site plan is already approved for this property and probably within 30 days permits could be obtained for this kind of development because it is a P zoning and provides for (4) different office buildings with much open area for the parking. Those familiar with this site will note that much of the vegetation that currently shields the North Woodland properties would have to be removed for this type of development.

Mr. Hall said they have chosen not to pursue this type of development because they do not think it is a good development for the surrounding neighbors and they obviously think that what they are proposing this evening is a much better development specifically for the neighbors surrounding this property. The property is recommended for office use in the Comprehensive Plan. For the front portion as it faces 72nd Street, they would propose to leave that for the current office use. This would be somewhat of a shield and is actually a staff recommendation. There are consequences to an office development, and these are some of the reasons they decided that this property was not the best location for an office development. You will note in the material passed out that they have used some statistics from the City Ordinances on the number of cars that could be expected from this type of business which would be some 300 cars a day going in and out if this was developed as an office concept as opposed to approximately 21 vehicles only that would come from the usage they propose in their plan.

The buildings under the proposal as an office complex would require parking, they would have parking lights that are lit at night so people could safely come out of their offices and get to their cars in the darkened hours and those lights would be very difficult to shield. There would be some significant intrusions into the current wooded area and Mr. Hall said they don't want to do that. There would be no particular security for this in terms of people coming on this site after hours and for all those reasons they did not feel the office development

would be the most appropriate use of the property. So after discussions with staff and responding to their concerns they have come up with the present plan illustrated in the diagram.

Mr. Hall displayed the plan to the audience and explained they propose two office buildings at this particular location facing out onto 72nd Street. Office buildings will be residential in style. He said in the past when the dental building was approved, part of the design was specifically premised on the basis that they wanted it to be residential in style to meet the surrounding neighbors.

They have tried to accomplish that in these plans. He referred to a photograph of a similar plan which shows the depth to give a better idea of what the buildings will look like. He said he thinks we will agree that it a very attractive residential-style office park and is what is going to be facing 72nd Street as people come by. The 5600 sq. ft. buildings are set out in two specific buildings and they are contemplating eight users and they currently contemplate that they will be sold off to the individual users and they are contemplating professional type owners such as insurance, cpa's, that type of a use.

Certainly not a very high use in terms of traffic going in and out. There will be four entrances to the front and four with entry from the back and the reason the buildings are separated is because there will be a walkway so that people can get to the rear offices from the front of the building.

The rest of the proposal suggests storage units and he would note that the rear of the building will be on the west side which was their suggestion and also staff's condition. The rear of these three buildings that will be facing Woodland and there will be a board fence in between the buildings so there will be an entire solid barrier. They are in agreement with all 27 of the conditions staff placed on this location and there will be stucco on the back of these buildings facing off toward Woodland. He said Staff has recommended approval of this project subject to 27 conditions. They have gone through all 27 conditions and they are in agreement with all.

Mr. Hall said the doors on the storage units will only enter to the inner portion in otherwords there will be no doors facing N Woodland just a solid stucco barrier on the back and wood fence in between. They believe that is going to be significant in terms of cutting down the light and any sort of noise. The lights on these buildings will all be below roof level and more in the nature of a security light rather than anything such as a flood light or flood lamp. More on a security basis because they are not going to be encouraging anybody by use of the lights to come in after dark which is in direct opposition to the office complex plan which would have to have some pole lights of some sort to light up the parking



area for it to be safe.

In addition to the staff's recommendation after complying with the 27 conditions this has been presented to the Planning and Zoning & Commission and they likewise have made a recommendation for approval of this plan.

He said the Commission made some good suggestions and referred them back to the City Staff on the finish that should go on the buildings on this side (pointing to the drawings) and after consultation with Staff, the Applicant agrees that is an appropriate way for those buildings to be finished off even though there is going to be some substantial landscaping where there is somewhat of a break in the natural vegetation. Mr. Hall passed out pictures showing the view from N Woodland and they have also taken a picture from 69th Terrace looking down from the rear portion of the property. You will see that this particular piece of property is well screened by this vegetation just to the south of it. He pointed to the 100 year flood plain which is very heavily wooded and noted all that will stay. When you look down from 69th Street there is the KC Power and Light Substation.

Mr. Hall said in addition to the Staff and Planning Commission's recommendation for approval of this plan, they scheduled a neighborhood meeting with persons within 185' and held a meeting on a Saturday. Mr. Hall said he was present and while there was not a very large attendance, those present were in favor of this application. They presented this application to the persons who they felt would be closest to the project and likely have the most concerns about it and those are the residents on the East side of N Woodland. Mr. Hall said they received written consent from those folks who think this plan is appropriate.

Mr. Hall said the West side of this development will have a barrier with stucco and showed the portion of the chain link fence which they thought appropriate because of the intensity of the vegetation to the South. You simply can't see anything back there and this is the reason they put chain link. He pointed out the side which will have a view of the KC Power & Light Substation and the tennis courts so there is a pretty decent barrier on that side and there is also a drainage area that goes through right next to the tennis courts. He pointed out the entrance to the storage facility which will have an electronically controlled gate where you will punch in a code when you enter and a camera will take a picture of the persons coming through so by punching in the code not only will they know the name of the person coming in but also the unit they are renting.

They also propose some monitoring cameras at various places throughout this project so that those folks using it will be constantly on camera. When you finish you have to punch in a

code to leave so we will know that John Doe came in at 10:00 and left at 11:00 so they will be able to monitor. They have not determined if they will be able to pick up the license plate on the camera but they will attempt to do that because they want to pick up the driver and some means of identifying the car.

Mr. Hall also referred the Council and audience to the section view showing how this would be seen from the Woodland side and pointed to the one area where there will actually be any view of the sides of the units which will now be a view of a stucco side of the storage units and a board fence in between them. In regard to distances, the area between the closest residence and the back portion of the property is some 300-350' and there is dense vegetation at that point. The closest point between any of these houses and these units is about 180' and 190' from units over to N Woodland and that is probably why those folks weren't too concerned about this project.

Mr. Hall said it is important to look at the history of storage units. He said the ordinance refers to them as mini-warehouses and the concept "warehouses" immediately suggests the idea that this is something that should be an industrial unit. When these first started out a number of years ago that may have been true but it is a business that has grown and become more sophisticated.

They have electronic devices to get in and out and monitor this. Staff has suggested and they have agreed that on the two buildings that the foundations be lowered to approximately 4' in the ground and there will be a 6' board fence above there on a retaining wall so there will be 10' of barrier between that again the idea to lower these down so that nobody is really going to be able to see it. We are coming around with a chain link fence and when you get to a point there will be a board fence and the purpose is so when traffic comes down 72nd Street you are not going to be able to look in at this project. So we are doing everything we possibly can to screen it.

Mr. Hall said his law office is right next to Security Storage on North Oak and he spends a great deal of time there and he can personally say they have been as good a neighbor as he could imagine and he has not really had any problems. He will tell us that even as good as they (Security Storage) are, they have worked to make this project an even better project. The North Oak storage has chain link fence except where it is adjacent to his property.

On the North Oak property to the rear there are buildings placed so that the doors open up to the back portion of the property which means that every time the doors are opened there is no barrier at all for that sound to be defused because there is simply a chain link fence to the back and because of that there very well may be some impact on surrounding neighbors.

In this application, the surrounding neighbors are on the Woodland side and they have made every effort to make a solid barrier so that there will be no light intrusion into that area and tried to lower the sound. The doors will be opening on the east side of the buildings rather than the west side. So they feel that those two items, putting a barrier across there and having all the doors open towards the end are going to do much to improve this particular project.

Mr. Hall distributed a photograph of the type of unit proposed and showed the location of the lights which is below the line of the roof and that is because they are not attempting to light up the entire area for people to come in there in the middle of the night but only for purposes of security and so the cameras will show us if anybody does get in there in the middle of the night. He noted that they are making the effort to try to hide this proposal from view and in an effort to do that they have put on a low pitched roof rather than the pitched roofs people might be familiar with up there on the Oak storage facility. They will use the low pitched roof to try to make this as unobtrusive as possible.

They will have rental contracts similar to others but he will assure the Council that they will include that no one can bring in hazardous material. They have made the width of the areas between the buildings only 20 ft. not the someone could not get a vehicle in there but they certainly have not made it very convenient or encouraged that. If they do bring a vehicle in they will have to drain the gasoline out so there will not be anything flammable. Any type of hazardous or criminal activity is obviously going to be prohibited and would certainly be reason for them to be expelled from this storage facility. We think that will be amplified by the fact that there will be security cameras around there. Criminals are not going to be so dumb to come into a place where they have to punch in a code, get their picture taken and likely have their picture taken in the course of whatever they might be doing at that location.

Mr. Hall said in summary they have a project they feel will be substantially lower in density than any type of office park which is the proposal currently approved, the density difference is between 300 vehicles and 21 vehicles and he can't imagine a place in Gladstone that is any more buffered than this location. They have dense trees down there and nobody is going to be able to see through those, they have a nice commercial office building that will be what is seen from 72nd Street. There are substations and tennis courts on the side and they will make what can be seen as attractive as possible with a stucco finish. They will be putting in some additional landscaping at this point where they can see through the natural vegetation.

Mr. Hall said this application has been approved by Staff and the Planning Commission, and the folks who are most intimately connected with it have all signed their consents and the applicants recommend it as a project meriting the Council's support.

Mayor Pro Tem Reynolds invited questions from the City Council.

Councilman Nodler said he also backs up to the same N Oak storage facility Mr. Hall referenced but he lives by it not just work by it. He asked the life expectancy of these metal buildings or are they permanent like a house or commercial office building?

Mr. Hall deferred to one of the applicants for this technical information.

Applicant Les Smith, 6813 Jason Smith Ct. responded that they carry a 20 year warranty on the painted materials and their colors are going to be a nice cream color with forest green doors and that is a 20 year warranty on the painted materials but it has been explained to him that it is kind of like your car, it may have a 3 year warranty but hopefully it will last much longer. He added that when they start to fade or oxidize, they have perfected repainting products that can be applied. The stucco referred to on the west side will be pigmented to match the color of the buildings so it will all be uniform.

Mr. Nodler indicated that in the storage facility behind him sometimes people clean out their lockers and when they decide they don't want some of the items, pitch it over the fence and into the woods behind. He asked what they have in their project that would prevent similar incidents that would have a negative impact on the residential neighborhood adjoining that property.

Mr. Hall said being next door he has seen the back portion of the N Oak units and it is a chain link fence that leads into a gully or substantial area where they actually have portions paved in concrete for the water to drain. Simply because of the ease in doing it, it somewhat invites someone who is so inclined to throw things over the fence. In their situation they have board fence as opposed to that and he believes they will have trash receptacles throughout so that folks can place their trash there. It would be a violation of the lease and there will be monitoring cameras that if someone does that sort of activity they can follow up and either warn or terminate their lease if that happens.

Mr. Nodler asked the hours of operation for access to lockers; Mr. Hall said they propose a person on duty from 8:00 or 9:00 in the morning through sometime after business hours to allow people who work all day to come in there. Beyond that, people

will have access at other hours but they have sought to control that by not providing electrical lighting to these units other than the fact that obviously they will have the security lighting but in terms of the users of the unit they will have no access to electricity. They hope this will be a disincentive to come in after dark at any time. Although they will have access through the computer system and the monitoring system to access their property 24 hrs. a day.

Mr. Nodler said so they could come in and move something in the middle of the night if they chose to. Mr. Hall said yes if they chose to they would have to do it pretty much in the dark and that was the reason they did it that way.

Mr. Nodler asked with regard to the neighborhood meeting that was held, if they talked to the people on the west side of N Woodland as well as the east side that back up to it immediately.

Mr. Hall said they talked to everyone who showed up to the meeting and frankly it was very sparsely attended but they were all notified if they were within the 185'.

Mr. Nodler asked if the 185' included the people on the west side of N Woodland. Mr. Hall said it did not.

**Councilman Newsom** said an extensive security system is proposed and someone who is going to be there possibly during business hours, but who is monitoring the monitors when there is no one there.

Les Smith responded that the security system they are currently looking at will have a 24 hr. vhs tape of all the activity that goes on and there is also from what he understands possibly a link up to a home computer as far as access. He noted both he and Mr. Hammen live a half mile from the property. It shows if there is someone who is entering the wrong code and if they do not get access it kind of raises a red flag that there is someone trying to get into the facility. The main thing is that there is a 24-hr tape that will run 7 days a week.

**Ms. Newsom** also asked if the size of the modulars will discourage storage of RV's, campers, antique cars etc. that would hold gasoline on a normal basis.

Mr. Smith answered the professionals in the building business will determine by their demographics the mix of size units they should place there. The way they discourage it is by having narrow driveways and quite frankly that is a selfish motive because people backing things in tend to back into buildings and of course they do not want that. So that is why it is two-fold it discourages people from backing in not only so they won't store those kind of things in there but also so they won't damage their buildings. The drives are only 20' wide and

you can pull a car in there because a parking space is 19' - 20' but we highly discourage it.

Mr. Smith noted an item in the lease that Mr. Hall did not mention is that they will also reserve the right to inspection. As there will be a property manager on site during normal business hours if they suspect something is there that should not be we will ask to inspect with the tenant.

Councilman Reynolds asked if they sell locks there or will tenants bring there own. Mr. Smith said they might offer a free lock with your first months rent or something as an incentive. Mr. Reynolds said he asked the question because he has some storage units insured and that is one of the things they ask on applications.

Mr. Reynolds asked about the foundation being 4' lower than the foundation of the office. Mr. Smith said in effect it will be in the sense that the lower foundation of the building will be at about grade with the lower level of parking and will be set 4' below that. Mr. Reynolds asked if the wall they will put the fence on is the same level as the foundation of the office building. Mr. Smith said with a 6' fence there we would have a 10' screening. Mr. Reynolds asked the height of the building; Mr. Smith said 8'6" or 8'7".

Mr. Smith said as alluded to earlier on the section view, this allows them to cut into the hill behind the second house on N Woodland which hides about two-thirds of that building from any view at all because it will be naturally bermed and then they will also landscape.

Mr. Smith said going back to Mr. Nodler's question about trash being dumped over the side, obviously they will monitor that and it will be part of the office personnel's responsibility to keep the project clean but on that particular side backing up to the homes with the exception of a small 10-15' area where there is a fence they have basically an 8' stucco wall hiding the project and in addition to the stucco wall it is the full depth of the buildings which he believes is 25-30' deep and it will most likely be impossible to throw anything over those buildings.

Mr. Reynolds asked if there will be an office on site. Mr. Smith said it will be in the lower level corner of the office building and obviously there is no way in or out of the project without the person in the office being able to see who is coming and going. Mr. Reynolds said and it will be staffed daytime hours. Mr. Smith said yes.

Councilman Norris said on #2 of the staff conditions it talks about deed restrictions shall be shown on the final plat which effectively reverts the zoning to CP-O in the event that a mini-storage facility is not under construction within six

months or the mini-storage facility ceases operation for more than six months. Does that mean that in any way that Pine Lake is responsible for removing the storage facilities and their parking lot and driveways if they are out of business within six months. Mr. Norris told Mr. Hall he asks because he was on the City Council for three years before we were able to take down a coin operated car wash that sat on the corner of 70th Terrace & N Oak that had been vacant for many years. He does not want to get us into a position where we have metal storage facilities in a CP-4 zone which you and I know will by deed restriction go back to CP-0 but the buildings are there so effectively it did nothing.

Mr. Hall said this was one of the recommendations of staff and he asked Scott Wingerson to respond as he had at the Planning Commission Hearing. Councilman Norris said the Commission minutes reflect that the answer was "yes, if the mini storage facilities are constructed and no longer operational after a period of time then yes, we will be stuck with empty mini storage buildings".

Mr. Hall said this is what staff had suggested because obviously they are not planning on putting this type of investment into this project and having empty buildings or not utilizing it or going out of business. But all sorts of folks go in with the greatest expectations on businesses and don't continue to operate them. Mr. Hall said all he can say is they sure are not intending on doing that and that this was a staff requirement that they have agreed to as one of the 27 conditions. He asked if there is some other way that it should be handled. Mr. Hall said if they go out of business no one else is going to be able to go in there and put in any other type of business in without it coming in front of the Planning Commission and the City Council and that is what staff was interested in doing to make sure that someone did not go in there and run some type of business in these units which was not acceptable to the City and that was really the thrust of why the requirement was in there.

Mr. Smith said from a practical standpoint if those buildings were to be used for any other purpose if they are not configured for that use they would be removed. From a business standpoint they learned from a conference in New Orleans last Tuesday that because these buildings are modularly constructed they are also taken apart and resold. So as a practical matter from a business standpoint if the business was not successful they would try to sell the buildings in order to recoup some of their investment.

Councilman Anita Newsom asked if we are proposing a gravel drive as shown in the picture. Mr. Hall said they are not proposing a gravel drive it will be asphalted. Mr. Smith said the picture is of a building recently erected in Excelsior Springs and they selected it because it depicted the colors

they propose. The drives will be totally asphalted and the soil beneath will be compacted to maintain the integrity of the asphalt. It is also important to note that they will not provide any outside storage as some places do for campers and boats. Mr. Smith said they do not nor will they ever have any outside storage available.

Ms. Newsom asked for clarification on the lights, no interior lights but down lights on the exterior. Mr. Hall said yes there will be exterior lights for security purposes and they will be on during all dark hours. Mr. Smith said also so the security cameras can pick up any movement on the project. Mr. Hall clarified that they are 70 watt high pressure sodium lights and they are wall packs that fit on the side of the building below the roof line as shown in the picture. As with sound, lights also hit a flat object and go up or down and as can be seen they are not exposed to the top. The top is a solid casing so the lights are made to shine down and stay within the complex.

Mr. Hall said they would like to respond to any questions raised by members of the audience.

Mayor Pro Tem Reynolds invited others who were in favor of the application to speak.

Jack Marcum, President, Northland National Bank, said his business is on 72nd Street and he is in favor of this project. He does not have nor does the bank have any financial interest in this project but he would admit to having Art Hammen and Les Smith as friends of his. He is in favor of the project his bank pays over \$10,000 in real estate taxes and if we can get more development in Gladstone and development of this kind where it is a good source of tax revenue for the City he thinks we should be in favor of it and that is his stand.

(Prior to calling on those who desired to speak in opposition, Mayor Pro Tem Reynolds told the audience that we want to hear everything that everyone has to say, but if there is a spokesman for 3-4 houses and they say exactly what you intend to say, they can ask for a show of hands and we will know you share their view).

#### OPPOSITION

Mr. Gene Feagles, 6969 North Woodland, said he resides right close to this project. He presented to the City Council a letter bearing the signatures of 211 residents which he asked to have entered into the record. Mr. Feagles said these are residents who object to this project and they have some questions. He said it seems to him that this development company has gone to a great deal of pains to hide an unsightly development, a commercial development in a residential area. Mr. Feagles said he was not notified of the meeting or he would



have been present. He does not believe anyone who lives on the west side of N Woodland was notified of the meeting.

You might also note that on the list are four dentists who object to this proposal who have their building on 72nd Street. They do not want it either although they are not objecting to the office building but rather the storage buildings. Will this bring an undesirable element into Gladstone?

Mr. Feagles said he has been a citizen here since 1969. They wanted to buy in Gladstone and they paid a little bit more money for their house because they wanted to live in Gladstone. With this type of thing that may be going on he does not know if he made the right move or not. He questions why someone would want to do that. He asked if he saw in the paper we were looking for a City Park, this wilderness would make a beautiful City Park. He doesn't think we would object to getting some office buildings there. He said the N Oak storage complex discussed earlier has an on duty person who lives on the site yet it was stated items are thrown over the fence. He believes they do not let anyone in there after 6:00 or 7:00 pm. and they still have problems with it.

Mr. Feagles asked what problems you might have if you have no one on the site at night and you are allowed in there. Do we open ourselves up for that? Will they contaminate that creek? Will there be hazardous materials stored in there? What's to prevent it? We talk about security, is there a need for that much security if this is a safe thing to do or are we setting ourselves up for something. Is this an addition to Gladstone, he does not think so. Not in a residential area.

Mr. Feagles said if they had more time they could have doubled the number of signatures but they were trying to do it over the Easter weekend. There are a couple of neighbors who had signed the ok who are here because they still are a little bit curious about it.

He suggests a large bond be required if the plan goes through because even if the buildings are dismantled what are we going to do with the asphalt. Who is going to haul that off. Who will pay for it, the residents. The only way to prevent that is a large bond if the zoning goes through.

Mayor Pro Tem Reynolds read the letter Mr. Feagles presented signed by 211 residents aloud for the record. (See attachment "A" to these Minutes).

Mr. Mike Reinsch, 2703 NE 67th Place, said he is in opposition to this because he does not feel that the storage part of the Plan is the best use of the scarce vacant land left in Gladstone and does not adhere to the recently approved Master Plan that was approved back in 1993 by the City Council.

His biggest concern is the neglect of the proposed Woodlands retention basin that was supposed to be put at the rear of this property. That was proposed clear back in 1987 when we were pushing the Capital Improvements Sales Tax issue. We had put together a list of proposed items that would be taken care of if that tax passed and this was on that list, this and the Shady Lane Detention basin. The Shady Lane Detention Basin has been built but even it was built smaller than originally proposed because we had two office buildings that were hemming us in on the north and the recent development to the east caused us to pull in on the east side so Shady Lane Detention Basin ended up being built smaller than it had been originally proposed so there he is concerned about the flooding this development will have downstream.

As recently as 1993 during the flooding in the City the people who lived in Northhaven East and in Meadowbrook North along Rock Creek had to put up with flood waters that washed out chain link fences, got half way up in their yards in Meadowbrook North. There was a lot of uproar about that, several members of the City Council visited those residents along that creek. Members of the staff did and those residents were assured that eventually the City was going to build the Woodland Detention Basin that would alleviate their flood concerns. They were told at the time that basically that was the only thing left that the City could do, the proposed Shady Lane Detention basin was going to be built downstream which would help a little bit but the only way they could alleviate the vast amount of water coming downstream would be to build the Woodland Detention Basin.

Mr. Reinsch said the other concern he has is flooding upstream. As recently as 1993, we had flooding in the Rosewood addition, we had flooding in Jamestown and both are along this creek. As the water rushes into this creek downstream it forces the water to continually back up into those subdivisions and lets that water run off slower which causes that water in Jamestown and Rosewood to back up in those areas. Those residents were also assured that would be taken care of eventually once the Woodland Basin was built that that would help get the water downstream quicker and help alleviate those problems. His concern now is there is no mention in any of this of that Woodland Detention Basin.

Also, of concern is most of the new developments that have gone into Gladstone in recent years such as Bargain Barn Furniture, Hy-Vee, Wal-Mart and Ryan's Steakhouse have been required by the City Council to build detention basins to gather the water from their development and hold it until such a time that the creeks that they feed into went down to a low enough level to take on that water. All four of those developments built self contained detention basins as part of their proposal. In this plan the only mention he sees of a detention basin is on the east side of the property in Condition #3 and you are only

talking about a small stream there. There is no mention of building any detention basin to handle the water flow going from the west or the south into Rock Creek. And the concern on that is these storage facilities are going to be storing all kinds of material - fertilizer, lawnmower gasoline. There will be runoff from those buildings onto the parking lot which is going to run off into the creek. What is going to detain those pollutants from entering Rock Creek if there is no self contained detention basin how is the City going to monitor the flow from inside these buildings outward. So he is concerned about that.

He thinks the residents of Gladstone should be very concerned about the run-off from these buildings and this parking lot is going to have both upstream and downstream and he is also concerned that there is no condition setforth that this development should share in the cost of building this Woodland Detention Basin.

In several other developments that have been built in recent years the City has asked for those developers to share in the cost to help alleviate the flooding situation and since this was on the original list way back in 1987 he feels that the City should strive to consider the impact it is going to have on flooding. Another concern is the criminal use that could be made of these buildings. You could have the inside of these buildings used as Meth Labs, you could have stolen property or drugs stored, bomb labs, fertilizer and chemical storage, gasoline powered generators to allow people to make use of them even though there is no electricity. Mr. Reinsch said he is really concerned about that and a criminal if he intends to use the facility is not going to worry about what is in the contract he signs. He is going to tear it up the minute he signs it and go in there and do whatever he wants. So he is real concerned with that. He is also concerned with the perimeter fence. The only condition he sees that mentions outside privacy fence is condition #2 which requires only a 6 ft. wooden fence, not an 8' and he thinks we need to be concerned about that.

Mr. Reinsch said that all he can say at this time is he would just like the City Council to really weigh heavily on this proposal and really consider the impact it will have on the Woodland basin and if the basin is not going to go in he would ask that we reconsider because he doesn't feel there has been anything to alleviate that flooding problem. Even in the summer of 1995 even after Shady Lane was built and in use, the flood waters along Rock Creek got sufficiently high enough in the backyards in his neighborhood in Meadowbrook North that they completely engulfed an 18" self supporting wading pool that was in the middle of the backyard of a lady's house that lives along North Montgall and the City was called and came out and looked at that and the water had completely gone around and had that pool completely surrounded because it got that high

and that was after Shady Lane had been in use and after the improvements had been made to the bridge that goes under 64th Street. So the flooding is still there. Shady Lane did not alleviate it. Something needs to be done.

Mayor Pro Tem Reynolds told Mr. Reinsch as he is aware, if this project is built it will be engineered so that there will be no more water run after than before so that will be part of the engineering. Mr. Reinsch said his biggest concern is that we ask the same of this developer that we did Wal-Mart, Bargain Barn and Ryans. Mr. Reynolds said that was a Code requirement.

City Manager James Norris said in the last two years after improvements were done to Shady Lane and improvements made to the culvert under 64th Street and Antioch after the first phase of Agnes-Bellefontaine channel improvements. The Capital Improvements Committee employed SK Engineering, a Civil Engineering firm to evaluate the impact of putting that basin in and what it would do downstream. Basins only affect what is downstream. It can't affect upstream. The net effect is that this basin being put in at a cost of over \$250,000 would impact potentially one house and for that reason the Capital Improvements Committee voted to postpone funding of it and the project is still sitting out there and can come back someday but it did not make economic viable sense to build a \$250,000 basin for one house that might get water in a 100 year storm.

The Committee said they would rather spend those funds on additional channel improvements and continue to work themselves up Rock Creek and are looking at Agnes-Bellefontaine Phase II right now. So what has happened is the channel improvements have helped to get the water downstream faster into the Shady Lane and Brooktree basin and that has actually lowered the flood plain limits and that is why as a part of this year's Capital Budget, the Capital Improvements Committee has commissioned a flood plain study to actually have our flood plains adjusted through FEMA, we have made that much impact on storm water.

Mr. Reinsch asked if any consideration has been given to drainage water with the recent passage of the Transportation Sales Tax and the City's long term goal of reconstructing the streets in that area to City standards which would require curbing. Once you put curbs on those streets the drainage water that used to flow and settle in the yards will now be channeled into the creeks in that area, mainly Rock Creek. Has their been any consideration to that added water as those streets are reconstructed feeding into Rock Creek upstream what impact it will have on your new analysis of Rock Creek.

He said there are a lot of streets in that area that are not curbed right now such as Northaven, the area up behind Health Mart. A lot of those streets don't have curbing, the streets up around Oak Grove Park that would have curbs added would

feed into Rock Creek.

City Manager Norris said that has to be taken into consideration if it is in the same basin. Part of what Mr. Reinsch speaks of is in a different basin and goes different directions. Mr. Reinsch said Rock Creek starts at Oak Grove Park.

City Manager Norris stressed that anything that is done to take storm water underground can't move it any faster over ground, those are APWA standards.

Irv Walmann, 6823 North Michigan, said he has no objection whatsoever to the office building portion but he does object to the storage facility because he feels that it would decrease their resale value of their home and also the resale value of all the homes in the area. He does not think there is any way you can really make a storage facility attractive. If you put stucco on a storage facility it is like putting a hair ribbon on a hog.

Loraine Walmann, 6823 N. Michigan, said the residents of Northaven, my friends and neighbors, urge you to help preserve the integrity of our beautiful neighborhood by denying this request to rezone the property from CP-0 to CP-4. Chipping away at our zoning laws will not create a first class city, in time it will produce a no class city. Furthermore, comprehensive master planning was drawn up to avoid haphazard development. If a mini-warehouse venture is permitted to encroach on our surrounding subdivisions the decline of 72nd Street will begin. The next item on the special interest agenda could be a car wash or another Christy's.

Blaine Steck, 6989 North Woodland, said he was sorry he did not get the message on the meeting that was held. His property is the one that is directly south of this project. His property is 150 feet east on the north and on the south it is 315 feet deep so his property does border the southern part of this project and he is sorry he did not get the message. He does not know who did not contact him, he is retired and home all the time and he does not know what happened there. Nevertheless he is opposed to this being used as a storage facility.

He said he thinks there are some uses that can be made of this property in the commercial line but he is certainly opposed to it from all the various aspects of problems that this can create. Also, you have to be careful about once you approve it for a certain type of a project, then there are additions to it that are not favorable to residential areas. We have some nice homes in the area and he is sure that all the people there like the wooded area and we certainly like ours and we don't want to be deprived of it.

Cliff Eye, 7041 North Woodland, said he is not entirely opposed to the project, but his questions about the drainage have been answered because he does have a problem with Rock Creek itself. There are beavers damming it up and there is a major problem because there are six or eight dams running through it now. The only question he has about the property is the chain link fence along the back side. Where his property sets, when you sit on the deck and look through the trees during the winter or fall when it is barren, you will be able to see the buildings. If a higher fence is erected or further around the property other than that he does not have a problem.

Curt Wendt, 6967 N. Woodland, said his property runs all the way down across the creek and across the 100 year flood plain and will be the south edge of this project. His main concern is the water runoff and the possible contamination of the creek that runs right through the middle of his backyard and also the storage facility. The office building he does not have a problem with.

Councilman Norris asked Mr. Wendt if he said his property is in the 100 year flood plain? When did he moved there? How many 100 year floods has he experienced?

Mr. Wendt said he has been there seven years and during one flood the water was about half way up to the back yard, but his house sits considerably above that. Only the one time.

Jim Reed, 2100 NE 69th Terrace, said he also is not against the office use, but like the others he objects to a storage facility. He believes there was very poor notice given. He understands notice was given to the folks within 185 feet as the law requires, but you can see that by gathering 200 signatures over a two day Easter weekend that there is substantial opposition to this project.

In the last ten years it has flooded all the way up to his driveway and he is half way up the cul de sac. There is a storm sewer right next to his driveway that backs up because it won't take the water. His back area looks over the cul de sac there and when the water comes through it has come up to within four feet of the top. He has been there since September 1992. He is concerned about the flooding and he is downstream from the project.

As far as the damming, there are beavers and natural obstructions and he has seen children playing in the water and it is a hazard. No matter what happens, it needs to be cleared out. He said he called today and was told to contact the City Manager.

As far as security, it is clear that if you have all these cameras it will not really solve your problem. Criminals have figured out you have to use flashlights. Secondly, as far as

the tapes are concerned, he questions how they are going to see any illegal activity if the lights are not on inside the units. Are the tapes archived or reviewed? If you don't have anybody there at night then who is looking at them? How are you going to know something is happening unless you have someone there on site?

The project is poorly designed. Gladstone is uniquely available from the highways and this project is hidden away. He understands they are doing that to hide it from view but also it allows people easy access without being seen. He knows there is entrance and egress and you have to use a card, but the facts of the matter are, once you are back there it is going to be very easy to carry on bad behavior in terms of what you are storing. Mr. Reed said when he lived in Kansas City he was awakened twice at night because the whole house was shaking because several firefighters were blown to bits in the tragedy we all know, and that was a corporate facility where fertilizer was stored and was subject to review and far more regulated than we have here.

Here you do not have anybody on site in the evening and there is nothing to prevent somebody from storing fertilizer or any other chemical. He understands they have a right to come in and look at it but no one is going to want to rent from somebody who is constantly calling them down to take a look at what they put in their storage unit, because the renters will want certain privacy and not want to come down all the time. If we had more notice we would see even greater opposition to this.

Mr. Reynolds said when those homes were being built he and Ms. Newsom were on a site visit and observed a resident dumping grass clippings. He mentions this because we need to keep the creek clean and he asks that people not dump there because it can cause problems.

John Woody, 7201 N. Woodland, said there have been applications on both sides of 72nd Street over the years from gas stations on either sides of N. Euclid to any number of requests for apartment development on 72nd Street. He met with a developer on Woodland at one time who swore to him that Woodland could never be a residential street because he wanted to develop it for business purposes and today it is a residential area.

His biggest objection is that however it is painted, storage facilities taint an area, it brands an area, it has industrial low cost and is not desirable. Once you approve this type of project, it has a domino effect - well if you approve storage bins down here, no matter how prettily they are packaged, there goes all the arguments against anything else beyond some nice business developments.

Mr. Woody said he is not talking about Les Smith and his

partner, because they are fine upstanding men and he has had some dealings with them and they are men of integrity. What they say they will do and he is sure they will accomplish, but we all know that something on the board does not necessarily pan out in reality. For example, his concern is that these gentlemen will do everything they promise. Les Smith said he was looking at a security system. He did not say he purchased it nor was obligated for it, but that he was looking at one. His concern is that businessmen are in business for profit. So if an opportunity comes along and somebody wants the property and makes an offer you can't refuse the property might pass into other hands who may not have the integrity these gentlemen have.

When he hears this project described it sounds great as far as the security measures are concerned, but if some distant owner owns this property and he says well it is making so much money this year how much more money could I make if I dropped off the security guard or if I did this or that or if I extended the payment out a little further and did storage of other types of vehicles.

But the basic concern is the fact that no matter how you slice, dice it or package it it is still a storage area that does not have a good reputation and will not enhance the area in any way whatsoever. It will detract, there is no way about it, it will detract in the area.

Scott Peper, 1708 NE 69th Street, said while he obviously does not live within 185 ft. of this development he certainly considers this to be a new part of his neighborhood. When they moved to Gladstone a number of years ago he was impressed with the fact that it was a quality area in which to live. One of the other things he knows about Gladstone is that the Northaven area is probably one of the more quality neighborhoods in the City of Gladstone. It has a unique characteristic which is basically made up of the fact that it is a series of different developments by different developers in different residential areas, the entire area maintains a sense of continuity and identity that is shared by all of the people regardless of when their home was built.

Mr. Peper said it is obvious when you think of the way the Northaven area is laid out that the warehouse and storage district is definitely an intrusion into this quality community area. Mr. Hall mentioned that his office is next to a storage area and commented that he almost lives there, the reality is that he doesn't, and they do live here. While a lot of concern has been made about the residential architectural style of the office buildings, one can hardly say that warehouses and sheds made out of metal are architecturally residential.

There has been a lot of talk about the relative views of the plot and how it looks from 72nd Street. The reality is that



nobody in Northaven lives on 72nd Street. This comes into the Northaven community, it is a low lying area within our community and is visible from virtually everybody's property within the area and our residential streets. It is low lying therefore you don't see it from 72nd Street because it is there. All of us are above it looking down onto those sheds. It is also important that in most areas where you see these other types of developments they are very high intensive developments and there is a lot of money to be made on a very small area of land. If he was a developer that is the kind of thing he would want to do as well. The reality is that these areas are not placed in the middle of residential communities. They are placed in areas which are surrounded by other businesses.

He said he would tell the banker who spoke early that if he wants to build a residential architecture bank branch in that facility he would think that all in the neighborhood would welcome it. While not everybody knows everyone in the Northaven community by name there is a sense of community among all the people in the development. They are all very very interested and concerned about their community and also very very politically active. Given the sense of timing that was involved in all of this and a few individuals canvassing their community over the Easter Holiday it was amazing the degree of interest and concern they were able to generate once they became aware of what was going on. He told the City Council that he does not live within 185' of these sheds but he can guarantee they are coming in to his community if the City Council approves this.

Winston Ingalls, 6915 North Woodland, said he also does not live within 185' but is probably 200-300 yards from this facility and just to the south of it. From his vantage point in his backyard they will look down on this property. They moved from the State of New York and bought the house they now live in. When he bought there the street was a cul de sac which was good because his children were small. The cul de sac and N Woodland was completed through to 72nd Street and although he was opposed to it he would have to say they did a relatively good job. He can tell us if this mini-warehouse complex was on the back side of this property he doubts he would have selected the home he lives in. He considers warehouses the last of the potential uses of a piece of property. You cannot make mini warehouse look classy in a residential neighborhood. We are a sense of community there.

People are just now finding out about this and he does not think people view it very positively. He looks at the pictures and obviously they are taken with the leaves on. He drives N Woodland everyday and he can tell us that you can look through in the wintertime when the leaves are gone and see the power station over there and the tennis courts. A fence will look like a stockade down and detracts from the general

impression that we have as a neighborhood.

In his view it is the wrong use of the property. He understands the need for development and the motivation behind some of it but he thinks there are better uses to be made of this land. Mini warehouse storage doesn't belong in this particular area because it is a family residential area it is not for storage.

Mayor Pro Tem Reynolds asked Mr. Engles the elevation of his house compared to his neighbors. He responded he is close to the top and would look at the power station.

City Manager Norris said for information the parcel directly south of the proposed parcel is owned by the City for the basin and is actually the lowest part of this land.

Duane Meyer, 2001 NE 68th Street, said a lot of cities have warehouses and manufacturing but they are all in separate areas they don't mix them in with the residential areas. We have a bedroom community and he thinks we need to keep it that way.

Bonnie Belknap, 6916 North Woodland, said most of the points she wanted to bring up have been pretty well covered but she will remind on the visibility or hiding these sheds there are many places in Northaven where they can see these buildings because 69th Terrace is at a much higher elevation than these buildings and you look down on them and the same is true of 70th Street. She also noted that there is an area where the trees have been trimmed for the power lines and she understands why they did that but the house at the end of the cut swath gets a perfect view looking right down on a whole panorama of pre-fab sheds and she does not think that is right.

She asked if there is landscaping on the east side of this project. Mr. Hall said they have not proposed any particular landscaping other than the trees that are already there primarily because this does not face out into any residential area and the only one that is going to be looking at it is the power station and some potential users of tennis courts. They are planning on putting some board fences up at the most northern portion so as to block the view from the traffic that comes along 72nd Street. Other than that and the existing landscaping we did not feel it is as necessary as for the neighbors on the other side.

Ms. Belknap said it is pretty open all across there. She said she also wants to touch briefly on the reversion of the property to CP-O. Who is going to demolish the buildings and clear the land if they are abandoned or go out of business or bankrupt. Who is going to clean up. The City? Who knows.

She is also concerned about the variance on the buffer zones, on the south side there is only 17 1/2' buffer and it should be

35'. There is going to be a lot of runoff off of that property and it comes down into that creek and as has been mentioned there is going to be some flooding. She does not think there should be any variance, not a tenth or hundredth of an inch in the buffer zone and the same on the east. If you have these buffer zones then perhaps they could be landscaped and it would not interfere with the power line easement, they could put trees there so these people don't have to look at it and from the east it can be seen from the dental office building and from the Meadowlane Townhouses. So that side should be screened too and they need the full buffer zone. Please remember that.

Lastly, between all of them they have contacted face to face over 130 households which most often is two persons per household. Of those 133, only 3 people did not sign their petition. They did not refuse to sign it but did not because of personal reasons whether business or whatever. It was not that they disagreed or approved of the project. She again stated that there were 133 and only 3 who did not sign and she asks the City Council to remember those statistics because that is pretty powerful.

Mr. Greg Givens, 6829 N Euclid, said he was a CPA with 14 years of experience with Price Waterhouse International Accounting, Auditing, Taxing and Consulting firm. He has lived here for approximately three years and has lived in Kansas City since 1982. When he chose to move and locate to Gladstone three years ago he literally could have lived anywhere he wanted to in the Kansas City area and quite honestly considered the Overland Park area because they have strict zoning standards. But he chose Gladstone because he has lived in the northland since moving to Kansas City. He said he had been very happy with his choice, the new neighbors he has, the residential community, etc. He took a walk this morning by the property that would be developed and just like the people who spoke this evening you can look through there and see a storage facility. You cannot hide it. That is the bottom line.

Mr. Givens said he does not know Les Smith or Art Hammen but let's first look at the name of their company, Pine Lake Development. It is not Pine Lake Operating Company it is Pine Lake Development. Development means build and sell. He was a little taken back by Mr. Hall's comment that both of these individuals will be personally involved in operating this company.

He said one of the reasons he shared that he is a CPA is that he is somewhat curious as to whether or not this is going to be a passive activity for them from a business standpoint. There are definitions by which ones activity in a business is merely passive or not passive. He has a hunch that with Pine Lake Development this is going to be a passive activity. They will hire someone to sit in that little booth for 8 hours and

put the tape in and things like that. They are not going to be there day to day. He works on deals like this, he knows deals like this. Pine Lake is making the application. The Corporation or the Partnership who will own this facility most likely will be a subsidiary or some other vehicle to make the investment.

That is really neat for business reasons because he deals with it every day from the Attorney's standpoint and the business standpoint. Because if something does go wrong and you have to walk away from it, six months later Pine Lake Development and their assets reside with their owners and there are no assets left to remove these ten garbage cans that someone put out in our neighborhood. That is just the facts, that is just the way it works. Write what you want into the agreement, they pass it on and six months later they sell it and someone else has to at that point. You can't control that. You can control the zoning. You can stop it before it begins, it is real easy - a "no" vote.

But if you vote yes and they put it up and they go through a Pine Lake Development and they build this tin can for storage and they sell it 3-4 years later you may not even be on the Council when they sell it. It is going to be a whole new group of people dealing with this issue.

He said we should question them on their operations. They just said they went to a conference, well that's great. Do they operate one of these already, do they have a history of operating these, did they go to the conference to learn what this is all about.

The contents of what will be put in this storage facility. He agrees with the gentlemen who indicated that yes it will be in the legal contract that they cannot put hazardous material explosives or flammables in there. They will be in there, he guarantees they will be in there. Many times the person putting them in there won't even know that it is a violation of the contract he just signed. Most of the things he would store there from his garage are flammable. All you need is another 30 of those bins holding that stuff and you have a time bomb sitting in their neighborhood.

Criminal activity. He agrees with everyone that a criminal does not abide with the contract they sign. He saw on Prime Time on TV the story of a lost \$600,000 at a storage facility. But a lot of people may store things in these facilities and never come back and so now it is up to the operator to go in and clean this thing out. They found a trunk in the storage facility and threw it in the back room and low and behold it had \$600,000 stolen from a bank. That is a good thing, what do you think they would find that is bad that is left in these places.

Mr. Givens said the discussion of the 24 hr. vhs tape was very interesting, unless there is a system of archiving and cataloging these tapes etc., he is not comfortable with what he has heard tonight as being a good security system. It does not pass the smell test. Listen to what they are saying, we are thinking about this; we have considered this; we are looking at this. The life expectancy of 20 years being a guarantee on pre-fab modular metal storage facility set in the middle of homes that will most likely last over 100 years. He is 35 years old. If he stays in this community when he retires he will be looking at something that will have to be demolished and taken out. But his home, which he maintains, will not because the Zoning Laws protect him. They put good homes in his neighborhood. He told the City Council they are going to vote on changing the zoning laws. He said he will be here in 20 years when these buildings begin to oxidize, and tarnish and the color changes on them and the money is running short and the profit is not there to maintain them. We are looking to the City Council to enforce the zoning laws.

His home sits on a very large corner and he may have the distinguished honor of being the highest location along that area with a deck on the back that every time he goes out to enjoy a barbecue in the evening, etc. he will look down on this vicinity. There is no question about it and it will take away from the value of his home.

We have seen a lot of money spent tonight on architectural drawings, bringing lawyers in and things like that. It has been very well preplanned or orchestrated. They have had since Friday evening when he found out about it as he was getting ready to leave town for Easter weekend to think about this. So their comments may not be as organized as what we heard from the people who were proposing these. He asked that we take that into account because if we had the time and the money to prepare an organized opposition to this we would hear even more. What we are hearing is literally 2 1/2 days of preparation from people over the Easter weekend. What he heard tonight is quite compelling for the opposition.

At this time, Mayor Pro Tem Reynolds asked for an audience show of hands of those present who are in opposition.

Mayor Pro Tem Reynolds also asked if the applicants have any additional comments.

**Applicant Mr. Les Smith,** said the only thing he has been able to ascertain from the presentations was that he and Mr. Hammen have determined that the hazardous materials runoff from the storage facilities will take care of the beaver problems.

With the exception of the last gentlemen who spoke there is really no need for character assassination. He and Mr. Hammen were building in this community when Mr. Givens lived somewhere

else. They do not mean to harm anyone and they do not blame them for being concerned about what is going in their backyards. They are not totally in a residential area, however. We have commercial to the north and we already know that the Petterson Company is talking about building office buildings over there and we have tennis courts and a major power substation to the east of them and they have 350' - 400' ft. of woods to the south and yes they have neighbors along the west side.

This has been a well orchestrated presentation because they tried to accommodate those neighbors. This happens to be a multi-billion dollar industry in this country right now. They are not hiding anything. They are trying to accommodate the neighbors and that is all it was from start to finish. They laid this out the first time and on the west side of their project they had driveways going around to the side and they were going to end up taking out about 40' of those woods. They were going to end up regrading the hillside and were definitely into the homeowners backyards.

They were going to have garage doors opening on that side as Mr. Norris and Mr. Nodler have in their backyards. But they had the building staked. They went out there, they saw the buildings were staked in the woods. Mr. Wingerson can attest that in a 24 hr. period of time they totally redesigned the project so that they left all of the natural buffer alone. They have not touched or disturbed any of it.

They do have a 17-18' variance to the south but it does have 350' of woods behind it. If you don't want to grant us that variance although it is in a planned district they most definitely can live with that. There is no planting on the east side because by terms of the KCPL easement they cannot plant any trees along the east side of the property.

If you wish 8' privacy fence around the entire project we would be happy to accommodate that.

Mr. Smith said if you told him everything Mr. Reinsch told you when he spoke earlier, he would sign the petition. It was factually incorrect. There are no hazardous materials. There are no hazardous materials run-offs. They are not going to hide this in a corporation they are going to operate it. Mr. Smith said he does not even need to say this because everyone knows who they are, it just is not going to happen.

The Woodland Detention Basin, the Stormwater run-off. He would suspect that staff will support the fact they are going to tell them what they are going to do with their stormwater drainage and they will do whatever is asked of them, that is a no-brainer.

He can't attest to what the criminal activity record has been

in the storage facilities in Gladstone. There are two others. His guess is that it would be very very minimal. He does not know if staff has any statistics on that or not. As far as low-class people renting storage facilities he rents a storage facility and that is how he determined there was a market for this in Gladstone because he went up to the one on N Oak and had to go on a waiting list for 30 days to put his business records in. Not hazardous materials, not gasoline, not cars, not trucks but boxes of paper because you are required by law to retain those for a certain period of time. If there are any problems with the existing facilities, he would really surprised if they are very major at all.

Mr. Smith said they have addressed the privacy fence issue, the problems at the facility because it just isn't going to happen. They have talked about security, they have thought about security. They are all correct we have not purchased a dog gone thing and he does not think they would before they had a place to put it either.

The drainage issue has been addressed. The fact that they are not truly in a residential area has been addressed.

Mr. Smith said there is no office building without the storage facility. They are going to do the whole thing or they are not going to do anything at all, it just does not work for them. The other possibility is that the current owners of the property can come in, they can do the four office buildings as proposed. He said we talked about decreased property values. What can be approved and permits pulled within 30-45 days are buildings with 200 plus parking spaces vs. 64; 300 -600 car trips per day vs. 100-120 car trips per day. All that is required on the plan approved now with a 2 story office building looking back over the neighborhood is a 6' privacy fence. They are leaving all the natural woods and putting the equivalent of an 8' stucco wall along the west side.

Lighting in an office building, light poles, high visibility light poles versus 70 watt sodium wall lights below the roof lines. Security in an office complex. This office complex does not have any security provided. We are at least trying to make an attempt and will control what goes on in our facility.

Mr. Smith said he can answer any additional questions anyone might have.

Mayor Pro Tem Reynolds asked City Staff if they had comments to make at this time.

Planning & Zoning Director Scott Wingerson said he would highlight some material left at the City Council's places. First is an apartment complex plan that was approved by the City Council in May of 1986. The second transmittal is the office plan which was approved by the City Council in November

office plan which was approved by the City Council in November 1986 and discussed tonight. The third attachment is the signature block area of the Northaven Woods Subdivision Final Plat which was approved in May of 1988. For comparison sake the site plan under consideration tonight is attached. Also attached is a plat map with the property owners to the south and the east highlighted. The last attachment is an attempt to copy an aerial photograph of the area that was taken in April of last year on which the subject property is shown as a "V". Mr. Wingerson said he is available to answer any questions.

Mr. Gene Feagles said there has been a lot of discussion about the power plant. Most residents in Northaven bought there after the power plant was there so they accepted that but he wonders how many people who have purchased homes or had them built would have done so if the storage facilities were there and it raises a question. There are about 3 acres of land that will be non-porous so there will be a lot of Rock Creek and 23 home developments to our west so about 50 percent of the area will be non-porous with streets, driveways and homes so we have another runoff that will go into Rock Creek. What is that going to do to Meadowbrook. What is that going to do to all the area down there clear on down to Shady Lane.

Mr. Reynolds responded that on any development it will be engineered so that there will be no more water run-off after the development than prior to development and in fact in almost every development there will be less because they engineer it so it will run off less. Mr. Feagles said so there is a hydrology study? Mr. Reynolds said yes and that goes through our staff.

Mr. Feagles said if this is approved hopefully it will not be approved with a Northaven name so they don't have to have any connection with it.

Brian Hall referenced photographs that were distributed and said they really did attempt to show the view from not only from N Woodland but from 69th and those were just recently taken and there were not many leaves on those trees so it is a pretty accurate representation of the current situation as opposed to any indication that this was in the middle of summer when there were leaves on the tree.

Mr. Hall said they have done everything they possibly can to try to address any concerns that the folks in Northaven might have in terms of this project.

In terms of location within the City where this type of development could be placed as he indicated before, when you have a power station and a tennis court on one side you are going to have it buffered from 72nd Street and with what her perceives to be some very high quality commercial office buildings. On the rear you have some 350' of heavily wooded



area and you have the folks that are the most closely affected on North Woodland all signing a document for them saying they are in favor of this so he can't imagine any better sort of project or a better spot or location that you are going to have.

Mr. Hall said the City Staff has made a recommendation after going through this entire matter. They have gone through 27 conditions and they have agreed to all those conditions and it is important to note that a lot of those conditions were things that they were planning to put in anyway because his client is concerned about the development of Gladstone and how it is going to look.

The entire issue went before the Planning and Zoning Commission and they also recommended it to you. All those folks that have really seen this project up close and looked at it intensely are also saying that this is a favorable project that is going to do something that is going to be good for Gladstone. He recommends this be given favorable conditions.

Councilman Newsom asked Mr. Hall if he can give his conjecture as to why the residents who directly about this project seem to have no problem with it but the residents who are further from the proximity of the property have such strong objections.

Mr. Hall responded that those folks who were closest to it had it explained to them in a manner where the actual facts were shown to them and he is not sure that some of those folks who were further away aren't throwing some conjectures out here. How can we possibly say that criminals are not going to come there - obviously they are not going to be invited and they will do everything possible to keep them away. They can't make any other statements as far as those sorts of comments other than positively showing what they are going to do in a positive manner.

He is not sure in terms of the vision from 69th Street as far as those folks saying they can see it. He has personally been up there and those photographs seem to be pretty accurate. You can look down from 69th and you see the power station but as you look down the power station is the right of your view. From the left of your view is a very heavily wooded area that is just behind this particular project and he is not sure where they are seeing it and he certainly does not contradict them but certainly from the view he saw they could not see anything from the 69th Street area.

Mr. Hall said human nature is such that a lot of prejudice has developed a number of years ago when we talk about this as a mini-warehouse. The term mini-warehouse just smacks of something that should not be going into a residential area and probably 20-30 years ago when this type of business first got started people might have this concern. It has changed

substantially. One of the reasons he tried to make some analogy to the security storage property along N Oak is that they have some structures with brick pillars and wrought iron in between it because they are going to be seen and they do have stucco on the outside and pitched roofs simply because this was in a residential area and they knew people did not want to see it. We have tried to hide it from view and put it in a location that is about as hidden from view as it can possibly be but not because it is a bad project just because they were sensitive to the views of the people who are in the neighborhood.

John Lakin, 6819 N Michigan, said the pictures all seem to be taken from the street level and to his knowledge he does not live on the street but in a home that is two-story and most of these homes are split, tri-level or two story so they are getting a view that contradicts the pictures. If you are walking the streets that is one thing but when you live in a home and look out a window or off a porch that is a higher level so the pictures are very misleading in his opinion.

Elaine Feagles, 6960 N Woodland, indicated she lives in a ranch and invites all to her yard and look across the street because they will be able to see these shacks. They don't belong in a residential area. This gentlemen (reference Brian Hall) has an office on N Oak and that is where they belong. She said they don't belong in our residential area. They are proud of the area and want it left that way.

Mr. Les Smith noted there is a picture in those presented that was taken from Mrs. Feagle's driveway.

There were no further comments and Mayor Pro Tem Reynolds closed the Public Hearing.

Item 14a. on the Agenda. FIRST READING BILL 96-19, rezoning from CP-O (Non-retail Business District-Planned) to CP-4 (Small Warehouse and Storage District-Planned), property at 2001 NE 72nd Street. Applicant: Pine Lake Development Co., Inc. (File #948) Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth

Councilman Newsom moved to place Bill 96-19 on First Reading; Councilman Norris seconded.

Discussion.

Councilman Nodler said he has a couple of problems with this project. First it contradicts the Comprehensive Plan which calls for office space on that site. And he views the 5600 sq. ft. office building as a facade for the storage behind. The Comprehensive Plan discusses use of commercial office buildings in visible areas like N Woodland and 72nd Street.

Mr. Nodler stressed that North Woodland is the gateway into Northaven and he knows the Planning Commission declined to do a site visit but he did one and he walked up on the property and the neighbors are right, when you stand in the middle of that property and look out on N Woodland you can plainly see all of the houses on N Woodland on the west side and the east side. He could describe them in great detail from that lot. He knows in the summer they won't be visible but for seven months of the year those people will look at that facility.

Gladstone is a bedroom community and there isn't very much property left to develop but what development that does occur needs to be of a quality nature and he thinks that to do this to Northhaven would affect the rest of Gladstone in some time.

Councilman Norris said he too has a couple of problems with this. It does contradict our Comprehensive Plan. We have as a Council, as an entire body, discouraged the use of metal buildings over the last 4-5 years. He agrees with Mr. Nodler that it is a facade to cover the metal buildings and quite frankly he was on the fence leaning towards no until the picture was passed around of those buildings. If that is what we call quality development in Gladstone he is not interested in it at all. He backs up to the storage facilities that Mr. Hall's office is next to and he can see from his back window his very nice office building but he can also see the storage facilities which in themselves aren't a big problem unless you remember when he was a kid and it was a nice flowing hill with horses and a nice farm house but things change.

Now it is built up and he gets to hear the doors slam and he gets to see the trash thrown over the fence and quite frankly in a comparison between what he has seen of those and that picture, no comparison. We are talking bricks, gabled roofs - something that looks more like a residential neighborhood. In our Comprehensive Plan that we had joint meetings on we spent countless hours of staff time on, we spent \$20,000 with Howard Needles, Tammen and Bergendorff on we all agreed 100% between the Planning Commission and the City Council that we are discourage metal buildings that we are going to see C-O development on 72nd Street if it is not residential then we are going to encourage some office space use. The discussion might have gone a couple of times to some light retail but it hasn't been anything other than that. Certainly not CP-4, the highest industrial use that we have and it only has one thing in it - mini storage warehouses.

He said he agrees with Mr. Hall to call them warehouses is a terrible thing but the fact of the matter is when he ran five years ago it was on neighborhood integrity and watching the entrances to neighborhoods, neighborhoods, neighborhoods. That is what it was all about five years ago and that is what it was all about two years ago and that is what it is all about tonight.

Councilman Newsom said she compliments the developers and the presenter on their very comprehensive view of their plan. If we had more developments come to the City Council that are so thoroughly explained it would make our jobs a lot easier. The office part of the development she finds to be palatable, very pleasing and she likes the look of it. The storage areas, the warehouses, mini-warehouses or whatever we term for the part of the development that requires the CP-4 zoning she finds objectionable.

This is not just an area that perimeters 72nd Street, it comes down in a V and is an intrusion into a residential neighborhood. Ms. Newsom said her benchmark has always been, if she were a neighbor within the proximity of these neighbors, would she want this in her neighborhood. Saturday she took time and drove the neighborhood and walked the site from 69th Terrace she could see color and the pink flags that mark the property where the facilities would be. There is going to be 6-7 months of the year when this is not going to be covered by vegetation. Again, she walked this site before these houses were developed on Woodland when she was on the Planning Commission. There are a lot of trees and scrub vegetation. Some of the scrub vegetation is what gives you the low coverage during the springtime because it blooms out and it is green. Some of the trees there are of an age that they are not going to be making it much longer, there is no plan for reforestation of that area. It is a very natural area and she cannot see it thoroughly buffering this from the resident's view.

Ms. Newsom said she is not fond of the metal sheds. This weekend she also drove around and looked at other storage facilities in other communities and looked at them and she saw problems with the metal buildings. She saw problems with the metal buildings as Mr. Smith had alluded to the dents and scarring that takes place because you can't always watch what everybody does while they are in there. Even though you have the cameras, once the damage takes place you have the damage to deal with.

Ms. Newsom said she finds it very difficult to think about voting positively for the warehouse part of this development.

Mayor Pro Tem Reynolds said the Planning Commission recommended approval by an 8-3 vote and it was recommended by the City Staff.

He said he lived on 72nd Street when it was a two lane street for many many years within 200 yards of this project. He explained for audience awareness that when the vote is taken, it will take three votes for this to pass. He said he will not bore us with the reasons he is voting for it totally but he thinks it is a good project and he heard the audience concerns.

The Mayor Pro Tem called for a VOICE VOTE: "No" - Mr. Nodler, Mr. Norris, Ms. Newsom. "Aye" - Mr. Reynolds. (3-no; 1-yes). Mr. Reynolds announced that this rezoning bill has been defeated and therefore related agenda item 14(b) will not be introduced.

\* \* \*

At this time, Mayor Art Hammen returned to the City Council table to preside over the balance of the meeting.

**Item 14 b. on the Agenda. FIRST READING BILL 96-20,** approving a Site Plan for development of property at 2001 NE 72nd Street subject to certain conditions. (File #948)  
Owners: R.E. & J.A. Tietz and M.J. and L.K. Barth

**Note:** (This item not introduced due to denial of rezoning bill 96-19)

**Item 15. on the Agenda. FIRST READING BILL NO. BILL 96-21,** Approving the Final Plat of "Amended Plat Of Claymont Pointe Tenth Replat", and directing the appropriate officials to affix their signature to the plat for recording.

Mr. Norris moved to place Bill 96-21 on First Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Norris. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 96-21, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 96-21, and enact the Bill as Ordinance No. 3.505; Mr. Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 16 on the Agenda. FIRST READING BILL NO. 96-22,** accepting a Quit Claim Deed from property owners required in conjunction with Aldi's development at 7604 North Oak Trafficway.

Ms. Newsom moved to place Bill 96-22 on First Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Ms. Newsom moved to accept the First Reading of Bill 96-22, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom. (5-0) The Clerk read the bill.

Ms. Newsom moved to accept the Second and Final Reading of

Bill 96-22, and enact the Bill as Ordinance No. 3.506; Mr. Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0)


**Item 17 on the Agenda. Other Business.**

Councilman Newsom asked for an explanation of the \$95.00 dog leash expenditure on the financial report approved this evening. City Manager Norris said he believes they are either snares or first leash which we buy in bulk for adopted animals but he will verify the expenditure.

\* \* \*

There being no further business to come before the Regular April 8, 1996 City Council Meeting, Mayor Art Hammen adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, CMC

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

  
Mayor Art Hammen

Blackburn 1a  
4/8/96 minutes

Greel  
4/8/96

206  
211

TO: Gladstone City Council  
FROM: Gladstone Residents  
DATE: April 8, 1996  
RE: Rezoning of Property located at 2001 NE 72nd Street

Presented here are objections to the rezoning and planned use of the back portion of the property located at 2001 NE 72nd Street. (Note: Office portion of the property is acceptable.)

1. A CP-4 zoning does not belong in a residential neighborhood.
2. Prefabricated, metal buildings are extremely unattractive, do not belong in a residential neighborhood, and will be severely noticeable.
3. Who controls access to the site? Will non-renters be prevented entry? Will there be employee/security on site 24 hours? How is this facility enclosed? (Chain link, wooden fencing, stone walls? How high?
4. There are no natural barriers such as trees to block the view of the neighbors on the west. The vegetation to the south will help to block the view during the summer, but is inadequate when the leaves are gone. The elevation of Woodland to this property makes this facility visible from above.
5. All buffers are not to code.
6. Unwanted possessions could be dumped on the property. This would invite anyone to dump creating a junk yard and an attraction to rats. How is upkeep enforced? Who will keep trash cleaned up? Who and how often will the facility be repainted and dented units repaired? What happens if none of this is done?
7. If this facility is built, ceases operation for 6 months, and the zoning reverts to CP-0, who is responsible for clean up of hazardous materials if they are dumped?

8. There is no way to control what will be stored on the site. Storage could include explosive materials environmentally hazardous materials, drugs. Who is responsible for clean up of hazardous materials if they are dumped?

We request that this letter be made part of the public record.

NAME	ADDRESS	DATE
Marilyn Durham	2004 NE 68 <sup>th</sup> St.	4/5/96
Bico Durham	2004 NE 68 <sup>th</sup> St.	4/5/96
Don Fayt	1913 NE 68 <sup>th</sup> St	4/5/96
Marilyn Fayt	1913 N.E. 68 <sup>th</sup> St	4-5-96
Selma Schroeder	1917 N.E. 68 <sup>th</sup> St.	4-5-96
Gladston Professional Bldg.	2109 NE 72 <sup>nd</sup> #102	4-8-96
{ Frank Gardner, D.D.S.		
{ John Gordon, D.D.S.		
{ James Muth, D.D.S.		
{ Robert Wehmuehlen, D.D.S.		



8. There is no way to control what will be stored on the site. Storage could include explosive materials environmentally hazardous materials, drugs. Who is responsible for clean up of hazardous materials if they are dumped?

We request that this letter be made part of the public record.

NAME	ADDRESS	DATE
Theresa A. Williams	2001 NE 69 Terr.	4-5-96
Brandon V. Williams	"	"
Shirley Cunningham	2102 N.E. 69th Terr.	4/5/96
Joe Najar	2101 NE 69th Terr.	4/5/96
Donna Najar	2101 N.E. 69th Terr.	4/5/96
Marion Schatz	6923 N Woodland	4/6/96
Karl Schatz	6923 N Woodland	4/6/96
Phillip W. Schatz	2000 NE 69 Terr.	4-6-96
Winston Ingalls	6915 N. Woodland	4-6-96
Ann Ingalls	6915 N. Woodland	4-6-96
Janet Slagton	6912 N Woodland	4-6-96
Dale L. Gforn	6912 N Woodland	4-6-96
Ellen Sutton	1710 NE 69th St	4-6-96
Debra R. Sutton	1710 NE 69th St.	4-6-96
Gayle Ceper	1702 NE 69th St	4-6-96
John Ceper	1702 NE 69th St	4/6/96
Don Ceper	1702 NE 69th St	4/6/96
Wilma Ceper	1702 NE 69th St (Husband)	4/6/96

Note - additional signatures  
pgs in Note Book  
M. A.

Delores C. Kirk	1705 N.E. 60th St	4-6-96
Ruby L. Kirk	1700 N.E. 69th St	4/6/96
Jinda Sayers	1608 N.E. 69th St	4-6-96
GARY SAYERS	"	"
Ray K. Turell	1715 N.E. 69th Terr	4/6/96
Florence A. Hauer	1714 N.E. 69th Terr	4/6/96
Lee Hauer	1714 N.E. 69th Terr	4/6/96
Nancy McCoy	1712 N.E. 69th Terr	4-6-96
Susan A. Dalton	1710 N.E. 69th Terr	4/6/96
Jeri Keger	1704 N.E. 69th Terr	4/6/96
Geraldine B. Lynn	1700 N.E. 69th Terr	4-6-96
Shirley Bell	1604 N.E. 69th Terr	4-6-96
Wanda L. Bell	1604 N.E. 69th Terr	4-6-96
Norman Thomas	1607 N.E. 69th Terr	4-6-96
Betty Thomas	1607 N.E. 69th Terr	4-6-96
Leonard	1703 N.E. 69th Terr	4-6-96
Susan Noah	1703 N.E. 69th Terr	436-4310 4/4/96
Jaci Gaudin	1709 N.E. 69th Terr	436-9547 4/6/96
Ray K. Gaudin	1709 N.E. 69th Terr	436-9547 4-6-96
Mary Dick Schultz	1708 N.E. 69th Terr	436- 4/6/96

SRK	(STEVEN R. MOSS)	1711 NE 69TH Terr	4-6-96	468-6319
Rita Kelley	1713 NE 69 Terr	436-6422	4/6/96	
Joan Henson	1715 NE 69 Terr	436-7412	4/6/96	
Robert J Henson	1715 NE 69 Terr.	436-7412	4/6/96	
Scott E Aurdson	1717 NE 69 Terr	436-1184	4/6/96	
Janet Aurdson	1717 NE 69 Terr	436-1184	4/6/96	
Gay Rains	1707 N.E. 69th St	468-4280	4-6-96	
Spencer Peterson	1703 NE 69TH ST.	436-1006.	4-6-96	
Bonnie Waring	1703 NE 69TH ST.	436-6892	4-6-96	
Carl L. Linn	1701 NE 69 ST	436-6320	4/6/96	
Bonnie Lally	1704 NE 69 St		4-7-96	
Linda Jenkins	1704 NE 69 St	436-2449	4-7-96	

8. There is no way to control what will be stored on the site. Storage could include explosive materials environmentally hazardous materials, drugs. Who is responsible for clean up of hazardous materials if they are dumped?

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NAME	ADDRESS	DATE
Craig R. Humphrey	2106 NE 69 <sup>th</sup> TER	4-5-96
Peggy Hart	2104 71 E 69 <sup>th</sup> TER	# 453 6443
Larry Kasowitz	2003 NE 69 <sup>th</sup> TER	453-7107
John P. Hagler	Northaven Meadows	454-9558
Marvin E. Friedrich	1718 NE 70 <sup>th</sup> ST	4-6-96 436 2002
Donna Friedrich	"	"
Dick Naja	2101 NE 69 <sup>th</sup> TER	4-6-96 452-5271
Margaret Klimm	2003 NE 69 <sup>th</sup> TER	4-6-96 454-9558
Jim Reed	2100 WELB <sup>th</sup> TER	4-7-96 453-8083
Charles Robinson	1719 NE 70 <sup>th</sup> ST	468-0207
Frances Robinson	1719 N.E. 70 <sup>th</sup> ST	465-0207
James Hagan	1115 NE 70 <sup>th</sup> ST	436-1228
St. Peter	7060 N. Woodland	436-0382
Ann Smith	7110 N. Woodland	468-1324
Jane Selt	7110 N. Woodland	468-1324
Rosemary Ark	7130 N. Woodland	436-9281
John	7130 N. Woodland	436-9281
Donald H. Johnson	7160 N. Woodland	436-4231
James Johnson	7190 N. Woodland	465-5555

Thomas J. Klouk	1914 NE 67th ST	455-4752
Lytle W. Coulter	7214 N.E. Michelle Ln	436-7273
Ed Clement Jr.	2006 NE 69th Ave	454-7213
Martin Louis Hopper	2103 NE 69th Ave	452-7658
Phyllis G. Hopper	2103 NE 69th Ter.	452-7658
Francis J. Hergott	2002 N/E 69th Terr	453-4782
Judy E. Hergott	2002 N/E 69th Terr	453-4782
Charles G. Mutte	2101 NE 67th St	454-2593
James H. Mutte	2101 NE 67th St	454-2593
Patricia Baker	6807 N. Euclid	452-5778
Janette Taylor	6816 N. Michigan	452-7418
June Joris	6808 N. Michigan	454-3228
Timothy Jones	6808 N. Michigan	454-3228
Raymond J. Han	6815 N. Michigan	452-0851
Sandra K. Han	6815 N. Michigan	452-0851
Larry Kopper	6814 N. Euclid	452-8590
Beverly A. Kopper	6814 N. Euclid	452-8590
Don Strickler	6821 N. Euclid	454-7058
Don Strickler	6821 N. Euclid	454-7058
Mildred S. Kiser	6777 N. Park	455-4514
Yndell J. Kiser	6777 N. Park	455-4514
Edna Kiser	6257 N. Park	454-9828

8. There is no way to control what will be stored on the site. Storage could include explosive materials environmentally hazardous materials, drugs. Who is responsible for clean up of hazardous materials if they are dumped?

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NAME	ADDRESS	DATE
John W. Chapman	118 The Woodland.	4/5/96
Keith A. Bennett	6587 N. INDIANA	4/6/96
Michael Fieldy	6602 N. Indiana	4-7-96
D. W. Jansky	6608 N. Indiana	4-7-96
Lillian Smith	7305 N. Euclid	4-7-96
Barbara Smith	7305 N. Euclid	4-7-96
Larry R. Smith	7305 N. Euclid	4-7-96
Vivian Brown	6708 N. Agnes	4-7-96
Cheryl Brown	6708 N. Agnes	4-7-96
John C. Starnes	6715 N. Agnes	4-7-96
Gloria J. Starnes	6715 N. Agnes	4-7-96
Kimberly Martin	4-7-96	4-7-96
Robert E. Noll	2608 NE 68 <sup>th</sup> St	4-7-96
Ray Noll	2608 NE 69 <sup>th</sup> St	4-7-96
Judith Baker	6910 N. AGNES AVE	4-7-96
Sam Stewart	4013 NE 56 <sup>th</sup> Terr.	4-7-96
Vicki Stewart	4013 NE 56 <sup>th</sup> Terr.	4-7-96
Joe E. Smith	4013 NE 56 <sup>th</sup> Terr.	4-7-96
Peggy E. Smith	4013 NE 56 <sup>th</sup> Terr.	4-7-96
Jackie Ornes	2407 NE 65 <sup>th</sup> Terr	4-7-96
Mel Ornes	2407 NE 65 <sup>th</sup> Terr	4-7-96
M. Joy George	3701 NE 63 <sup>rd</sup> Street	4-7-96
Chester D. George	3701 NE 63 <sup>rd</sup> St.	4-7-96

We the undersigned would like to express our voice against the proposed zoning change on 72nd street which is east of Woodland located at 2001 NE 72nd street.

We request that this be made part of the public record.

Name	Address	Date
Danndee Sue Shepard	2005 N. E. 68th St	4-6-96
Della C. Perry	2008 NE 68th St	4/6/96
Yvonne F. Lovel	1814 109 68th St	4/6/96
Thomas S. Kline	1914 NE 68th St	4/6/96
Anna Myers	1901 NE 68th St	4/6/96
Tom Hansen	1415 NE 68th St	4/6/96
Steven G. Hagen	6752 N. Euclid	4/6/96
Joanna Gregory	1921 NE 68th St.	4/6/96

NAME

ADDRESS

DATE

Pat Hugay	1921 NE 68 <sup>th</sup> St	4/5/96
Donald W. Hugay	1921 NE 68 <sup>th</sup> St	4/5/96
Fred Barton	6820 N. Michigan	4/5/96
Ticki Barton	6820 N. Michigan	4/5/96
Lan Compton	6825 N. Euclid	4-5-96
Donna Compton	6825 N. Euclid	4-5-96
Cynthia Maylor	6810 N. Euclid	4-5-96
Ron Neale	6810 N. Euclid	4-5-96
Meade Harris	1918 77 <sup>th</sup> E. 68 <sup>th</sup> St.	4/5/96
Freddie Williams	6822 N. Michigan	4/5/96
Lynda Burroughs	2000 NE 68 <sup>th</sup> St.	4-5-96
Mike Burroughs	2000 77 <sup>th</sup> E. 68 <sup>th</sup> St.	4-5-96
Julie Burroughs	2000 NE 68 <sup>th</sup> St.	4-5-96
Craig M. Burroughs	2000 N.E. 68 <sup>th</sup> St.	4-5-96
Russ W. Green	6829 N Euclid	4-5-96
Cheryl Green	6829 N Euclid Ave	4/5/96
Mark D. Green	6815 N. Euclid	4/6/96
Wendy Skinner	6815 N. Euclid	4/6/96
Chris Elliott	6806 N. Euclid	4/6/96
Beth Elliott	6806 N Euclid	4/6/96
Charles A. Green	6800 N Michigan	4-6-96



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NAME	ADDRESS	DATE
Donny Walman	6827 N Michigan	4-4-96
Opal L. Gates	2305 N.E. 66 St	4-4-96
Jean M. Hawley	7403 N. Wabash	4-4-96
Rosemary Brown	7513 N. Central	4-4-96
Elis Kouns	1302 N. E. 77 St	4-4-96
Ray Flowers	1303 N.E. 77 St	4/4/96
Louise Murphy	7412 N. Lydia	4/4/96
Gail Murphy	7412 N. Lydia	4/4/96
Pat Anthony	7200 N. Bellefontaine	4/4/96
Nancy Skell	6708 N. Park	4/4/96
Elyse H. Cummings	6818 Na Euclid	4/4/96
Sheldene R. Cummings	6818 N. Euclid	4-4-96
John Schellin	6818 N. Michigan	4/4/96
Nancy Schellin	6819 N Euclid	4/5/96
David L Bennett	6824 N. Michigan	4/5/96
Sherley G. Bennett	6834 N. Michigan	4/5/96
Matthew Bennett	6824 N Michigan	4-5-96
Gregory M. Compensack	1922 N.E. 65 St	4-5-96
Gregory M. Compensack	1912 N.E. 65 St	4-5-96
Reducta C. Jones	2012 NE 68 St	4-5-96
Patricia A. Jones	2012 NE 68 St	4-5-96

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We request that this letter be made part of the public record.

NAME	ADDRESS	DATE
E. Ann Feagles	6960 N Woodland Ave	April 4, 1996
Edna Feagles	6960 N Woodland Ave	April 4, 1996
Audrey J. Steck	6989 N. Woodland Ave.	April 4, 1996
Mary Auburn	7190 N. Woodland	April 4, 1996
Dina Martin	7150 N Woodland	4/4/96
Karen Ricard	7060 N Woodland	4/4/96
Blaine E. Steck	6989 N. Woodland	4/4/96
Bonnie E. Belknap	6916 N. Woodland	4/4/96
John Bol	6945 N. WOODLAND AVE 436-1213	4/4/96
Wanda Wendt	6967 N Woodland	4/4/96
Elvita Stendt	6967 N. Woodland	4/4/96
Gaylene Lewis	1714 NE 70th St	4/5/96
Theresa Hogan	1715 NE 70th St.	4/5/96
Jeff Overby	7030 N. Woodland 468-5483	4-5-96
Kim Overby	7030 N. Woodland	4-5-96
Lyone Overby	2105 NE 69th Terr.	4-5-96
Ann Overby	2105 NE 69th Terr	4-5-96
Deborah J. Heller	2109 NE 69th Terr 455-1905	4/5/96
James S. Heller	2109 NE 69th Terr 455-1905	

We the undersigned would like to express our voice against the proposed zoning change on 72nd street which is east of Woodland located at 2001 NE 72nd street.

We request that this be made part of the public record.

Name

Address

Date

Don Bentley	1711 71 <sup>st</sup> NE 68 <sup>th</sup> St.	4-7-96
Harold Engstrom	1705 10 <sup>th</sup> NE 68 <sup>th</sup> St.	4/7/96
James Thomas	1602 41 <sup>st</sup> G. 68 <sup>th</sup> St.	4/7/96
James E. Kyzel	1604 71 <sup>st</sup> NE 68 <sup>th</sup> St.	4-7-96
Ann Marie Martin	1606 NE 68 <sup>th</sup> St.	4-7-96
Martha Briscoe	1610 NE 68 <sup>th</sup> St.	4-7-96
Luan Briscoe	" "	" "
Beal B. Grace	1706 NE 68 <sup>th</sup> St.	4-7-96
Elaine G. Grace	1706 NE 68 <sup>th</sup> St.	4-7-96
Robert Lee	1710 NE 68 <sup>th</sup> St.	4-7-96
Elaine Gray	1712 NE 68 <sup>th</sup> St.	4-7-96
Don Hoyer	1909 NE 68 <sup>th</sup> St.	4-7-96
Don Hoyer	1909 NE 68 <sup>th</sup> St.	4-7-96
Jeffrey Gregory	1921 NE 68 <sup>th</sup> St.	4-7-96
Quane G. Mear	2001 NE 68 <sup>th</sup> St.	4-7-96
Mary J. Mear	2001 NE 68 <sup>th</sup> St.	4-7-96
Katherine Hammond	6761 N. Park	4-7-96
Pat Hammond	6761 N. Park	4-7-96

**GLADSTONE, MISSOURI**

**MONDAY, APRIL 22, 1996**

**Open Study Session: 7:00 PM**

**Closed Executive Session  
immediately following adjournment of Regular Meeting.**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Monday, April 8, 1996 City Council Minutes.
- 4a. **BOARD AND COMMISSION SERVICE AWARD** to outgoing Gladstone Special Road District #3 Chairman Lee W. Bussinger.  
Service dates: June 1990 - April 1996
- 4b. **PROCLAMATIONS:**

Designating the Week of April 29, 1996 through May 3, 1996 as "Small Business Week" in the City of Gladstone.

Designating Wednesday, May 1, 1996 as "Charles Arthur Byrd Day" in the City of Gladstone.

- 4c. **PRESENTATIONS** to Mr. Charles Arthur Byrd:

- \* **"Key to the City of Gladstone, Missouri"**  
Presented by Mayor Art Hammen.
- \* **Missouri House of Representatives Resolution**  
Presented by Reverend Loyd Gentry on behalf of  
33rd District State Representative Scott Lakin

5. **CONSENT AGENDA**

**RESOLUTION R-96-25**, declaring certain unused City-owned property as "Surplus Property" and authorizing its sale to the highest bidder by auction or by sealed bid together with certain recovered property held by the Gladstone Public Safety Department.

**RESOLUTION R-96-26**, authorizing execution of a contract with Gervy Construction, Inc. for NE 76th Terrace Street Reconstruction, East of Oak. Contract Amount: \$146,106.13  
Fund: Capital Improvements Sales Tax (Project #9225)

**RESOLUTION R-96-27**, authorizing execution of a contract with G.C. Construction for NE 76th Terrace Street Reconstruction, West of Oak. Contract Amount: \$228,771.75  
Fund: Capital Improvements Sales Tax (Project #9301-9220)

**RESOLUTION R-96-28**, authorizing acceptance of work performed under the Buttonwood Lane Drainage Improvements Project with Industrial Excavating & Equipment, Inc. and authorizing final payment. Grand Total Contract: \$48,435.15  
Final Payment Due: \$7,919.26. (Project #9603)

**RESOLUTION R-96-29**, authorizing acceptance of work performed under the Central Park, Curb, Gutter & Sidewalk Contract with Vision Construction and authorizing final payment. Grand Total Contract: \$48,435.15  
Final Payment Due: \$7,919.26. (Project #9603)

**RESOLUTION R-96-30**, authorizing execution of a contract with John Chamberlain and Haines-Stowers Construction Co. Inc. for the relocation of water line at 504 NW 47th Street. Installation entirely at Applicant's expense.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.
9. **BUILDING PERMIT APPROVAL:** New ATM and minor interior remodeling to existing building at 6098 Antioch Road for Roosevelt Bank. BP96-006
10. **PUBLIC HEARING:** on a request to rezone from R-1, Single Family Residential District) to CP-2 (General Business District-Planned), property described as 7120 North Prospect. (File #949)  
Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall
- 10a. **FIRST READING BILL 96-24**, rezoning property at 7120 North Prospect from R-1, Single Family Residential District) to CP-2 (General Business District-Planned), property described as 7120 North Prospect. (File #949)  
Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall
- 10b. **FIRST READING BILL 96-25**, approving a Site Plan in conjunction with a rezoning for property at 7120 North Prospect subject to certain conditions. (File #949)  
Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall
11. **SHOW CAUSE PUBLIC HEARING:** on Dangerous Building at 7101 North Highland.  
Owner of Record: Bonnie J. Tacke Revocable Trust
12. Questions from the News Media
13. Other Business
14. Adjournment

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 22, 1996

Mayor Art Hammen called the Regular April 22, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### Item 3. on the Agenda. Pledge of Allegiance

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of April 8, 1996 Minutes

Mayor Pro Tem Bill Reynolds moved to approve the Regular April 8, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### Item 4a. on the Agenda. Board & Commission Service Award

Mayor Art Hammen presented a Board & Commission Service Award to outgoing Gladstone Special Road District #3 Chairman **Lee W. Bussinger** for his service on this Board from June 1990 through April 1996.

**Mr. Lee Bussinger** thanked the Mayor and City Council and stated it has been his pleasure to have served this City since 1968 in one capacity or another. He noted that he left six years ago from the Council. As he looks around, it is his thought that it was left in good hands and Council has done a good job. During the years he was on the Council there were

a few rough spots, but that is to be expected when you are in politics. He stated he does appreciate the plaque and it will go on the wall with a couple others that he received. Thank you very much.

**Item 4b. on the Agenda. Proclamations**

Mayor Art Hammen read a proclamation designating the week of April 29, 1996 through May 3, 1996 as "***Small Business Week***" in the City of Gladstone. Jana Miller, Executive Director of the Gladstone Area Chamber of Commerce, accepted the Proclamation from Mayor Hammen.

Mayor Art Hammen read a proclamation designating May 1, 1996 as "***Charles Arthur Byrd Day***" in the City of Gladstone. Mr. Byrd accepted the Proclamation from Mayor Hammen.

**Item 4c. on the Agenda. Presentations to Mr. Charles Arthur Byrd**

Mayor Art Hammen presented a ***Key to the City of Gladstone, Missouri*** to Charles Arthur Byrd on behalf of the City Council in recognition of his humanitarian efforts.

Reverend Loyd Gentry presented to Charles Arthur Byrd a letter from 33rd District State Representative Scott Lakin and a ***Resolution from the Missouri House of Representatives*** for his humanitarian efforts.

**Charles Arthur Byrd** stated, all of you on the Council have been Mayor. Staff has good harmony with the Capital Improvements Committee and everything has been great. He is happy to have served for eight years on the Capital Improvements Committee. He likes when you can drive around the city and see things being done that you had something to do with. It is a heavy agenda on the Five Year Plan, but it incorporates a lot of changes. One of the most important to him would be the modification of City Hall, it looks good, and he hopes he is around when it is completed. Thank you Art. It is a joy to know you and he is glad they are friends. He is everyone's friend and try's to be everyone's friend. Thank you all very, very much. All the staff he has been associated with through all the years have been great. Thank you all very much. God bless you all.

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

Following the Clerk's reading of the Consent Agenda, Mr. Jim King, who was in the audience, asked that **Resolution R-96-26** be removed from the Consent Agenda and be considered separately. Mayor Art Hammen stated **Resolution R-96-26 would become Item 5a. on the Agenda.**

Councilman George Nodler moved to approved the amended Consent Agenda; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **Resolution R-96-25**, declaring certain unused City-owned property as "Surplus Property" and authorizing its sale to the highest bidder by auction or by sealed bid together with certain recovered property held by the Gladstone Public Safety Department; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-27**, authorizing execution of a contract with G.C. Construction for NE 76th Terrace Street Reconstruction, West of Oak. Contract Amount: \$228,771.75 Fund: Capital Improvements Sales Tax (Project #9301-9220); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-28**, authorizing acceptance of work performed under the Buttonwood Lane Drainage Improvements Project with Industrial Excavating & Equipment, Inc. and authorizing final payment. Grand Total Contract: \$48,435.15 Final Payment Due: \$7,919.26. (Project #9603); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-29**, authorizing acceptance of work performed under the Central Park, Curb, Gutter & Sidewalk Contract with Vision Construction and authorizing final payment. Grand Total Contract: \$48,435.15 Final Payment Due: \$7,919.26. (Project #9603); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-30**, authorizing execution of a contract with John Chamberlain and Haines-Stowers Construction Co. Inc. for the relocation of water line at 504 NE 47th Street. Installation entirely at Applicant's expense; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 5a. on the Agenda. Resolution R-96-26**



Mayor Pro Tem Bill Reynolds moved to adopt **Resolution R-96-26** authorizing execution of a contract with Gervy Construction, Inc. for NE 76th Terrace Street Reconstruction, East of Oak. Contract Amount: \$146,106.13 Fund: Capital Improvements Sales Tax (Project #9225); Councilman George Nodler seconded.

Discussion:

**Jim King, Asphalt Plant Sales, Inc. (APSI), 16000 E. Kentucky,** stated that his only concern was that Asphalt Plant Sales has done various projects in Gladstone, ranging from back in 1989, when he wasn't around. He has worked with Lou Oesterle before and Norman LeClerq when 72nd and North Oak intersection was done by City Wide. He bid the job and project managed it. Everything went fine basically. Mr. King stated he does not understand why, and does not have a justification in his mind as to why, the City would take Gervy's bid when his was \$4,100 less. He stated that he talked to Norman LeClerq last Friday over the phone and he had mentioned to him that Larry Gervy is going to use the same subcontractors that he would use. Mr. King stated Larry is going to use APSI for the asphalt, he's going to use Turner-Michaels for the concrete and Larkin Excavating for the grading and the pipe. That is exactly who APSI is using. As far as problems back in 1989, Larry Gervy was then with Asphalt Plant Sales. Larry was as much involved with the problems as anyone else. Mr. King stated he gets along and is working for himself now. He is good friends with Larry and had no problem with him doing this project, but to him it is an injustice as he is very capable of building this project and saving the City \$4,100.

Why take \$4,100 and give it to the second bidder when you are going to get the same thing with him. Mr. King stated he foresees no problems. Mr. King picked the bid up the day before it was to be bid and the City postponed it because he came up with three or four things that he expressed a concern about to Larry Gervy on the paving. Mr. Gervy calls Lou and they postponed it basically because Mr. King went through the plans and had questions on several items. He doesn't think it is fair or would be right to give this bid to Larry Gervy when he can do the same job for \$4,100 less for the City. Mr. King stated he wants to build a relationship with the City. The problems that the owner of APSI and Terry Snelling had before does not justify taking this job away from him. If it was a five million dollar job, or a three million dollar job, and Superior Bowen was second he might understand. They have a lot of experience; they are good at what they do; it is a big job; but on a one hundred and forty-one thousand dollar job? He does not understand. Mr. King stated he would appreciate it if the Council would vote to give him the job, save the City \$4,100. He stated the City can watch him as close as they want

and after the job is completed he will come back and say, "see I told you so. It was a good decision." There is nothing difficult about this project and it is really a black-eye to Asphalt Plant Sales and the construction industry to not give them the job. You don't think these other contractor's talk? If APSI bids in Gladstone it will be stated that the second bidder has a very good shot. This does give Mr. King a black-eye. Mr. King stated he doesn't think it is fair when he met all the criteria. He is willing to go to work. The City gave more than enough time to complete this little job. He can do it in half the time and save the City \$4,100. Mr. King stated he is not real good at speeches but that is just how he feels and he doesn't feel it is right giving this project to Gervy.

Councilman Roger Norris stated that in April 1994, Mr. King was also the low bidder on a project for the overlay of the City Hall parking lot and the parking lot in Central Park.

Mr. King stated he was not at APSI at the time but would be glad to answer anything that he knows.

Councilman Norris stated that Mr. King came to the Council, much like this, at a City Council Meeting and stated that they were the low bidder and why don't you give us a shot at it, so the Council did. Then apparently there was some problem with required insurance and bonds that resulted in some delays and those delays continued so the Council had to opt to go with the company that the Council had originally chosen, the second low bidder, at that time in 1994. What has changed at Asphalt Plant Sales to give the City an indication that we are not going to have a problem like that?

Mr. King stated that the only thing he can tell the Council is a little bit about himself. He was an estimator with Superior Asphalt for approximately four years before he quit and went to work for City Wide. He worked at City Wide for three years and is now at APSI. When he came to APSI he wanted to bid a job in Lee's Summit, a \$300,000 job. He called the bonding company at the time, Haas-Wilkerson, and he couldn't get a bond. Mr. King stated he knows that the Council does not know the story between Russ Bueller and Lloyd Bueller. Russ Bueller was City Wide and his bonding company is Haas-Wilkerson. APSI had Haas-Wilkerson when Mr. King started working there. Russ really had been in business longer, 32 years, versus Lloyd's 13 years. If the bonding company would have given APSI a bond it would have most likely offended Russ. There was a struggle there. APSI could not get a bond. Mr. King told the owner of APSI that he had a good friend in the bonding company named Larry Crammer, who's with George J. Seavers. It was about audit time so he gave the paper work to Larry Crammer of Seavers,

who gave it to WAUSAU Insurance Company's, and he hasn't been turned down on a bid. Mr. King stated he has been with APSI for about a year and a half and since then he has bid and managed out in the field Blue Springs overlay which was roughly about \$800,000. Superior-Bowen does it every year, but he came in and bid it tight and got it last year. He did it. Please feel free to call Oliver DeGrate, who is Director of Public Works, and he won't say anything bad about APSI. That was a major asphalt project. That is just one project. Mr. King stated that he has not had any bad projects since he has been with APSI and he doesn't expect to have a bad project here.

Councilman Norris asked Mr. King what capacity he was in right now with APSI?

Mr. King stated that he is the estimator.

Councilman Norris asked how long have you been doing that?

Mr. King stated that this is his eleventh or twelfth year, but when he bid this job he chose to manage it himself, which gave him an edge because of the supervision factor. APSI has several projects right now which require superintendents and he really didn't want to go higher than a superintendent for this little \$141,000 job, so he is going to run it himself. He will be running another project in Excelsior Springs; a box culvert under the South Thompson Avenue bridge, which will be done way before this project would start.

Councilman Norris asked, last year at the City's 57th Street Reconstruction, apparently there was some problem with not following specifications. Councilman Norris stated that he is assuming that since Mr. King is an estimator he was not involved in that project?

Mr. King stated that he bid that job for Larry Gervy. He did not know there was a problem. Larry wanted mix designs from him and he submitted mix designs. They have been paid for it and he was not aware that there was a problem with anything on that job.

Mayor Pro Tem Bill Reynolds asked Mr. King, you indicated that your company could get bid bonds on this?

Mr. King stated that he can get a bid bond for a two million dollar project. He stated he bids state work all the time. He doesn't get every job he bids, but he had never been turned down for a bid bond.

Mayor Pro Tem Reynolds asked, you are telling us this evening that with the work you have going you can get a two million dollar bid bond?

Mr. King stated, yes sir. He stated he just ordered a bond this afternoon for roughly a million five for the Jackson overlay. Mr. King stated Council is welcome to call His bonding company and talk to them.

Mayor Pro Tem Reynolds asked Mr. King to tell him why he couldn't get a bond before and can now?

Mr. King stated last time it was his first week of working for APSI. He stated he did not want to stick his foot in his mouth and say something about Russ Bueller and City Wide and have everything get misconstrued, but he thinks if City Wide was with another bonding company he would have had a fair shot at getting a bond back then. As an estimator, bidding as a general contractor, if you don't have a bid bond you are no good. There is nothing you can do except bid little parking lots as a subcontractor. He'd rather be a general contractor himself than work for someone else.

Mayor Pro Tem Reynolds stated he is in the insurance business. That is one reason he asked Mr. King about the bid bonds as he knows they are very difficult to come by. He is a little bit surprised to hear Mr. King state that couple of years ago he couldn't get a bid bond. Normally bonds go with work in process, how big the jobs are, how many you've got, and your financial statement.

Mr. King stated that legitimately they should have been able to get a bid bond, being in the black, but he didn't want to go into this thing in front of all these people, but he would sit down with the Council personally and tell them what he thinks if they would like.

City Manager Jim Norris stated that this isn't an issue about Mr. King. Mr. King has worked for two different companies that the City has done business with. This has absolutely nothing to do with that. What it has to do with is that Asphalt Plant Sales, on three different projects, over a five year period, had some difficulties with our Engineering Department and our staff. In the memo that Council has in front of them, the 1989 issue is in there, the 1994 issue with the parking lots is in there, and the issue is in there from last year when they did do the sub-work for Gervy Construction. It was a communications issue. The City had to go to the general contractor, Gervy Construction, to get it worked out. It is staffs opinion, that before Asphalt Plant Sales is given another job in the City of Gladstone, where they are the General Contractor, that they again go through the experience of being the subcontractor. If they can perform in

that capacity, to the way Mr. King indicates they can, then the City will have a much greater comfort level the next time a project comes along where they are bidding as the General Contractor. That is really where it lies. There is \$4,100 difference. If they can do a great job with Gervy Construction, where they are the sub for Gervy, on the asphalt then bid on other jobs, more power to them. The City can spend a lot more than \$4,100 on a problem with the General Contractor whether on a \$141,000 project or a two million dollar project when it comes to extra engineering time, extra inspection time, City Counselor's time, City Manager's time, other peoples time, etc. Staff has documented, more than adequately, that there has been overtime and some problems with Asphalt Plant Sales. City Manager Norris stated he is glad to hear that Mr. King has gone to work for APSI and things are better, but staff thinks APSI is better in the role of subcontractor at least until the City can see them perform again in that role and they do so without any problems. That is clear and simple as to where staff is coming from.

Mayor Art Hammen thanked Mr. King for his comments.

Councilman Roger Norris stated he wanted to throw out a thought, he would like to have staff go out and check Asphalt Plant Sales the next time staff knows APSI is a subcontractor and check their work out. Mr. King is right that when a City doesn't go with the lowest bid, even though we don't always go with the lowest bid, we ought to at least go out and look again at their work as companies do change, they do change the way they do business and they do change personnel which can make all the difference in the world. Mr. Norris wants staff to go out and check it out so that Mr. King's "black-eye" goes away and he feels that he can bid on projects within the City and have a fair shot at getting them.

City Manager Norris stated that is exactly what this does, because Mr. King is doing the sub-work for Gervy Construction, staff will have the opportunity to check the construction.

Councilman Roger Norris stressed he wanted staff to make an effort to look at the work.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda.    Communications from the Audience.**

**Jerry Nolte, 1304 Shady Lane,** stated that the other evening he was discussing the south side of Shady Lane. It is a very dangerous situation along Shady Lane as there are four schools and many churches. Mr. Nolte stated that he had given a recent plat from the Clay County records

to staff, and that there is a platted road on the south side. Kansas City Power & Light has an area along that road and he doesn't see how the City can take the land and how this can be holding up the work for over four years. Shady Lane is a main thoroughfare. If you had been there Friday night when we had the emergency vehicles going up and down that road you would have been amazed because everything chokes off when they have to stop. Mr. Nolte handed surveys to the Council. At the last meeting the Capital Improvements Committee voted to go to condemnation, but he sees on the survey where KC Power & Light's easement is along the south side. They have wanted four long years to have this road work done. The voters have approved the money. They have seen projects done all around them but this main thoroughfare is not being done. It is such a small area. Only two to three hundred foot. It is a problem for school buses as they can't let children out there. Children can't ride bikes. These other beautiful streets in the City have sidewalks and improvements, so nice, and Shady Lane needs improvements.

Mayor Art Hammen asked Mr. Nolte, what is your specific point?

Mr. Nolte answered, that the City has had proper approval, long since four years, to construct on the north side. The south side there was a hang-up as was discussed. In fact the emergency vehicles were there Friday night on a gentlemen and there was no way to get through that road because it is so narrow at that point.

Mayor Art Hammen asked Mr. Nolte, are you of the opinion that because KC Power & Light has an easement that the City has access?

Mr. Nolte stated no. He just thought he would bring that up. He stated he doesn't know but he was bringing that up because he is wondering what the holdup is with this problem? If we need to go through with condemnation, great, but he was wondering if that was really necessary seeing how there is a plotted thoroughfare that is shown by Clay County. Monsignor Wogan of St. Charles, twenty years ago, went to the County and had Shady Lane designated a County road. This is the best information that he has.

City Manager Norris stated that the Capital Improvements Committee, at their last meeting, did vote to go to condemnation and recommend condemnation to the Council should that be necessary. There is a discrepancy between what the platted map shows as a fifty foot right-of-way and what the title search showed. As Council can see, they show two KCP&L easements, but those are not right-of-way. What staff is having to do, is go through an Ownership and Encumbrance Report, which has just been received, making sure and seeing what that says.

The way it currently looks is that the right-of-way is not there and the City will have to go to condemnation. By the next Council meeting staff will be able to compare the title work that has been done, the Ownership and Encumbrance Report, and we will try to get it straightened out. There is a definite conflict including the fact that the people that own the property had their attorney there and they had reviewed it too. The title insurance on their house showed them owning the property that we want to construct in.

Mayor Art Hammen asked if it would be fair to characterize the situation that the City is moving forward with this?

City Manager Norris stated that the plans are done, the Capital Improvements Committee has now made this the number one reconstruction project for the very first year of the new Five Year Capital Improvements Plan. The issue is legal now and nothing more. As soon as the City Counselor has the chance to look at the Ownership and Encumbrance reports, that engineering got either Friday or today, we will see how and where we have to go. There is a conflict between what this shows, what the title search showed before and what the owners came in with when we met with them.

Councilman Roger Norris asked, what kind of a time frame is the City looking at if we have to go to full blown condemnation on that property?

City Manager Norris stated that it is not a time frame that we control. It is faster than most. We can probably be in a courtroom in 45 to 60 days.

City Counselor Nancy Thompson stated that she would take a look at the paperwork and see what the legal descriptions are and what the work involved is.

Councilman Roger Norris stated, then if it will be 45 to 60 days. Is it fair to say that budgeted amounts this year, but construction next year?

City Manager Norris stated yes. That is what was explained at the Capital Improvements Meeting, unless it goes faster.

Mr. Nolte asked, what construction are you speaking of? Are you just going to widen the roads or are you going to try to do the bridge?

City Manager Norris answered, all of that, the sidewalks, curbs and gutters, everything. It will all be done to City of Gladstone standards. There is no reason to discuss this anymore. It is a legal issue. The City has agreed that this project needs to be done as fast as it legally can be

done. The money is there now, the intent is there now, neither the Council, nor the staff, nor the Capital Improvements Committee can give you any more assurances.

Mr. Nolte stated that they see so much other work being done and they do want to have that part of Shady Lane improved because of a safety factor of so many schools and so many children. Thank you.

Councilman Norris stated that since he has served on the City Council the City has wanted to redo Shady Lane and it has been held up because of that one neighbor. It has nothing to do with Mr. Nolte himself or the City itself, it just has to do with the one neighbor. People in this country, even though sometimes it irritates us, have property rights. Cities can't just arbitrarily go in and say "street time" and do it. We will get it done as fast as we can. Councilman Norris stated, "before I leave here".

**Item 7. on the Agenda. Communications from the City Council.**

Councilman George Nodler stated that he would like to personally thank Charles Byrd and Lee Bussinger for all of their service and dedication to Gladstone over all the years.

Councilman Roger Norris stated that he would like to second that. He noted that the first time he ran for election he lost. The second time he ran for election he won because Lee Bussinger went out to his friends who had been involved in Gladstone politics and said, "listen to this kid". I owe him my entire five years here. I extend that to Lee. And Charlie is a Hamilton Heights guy so he's all right.

Councilman Anita Newsom stated that she also would like to echo comments to Mr. Byrd and Mr. Bussinger. A community always has people who are their mainstays that they can always turn to, to bounce ideas off of, kind of a benchmark of what's going on in the community. She feels that Gladstone is very privileged to have gentlemen such as Mr. Byrd and Mr. Bussinger in our community and who are active and stay involved and continue to care. She really appreciates that.

Councilman Anita Newsom stated that she had a couple of other items. She was wondering how the lobby renovation was coming? What stages are involved with that? Where are we?

City Manager Norris stated that it would be going out to bid this following weekend.



Councilman Anita Newsom stated that she had heard that there have been more problems with air conditioning downstairs?

City Manager Norris stated, yes there has been.

Councilman Anita Newsom asked, we don't have a total plan in place? What are we doing at this time to make it right?

City Manager Norris stated that staff is waiting for the HVAC Consultant, which the City retained, to work with his report through with the utility companies. The current air conditioning downstairs is being repaired.

Councilman Anita Newsom stated she wished to remind everyone about the 3rd Annual Amphitheatre Golf Tournament this Friday, April 26, 1996, and invite any one to come and participate in any way that they would choose too.

Mayor Pro Tem Bill Reynolds stated that he also appreciates what Lee Bussinger has done for the City of Gladstone. He considers Lee Bussinger a personal friend. Lee served as Mayor for five different terms. Lee has made a lot of contributions to the City of Gladstone. The Gladstone Area Chamber of Commerce also contributes a lot to the City of Gladstone. Jana Miller left the City and is now the Executive Director for the Gladstone Chamber, and congratulations to her. He is sure the Chamber will have a good "small business" week. To Charlie Byrd, two things he shares with him: he goes back as far on the Capital Improvements Committee as Charlie because he was on the original Capital Improvements Committee, and he is the only one in the room as old as Charlie. Mr. Reynolds did say that he was a little bit concerned when Reverend Gentry was reading that proclamation to Charlie as he had gone to church last Sunday and when Reverend Gentry said everyone could sit down he thought he was going to preach again and he wasn't ready for two of them in one week.

Mayor Art Hammen stated he doesn't know that there is anything he can add to what has already been said about Lee and Charlie. His first experience with Lee Bussinger was when he opened his first business in Gladstone and invited the Mayor to come for the Ribbon Cutting Ceremony. That would have been about 1980 and Lee Bussinger was Mayor at that time. He has been a fine person to know ever since. He has known Charlie for ten or eleven years and he couldn't ask for a better friend.

**Item 8. on the Agenda.    Communications from the City Manager.**

**City Manger James H. Norris, announced that the Gladstone Special Road District #3** met last this afternoon and voted to endorse the Council's Five Year Plan for road resurfacing and reconstruction and have approved the streets for year one. The City will be out for bid for an estimated million three worth of resurfacing and overlay in the City this Saturday, April 27, 1996. The first real big transportation sales tax program is going out to bid. The District also elected their officers for the coming year. They congratulated Mr. Bussinger on his tenure with the Committee and indicated that he would be missed. They elected Charles Carmack as Chairman, Mr. Mike Sosa as Clerk and Mr. Ken Winkler is the third commissioner. It is interesting how the State Statute has titles for two but not the third Commissioner. It is only a three party board. They have endorsed the Five Year Plan and are looking forward to seeing the streets all get done.

City Manager Norris noted that the City's **Beautification Drop-off** would be held in Central Park this Friday, Saturday and Sunday, April 26, 27 & 28, 1996. This drop-off is for non-yard waste items.

City Manager Norris noted that staff would also like to extend their congratulations and thank you's to both Mr. Byrd and Mr. Bussinger. They are both a pleasure to work with.

Mayor Art Hammen noted he had overlooked an item and that was that Mayor Pro Tem Reynolds was honored last Friday morning in absentia at the Arbor Day Celebration when a new cedar tree was planted in Central Park. This cedar tree was planted right across from the great big one known as the Mayor Christmas Tree. Director Steve Buschor stated, as the new cedar tree was planted, that it was the Mayor Pro Tem's Christmas Tree. Mayor Hammen wanted to make sure Mayor Pro Tem Reynolds was aware of it.

**Item 9. on the Agenda.** **Approval of Building Permit** for a new ATM and minor interior remodeling to existing building at 6098 Antioch Road for Roosevelt Bank. BP96-006

Councilman Roger Norris moved to approve the Building Permit subject to the Staff Report; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Norris stated that the Staff Report says staff needs additional details for signage for the ATM. Has staff received that?

**Planning & Development Director, Scott Wingerson**, stated that has been received and staff is in continued discussion with the applicant on the appropriateness of that sign. Basically what they proposed was a little bit larger and will require a variance from the Council. Staff requests that Council exclude any addition or new pole sign from this Building Permit, but we do ask that you approve the ATM construction.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda. Public Hearing**, on a request to rezone from R-1 (Single Family Residential District) to CP-2 (General Business District-Planned), property described as 7120 North Prospect. (File #949) Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall

**Mayor Art Hammen** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

In Favor:

**Applicant Brian Hall, 6812 N. Oak**, attorney representing KCBB. They are here requesting the rezoning of property located at 72nd and North Prospect. This is the only remaining undeveloped property at that particular location. One of the proposed tenants is Block Buster and there will be adjacent available property for another tenant at this location. This is the southwest corner. To the north of this property would be the Quik Trip and the other properties are on the other side of Prospect. The property itself has a marked depression in the center of it. It will require some fill to make it a suitable piece of property. Mike Boyd is the principal of KCBB, Inc. He is a developer who has developed a number of other Block Buster locations over the greater Kansas City area. He has operated in Kansas City and Overland Park. Borders Bookstore, out in Overland Park, he was the developer and builder of that particular building, so we are dealing with someone who is a very quality builder and somebody that will build a good project. Charles Allen, with Kaw Valley Engineering, is here this evening to answer any of the hard technical questions. They developed the plans for this particular location. Mr. Hall stated the thought it was important for Council to know that the applicant has worked with staff for upwards to a year trying to come up with a plan to develop this particular piece of property. The Comprehensive Plan indicates this is commercial. All of you are familiar with the location. It really is not suitable for residential. They recognize that the best thing that could happen on this location is if they could get ingress and egress on North Prospect. The owners of this particular property, or their predecessor, sold off to the Highway Department the

ingress and egress to North Prospect. Therefore, they approached the Highway Department with the idea of getting ingress and egress and the Highway Department has turned them down.

With that thought in mind, they originally approached the Church, that is just to the south on Prospect, and made numerous attempts to purchase their property. By purchasing their property they would have access on North Prospect, they would be able to make this a larger project and a project that would flow substantially better. Suffice to say that the efforts, in his judgment, to buy the property from the Church have been exhausted. They went to them with the idea of an outright purchase. They've gone to them with the idea of moving their building. They have found several other locations in the area where they could actually move the same building. They have offered to rebuild the same building in another location. They have offered to kick in money on top of that in order to induce them to do this, all to no avail. They have a letter, as late as February 2, 1996, confirming that this is still the Church's position. The Church has indicated that they would sell it for an amount that is approximately three times as much as the fair market value of the property. It is evident that there is nothing they can do to induce them to sell their property. That would have been their first and best choice.

Mr. Hall stated, the second choice is that they made efforts to approach the adjacent residential property along 72nd Street so that they could have an entrance off of North Olive. There is only one residence between their property and North Olive. If they had purchased that residence they would have been able to have traffic come in off of North Olive and come across that location further away from 72nd and North Prospect. That met with resistance from the neighbors and also proved to be fruitless.

Mr. Hall stated, they have now come down to what is their third choice, the only remaining choice. They have a commercial piece of property that is not going to be developed for anything else and they have chosen to come in with some redevelopment plans on how to make a left turn into their particular piece of property and have ingress and egress from 72nd Street. Mr. Hall went over to the chart he had brought and noted the location of the building and oriented the Council as to where North Prospect and 72nd Street were located. This proposal showed an entrance off of 72nd Street into the commercial location. This would be a typical Block Buster type of building that you have seen at other locations. Adjacent to it they marked it tenant. The tenant square footage would be 4,500 square feet. The Block Buster intended tenant would be 6,500 square feet. They have shown on the plan, pursuant to request of staff, a proposal to have ingress and egress out on North Prospect with the idea that staff wanted them to make that presentation to the Highway

Department one more time to try to convince them to allow some egress at that location. The Highway Department has turned them down and told them because they want to be consistent statewide, they are not going to relent. Mr. Hall stated he has been told, because he has talked with the Quik Trip folks, that they have fought a similar battle trying to get ingress and egress out of North Prospect to no avail. Their staff engineer indicated that he thought they had gone as far as one could go and that it just wasn't going to happen.

Mr. Hall stated he was sorry for taking so much time but he felt it was important for Council to know the efforts to which they have gone to try and make this a viable project. The second sheet showed the proposed landscaping that they propose on this location. The first symbol is the Red Sunset Maple trees that are around the perimeter. The second symbol is Skyline Honey Locust trees. The Austrian Pine symbol is the small black dots and there would be seventeen of those. The little small circle symbol is for eighty-nine Emerald Isle Junipers. These would have to be modified somewhat in that the State Highway Department has turned down the proposal for the ingress and egress and they will finish that off and go around the corner. Mr. Hall stated he was going to jump to the last page. This page shows the various elevations. The south elevation would show, if you are coming up North Prospect, what you would be looking towards. This is a split face texture at this particular location. The color is a dark terra-cotta. This would be the edge of the sign that you would be seeing here. This is facia up on top. That would be from the south. From the west you'd be coming along 72nd Street and this would in essence be the rear portion of the building. That is synthetic plastic and the color is light beige or warm gray on the rear portion. The northern portion of it, as you would be coming down North Prospect, you are going to be seeing the edge of the Block Buster sign at that location, similar sort of split face exterior at this location. From the east elevation you would be seeing the front of the building as you would be coming from 72nd Street towards the west. Staff, in their report, have initially indicated that they didn't have any problems, as he reads it, that couldn't be resolved by the conditions that they placed there. In regards to the building, as it sits on the location, they have twelve conditions that staff recommended and they are willing to go along with all twelve conditions in terms of constructing this particular building.

Getting down to the basics of what the real problem is, what staff has addressed, what they have addressed, and Kaw Valley has done extensive work to try and address; and that is ingress and egress off of 72nd Street and trying to make that as safe as they possibly can.

They initially came up with the plan that they submitted that staff had recommended and that's having four through lanes. They did the engineering to entirely reconstruct this intersection and to have two lanes through both ways. He believes that staff felt they had done a good job in that particular regard. The Staff Report asks for getting State Highway approval. Staff gave their nod that this was a good thing and they probably will go along with it subject to meeting any technical requirements. They took this plan to the Highway Department and the thing that this plan did that the Highway Department was concerned about, was it took away part of the left turn storage. Because of that, they came back with a new plan trying to resolve the problems that the State Highway Department had and that is the second chart he showed. Mr. Hall stated this was the plan that was presented to the Planning Commission and this is the plan that generated the secondary staff report. This is the report that they will be the first to acknowledge that staff has recommended against and the Planning Commission has recommended against. This plan basically tries to solve the State Highway Department's concerns and provides a couple of lanes in order to have some backup for left turn. The problem by doing that however, is then they can't have two lanes through traffic. The problem they have as developers is that they have done everything that they possible can to develop this project into a good, safe project. Their original plan satisfied the City of Gladstone. It didn't satisfy the State Highway Department. Our secondary plan tried to satisfy the State Highway Department and they feel like they are sort of in an untenable position here where they are trying to get along. They are trying to come up with something that is viable.

Mr. Hall stated he recognizes that staff's second report indicates that this is designated as an arterial and they would like to have four lanes, two lanes in either direction at this location, go through. Unfortunately, Mr. Hall stated he does not believe that they will ever be able to accomplish that with the amount of right-of-way that currently exists because the State Highway Department has to give their approval and they are not going to approve it unless they have a left turn backup. In essence, what the City is jointly telling this particular applicant, is that there's no way to get there from here. He thinks that is the technical, legal problem that they have and the City is facing, what do we do with this property. The only way there is going to be enough room to provide the left turn storage, as well as the arterial configuration that the City wants, is to either condemn or get volunteer contributions of land. But there is just not enough room there to do everything that everyone wants.

The applicant has come in and tried to satisfy both sides. They believe that this second plan, which hasn't been approved at this point by the

Highway Department, but stands a good chance of being approved, is viable. They recognize that staff says that it doesn't comply with plans for an arterial street. They ask the Council's consideration in going ahead and approving the plan. From their standpoint, the City, as well as the Highway Department, has indicated that they would like some type of a traffic study done at that location. Mr. Hall stated that his client does not wish to go ahead and spend the money on a traffic study unless he has some kind of indication from the Council that after he spends that money, and assuming they solve the problem, that he is going to get some kind of favorable approval on the project. He is just expressing the nature of the problem that they have and asking Council for their consideration in voting "for" this particular project with the secondary plan which they then believe they can convince the Highway Department would suit their needs in the terms of left turn storage.

Mr. Hall stated that was all he had to say on this. They have already had numerous discussion with staff and with the Planning Commission and he believes this correctly sets forth their position.

Mayor Pro Tem Bill Reynolds stated, Mr. Hall you indicated that the State turned down the first proposal that you took to them. Approximately how long ago was that?

Mr. Hall responded, since we filed here, just within the last several months.

Mayor Pro Tem Bill Reynolds asked, and the reason this proposal has not been back to them for their determination is the time element?

Mr. Hall answered, it has been back to them. Kaw Valley has presented it to the State, the secondary plan, and they have preliminarily reviewed it.

**Charles Allen, Kaw Valley Engineering,** came forward and stated that they had submitted the second plan to the State and he has only talked to them briefly about it. The State indicated they felt there were some good points about both plans and possibly working together to try and combine the two. The first plan reduced the left turn storage. The second plan provides for the left turn storage. There are some taper issues that they are concerned about. In the original plan they were concerned about the alignment of 72nd Street with Prospect, not being a true ninety degrees. They have attempted to do that with the second plan.

Mayor Pro Tem Bill Reynolds asked, if you have been to the State and you've had this much dialogue with them on the second plan, why are they waiting to make a decision? What has to be done yet?

Mr. Allen answered, the State will not make a decision until we actually do see a traffic study. They will offer comments but they will not provide any written communication.

Councilman Anita Newsom asked, Plan II appears that the alignment of the exit at Quik Trip and Block Buster are aligned? Correct?

Mr. Allen answered, that is correct. In the original plan they were planning to approach Quik Trip to move their entrance further west but Quik Trip was not receptive to that.

Councilman Anita Newsom stated that she had heard that. This is the existing Quik Trip entrance/exit on the plan?

Mr. Allen answered, that is correct.

Opposition:

**Harold Wilcox, 2403 NE 72nd Street**, stated he is the property owner that joins the property in question on the northwest corner. Mr. Wilcox stated that he had met with the Planning Commission and Council has that recommendation. His main objection to the project is safety. There is no safe way to get in and out. It is a dead piece of property basically, until whoever wants to develop it can come up with a safe way to get in and out of traffic. Quik Trip has the advantage that they are close to the corner and the way the traffic turns. This way the traffic all backs up headed east and there is no way you can make a safe left hand turn out of this property.

Mr. Wilcox stated that Mr. Hall had stated this evening that they had made every effort to buy his piece of property. Mr. Wilcox stated is he against the property zoning for safety purposes until someone comes with a safe way to get in or out, but if Mr. Hall calls it extra effort to try and purchase his property he is wrong. A gentlemen came by one evening and saw Mrs. Wilcox and said they would like to maybe buy our property. Mrs. Wilcox told him he would have to talk to her husband. The phone rings that night and the gentlemen says he can't come out tonight and that was it. A discussion was held about money and he told the gentlemen that he had lived there for thirty-five years and he could live there the rest of his life. It doesn't make any difference to him, but if you want me to move your going to give me market value for my house plus make it worthwhile moving. That is not anything extra-ordinary. If you had to move today you wouldn't want to move from a twenty-thousand dollar house to another twenty thousand house. You would want to move and gain a little



bit. Especially at his age. So that is not very much of an effort to buy his property and for Mr. Hall to say they made every effort, he doesn't believe so.

**Scott Wingerson, Planning & Development Director**, stated that he had a couple of clarification notes, but first he stated to Mr. Hall, Mr. Allen, Mr. Boyd the developer, and everybody associated with this project that they had been a pleasure to work with. They have been very professional throughout and staff has tried to return that professionalism. Unfortunately, in this particular case, staff and developer do not agree. A few points of clarification based on what Mr. Hall told Council tonight. Number one, the City or the staff did not approve of the original plan. If you refer to your staff report, basically what it says is that it is up to the Commission and the City Council to make this decision. The tone of the recommendation section of that Staff Report is basically leaning towards, Council to table this in order to have a traffic study done so that staff can evaluate the impacts of this development on the 72nd Street and M-1 intersection. Second thing, his understanding of the project is that the State didn't turn down the original plan. They turned down the ingress and egress to 72nd Street. However they did express concerns concerning the cueing of vehicles traveling east on 72nd Street and desiring to turn north on M-1. They expressed a concern that the cueing area was not long enough. That was due mainly because of the turning movements required to enter Quik Trip and exit Quik Trip and to enter this development and exit this development. As Mr. Allen said, and Mr. Hall echoed it, the State has concerns with the second plan also. So does staff. Staff doesn't know how to tell Council any differently.

One more follow-up to what Mr. Hall said, staff didn't recommend that this project be denied. Staff gave the Planning Commission two different recommendations. One was to table it for a traffic study, which is consistent with the first recommendation. Secondly, to deny the request based on inadequate design of 72nd Street ingress and egress to the property. At this point staff makes the same recommendation to the Council. Either we would recommend that you deny this request until the applicant can redesign 72nd Street that meets arterial standards based on the Comprehensive Plan and provides for safe ingress and egress to the property, or that they table this request, require the developer to pay for a traffic study where the City would hire the consultant, and set up the limits and perimeters of the traffic study.

Mr. Wingerson stated that he would like to talk to the Council very briefly about what the crux of this matter is. The crux is not the City saying yes or no, or ingress or egress to this property, the crux of the problem is ingress and egress from M-1. Those rights were sold by the property

owner to the State of Missouri which forever will prohibit ingress and egress on M-1. That is the crux of the problem. If you had an entrance and exit to this property from M-1 the 72nd Street driveway would become a secondary drive. Much easier to design, much simpler, much less impact on an already congested intersection.

The Commission made a motion to approve the request subject to the staff's twelve conditions and added a couple of more. The ultimate vote on that was zero yes and eleven no with one abstention. One of the Commissioners was wise in his comments that this property would be better served if it was a bigger parcel. Mr. Wingerson stated he understands and many of the things Mr. Hall said tonight were true about staff encouraging a larger development. Staff encouraged them to approach the Church. Staff encouraged them to approach adjacent property owners to provide a bigger parcel in order to accomplish the ingress and egress to the property. They were unable to do that and he is sorry for that, but technically, this project seems to have too many conflicts to go forward from staff's perspective.

As a final note, Mr. Wingerson stated he would like Council to remember the Hy-Vee project. He wasn't here then. All of you know that. His understanding of the project is that developers of that property came to the City Council three maybe four times with different proposals. Ultimately Hy-Vee was successful in gathering sufficient properties that have existing single family homes and redeveloping those properties to the Hy-Vee that we have at the corner of M-1 and 72nd Street. Staff would ask that this may be an appropriate situation in which to do the same thing.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 10a. on the Agenda. First Reading Bill No. 96-24,** rezoning property at 7120 North Prospect from R-1 (Single Family Residential District) to CP-2 (General Business District-Planned), property described as 7120 North Prospect. (File #949) Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall

Councilman Roger Norris moved to place Bill No. 96-24 on First Reading; Mayor Pro Tem Reynolds seconded.

Discussion:

Councilman Anita Newsom stated that there are times that projects come forward and she has concerns over the content of the actual project, what

is actually going to be placed in the area that is requesting to be rezoned and looking at site plan approval. At this time, it would seem that Block Buster would be a good business to have on the corner matching the other businesses that are already in existence on that very busy corner. Her strongest concern at this point in time is the safe ingress and egress from the property. Just sitting here during discussion she was trying to figure out how to get from her house to Block Buster and back out to go to Hy-Vee and she thinks she would be calling her insurance agent before she got across the street. She has grave concerns about the safe ingress and egress. The great number of median monuments, bunkers, whatever raised areas that are going to be addressed in here. The markings that are going to be on the road in such a compressed area in order to maintain the safe ingress and egress. There must be some sort of cloud hanging over her head as on her way to pick up her taxes last Monday, on the metro north strip on Barry Road, she witnessed an accident where people were trying to make left turns on the left turn signals and/or the left turn yield and managed to head on each other and hurt themselves. She was out in Blue Springs Saturday and saw a similar situation as she came off of I-70 on to Highway 7. People don't use their turn signals. People don't watch what lane they are in. The more congested they are, and the more things that are going on in the area, she just doesn't perceive that we have the space to make this safe ingress and egress at this time. The content of the project appears to be a very agreeable business to go in on that corner, but she had great concern about the actual ability to maintain safe ingress and egress from the property. Therefore she will be voting in opposition to this plan.

Mayor Pro Tem Bill Reynolds stated he had the opportunity to sit in on the Planning Commission meetings and read their minutes. As Ms. Newsom stated, he also has no problem with the applicant nor the project if it were there. He is concerned about safety. Mr. Hall indicated in his presentation, and also staff did, that the right-of-way has been sold to the State and that does present a problem. He too would like to see a potential major project in that area, but that is the decision of the developer. But as a Councilperson, and he is not a traffic engineer, but until there is somebody that is an engineer that tells him that this can be constructed without adding to the problems that we have and the safety of the citizens of Gladstone, he will be voting against. He did want to say to the applicant that he would be happy to vote to table this if they would want it tabled and check to see if they wanted to do a traffic study, but he cannot vote for it until they have more information on the safety which would include a traffic study.

Councilman Roger Norris stated that he, like Mr. Reynolds, is not a traffic engineer, but he has tried to turn left out of Quik Trip onto 72nd Street.

You take your life in your hands doing that, so he does not see where turning left from a business across the street would do anything else. Also, as the father of three children, he spends a considerable amount of dollars at Block Buster Video at the corner of 67th and North Oak with two entrances. He remembers having multiple discussions, with multiple angry citizens, over people parking as far as a block and a half away because Block Buster Video's are extremely popular. The parking there is atrocious. He thinks because of the ingress and egress problem he will be voting no on this project. However, he thinks that it being Block Buster Video doesn't aid in the development of the property, because they are so popular, because they generate so much traffic, he believes it hinders the development at this particular location. Lots of people will be going in and out of there. He wants everyone here to go over and take a left out of Quik Trip. Council had this discussion when Quik Trip was in and Council had this discussion at the time when Quik Trip came back and wanted to put in a couple of more pumps. Council encouraged them to do a whole bunch of extra things. He thinks in any project, when we have our Planning Commissioners going out and taking the time for a site visit, the reason they are out there looking around is to see what impact it will have on the people. He understands that the vote was no, not to approve, but he also understands that those things were wanted badly by the Planning Commissioners. He drove by there the other day and he cannot imagine the type of traffic that goes on at 67th and Oak happening with only one ingress and egress. It is unfortunate that the prior property owner sold the rights to the State of Missouri for ingress and egress. He agrees with Mr. Wingerson who said the State isn't giving it back. Wal-Mart is a huge company and they put their entrance across from 73rd Terrace because that was the only place they were going to be allowed to put one in. Unfortunately, yes we would like to have something in that empty hole off the corner of 72nd and Prospect, but without some type of additional ingress and egress considerations he doesn't see where anything that would generate this type of traffic would be allowed.

Councilman George Nodler stated, like Mr. Wingerson pointed out, the property owner sold off their access rights to M-1 and it has limited development on that property. It is not the responsibility of Gladstone to compromise the safety of our citizens, with that traffic situation, to compensate for that judgment, so he will be voting no.

City Manager Norris stated that staff has been working with these developers over a year and have worked diligently trying to come up with what would be a good traffic solution. When you have been working as long as we have, with the talent they have at their disposal, and you can't come up with a good traffic solution, that sends a pretty strong message. If this parcel is to be developed commercially it will have to have more

acreage. It may have to be, as Mr. Wingerson said, more like the Hy-Vee parcel was back before it was even Hy-Vee, where the developer does have to look seriously at adding parcels to this parcel. When we were talking we also discussed the fact that we only knew conceptually about the Hy-Vee corner when the City was working on the Comprehensive Plan. To him, all the issues raised here almost command the fact that we either master plan this corner, conceptually plan this corner, or do something either at the staff or Planning Commission level, or we consider at some point in the very near future hiring a consultant to come in and look at this corner and how it best could be developed safely from an overall land use standpoint and a traffic standpoint. It is the last remaining viable commercial corner on that intersection. If and when we do it, it should be done appropriately for the community.

Mayor Art Hammen stated to Mr. Hall, Mayor Pro Tem Reynolds has offered to put forward a motion to table this issue to give you time to complete a traffic study, is it your feeling that is the direction you would like to see the Council go tonight or would you prefer that we go ahead and take a vote?

Mr. Hall indicated that he requests the Council to go ahead and take a vote. As he indicated before, at this particular juncture there is some considerable cost in having a traffic study done and with the comments that they have heard this evening it is obvious that there is going to be some difficult problems in ever getting it passed so he would not request any motion to table, he would like the Council to go ahead and take a vote.

The vote: All "No" - Nodler, Norris, Newsom, Reynolds "Abstain" - Hammen (0-4-1)

Mayor Art Hammen stated that Bill No. 96-24 dies for lack of an affirmative vote.

**Item 10b. on the Agenda. First Reading Bill No. 96-25,** approving a Site Plan in conjunction with a rezoning for property at 7120 North Prospect subject to certain conditions. (File #949) Applicant: K.C.B.B., Inc. Owner: Madalyn Westfall

Mayor Art Hammen stated that since Bill No. 96-24 died, Bill No. 96-25 will not be introduced.

**Item 11. on the Agenda. Show Cause Public Hearing:** on Dangerous Building at 7101 North Highland. Owner of Record: Bonnie J. Tacke Revocable Trust.

Mayor Art Hammen asked City Counselor, Nancy Thompson, to lead the public hearing.

**Nancy Thompson, City Counselor**, stated she going to start off tonight by providing the Council with a number of documents. Item #1 is going to be a copy of a fire incident report from 7101 N. Highland that was responded to by Public Safety. Item #2 will be a copy of an inspectors report prepared by Alan Napoli. Item #3 will be a copy of City Code Section 6-18 through 6-25 which are the City Code Sections relative to dangerous buildings within the City of Gladstone. Item #4 is an Ownership and Encumbrance Report on the property located at 7101 N. Highland. Item #5 is a copy of Notice of Dangerous Building which was dated November 29, 1995, that has a transmittal letter to Bonnie J. Tacke and Mr. Peterson who are the trustees of the Bonnie J. Tacke Revocable Trust, who were the record owners listed in the Ownership and Encumbrance Report. Item #6 is a copy of a notice that was posted on the residence at 7101 N. Highland by the Building Inspector on December 6, 1995. Item #7 is a copy of a letter that was received from Attorney Callaway, who was representing the named trustee Peterson on the trust, stating that Mr. Peterson was no longer a co-trustee of that trust and designating the proper officials to respond to the City's inquiries and also provided a copy of the Bonnie J. Tacke Revocable Trust so that staff could determine who the successor trustee was going to be. Item #8 is an Authorization for Construction from Attorney Young. Item #9 is an Application for a Building Permit on 7101 N. Highland. Item #10 is a letter to Trustee Young granting an extension of time to perform repairs pursuant to the Building Permit. Item #11 is an Affidavit of Publication on the Notice of the Public Hearing from the Dispatch Tribune. And, Item #12 is a copy of a Notice of Public Hearing which was mailed to the trustee for the property at 7101 N. Highland.

Counselor Thompson noted that she had gone through all those rather quickly and believes that once Council has had an opportunity to hear from Building Inspector Alan Napoli, Council will have a better idea of what those documents represent. They are all necessary to determine the chronology of the events that bring us here tonight. With that in mind, Counselor Thompson asked Alan Napoli to come forward and engage in a question/answer format to try to illicit what has occurred relative to 7101 N. Highland. She asked him to state for the record his name and where he resides?

My name is **Alan Napoli** and I reside in the City of Gladstone.

NT: How are you employed?

AN: As the Construction Inspector for the City of Gladstone.

NT: Can you state for the City Council your qualifications and background as a Construction Inspector?

AN: My degree and background is in construction work, drafting. I have worked in architectural aspects. I have worked in construction aspects. I have been a Building Inspector for the City of Gladstone for the past seven years.

NT: Did you have occasion to examine the structure at 7101 N. Highland?

AN: Yes I did.

NT: What brought about that inspection?

AN: I received a call from Public Safety that there had been a fire at that location.

NT: When you went out to inspect the property what did you discover?

AN: At the time of my inspection, I discovered that the roof, the ceiling, which includes the rafters, the ceiling joists, the gable ends, the covering over the porch had been totally burnt and was destroyed. Most of it was completely gone. There had also been severe damage to an exterior wall that the fireplace was on which was apparently where the fire had begun. There was also evidence of some other minor internal damage. Some due to water, some due to the fire.

NT: When did that inspection occur?

AN: That inspection was on the date of the fire which was October 3, 1995.

NT: Did you make a determination at that time as to whether or not that structure was a safe structure?

AN: Yes I did.

NT: What was that?

AN: At that time I determined that the structure was not a safe structure.

NT: Did you have to determine who the property owner was?

AN: Yes I did. I engaged the company that the City used to give me an Ownership and Encumbrance Report so I could find out who the owners were.

NT: Who was the owner of the property?

AN: On the Ownership and Encumbrance it showed that it was Bonnie J. Tacke and James A. Peterson who were the co-trustees of the Bonnie J. Tacke Revocable Trust.

NT: Are there any lien holders listed on the Ownership and Encumbrance Report?

AN: No there is not.

NT: So after your initial inspection and you determined who the property owner was, what did you do?

AN: After that a letter was put together that was sent to the property owners along with a Notice of Dangerous Building.

NT: What did you indicate was deficient with the property in your letter?

AN: In the letter the City indicated that the structure had been severely damaged by fire. The roof decking and rafters of the entire structure were gone. Most of the ceiling, including the ceiling joists, was gone or had been severely damaged by the fire and that the exterior wall incorporating the fireplace had fire damage. The roof over the rear and side deck also had damage from the fire.

NT: How did you provide a copy of your Notice of Dangerous Building in that letter to the property owner?

AN: A certified copy was mailed to the Bonnie Jean Tacke Revocable Trust and also was posted at the location of 7101 N. Highland.

NT: At that time who was the trustee of the Bonnie J. Tacke Trust that you mailed the notice too?

AN: It was Bonnie Jean Tacke and James E. Peterson.

NT: Subsequent to that time were you notified that James Peterson was no longer the trustee of that trust?



AN: Yes I was.

NT: How did that occur?

AN: Apparently an attorney who represented Mr. Peterson had noticed the information on the building. I'm not sure exactly how, whether he had been informed or whatever, but he sent a letter to our department indicating that Mr. Peterson was no longer the trustee and indicated to us that Mr. Young was the current trustee.

NT: You also posted the notice of the Public Hearing on the property, is that correct?

AN: That is correct.

NT: You had to go back at one point in time and re-post?

AN: On the Notice of Dangerous Building I had to re-post. After the first week it had been removed from the site and I re-posted it.

NT: Did you have any conversations with Attorney Young who was designated at the successor trustee of the trust?

AN: Yes, I talked to him on the phone a couple of times.

NT: What was the substance of those conversations?

AN: Basically he called on information based on a letter and information that he had found out about the fire. At that point in time, I had gotten his address and mailed all the information we had to him so that he was aware of everything that had proceeded up to the point of my conversation with him on the phone.

NT: Did he make any requests of you?

AN: At that point in time he asked what needed to be done and what his options were. I indicated that the structure needed to be taken care of one way or another. It was up to him how he wanted to take care of the violations. He had asked, when the time was coming near, if he could have an extension on the original deadline that the Notice of Dangerous Building had indicated.

NT: Did you grant any extension of time?

AN: Yes. He had engaged a Mr. Davis to take the permits out to start rebuilding the structure. This was a Building Permit, an Electrical Permit and a Plumbing Permit. We did grant an extension of time to repair the structure.

NT: During that time were you also having any conversation with the former occupants of that residence?

AN: A little. Most of my conversations, after the permits were pulled, were with Mr. Davis himself. Mrs. Davis, Dixie Davis, who I understand was a tenant there, I talked to her a couple of time at the site.

NT: What were the substance of those conversations?

AN: Basically as to what needed to be done. What we were looking to have taken care of. How the project needed to proceed so that the violations could properly be taken care of within a reasonable manner and time.

NT: What has happened since those Building Permits have been pulled?

AN: There has been very little work done. The gable ends have been put back up. All the ceiling joists have been put back up. Two rafters have been installed. It still has not been enclosed. There is no roof on it. It still is exposed to the elements. The weather elements, rain, snow, sun. The house is still not suitable to live in.

NT: When was your last inspection of the property?

AN: I actually drove by the site this evening before I came over here and there has still been no signs of any work that has commenced since probably a month ago.

NT: So did the conditions listed on the Notice of Dangerous Building still exist to the extent that you believe its a dangerous building even though some construction has occurred?

AN: Yes they do.

NT: I am going to go down through the four items that are listed on the Notice of Dangerous Building, and ask you to specifically state what exists on the property that makes it a violation of the City Code relative to those provisions. In the first item, you state that the structure has been damaged by fire so as to become dangerous to life, safety or the general

health and welfare of the occupants of the people of the City. What specifically exists on the property that makes it a violation of that provision to City Code?

AN: The structure in itself is not enclosed. It is still open to the elements. That leaves it unsuitable for habitation or anybody to actually enter that residence beyond working there.

NT: The same thing for item #2, which is the structure, exclusive of the foundation shows 33% or more damage or deterioration of the supporting members, or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering?

AN: This is still correct. The roof decking/rafters are still not on. The ceiling joists have been replaced although the structure is still open. There is no sheet rock inside. That has all been removed and not replaced. Beyond that it has still not been closed up.

NT: Item #3, the structure has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who may live therein?

AN: Again, the roof not being on. There is some other minor damage inside. Some minor electrical damage and some minor plumbing damage which, because of that, gas and electricity have been turned off to that facility so there is no ground for any kind of heat, water, hot water, anything like that for any sanitation purposes or living purposes.

NT: Item #4, the structure, because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City?

AN: Again, because there is no roof on the structure to keep it enclosed. To keep the exterior elements out of the structure.

NT: Alan, I am asking you, based upon your observations, whether or not you have formed an opinion, as a Building Inspector for the City of Gladstone, as to whether or not the conditions described on the property at 7101 N. Highland are a public nuisance within the meaning of City Code Section 6-18 through 6-25?

AN: Yes they are.

NT: In your opinion, is there any practical way to eliminate the nuisance other than demolition or destruction of the structure?

AN: Feasibility, based on cost? No there is not. The cost to repair this structure back to a livable structure, that would be allowed for anyone to reside in, would cost considerably more than it would to remove the structure.

NT: That is all I have for Alan Napoli. If the City Council has any questions for Mr. Napoli they may do so at this time.

Mayor Pro Tem Bill Reynolds asked, is there anyone residing in the structure at this time?

AN: No there is not.

There being no further questions for Mr. Napoli the Mayor Art Hammen thanked City Counselor Nancy Thompson and stated that if the owner or the owner's representative are here Council invites them to come forward and address the Council.

**Dixie Davis, 4761 N. Highland**, stated the house at 7101 N. Highland was her mother's house and is approximately ten years old. She inherited the house in trust, by will, and the status is the same now. The situation was caused by a fire. She is trying to get it taken care of. There has been a lot of cleanup done. There is partial construction done. She ran out of funding. She is in the process right now of obtaining funding to finish the structure so she can either move back into it or sell it, either one. Her cousin, Arnold Young, has been in contact with a gentleman, who he is going to be back in contact with tomorrow, about trying to get this loan moving so we can get some money into it. She has already put over sixteen thousand dollars of her own money into it. She doesn't want the house torn down. She would like to be able to get a 90 day extension to finish fixing it, get her funding going, and then either move back in or sell it and make it a safe structure. Mr. Davis is here to answer any questions as to what work has been done.

Councilman Roger Norris asked, you mentioned that Arnold Young is your cousin?

Dixie Davis answered, yes he is.

Councilman Norris asked, he is also the trustee, is that the correct term, of the trust? He was sent a letter on March 14, 1996, talking about a letter that had been sent to the trust before and he had requested a 60 day extension and it was granted. So we are 60 days further than the end of the road. Now we are beyond that point. Talk to me.

**Brian Davis**, stated he holds the permit to build. What they are up against is that they have been bequeathed the house, but they have no title to it. It wasn't until late February that they found out they can't borrow on this house because it is a trust. Now their hands are tied. He is just a puppet and the trustee in Seattle is telling him to build and he is building. Mr. Napoli was forthright and correct, however all the roof rafters are standing against the side of house ready to go up. Materials are purchased to sheet it and they can't get a trust in Seattle, who was another trustee, and their hands are tied. They wish for time to let due process take its course. There is no lien on the house. They have three people in favor of loaning them \$30,000 to finish it and then sell it. Due process will give them the title which will give them collateral to do that. Next to that he is just a puppet, thank you. He will build if they get the money. He wishes it not to be torn down.

Councilman Roger Norris stated that his follow up question to that would be, what has changed now that was different two months ago?

Mr. Davis answered that the trustee didn't know that it wasn't going to be done in time to finance it.

Councilman Roger Norris asked, because the trustee is...?

Mr. Davis answered, three thousand miles away.

Mayor Pro Tem Bill Reynolds asked, why did you say that the rafters and sheeting is available and you haven't put those on yet? Why didn't you?

Mr. Davis answered, he has run into money problems. He cannot pay labor. In other words all the roof rafters are cut and they are leaning against the side of the house all the way around. Now they are short of money for manpower to put them up. However, they own the sheeting and shingles and what not. They are not delivered on site because they didn't want them stolen, but they own them. If they could get whoever it is up in Seattle to cut loose of this piece of paper that says there is no lien, they have people to invest. Until that happens he is tied. He can't do anything. He tried a construction loan but has no power to put the property up as collateral.

Mayor Art Hammen asked, Mr. Davis how much additional time do you feel is going to be necessary to obtain the title to the property so that you can get the financing that you need?

Mr. Davis answered, he would be in disbelief if it can't be done in at least 30 days. He needs eight days to take care of City Codes once he has the money. He will put the roof on. He will shingle it. He'll gutter it. He'll stain the house and get power to it. He has everything. That's all copasetic. Once he has money then they go. But he can't get collateral to finish it.

Mayor Art Hammen asked, you are telling us that if you had another 30 days that you could get the loan that you need and then an additional eight days to rebuild the house? Is that what you are saying?

Mr. Davis answered, he is assuming he can do it in that time frame. He has the power to pound the nails, to get building permits, to talk to people, to get what they need, but he doesn't have the power to finance it and that is what he is working on now. He is handling it because she, Dixie Davis, is emotionally disturbed about all the losses that she has had. He's not even personally interested in the house except that his kids lived in the home. They don't want to see it torn down. He realizes it's a problem. He's been working with Mr. Napoli and letting him know, up until we ran out of money, what was happening. Once his hands are untied with this title; once that title is cut loose, there are more than enough people will to help as it is not a risk because there is no lien on the home.

Councilman Roger Norris asked, is there any type of family squabble that is preventing this paperwork from being forthcoming?

Dixie Davis stated, a family squabble? No. Her cousin and her get along well.

Councilman Roger Norris asked, is there any reason why he wouldn't just send a piece of paper that says there is not a lien? What has been that big, huge holdup?

Mr. Davis answered, this trustee is an attorney and a judge in the Seattle area. He is the trustee. However, he has an attorney, as Mr. Davis guesses it is unethical to write your will or write whatever they wrote here and irrevocable trust. He went to his attorney and they come up with this irrevocable trust and now it is in-between these two and somebody has got to cut loose. He's been speaking his mind to them.

Councilman Roger Norris stated, in the final look at things it is not going to be between them, it is going to be between you and us.

Mr. Davis stated, that is very true.

Councilman Roger Norris asked, what is going to change in the next 30 days?

Mr. Davis answered, he hopes for money. Money is the only thing that can change. They are aware that this has not been done in a timely manner, but their hands have been tied due to the trust.

Dixie Davis stated, in trying to get a loan they tell her about this trust. That makes her have things hold up because she has to get in contact with Arnold and he has to get in contact with these people and talk to them and give them the legalities on the trust. She can't do that because she doesn't know them.

Councilman Roger Norris stated, it is obvious through the papers that they have been handed, that Mr. Young has the understanding that the house has burnt. He has the understanding that the City of Gladstone considers it a dangerous building. He has been given a 60 day extension. Now you want another 30 days.

Mr. Davis stated, Mr. Young had not been aware that it was up to him to finance it until the middle of February.

Councilman Roger Norris asked, I thought you told me it wasn't the financing that he is responsible for, but he is responsible for getting you a piece of paper that says there's not a lien?

City Counselor Nancy Thompson stated that she might be able to shed some light on the requirements. The title to that real estate is held in the Bonnie J. Tacke Trust. From the documentation that was provided to the City, Mr. Young is the trustee of that trust. The only way that money may be borrowed against that property is for the trust to sign a note allowing a lien to be placed on that property. So that consent would have to come from the property owner who is the trust.

Councilman Roger Norris asked, have we, or any of our staff, or you, been in contact with Mr. Young other than this letter that Council is seeing?

Counselor Thompson answered, she has not. Mr. Napoli has been in contact with him discussing the authorization to allow the building permits to be pulled and the notices and other documentation and the damage to the house. They had contact at the time the original sixty day request came forward, but there has been no discussion specifically about whether or not there's ability to obtain financing for improvements. She is just verifying for Council what the Davis' are trying to say about the

necessity of the trust to take out a loan on that piece of property in order for them to have a mortgage.

Mr. Davis stated that is what is out of his hands or he would have built it.

Comments:

**Carol Wykowski, 7105 N. Highland**, stated her home is on the north side of 7101 N. Highland. Her complaint is that she would like some of the debris cleaned up. The rotten meat and stuff that was removed from the refrigerator is still setting in a wheelbarrow. The winds are carrying a lot of debris over to her house. A lot of the stuff is still laying out and not picked up. It would not cost anything other than their own labor just to clean up the debris around the house.

**Ralph Parkinson, 7003 N. Highland**, stated all the neighbors want is just for something to be done. They have been given a couple of extensions, but if Council wants to give them another 30 days and then if nothing is done drop the hammer on them, go ahead. Council has given them time, and time, and more time and nothing is getting done. When the structure is open to the elements as it is, kids can get in and out of it. There are a lot of kids in the neighborhood. It is not very safe. We tell the kids not to go there, but kids are going to be kids. If Council wants to give them another 30 days, fine, but let's draw a line here somewhere.

There being no further comments, Mayor Art Hammen turned the Show Cause Public Hearing back to City Counselor Nancy Thompson for final comments.

City Counselor Nancy Thompson stated she would like to explain the rest of the process that occurs after a Show Cause Hearing of this type. The Council will need to enter Findings of Fact and an Order relative to the testimony that has been heard tonight. That process has to occur within the next 30 days so Council will see this item back on the Council's Agenda, with some proposed findings that staff will prepare, at the May 13, 1996, meeting. In those proposed findings will be an Order for either demolition or repair, or if Council finds the residence is not a nuisance then there would be no order for demolition or repair. If Council finds that the residence is a nuisance, there will need to be an Order for either demolition or repair. There will be an opportunity for Council, at that point in time, to set a time within which completion of the repairs to the structure must be completed or it will be demolished or repaired at their Order.

Mayor Art Hammen asked, will that be at our next Council meeting?



Counselor Thompson stated, staff will bring forward proposed Findings of Fact at the next Council meeting so Council's Order will be entered at that time under whatever circumstances or time frame the Council would like to give the property owner to continue to seek repairs to the property. Council's next Meeting is May 13, 1996, and, at that point in time, Council will have an opportunity to enter an Order giving the time frame for demolition.

Councilman Roger Norris stated, he is sure this has already been done because of paperwork he was handed, but he would like to make sure that the documents Council was handed tonight are made a part of the record in chronological order, and included in their Findings of Fact at their next Council meeting.

Councilman Anita Newsom asked, would it be possible if immediately prior to the next City Council Meeting Mr. Napoli could make another inspection as to the progress? Her personal feelings are that three weeks should be a substantial amount of time to make some progress and get the structure enclosed. This would make it a safer situation in the neighborhood and get the area cleaned up. There is a perfect opportunity to clean it up this weekend. This would make the decision a lot easier for the Council if true effort was made to get things taken care of.

Counselor Thompson stated, certainly. During that time the Davis' would also have an opportunity to obtain their financing and present to the Council whatever documents they can to show that they have obtained financing to complete this structure, if that is the way they wish to proceed.

Mayor Pro Tem Bill Reynolds stated, normally Council meetings are on the second and fourth Mondays of each month, and normally they are every other week, but there are five Mondays in April so, as it has already been stated, there will be three weeks before the next City Council meeting. He echoes what has already been said. Three weeks will give the Davis' a significant amount of time. As the City Manager indicated, and it has been indicated before, this weekend the City is having a clean-up. Mr. Reynolds stated, it would help him a lot, as he thinks about voting at the next meeting, if there had been some clean-up on what the neighbors have talked about. There will be facilities in Central Park to bring whatever needs to be brought up this weekend, other than leaves and white goods, to be disposed of at no charge to Gladstone residents.

Mayor Art Hammen stated, he also will consider the amount of clean-up that has taken place between now and the next Council meeting in determining how to cast his vote at that meeting. He encouraged the

Davis' to do whatever they can to clean up the debris. As has been stated, there will be a place to get rid of it in Central Park this weekend. It sounds like your neighbors would be a lot happier if that could be done.

Mayor Art Hammen stated he had one question for Alan Napoli before they move on. Is there anyway feasible to secure the property to reduce its accessibility to kids at this time, or to reduce the potential for it being easily accessed by the public?

Alan Napoli answered, the biggest thing is that the garage doors need to be replaced and put back on, and to make sure that any other doors on the structures are lockable. Although, if anyone wanted to get in they probably could still climb up over the wall and come in through the roof. But if you are looking at it from a standpoint of walking in, if the garage doors were on and secured, and other exterior doors were secured, that would probably help, but it wouldn't totally prevent people from coming in.

Mayor Art Hammen asked, would it substantially reduce the probability of a child entering the house and getting hurt?

Alan Napoli answered, yes it would.

Mayor Art Hammen stated to the Davis' that he would encourage them to secure the house, if at all possible financially, to reduce the probability of someone getting hurt inside.

There being no additional questions or comments, Mayor Art Hammen closed the Show Cause Public Hearing.

**Item 12. on the Agenda. Questions from the News Media.**

None.

**Item 13 on the Agenda. Other Business.**

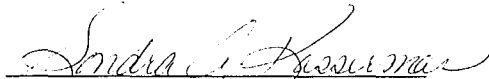
Councilman Roger Norris asked if staff was aware of the broken window at the front door night depository?

City Manager Norris stated staff was aware of it. The reason it is not being replaced is because it will come out when the front of the building is remodeled.

There being no further business to come before the Regular **April 22, 1996**, City Council Meeting, Mayor Hammen closed the meeting and Mayor Pro Tem Bill Reynolds moved to adjourn to Closed Executive

Session in the City Manager's office for litigation discussion pursuant to the Missouri Open Meeting Act Exemptions Section 610.021(1); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Mayor Hammen. (5-0) Time 9:20 p.m.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

Approved as submitted:   X    
Approved as corrected/amended:       

  
Mayor Art Hammen

9. **BUILDING PERMIT APPROVAL:** repair of fire damage at El Cerro Grande Restaurant, 6906 North Oak. (BP96-010)  
Applicant: Reconstruction Specialists, Inc.
10. **BUILDING PERMIT APPROVAL:** walk-in freezer additions to Antioch Middle School, 2100 NE 65th Street; and Meadowbrook Elementary School, 6301 N Michigan.  
Applicant: North Kansas City School District. (BP96-007)
11. **BUILDING PERMIT APPROVAL:** 527 sq. ft. addition and remodeling of Gladstone City Hall entrance and lobby area.  
(BP 96-005)
12. **BUILDING PERMIT APPROVAL:** 1440 sq. ft. tenant finish for Papa John's Restaurant, 7601 N Oak.  
Applicant: Devlin Partners, L.L.C. (BP#96-008)
13. **PUBLIC HEARING:** on a request for a Special Use Permit for operation of a child care center on residential property at 6121 North Broadway.  
Applicant/Owner: Sharon Jennings-Merrill (File #951)
14. **FIRST READING BILL 96-26,** granting a Special Use Permit to Sharon Jennings-Merrill for operation of a child care center on residential property at 6121 North Broadway subject to certain conditions. (File #951)
15. **FIRST READING BILL 96-27,** repealing Ordinance 3.383 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri due to increase from City of Kansas City, Missouri pursuant to contractual obligations for treatment of Gladstone sanitary waste.
16. **FIRST READING BILL 96-28,** repealing Ordinance No. 3.360 and enacting a new ordinance establishing Water Service Rates for the City of Gladstone, Missouri.
17. **FIRST READING BILL 96-29,** accepting Temporary Construction and Standard Easements from property owners required in conjunction with storm drainage improvements affecting Fairview Christian Church property. (Project #9610)
18. **FIRST READING BILL 96-30,** finding Facts and Making Orders regarding a Dangerous Building at 7101 North Highland.  
Owner of Record: Bonnie J. Tacke Revocable Trust
19. Questions from the News Media
20. Other Business
21. Adjournment
22. Motion to Adjourn to Closed Executive Session for Litigation and Personnel Discussion pursuant to the Missouri Open Meeting Act Exemptions under Section 610-021(1) and 610-021(3).

**GLADSTONE, MISSOURI**

**MONDAY, MAY 13, 1996**

**Open Study Session: 7:15 PM**

**Closed Executive Session will immediately follow  
adjournment of Regular Meeting pursuant to  
Missouri Open Meeting Act Exemption  
Section 610-021(1) for Litigation Discussion  
and Section 610-021(3) for Personnel Discussion.**

**Regular Meeting: 7:30 PM**

**AGENDA**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Monday, April 22, 1996 City Council Minutes.

**4a. PROCLAMATIONS:**

Urging Gladstone residents to support the VFW annual "Buddy Poppy" sales on May 24th & 25th, 1996, which days are designed to Honor the Dead by Helping the Living.

Designating the week of May 19-25, 1996 as "Emergency Medical Services Week" in the City of Gladstone.

**5. CONSENT AGENDA**

RESOLUTION R-96-31, authorizing the City Manager to renew Reciprocal Fire Agreements with the cities of: Kansas City, Missouri; North Kansas City, Missouri; Riverside, Missouri; Southern Platte Fire Protection District; Liberty, Missouri; Pleasant Valley, Missouri; and the Village of Claycomo, Missouri.

RESOLUTION R-96-32, authorizing acceptance of work under contract with Al McKinley, Inc. for the Rock Creek Embankment Protection project and authorizing final payment. (Project #9127) Total Contract Amount: \$67,172.70; Fund: Capital Improvements Sales Tax Fund

RESOLUTION R-96-33, authorizing the City Manager to accept work under contract with Corporate Express for the installation of modular work units in Gladstone City Hall and authorizing final payment. Grand Total Contract Amount: \$72,084.78; Final Payment Due: \$7,208.48 Fund: Capital Improvements Sales Tax Fund

RESOLUTION R-96-34, authorizing acceptance of a proposal from A.B. Creative, Olathe, Kansas, for the purchase of (30) recycled plastic picnic tables. Total Purchase Amount: \$11,777.40; General Fund

RESOLUTION R-96-35, authorizing the City Manager to execute a Missouri Division of Highway Safety Law Enforcement Traffic Services Grant Application for funding of the Gladstone Public Safety Sobriety Checkpoint Program.

APPROVAL OF FINANCIAL REPORTS for March 1996.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, MAY 13, 1996**

Mayor Art Hammen called the Regular May 13, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of April 22, 1996 Minutes**

Councilman Roger Norris moved to approve the Regular April 22, 1996, City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **Item 4a. on the Agenda. Proclamations:**

Mayor Art Hammen read a proclamation designating May 24th & 25th, 1996, as "**Buddy Poppy Days**", which are designed to Honor the Dead by Helping the Living. Mr. David Reed of VFW Post 1906 accepted the proclamation.

Mayor Art Hammen read a proclamation designating the week of May 19-25, 1996 as "**Emergency Medical Services Week**" in the City of Gladstone. **PSO Becky Davis** thanked the Mayor and stated a lot of people worked really hard for this and she was pleased to accept the proclamation.

**Director of Public Safety, William P. Adamo**, stated that Officer Davis was responsible for the coordination and establishment of the EMS Fair this year. PSO Davis deserves all the credit for this successful fair. From the Department's standpoint, everything that happened at the EMS Fair last Saturday was a result of PSO Davis' efforts and it was greatly appreciated. Thank you.

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

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approved the Consent Agenda as listed; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **Resolution R-96-31**, authorizing the City Manager to renew Reciprocal Fire Agreements with the cities of: **Kansas City, Missouri; North Kansas City, Missouri; Riverside, Missouri; Southern Platte Fire Protection District; Liberty, Missouri; Pleasant Valley, Missouri; and the Village of Claycomo, Missouri;** Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-32**, authorizing acceptance of work under contract with Al McKinley, Inc. for the Rock Creek Embankment Protection project and authorizing final payment. (Project #9127) Total Contract Amount: \$67,172.70; Fund: Capital Improvements Sales Tax Fund; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-33**, authorizing the City Manager to accept work under contract with Corporate Express for the installation of modular work units in Gladstone City Hall and authorizing final payment. Grand Total Contract Amount: \$72,084.78; Final Payment Due: \$7,208.48; Fund: Capital Improvements Sales Tax Fund; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-33**, authorizing acceptance of a proposal from A.B. Creative, Olathe, Kansas, for the purchase of (30) recycled plastic picnic tables. Total Purchase Amount: \$11,777.40; General Fund; Mayor Pro Tem Bill Reynolds

seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-35**, authorizing the City Manager to execute a Missouri Division of Highway Safety Law Enforcement Traffic Services Grant Application for funding of the Gladstone Public Safety Sobriety Checkpoint Program; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve the **Financial Reports** for March 1996; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda. Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom stated, she hopes staff is as pleased with the modular furniture as great as it looks. The furniture gives the office a very professional appearance and everyone an "office space" instead of just a "desk" area which should be very beneficial. She noted that she has recommended to several different places that they might like to come and look at City Hall as it certainly has maximized the space that was available.

Councilman Anita Newsom stated that she would like to publicly thank the Parks and Recreation staff and the rest of staff that was involved in the Third Annual Amphitheatre Golf Tournament. It was very well organized and financially beneficial for the amphitheatre. Thanks to everyone.

Councilman Anita Newsom stated that the parks look great. She knows there has been a lot of rain recently and it has been hard to get in the parks, but staff or our contractor has done a great job in maintaining City parks. They look good.

Mayor Art Hammen extended best wishes to Assistant to the City Manager Laura Gay who is in the hospital in anticipation of giving birth to her first child. It is an exciting time for her.

**Item 8. on the Agenda. Communications from the City Manager.**



City Manager Jim Norris stated that City Hall will be closed Memorial Day, Monday, May 27th. The next City Council Meeting will be held on Tuesday, May 28th at 7:30 pm.

**Item 9. on the Agenda.** **Approval of a Building Permit** for repair of fire damage at El Cerro Grande Restaurant, 6906 North Oak. (BP96-010) Applicant: Reconstruction Specialists, Inc.

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the requirements in the Staff Report; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda.** **Approval of a Building Permit** for walk-in freezer additions to Antioch Middle School, 2100 NE 65th Street; and Meadowbrook Elementary School, 6301 N. Michigan. Applicant: North Kansas City School District. (BP96-007)

Councilman George Nodler moved to approve the Building Permit subject to the requirements in the Staff Report; Mayor Pro Tem Bill Reynolds seconded. The vote: "Aye" - Nodler, Norris, Reynolds, Hammen; "Abstain" - Newsom (5-0-1)

**Item 11. on the Agenda.** **Approval of a Building Permit** for a 527 square foot addition and remodeling of Gladstone City Hall entrance and lobby area. (BP96-005)

Councilman George Nodler moved to approve the Building Permit subject to the requirements in the Staff Report; Councilman Roger Norris seconded.

Discussion:

Councilman Anita Newsom asked, what is the time line?

City Manager Norris answered bids will be opened this Friday. There are two deadlines within the specifications. One deals with the exterior work being done by September 27, 1996; the week before Gladfest. Interior work being done October 27, 1996; thirty days later. One contractor noted it is a very aggressive time frame given the amount of work that is being done, excavation and foundation wise, in front of City Hall. Staff will meet tomorrow to work on the issue of where and how to hold meetings related to City business. Municipal Court, City Council Meetings, Board and Commission meetings, etc., given the fact that the front of City Hall will basically be torn off. With the excavation for a

basement, there will be absolutely no access through the front of the building. There will be access through staff's entrance, but it is not ADA accessible.

Councilman Anita Newsom asked if the Community Building was booked?

City Manager Norris responded it is booked quite a bit but staff will look at a combination of the Community Building, churches in the area and schools. Antioch Middle School, because of their auditorium, might be a good place if a large number of people are expected. Staff will meet tomorrow to come up with a contingency plan. The Council Chambers is one of the last areas to be done in the contract so meetings could be held in the Council Chambers if everyone would be willing to tolerate what had gone on during the day in the other parts of City Hall and use the side entrance. Accessibility is a concern. Reasonable accommodations could be made for those people who need them with notice.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12. on the Agenda.** Approval of a Building Permit for a 1,440 square foot tenant finish for Papa John's Restaurant, 7601 N. Oak. Applicant: Devlin Partners, L.L.C. (BP96-008)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Staff Report; Councilman Roger Norris seconded.

Discussion:

City Manager Norris stated what was being passed out to Council was a computerized rendering of what this restaurant will look like once completed.

Councilman Anita Newsom asked if there was adequate parking to accommodate a restaurant?

City Manager Norris stated that was taken into consideration before the addition was originally built. In addition, this is a take-out/delivery restaurant only. There is no inside sit down eating area.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 13. on the Agenda.** Public Hearing, on a request for a Special Use Permit for operation of a child care center on residential property at 6121 North Broadway. Applicant/Owner: Sharon Jennings-Merrill (File #951)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Sharon Jennings-Merrill, 6121 N. Broadway**, stated that she was requesting a Special Use Permit so that she may take care of children in her home. She has gone through the process of remodeling so that she could accommodate the children and have a better space for them to stay in. She hopes to take care of six to eight children in her home. She has her first meeting with Mary Eberson of the State next Monday to get her State License.

Councilman Roger Norris noted that the staff's report states there was a significant amount of brush on the property. Has that been cleaned up?

Ms. Jennings-Merrill answered, yes.

Councilman Roger Norris asked, since you are applying for your State License, would Ms. Jennings-Merrill have a problem if Council made this Special Use Permit contingent on her getting her State License?

Ms. Jennings-Merrill stated she had no problem with that.

Councilman Roger Norris asked if Public Safety had been out and looked through the house?

Ms. Jennings-Merrill answered, not as of yet. Do you mean for building permits or fire safety?

Councilman Roger Norris stated, as far as fire?

Ms. Jennings-Merrill answered, no.

Councilman Roger Norris asked, if there was a fence?

Ms. Jennings-Merrill answered, no.

Councilman Roger Norris asked, how are you proposing to contain the children?

Ms. Jennings-Merrill answered, she has a back patio that is sunken into the ground and has four foot concrete walls. There are stairs that go up

but a gate that will be installed to keep the children within this space. The space is approximately 20 by 25 feet.

Councilman Roger Norris asked, what age children are you going to take care of?

Ms. Jennings-Merrill answered, anywhere from zero to twelve years.

**Scott Wingerson, Director of Planning and Development**, stated that to address Councilman Norris' comments, the applicant has a walk out basement and retaining walls which form the patio area. It is an enclosed space except for one small area that has stairs going up and Ms. Jennings-Merrill has agreed to install and maintain a gate at that location. The Planning Commission did a site visit and recommended that the Council approve this request for a period of five years from the hours of 6:30 a.m. to 7:00 p.m. Director Wingerson was pleased to report to the Council that at the Planning Commission level there were two additional conditions noted which have since dropped off. One was to remove a significant amount of brush that was on the property and the second one was to repave the driveway. Both of those have been done and completed. It is a very nice property, well-suited for the care of children.

City Manager Jim Norris noted that Ms. Jennings-Merrill cannot receive an Occupational License, even with a Special Use Permit, until after she receives her State License.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 14. on the Agenda. First Reading Bill 96-26**, granting a Special Use Permit to Sharon Jennings-Merrill for operation of a child care center on residential property at 6121 North Broadway subject to certain conditions. (File #951)

Councilman Roger Norris moved to place Bill No. 96-26 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-26, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-26 and enact it as Ordinance No. 3.507; Mayor Pro Tem Bill

Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda.** First Reading Bill 96-27, repealing Ordinance 3.383 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri, due to an increase from the City of Kansas City, Missouri, pursuant to contractual obligations for treatment of Gladstone sanitary waste.

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-27 on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked City Manager Norris to explain why it is that each year inflation cruises at about 3% and each year the City gets nailed with 9%, 10%, 12%, 15%, and now 11.7% increases from Kansas City?

City Manager Norris stated he can explain the last two years or so. Prior to the flood of 1993, and prior to inspections that Kansas City had to go through as a result of the damage done by the 1993 flood, the City was averaging rate increases that were closer to the Consumer Price Index. The last two years Kansas City has opted to meet DNR and EPA Guidelines for the modifications of their plant and have adopted a Capital Reconstruction Schedule. Until Gladstone, or any of the other contractual city users, get to the point where they can meter the outfall of sanitary sewer waste entering Kansas City's sewer system, so it can be measured based on volume, Kansas City will continue to measure it across the board as percentage increases. Kansas City is moving to a metering system. In the letter that the City received from Kansas City this year, informing the City of a 10% increase, was a sentence that stated, "and similar increases for at least the next three years". It is going to be extraordinary for the next three years.

City Manager Norris noted there has been some informal discussion between cities that are Kansas City sewer users about reviewing Kansas City's plan, making sure that we agree with Kansas City's financing options, and seeing if we can't become more proactive in terms of having these costs handed down. Contractually Kansas City has the right to just hand these costs down. Our City, and many other cities that actually have their sewage flow to Kansas City's treatment plant, signed contracts years ago which provides that we will share in these costs. There are two different types: the commodity charge and the sewer billing charge. The capital construction cost is the one that is hurting Gladstone the most.

Kansas City's plant is old. It is a plant that serves Gladstone and a significant number of other jurisdictions that surround Kansas City. Environmentally, financially and even from a fine standpoint, Kansas City doesn't really have much of an option. The area that some cities would like to insert themselves in is, "is their financial plan correct". We know that the capital plan has to occur. It is ordered. But whether or not the financial plan is correct is the area cities would like to get involved in.

Councilman Roger Norris asked, does Kansas City pass this same rate onto their residents? Are Kansas City rates going up 11%?

**Sue Henning, Director of Finance**, stated, yes. On the analysis provided Council can see that Kansas City did pass it on to their residents.

City Manager Norris stated, in the Council memorandum and backup provided by Director Henning and himself, it is very obvious. City Manager Norris noted that two to three years ago he had first stated to Council that because of environmental concerns and the Clean Water Act it wouldn't surprise him that within a few short years Gladstone's sewer rates would out pace Gladstone's water rates. Given the proposed structures, they are getting very close. If Kansas City does 10% next year and 10% the year after, and another 10% the year after that, the sewer rate will ultimately be much more than the water rate.

Councilman Roger Norris asked if the City has any options long term? Theoretically, if this continues to cruise along at a 10% increase per year, gold will be coming out of faucets by the year 2010.

City Manager Norris responded, again Gladstone wants to look at the financial plan. If Kansas City thought that the next three years would be the culmination of their capital upgrade of their plant that would make it look different. Treatment plants are extremely expensive. They are extremely hard to site. Even if Gladstone worked with Riverside, who has some vacant land, and some other cities to find a suitable site where gravity flow sewage could get to and then build a plant economically, the federal government has gone out of the business of subsidizing sewer treatment plant construction.

Councilman Roger Norris asked, so the City can do nothing? We just have to stand and take it each year?

City Manager Norris responded that long, long term there might be an option out there. Three to five years, no. It would take us two to three years to engineer a site and construct a sewage treatment plant. Then Gladstone would be looking at extraordinary rates to do that. Mr. Norris

stated he did not think there was enough service area left unserved to make it economically viable. Kansas City's costs shouldn't keep doing this once they complete their capital construction. Ultimately, when the sewer monitoring stations are in and cities are being billed by the volume that actually goes into the sewer, it should help Gladstone residents. Right now Gladstone residents sewer charge is billed off of the water sales with an allowance being made for "winter average" when most people are not watering their yard or doing any outdoor water usage. Right now the sewer bills for both Kansas City and Gladstone are based upon that water usage, minus the winter average, where in the future they will be based upon the actual waste going through the pipes down to Kansas City to be treated. That could help us, especially if Gladstone sewers are in better shape than others and potentially others are treating rain water that is infiltrating into their sanitary sewer system. If Gladstone continues to upgrade the sewers as is now being done, hopefully Gladstone rates will drop on the other side of this equation. It is a very difficult issue because staff does not feel that the federal government would ever completely repeal those issues that deal with human waste and other types of bi-products from companies going into rivers. That is where this comes from.

Mayor Pro Tem Bill Reynolds noted that Lee's Summit and Liberty's sewer rates are 50% higher than Gladstone's. They probably have their own treatment plants. Are they still paying for the capital on those plants or is that just operating expense?

City Manager Norris stated that Lee's Summit is in the Blue Valley Sewer District and they pay towards that through their rate. Liberty is split into two different aspects and he hasn't called and asked them what their rate configuration is. Typically all cities have three components to their rate. Their debt service component, from whatever their construction costs were, the operation and maintenance of the system itself, and the annual capital maintenance.

Councilman Anita Newsom asked, are we monitoring Kansas City's financial prudence or lack thereof?

City Manager Norris stated, there is a loosely knit group that is beginning to come together to do that. It was not an issue until last year. Kansas City's rate increases were in line with the cost of personnel and the cost of their supplies, those type of things, until last year due to the damage done by the 1993 flood and DNR and EPA involvement.

Councilman Roger Norris stated he does not feel that anyone in Gladstone has a problem with paying for sewage treatment, because we

have to pull our load; but he would like to know that the cost increases to the citizens of Gladstone are indeed for sewage treatment and work on the sewage plant and our residents are not paying off Kansas City's new underground water tunnel or building lines in the south of Kansas City. He wants to know the money is going to the treatment plant that treats Gladstone's sewage.

City Manager Norris stated, it is. Staff sees enough to know that, based on Kansas City's budget, that is the case. What staff doesn't know is: if Kansas City has extended the life, the amortization of what they are doing, long enough for the time frame to be reasonable or is Kansas City trying to capture it quickly.

Councilman Anita Newsom asked, in the chart that Council has, Kansas City has already figured their additional rate for their own sewage treatment?

City Manager Norris stated, that is correct.

Councilman Anita Newsom asked, Blue Springs has a separate plant?

City Manager Norris stated, they are in a separate sewer district.

Councilman Anita Newsom noted that Gladstone use to be near the bottom of the scale. Each year Gladstone is inching up further and further towards the top and she hopes Gladstone doesn't catch up with Grandview, Liberty and Lee's Summit in the near future.

City Manager Norris stated, the cities of Kansas City, Lenexa and North Kansas City rates have always been below Gladstone's because they can subsidize their water rates because of their industrial basis. Blue Springs has always been right around where Gladstone has been. This year it looks like Gladstone is going to be a bit more than Blue Springs. Mr. Norris stated he believes that Blue Springs chose to not raise rates this year. They raised theirs last year. Grandview, Liberty and Lee's Summit are extraordinarily higher than Gladstone. There is a fourteen dollar gap between Gladstone's proposed rates and what Grandview, the next highest, is paying. In Liberty there is a less than a two dollar gap between the average proposed bill of a Gladstone resident versus Liberty's current rate. There is a three dollar rate between Blue Springs and Gladstone. Those rate are really based on the industrial usage, the age of the community and the development they have going on right now. Lee's Summit, Liberty and Grandview are now in the business of extending sewer mains and oversizing sewer mains to serve completely undeveloped areas. Gladstone does not have that. Gladstone sewer



mains are built and the city limits are defined. Kansas City, Lenexa and North Kansas City have forever subsidized their water rates because of their high volume industrial users.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-27, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-27 and enact it as Ordinance No. 3.508; Councilman Roger Norris seconded.

Discussion:

City Manager Jim Norris noted that it is important for the public to understand that the cost of this to Gladstone, if Gladstone chose not to pass along Kansas City's rate increase, would be over \$95,000 for this next year. Since Gladstone's bonded indebtedness on the water and sewer system has to have so much coverage, without this additional \$95,000 it's possible the City would be in violation of bond covenants. In addition, none of the capital water projects that are scheduled for next year would be able to get done without this increase because the City would have to rob from the capital construction account to pay Kansas City for treatment. That is what the City would have to do if we did not pass along this cost increase to our residents.

Mayor Pro Tem Bill Reynolds noted he was sure this was explained in the beginning, but again this is just an increase that Kansas City is charging Gladstone, it is not anything that the City of Gladstone is initiating. All the money on this increase is going directly to Kansas City.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 16. on the Agenda.** First Reading Bill 96-28, repealing Ordinance No. 3.360 and enacting a new ordinance establishing Water Service Rates for the City of Gladstone, Missouri.

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-28 on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds stated that this is something that the City of Gladstone controls. Money received by this increase will come to the City of Gladstone. There was a Study Session on this as part of the Budget Study Session five weeks ago. Again, for information, Council is pleased that even though there will be a slight increase in water rates Gladstone is still ranked as one of the lowest water rates in the whole metropolitan area. Again, Gladstone gives good water service to its citizens.

City Manager Jim Norris stated that this is one of Gladstone's first increases for operation and maintenance that the City has asked for in the eight years he's been here. The other increases have been for water bonds, debt service increases. This increase will only generate only \$25,000 for the City. The net effect to the average resident is thirty-six cents each bill, which is every two months.

Mayor Art Hammen noted this is a much smaller increase than what the City of Kansas City has imposed on Gladstone.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-28, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-28 and enact it as Ordinance No. 3.509; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 17. on the Agenda. First Reading Bill 96-29,** accepting Temporary Construction and Standard Easements from property owners required in conjunction with storm drainage improvements affecting Fairview Christian Church property. (Project #9610)

Councilman Roger Norris moved to place Bill No. 96-29 on First Reading; Councilman Anita Newsom seconded.

Discussion:

Councilman Roger Norris asked, is everything in order.

City Manager Jim Norris answered, yes sir.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-29, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris noted that this project does not benefit the Church, it benefits the houses that are north of the Church. The Church has been extremely cooperative and they are giving adequate land to help move this water away from their neighbors without any charges to the City.

Mayor Pro Tem Bill Reynolds stated, as he recalls, one of these homeowners did a considerable amount of work on his own to try and stop this water problem and was unable to do it successfully without help from the Church.

City Manager Norris stated, that was absolutely correct.

Councilman Anita Newsom asked, as she understands it, all the water that is constantly out in the street by the houses north of the Church, this should eliminate some of that?

City Manager Norris stated that this will not eliminate the water in the streets at all. Fairview Christian Church, the rear of their property, actually has water that comes together at the north of their property from two different directions. It comes together and goes down by a house on 67th Street. When there are high rain flows the channel widens and water actually goes into that resident's basement.

Councilman Anita Newsom stated that it seems like in that area there is always water trickling out in the street from some drain pipe or something.

City Manager Norris stated, that may be from how the water proliferates and goes through the area. There is not a storm sewer south of 76th Street, along Woodland, that could actually pick this water up at Fairview Christian Church and then run it underground to an existing storm sewer. There are no storm sewers. That is why you always see water in that older subdivision above ground on the streets until it gets way on down, closer to the creek, and then it goes into the ground.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-29 and enact it as Ordinance No. 3.510; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 18. on the Agenda. First Reading Bill 96-30**, finding Facts and Making Orders regarding a Dangerous Building at 7101 North Highland. Owner of Record: Bonnie J. Tacke Revocable Trust

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-30 on First Reading; Councilman Roger Norris seconded.

Discussion:

**City Counselor, Nancy Thompson**, stated that Council had requested at the last City Council Meeting that City staff come back and present any progress that had been made on the property since the time of the Show Cause Public Hearing (April 22, 1996), to tonight's date. Code Enforcement Officer Dave Reyburn went out and took some pictures earlier today which were passed to the Council. City Counselor Thompson asked Building Inspector Alan Napoli to come forward and tell Council what he discovered the condition of the property to be like today.

**Alan Napoli, Building Inspector** for the City of Gladstone stated, on Thursday of last week, (May 2, 1996) he had gone out and checked the property. At that time, the only thing that had been done since the last Council Meeting was that the trash in the yard had been moved to the front yard and covered with plastic covers. Some of the lumber has been straightened up. Nothing had been closed up at that time. The garage door was still off.

Mr. Napoli stated he had gone back out today and, in the pictures Council was handed, they will notice that the garage door had been put in. It is being braced up. It does not appear that it has been properly hung. The front door is wide open and the walkout door in the back basement is unlocked. There was also a window on the north side of the house, to one of the bedrooms, that was open. There has been no construction work of any type on the structure itself since the last Council Meeting.

Mayor Pro Tem Bill Reynolds noted, as he understands this Ordinance, the owners would have thirty days. Counselor, would you explain that?

City Counselor Thompson stated that the current proposed Findings of Facts that have been presented to the City Council state that a reasonable time to make the needed repairs to the structure would be thirty days. The Order, in the proposed findings, requires the repairs be made on or before June 15, 1996. That time frame is open to Council discretion. Staff felt that thirty days was an appropriate time frame given the condition of the property and the repairs that are necessary to make it a safe structure.

Mayor Pro Tem Bill Reynolds asked, and this Ordinance allows them thirty days to that?

City Counselor Thompson stated, that is correct.

Mayor Pro Tem Bill Reynolds asked, and if repairs don't occur in thirty days, then what?

City Counselor Thompson stated, if repairs don't occur in thirty days, then the Order that is contained in the Findings of Fact contained in Section 2. of the Ordinance would be carried out; which would be demolition of the structure.

Councilman Roger Norris asked, by who?

City Counselor Thompson answered, by the City or its contractors.

Councilman Roger Norris noted, at the last Council Meeting, three weeks ago, Council talked about the fact that there had been letters back and forth, people back and forth, and a sixty day extension; now twenty-one more days on top of that, and Council is now looking at giving thirty days more on top of that. At what point does the City say its over?

City Counselor Thompson answered, according to the Dangerous Buildings Ordinance, the Council has to determine a reasonable time for repair of this structure to abate the nuisance. Once that reasonable time is concluded, then authority by virtue of the Order in Section 2. is granted to demolish the structure or repair it if Council would so desire.

Councilman Roger Norris asked, this fire was in October?

City Counselor Thompson stated, that is correct.

Councilman Roger Norris asked, so does Council start their running total on what is appropriate time from October or from today?

City Counselor Thompson stated, she believes that Council has to look at what is appropriate from the time of the Show Cause Public Hearing through today and into the future.

Councilman Roger Norris asked, so what Council is deeming appropriate is not the neighbors? He believes that the neighbors have reached the same conclusion, that Council has bent over backwards and extended plenty of time. Would you not agree?

City Counselor Thompson answered, that is very likely.

Councilman Anita Newsom stated, in consideration of all due fairness that the Council can afford the owners of this property, the thirty days to make the substantial changes, from the time Council would enact this Ordinance this evening, would that include inclement weather days or would those be set aside as the City does for any other building contract.

City Counselor Thompson answered, no. This Ordinance does not have any kind of "rain" days built into it.

Mayor Art Hammen asked, just thirty calendar days?

City Counselor Thompson answered, just thirty calendar days. Not thirty working days. This Order has a deadline of June 15, 1996 to abate the Ordinance.

Mayor Art Hammen stated, referring back to the minutes of the Council's April 22nd meeting, three weeks ago, at that time Mr. Davis indicated he felt he needed thirty days from that point to obtain title to the property so he could get financing and then an additional eight days to take care of the code violations. So the City is twenty-one days into that thirty-eight day period, so what Council would be saying is that they would be giving the Davis' an additional thirty days, for a total of fifty-one days, versus the thirty-eight days that the Davis' projected at that time. Is that correct?

City Counselor Thompson answered, yes.

Councilman Roger Norris asked, has the City gotten information that says the Davis' have gotten the paper that was talked about?

City Counselor Thompson answered, there has not been any contact with the Davis'. They have not made any contact with City Hall. They are here tonight.

Mayor Art Hammen stated, given the seriousness of this issue he invited the Davis to come forward and make any comments that they would like.

**Dixie Davis, 4761 N. Highland**, stated, she is the owner of the house at 7101 N. Highland. She has been in contact with the finance people and they just today requested more information from her. They have been very optimistic to this point. She plans on giving them the requested paperwork tomorrow if she can obtain it to give to them. She should then know if they will give her financing within a week.

Ms. Davis stated she did not know about the bedroom window being open. The front door was open and she went by this evening and it is now dead-bolted. The garage doors aren't completely put up because there is nothing to run the door railing on, so as of right now they have them braced up. It would take some use of force to knock them down. The basement door is also locked and dead-bolted. She is the only one with a key to it. She stated she can go by and shut and lock the bedroom window when she leaves City Hall tonight. As far as financing goes, she won't know that for a week since they have just requested more paperwork from her. This is an unconventional loan. It is not conventional, so evidently they have to put it on a different type of market and from her understanding that some times takes a little bit longer.

Councilman Roger Norris asked, what have you been doing for the last three weeks?

Ms. Davis answered, she has gathered all the trash on her property that had been blowing around. She has put it under tarps. The tarps are weighted down. It will not blow anywhere because she has placed a lot of boards on the tarps to keep them down. She put the garage doors up as Council requested. Right now she is to a point where the financing is the hold up. Once the financing comes through she can start putting it back to a normal house.

**Brian Davis** stated, he would like to add that the problem they were really worried about at the last Council Meeting was getting title to the house. That has been obtained. They have a letter from the trust and from the trustee and have been granted a pre-approval process at the mortgage company. That was the hard part and now their hands are tied.

Councilman Roger Norris asked, so progress has been made on the paper that Council was talking about at the last City Council Meeting?

Mr. Davis both responded, correct. It is here in town with the finance/mortgage company. It is with Best Mortgage through a gentlemen named Larry Dale.

Mayor Pro Tem Bill Reynolds noted, three weeks ago, when Council visited with you, and Council realized that you were facing some things that were hard to control or may be through no control at all on your part; there were some suggestions made to help your neighbors. As an example, the clean-up. He drove by this afternoon and Council has photo's to look at tonight, what was done with the food and stuff that was there? What happened to that?

Ms. Davis stated, that has been disposed of.

Mayor Pro Tem Bill Reynolds asked, where was that? Is that under the tarp?

Ms. Davis answered, no it is not. All that is under the tarp are some burnt boards, insulation and soot. That is all that is under the tarp.

Councilman Roger Norris stated that he was told today that a couple of neighbors observed the meat being buried in the backyard. Is that right?

Ms. Davis answered, she had buried some stuff in the backyard, yes.

Mayor Art Hammen asked, was it the meat?

Ms. Davis answered, some of it probably. To her it smelled like there could have been some food, but as far as actual meat she did not know. She had not bothered to look. It was in plastic and she just took the plastic and buried it. If it would please the City she would be more than happy to go out and dig it up and dispose of it in whatever manner they would like.

Mayor Art Hammen stated that he would encourage her to visit with staff about that. He believes that is something that is going to have to be done.

Ms. Davis stated, okay. No problem.

City Manager Jim Norris stated, you cannot use your property as a landfill.

Ms. Davis stated, okay.



Councilman Anita Newsom noted that the meat does not fit within the composting ordinance.

Mayor Art Hammen asked if there were any further questions of the Davis'.

Councilman Roger Norris asked the Davis', if the Council tonight, gives them thirty more days, what is this house going to look like thirty days from now? What will he see when he drives by the house?

Ms. Davis stated, provided the financing goes through, the roof will be put on.

Mr. Davis stated, they would catch up with all the code ordinances. They would have the electricity rewired and turned on. They will have the one gas valve replaced and have the gas turned on. They need ten dollars worth of plumbing parts and they can then have the water turned on. The problem has been the roof. It is an eight day job and they should have financing by the end of the week.

Councilman Roger Norris stated he was not sure if the Davis' had a copy of the minutes from the last meeting but they are pretty extensive. Each word is written down. If it's not done thirty days from now, what do you expect the Council to do?

Mr. Davis answered, knock it down.

Ms. Davis answered, the Council would have no other choice than to tear it down. There is no other choice as far as she can tell. After the thirty days Council wouldn't have a choice. Council has to do what they have to do.

Mayor Art Hammen asked, do you expect to have your financing by the end of this week?

Mr. Davis answered, yes.

Ms. Davis stated, she had been told within a week. She is assuming seven days from now she will know.

City Counselor Thompson noted, staff should probably have on the record who the mortgage company is and whether or not the title to the property has been filed with land records and, perhaps, Ms. Davis should give a copy of that Deed to the City. If the Davis' have title to the property they should have received a Deed and the City should be presented a copy.

Mayor Art Hammen noted that the mortgage company was stated earlier as Best Mortgage.

Councilman Roger Norris noted that the person's name who the Davis' are working with is Larry Dale.

Mayor Art Hammen asked, do you have a Deed to the property now?

Mr. Davis stated, what he has been provided is a letter from the trustee saying that he has permission to use the Deed as collateral for a mortgage.

Mayor Art Hammed asked, so you do not actually have a Deed to the property but what you have is a letter stating you have the right to collateralize this property for this mortgage?

Both Davis' answered, correct.

Mayor Art Hammen asked City Counselor Thompson if that was satisfactory?

City Counselor Thompson stated, the Davis' have cleared up that they don't have title to the property but they apparently have authority to encumber the property.

Councilman Roger Norris asked the Davis' if they would please give copies of all those letters to the City?

The Davis' responded, yes. Absolutely.

City Manager Norris asked if the Davis' would be willing to request from the mortgage company a letter to define to the City what they think the length of the approval process will be for the Davis' to get their financing?

Mr. Davis asked, a letter of commitment?

City Manager Norris stated, not a letter of commitment, but the fact that they have applied, it is in process and the mortgage company's review shall be completed by such and such a date. Not whether or not the mortgage company will say yes or no, but that their review will be completed by a specific date and the Davis' would have an answer at that time.

Mr. Davis stated he did not know how to request that but he would certainly talk to them.

Councilman Roger Norris stated, if Mr. Davis would explain to the mortgage company the position they were in with the City the mortgage company should be more than helpful.

Mayor Art Hammen asked if it would be the most simple to ask Larry Dale to contact either the City Manager or the City Counselor directly to receive an update on the situation? Would that satisfy staff's request?

City Counselor Thompson answered, the City would prefer that the Davis' be responsible to get and provide that information to the City rather than staff having to hunt down Mr. Dale.

Mayor Art Hammen stated it wasn't his intention to have staff hunt down Mr. Dale, but to have Mr. Dale contact staff.

City Counselor Thompson stated, the request needs to come through the Davis'.

Mayor Art Hammen asked, so the Davis' need to have Larry Dale contact City Manager Jim Norris or City Counselor Nancy Thompson?

City Counselor Thompson stated, the Davis' need to have Larry Dale provide a letter from the mortgage company stating the time during which the loan application process will be complete or the Davis' will have an answer from the mortgage company on whether or not they have been approved for the loan.

Mayor Art Hammen asked the Davis' if they understood what City Counselor Thompson was asking?

Ms. Davis stated yes. City Counselor Thompson wants her to get a letter stating that whatever process the mortgage company has to go through that by a certain date they would have an answer.

Mayor Art Hammen stated, and pass on a copy of that letter to the City.

Ms. Davis stated, yes she understands.

Mayor Art Hammen asked if there was any other discussion. There being none he thanked the Davis' for their comments.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-30 Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked, is he correct in understanding that by the Council voting yes on this tonight the Council is extending to the Davis' another thirty days, and that at the next Council meeting following the thirty days, this portion of Council meeting will be extremely short?

City Counselor Thompson stated, specifically what this Ordinance does is it enters the Council's Findings of Fact, which state that the Council is making certain fact findings relative to the Show Cause Hearing that occurred at the last Council meeting, and then it orders that the property be demolished. As a part of that Demolition Order the Council is staying that Order for thirty days, until June 15, 1996. Up until June 15, 1996, the property owner can come in and repair the building so that it is in compliance with City Code. If that occurs then the demolition will not occur. If the property owner does not come in and repair the structure to be in compliance with the City Code, then the Council is making their Order tonight that that structure be demolished after June 15, 1996.

Councilman Roger Norris stated, so the answer to his question is the Council will not be revisiting this again?

City Counselor Thompson stated, Council will not be revisiting this again unless Council decides at a future meeting to amend the Order of Demolition for whatever reason. If the Davis' do make significant progress on the premises between now and June 15, 1996, it may be the Council's desire to amend its Order to grant an additional extension so that the structure may be repaired and completed. Absent some additional findings that are necessary, the Council will have made its Order based in this particular Ordinance.

City Manager Norris noted that the Council has a Council Meeting on May 28, 1996, and June 10, 1996, which are in-between the June 15, 1996 date that has been set. Documents that have been requested, when they are received and staff sees what is in them, could have an impact upon status reports the Council may get regarding this structure.

City Counselor Thompson added, unless the Council decides to amend its Order, the Order is made for Demolition.

City Manager Norris stated, that means that on June 16, 1996, staff can go on the property and demolish the structure.

Mayor Art Hammen stated, understanding that part of the problem may be out of the Davis' control with the loan company in terms of time table, one of the things he would not want to see happen would be for the Davis' to get substantially close to what Council has asked them to do and then for staff to demolish the building anyway. Mayor Hammen wanted to make sure the Council has the right to extend the time if Council feels it is appropriate.

City Manager Norris stated, that is specifically why staff is asking for a copy of the letter from the trustee and why staff is requesting the Davis' to request a letter from their mortgage company stating a deadline for when a decision is to be made.

Mayor Pro Tem Bill Reynolds stated, at the Council meeting three weeks ago the issue of safety came up on different occasions. Safety has not been the issue tonight. Safety is one of the things the Council is concerned about, and the condition that the building is in now is an invitation for children or whomever to go in and possibly be injured.

City Manager Norris added, that on the issue of anything unsanitary being buried on the property, staff will give the Davis' two days to have it removed. In two days staff will go on the site to find the spot where the property was buried and if staff finds meat and other items were buried the Davis' will be cited in Municipal Court.

Councilman Anita Newsom stated, that is a separate issue.

City Manager Norris stated, that is a separate issue, but as the City Manager he is giving the Davis' "on the record" notice now that if that is the case the City will involve the health department or whomever else they have to to resolve this issue.

Councilman Anita Newsom clarified for the record, if and when the Council passes this Ordinance tonight, that indeed Council has done all they are going to do to this point as far as initiating action other than should the demolition come. If the Davis' make significant progress, do they need to come to the City and say, "please come and look, we have made this progress"? Do the Davis' need to initiate that action themselves?

City Counselor Thompson stated, the Davis' need to initiate that action and present evidence that they are making significant progress toward abating the nuisance on the property. They should notify staff prior to June 15, 1996, so staff can send representatives out to take a look at the property to determine whether or not that is the case so it can be presented to the City Council.

Councilman Anita Newsom asked, does this also include the eradication of the covered trash piles? A regular homeowner who is living in a home cannot store that kind of trash on their property for an extended period of time.

City Manager Norris stated, this includes that.

Mayor Art Hammen stated that he will ask Alan Napoli or another member of staff to update the Council at the next City Council Meeting. Three issues he sees are paramount. #1. Safety. Apparently, with Mr. Napoli's concurrence on this, staff is a window away from having the building at least secure from children getting in. #2. For the removal of whatever meat or other materials that have been buried to be gone immediately. #3. For the trash to be gone before Council meets again. Without those things he would be hard pressed to consider any kind of extension even if it is requested with tears in the Davis' eyes. Mayor Hammen stated, the Council is trying really hard to work with the Davis' but they have neighbors to be concerned about and City Ordinances to uphold.

City Manager Norris noted that Council will have a written update in their packet prior to each of the next two Council Meetings.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-30 and enact it as Ordinance No. 3.511; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 19. on the Agenda. Questions from the News Media**

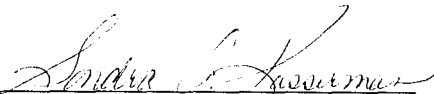
None.

**Item 20. on the Agenda. Other Business**

None.

There being no further business to come before the Regular **May 13, 1996**, City Council Meeting, Mayor Hammen closed the meeting and Councilman Roger Norris moved to adjourn to Closed Executive Session in the City Manager's office for litigation and personnel discussion pursuant to the Missouri Open Meeting Act Exemptions under Section 610-021(1) and 610-021(3); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)  
Time: 8:45 p.m.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

Approved as submitted:   X    
Approved as corrected/amended:           

  
Mayor Art Hammen

**NEXT ORDINANCE NO. 3.512**

**GLADSTONE, MISSOURI**

**TUESDAY, MAY 28, 1996**

**Open Study Session: 7 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, May 13, 1996 City Council Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-36**, authorizing execution of a proposal with Elek-Tek, Inc. for the purchase of computer equipment; and also authorizing execution of a proposal with Interchange Technologies, Inc. for the purchase of computer software and certified Novel Engineer Services. Total amount not to exceed: \$82,000 Fund: General Fund

**RESOLUTION R-96-37**, authorizing execution of a contract with Superior/Bowen Asphalt Company for 1996 street maintenance program; Project 9612. Total amount not to exceed \$929,442.29. Fund: Transportation Sales Tax Fund.

**APPROVAL OF PARK FESTIVAL USE PERMIT** for the 7th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 12 & 13, 1996, in Gladstone Central Park, 69th & N. Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**APPROVAL OF LIMITED/TEMPORARY TWO DAY LIQUOR LICENSE** to the Gladstone Area Chamber of Commerce for the sale of beer at the 7th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 12 & 13, 1996, in Gladstone Central Park.

Managing Officer: Leo Slenker  
Hours: Friday, 3:30 pm to Midnight  
Saturday 9 am to Midnight

**NEW LIQUOR LICENSE APPROVAL.** Class "C" Six-Day Package Only License for King Super Store, 7002 North Oak Trafficway.

Managing Officer: Charles Pack

**APPROVAL OF LIQUOR LICENSE RENEWALS**

Applebee's Neighborhood Grill & Bar, 6069 N. Antioch Road  
Conoco, Inc., 5810 N. Antioch Road  
Old Chicago Restaurant, 6221 N. Chestnut

**APPROVAL OF FINANCIAL REPORTS** for April 1996.

**REGULAR AGENDA**

6. Communications from Audience.
7. Communications from the City Council.
8. Communications from the City Manager.



## NEXT ORDINANCE NO. 3.512

9. **APPROVAL OF BUILDING PERMIT:** 304 sq. ft. enclosed foyer building addition and outdoor eating area at 7013 N. Oak Trafficway for Margarita's.  
Applicant/Owner: Larry E. Gromer
10. **PUBLIC HEARING:** on a request for a Special Use Permit for operation of a child care business on residential property at 7004 Central.  
Applicant/Owner: Sandra McKenzie (File #953)
- 10a. **FIRST READING BILL 96-31**, approving a Special Use Permit to Sandra McKenzie for operation of a child care center on residential property at 7004 North Central subject to certain conditions. (File #953)
11. **PUBLIC HEARING:** on a request to rezone from CP-O Non-Retail District-Planned, to RP-2, Two Family District-Planned, property generally described as the northwest corner of NE 72nd Terrace and North Antioch Road.  
Applicant/Owner: Helt Management Group, L.L.C. (File #954)
- 11a. **FIRST READING BILL 96-32**, rezoning from CP-O, Non-Retail District-Planned, to RP-2, Two Family District-Planned, property generally described as the northwest corner of NE 72nd Terrace and North Antioch Road.  
Applicant/Owner: Helt Management Group, L.L.C. (File #954)
12. **PUBLIC HEARING:** on a request to rezone from C-1, Local Business District to CP-1, Local Business District-Planned, property generally described as the southwest corner of NW 72nd Street & N. Wyandotte.  
Applicant: Sam Aylett Owner: Foot and Mouth Partnership (File #955)
- AUDIENCE NOTE: At the applicant's request to have this item tabled, the Public Hearing will be immediately opened and then continued.**
13. **FIRST READING BILL 96-33**, an ordinance accepting Temporary Construction Easements and Quit Claim Deeds from property owners in conjunction with the 57th - Grand - Walnut street reconstruction - Project 9702.
14. **FIRST READING BILL 96-34**, an ordinance approving the Final Plat of "Stonebrooke 2nd Plat", and directing the appropriate officials to affix their signatures for recording. Applicant: Dan Carr Owner: Stonebrooke L.L.C. (File #958)
15. **FIRST READING BILL 96-35**, an ordinance accepting a standard sewer easement and a storm drainage easement from Stonebrooke, L.L.C. in conjunction with development of Stonebrooke 2nd Plat subdivision. (File #958)
16. **FIRST READING BILL NO. 96-36**, an ordinance granting an access easement from the City of Gladstone to Charles E. and Doris Hill at 7100 N. Olive.
17. **FIRST READING BILL 96-37**, an ordinance imposing a Use Tax for general revenue purposes at the rate of two percent (2%) for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Section 144.600 through 144.763 RSMo.; providing for the Use Tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; providing for the submission of the proposal to the qualified voters of the City for their approval at the primary election called and to be held in the City on August 6, 1996; designating the form of the ballot; and directing the City Clerk to provide notice of said election.
18. **PUBLIC HEARING:** on proposed 1996-97 Annual Operating Budget for the City of Gladstone, Missouri.
19. Questions from the News Media.
20. Other Business
21. Adjournment

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**  
**TUESDAY, MAY 28, 1996**

Mayor Art Hammen called the Regular May 28, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
Deputy City Clerk Sondra A. Kasserman

**Item 3. on the Agenda.      Pledge of Allegiance**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda.      Approval of May 13, 1996 Minutes**

Mayor Pro Tem Bill Reynolds moved to approve the Regular May 13, 1996, City Council Minutes as written; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom stated that she did not wish to remove any item but she wanted it noted on the record that she still disapproves of selling gasoline and liquor in the same establishment. Councilman George Nodler moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

## CONSENT AGENDA DETAIL.

Councilman George Nodler moved to adopt **Resolution R-96-36**, authorizing execution of a proposal with Elek-Tek, Inc. for the purchase of computer equipment; and also authorizing execution of a proposal with Interchange Technologies, Inc. for the purchase of computer software and certified Novel Engineer Services. Total amount not to exceed: \$82,000 Fund: General Fund; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution R-96-37**, authorizing execution of a contract with Superior/Bowen Asphalt Company for 1996 street maintenance program; Project 9612. Total amount not to exceed \$929,442.29. Fund: Transportation Sales Tax Fund; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Park Festival Use Permit** for the 7th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 12 & 13, 1996, in Gladstone Central Park, 69th & N. Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Limited/Temporary Two Day Liquor License** to the Gladstone Area Chamber of Commerce for the sale of beer at the 7th Annual Midwest Regional Championship Barbecue competition, Friday and Saturday, July 12 & 13, 1996, in Gladstone Central Park. Managing Officer: Leo Slenker

Hours: Friday, 3:30 pm to Midnight Saturday 9 am to Midnight; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **New Liquor License Approval**. Class "C" Six-Day Package Only License for King Super Store, 7002 North Oak Trafficway. Managing Officer: Charles Pack; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Liquor License Renewals** for: Applebee's Neighborhood Grill & Bar, 6069 N. Antioch Road; Conoco, Inc., 5810 N. Antioch Road; and Old Chicago Restaurant, 6221 N. Chestnut; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Financial Reports** for April 1996; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda.**      **Communications for the Audience.**

None.

**Item 7. on the Agenda.**      **Communications from the City Council.**

Councilman Anita Newsom stated she had a question for staff, she feels fairly comfortable at reading pictures and the picture of the Gladstone Plaza facade that Council was shown does not appear to be match what they are doing? It appears to be a piecemeal facade and is ugly.

**Scott Wingerson, Director of Planning and Development**, answered that Council had approved that building permit some time ago and the people at Gladstone Plaza have proceeded rather slowly. Some of the metal facades were done over the winter and they are now installing sheet material over the metal studs. Staff believes that it will look exactly like the rendering that was provided to staff and Council. Through explanations from the contractor staff believes it will look very similar to the rendering that was provided to the Council. Staff was also concerned about this and specifically asked the contractor about it. If the work is not done as to how their permit was approved then discussion will be had with them.

Councilman Anita Newsom asked if there was anything that could be done with the dilapidated photomat that sits there?

Director Wingerson stated that that was seriously discussed as part of the deal. Mrs. Wolff, who owns twenty-eight shopping center across Missouri, has not as of yet committed in writing that that will occur. However, every other week staff is in contact with Mr. Byers, who manages Mrs. Wolff's affairs in Gladstone, to discuss this issue and other pertinent details.

Councilman Anita Newsom stated that she believed it would be to their benefit to do something with this structure so it doesn't give such a tattered look to the entire shopping center.

**City Manager Jim Norris** stated that staff could not make this a condition of the building permit, but as they were talking to the architect and Mr. Byers during the process, they seemed to agree exactly with that sentiment and that they were going to do everything in their power to make the photomat disappear, but they cannot bind Mrs. Wolff to doing that. Staff is going to try and make that happen.

Director Wingerson stated that there are some conditions in the permit about securing the photomat site and staff will require them to that shortly. Boards on the windows, that kind of thing.

Councilman Anita Newsom stated she understands being prudent when dealing with businesses and not throwing good money after bad, but sprucing up the front and cleaning it up would certainly be beneficial to the leasing and the lease rates that they charge for their properties.

Scott Wingerson stated that part of the problem is that Mr. Byers is allowed a very small construction crew. Basically it is two guys and the job is bigger than a two man crew.

Mayor Art Hammen welcomed the new Administrative Intern Susan Sevier to the Council meeting this evening.

Mayor Art Hammen asked where the City stands on the new City Information Line?

**Assistant to the City Manager, Dianna Wright** answered, all the information has been recorded. Some publication is out already and is being used by parks and recreation in their brochures. Staff has put together a *Guide to City Services* that has been produced and is going to the printer. This has a lot of information about City services and in addition it will have a pull-out section that will have information about the mailboxes and the information lines. Once that is back from the printer staff will be doing press releases and getting that information out to Gladstone residents.

City Manager Norris stated that this was a project that Assistant to the City Manager, Laura Gay, was working on. Since her baby came several weeks early it has interrupted the schedule. Laura was in today with the baby and did speak with him about the new residents guide. She has to finalize a few things and will be doing that at home. Laura doesn't believe that her absence will delay this much longer.

Mayor Art Hammen noted that Council has an update in front of them this evening regarding 7101 N. Highland. Does staff have any further comments?

**City Counselor, Nancy Thompson**, stated that the information contained in the report that Council has is accurate. No progress has been made on that premises. A little bit of clean-up has occurred. The grass has been mowed after they were warned about a weed violation. At the last Council Meeting there were some representations made by the Davis' to the City Council about doors and windows being closed on the way home from that City Council meeting. Counselor Thompson noted that two to three days later there was at least a window open. Today there were still windows open and the door is not secure. Staff has not had any contact with Dixie Davis or Brian Davis since that Council meeting or any further information from them or anyone on their behalf. What Council sees in front of them is what is presently correct. Staff, under the *Order* that was made at the May 13, 1996 City Council Meeting, will continue with the *Order for Demolition* in the event that no progress is made on this building and the Davis' don't come and request a continuance from the City Council.

City Manager Norris stated the highlight Council would be most interested in is that staff has gone out soliciting proposals for the demolition so that the demolition can occur once the deadline has past.

Mayor Art Hammen stated that it appears from the photos taken today that trash is still on the property. From what City Counselor Thompson has stated there are still safety concerns about the property. One item that the Council raised at the May 13, 1996 meeting as high priority was the removal of the rotten meat that was buried and it appears that has been removed.

City Counselor Thompson stated that a resident has reported that they saw the meat being removed. There has not been any direct contact with the Davis' confirming that has occurred, but a resident has observed that removal taking place.

Councilman Anita Newsom asked, didn't the Council make it explicitly clear that it was incumbent upon the Davis' to initiate any contact with whatever concerns they may have or actions?

City Counselor Thompson stated, that is correct. Specifically the request was made that the Davis' needed to drop off a copy of the Authorization Letter stating they could encumber the property and any other information that they had regarding the title to the property along with the process for their loan approval. None of that has occurred.

Mayor Art Hammen stated the minutes from the May 13, 1996 City Council Meeting state that it was the Davis' responsibility to have their loan officer get in touch with City staff.

City Counselor Thompson stated that staff specifically did not want the responsibility to go out and contact people on the Davis' behalf.

Councilman Anita Newsom stated this is the Davis' problem and Council and/or staff would become enablers the minute they would contact anyone. Would it be any consequence or help to send Dixie Davis a copy of the minutes with their section highlighted as a reminder?

City Counselor Thompson answered, certainly staff can do that. The Davis' heard what was said at the May 13, 1996 City Council Meeting.

Councilman Anita Newsom stated, we all have different methods of accepting information?

City Counselor Thompson stated it is a good idea to go ahead and do that and staff can also send them a copy of the *Findings of Facts and Conclusions* as well so they

have a copy of everything that has transpired with regard to this piece of property. City staff is willing to assist them and facilitate the repair of this property to bring it into compliance with City Code, but the City staff is not willing to go out and do their work for them in getting that accomplished. Staff is prepared and willing to assist the Davis' in whatever way the City can as a City.

Mayor Art Hammen stated that it seemed to him that both staff and Council have bent over backwards to accommodate the Davis' and staff is just not getting the cooperation they expected.

**Item 8. on the Agenda.      Communications from the City Manager.**

City Manager, Jim Norris, again introduced Susan Sevier as the new Administrative Intern. Susan just finished her freshman semester at Park College's Graduates School for her Masters in Public Affairs. She will be with the City for at least the next year. Staff looks forward to Susan to do the best job she can for the City. If she follows in the fine tradition that has been set she will do so. Staff has already seen some good products from her even though she has only been working for a week and a half. Council will see her at Advisory Board and Commission meetings and Council Meetings throughout the summer on a full time basis and when school starts back up on a less than full time basis. City Manager Norris welcomed Susan and introduced her to the Council. Susan has been answering phones and Council may have heard a different voice answering in the last couple of weeks and that was Susan.

City Manager, Jim Norris, asked Director Wingerson to give the Council an update on some outstanding issues that the City has had with Wal-Mart and where the City is with those issues.

Director Wingerson stated that Council may have noticed some construction equipment at the Wal-Mart site on the south side starting today and it will probably continue through the end of the week. As Council is aware, staff has been working with the Wal-Mart people over the last couple of years to "finish" the property. That includes a variety of issues. One of those issues is the pallet and bale storage that continues to occur on the south side of the building. From a code enforcement perspective, Mr. Reyburn has been to the property many dozens of times since the opening of the store, concerning that issue among others. This problem is also a problem at Wal-Marts in a lot of other places. The management and area managers kept saying, if you can come up with a decent solution they'd be glad to implement it as they have this problem in other communities. What staff came up with was basically a wall that will surround that pallet storage area that is eight feet in height, constructed of the same split face block material as the building and paint it to match. That will hold two deep pallets, two high and approximately twenty long. They will be concealed from public view from 72nd Street and accessed from the east part of the property. The City got the attention of the executives at Wal-Mart and finally we are seeing some action. In addition, staff has verbal commitments on many of the other

issues to be resolved this spring and staff hopes to come back soon to the Council with progress on those issues.

Councilman Anita Newsom asked, when Wal-Mart purchased that property did they not get maintenance responsibilities for the island in front on M-1? Whose is that? It is ugly again.

City Manager Norris stated he believes that if staff went to the Wal-Mart corporation and asked them if the Peterson Company had ever divulged that Wal-Mart would be responsible for the island, the answer would be absolutely not. When staff co-signed the permit for that work to happen in the right-of-way with Peterson Company the City said that staff would be responsible should the Peterson Company not be. The City ordinance which deals with right-of-way maintenance, which basically says that adjacent right-of-way shall be maintained by the adjacent property owners, may give the City a leg to stand on. The best thing going for the City was that the previous Wal-Mart Manager had agreed that they would split the responsibility of maintaining that island with the City and would look at a joint project in the near future where paver bricks would be used and the trees put into grates and it would become less of a maintenance issue. No one would have to deal with weeds, the rocks would be gone, and the trees would be left with nice bricks and grates around them.

Councilman Anita Newsom noted that this is one of the gateways into Gladstone. It didn't take but a little bit of rain and sunshine to really make it look shaggy.

Director Wingerson stated that the regional person from Wal-Mart, that staff has been dealing with recently, has asked staff to come up with a cost estimate for improving that median. He also stated that he clearly divulged the median maintenance issue to the regional manager so Wal-Mart is very clear on what is to be expected in terms of maintenance in that area.

City Manager Norris stated, the discussions with the regional manager include the entire landscaping issues that staff have had since Wal-Mart's sod did not take on the slopes and so forth. There is no doubt that Wal-Mart should have been aware of this well before given the number of letters that Council has seen in their packets. However, staff's steps have become much more overt and much more aggressive towards their personnel and their development people. If they can do it in Overland Park and at the new Liberty and Kansas City stores, why can't they come back and finish what they were suppose to do in Gladstone?

Director Wingerson noted that Wal-Mart has verbally agreed to remedy those issues.

City Manager Norris stated, it will be written in a letter reconfirming those discussions that Director Wingerson had with the Wal-Mart regional manager, new manager and assistant managers when staff did a complete walk thorough of the exterior of the store.



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City Manager Norris stated, it will be written in a letter reconfirming those discussions that Director Wingerson had with the Wal-Mart regional manager, new manager and assistant managers when staff did a complete walk thorough of the exterior of the store.

City Manager Norris announced the ninety-day filing period for the International Mechanical Code. Several months ago the City announced that they were looking for adoption of a whole series of new code books for the City of Gladstone known to staff as BACO. When the Study Session was held for the Uniform Mechanical Code and the Uniform Plumbing Code, Council was advised that the three code companies that operate in the United States had come together and had merged their ideas and thoughts into one new Plumbing Code which was going to be called the International Plumbing Code. That is the one that staff gave the ninety-day notice on and is in BACO. Since that time, they have hence developed the same agreement on the mechanical codes. So instead of the Uniform Mechanical Code we are looking at the International Mechanical Code which is a combination of all three of the major code companies in the United States. From the review that Alan Napoli and Scott Wingerson have done at this point, it looks to be almost verbatim of the Uniform Mechanical Code with no changes of any significance. What staff plans to do is come to the Council in two weeks at the Study Session and go through any changes there are, but since it is the amalgamation of all three code companies and since it is the 1996 International Mechanical Code versus the 1994 Uniform Mechanical Code, it makes sense to contemplate adopting that more as a part of BACO than the other. Staff will come to the Council when the evaluation is finished, but staff wants the ninety-days on file issue, which has to happen by law, to start tonight. Staff is notifying the community and the public that after the ninety-day filing period has run its course Council will consider the adoption of the International Mechanical Code.

City Counselor Thompson noted that there are three copies on file in the City Clerk's office for inspection.

Mayor Pro Tem Bill Reynolds asked if those were put in local library's?

City Counselor Thompson stated she does not know if the local library has one, but the City does not place a copy in the local library.

City Manager Norris noted there are some documents that the City sends to the library, but code books are not sent because of their expense.

City Manager Norris noted that in the Consent Agenda earlier this evening, Council awarded the 1996 Street Maintenance Contract to Superior/Bowen asphalt in the amount of \$929,442.29. This is the first year of the five year plan that is part of the transportation sales tax. With an allowance on top of that nine hundred thousand for a hundred thousand dollars worth of additional subgrade issues where the City would be using fly ash, limestone and other things, the City is still only up to a million twenty-nine thousand. The City's estimate for this year's project was a million three plus. So staff will be looking at the addition of streets through change orders, because staff has found that if you purchase in much greater volume than the original three hundred thousand dollar Road District Program that the City has traditionally

had, the price of the asphalt seems to sink, drop a little bit and there is more power buying. The good news is that all the year one streets were included in this with the exception of one, which is Flora. The City needs to bid Flora separately and it will be bid this year. Staff is now looking at year two and year three projects to see which ones fit best with the projects that were in year one for mobilization issues. Staff didn't want to do anymore full depth streets, which as the Council knows is highly disruptive. Staff is looking more at the overlay projects to add in which actually helps the City meet its obligation on the five year plan to our residents even better. That is the good news that he wanted to highlight.

Councilman Anita Newsom asked, in the spirit of accountability and since Gladstone is not a real hot item with the press, would it behoove the City to put forward a press release stating some of the things just stated about the transportation sales tax fund so that the citizens know how we are maximizing their dollars?

City Manager Norris stated, yes. Staff has talked about that, but staff thought it would be wise to have the streets added known so they could be included and also list the first year streets. While the five year plan has been out in the public with all the streets listed, there hasn't been any publication of what were the first year streets and what additions there are. It would be a very nice touch to be able to do both. It will show how the additional transportation sales tax dollars really did help the City, the residents, the businesses and everybody else.

Councilman Anita Newsom stated, not to steal Kansas City's line, but the old "*Progress as Promised*" is pretty good accountability.

Mayor Pro Tem Reynolds stated, the fact that even though staff thought asphalt prices were going up, the City has been able to get 25% more out of their money. Having proven contractors do the work in Gladstone is good news for the citizens.

**Item 9. on the Agenda.**      **Approval of Building Permit:** 304 square foot enclosed foyer building addition and outdoor eating area at 7013 N. Oak Trafficway for Margarita's. Applicant/Owner: Larry E. Gromer

Councilman Roger Norris moved to approve the Building Permit subject to the requirements in the Staff Report; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda.**      **Public Hearing:** on a request for a Special Use Permit for operation of a child care business on residential property at 7004 North Central. Applicant/Owner: Sandra McKenzie (File #953)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Sandra McKenzie, 7004 North Central**, stated she is asking for a Special Usage Permit for a child day care in her basement which she has renovated and have totally set up for day care. She has been approved by the State to care for ten children. She has had the Missouri State Fire Marshall out and he has also approved her. She needs the City's Special Permit and also the fire inspection from the City of Gladstone.

In favor:

**Mary Simmons, 204 NW 70th Terrace**, stated she is favor as she knows Ms. McKenzie takes good care of children so they will be well cared for.

Opposed:

None.

Director Wingerson noted that the Planning Commission held a Public Hearing on this matter and subsequently performed a site visit which discovered a gate at the southwest corner of the property adjacent to Broadway. The Commission added a condition that that gate be locked and maintained at all times. Other than the recommended conditions specifically attached by the Planning Commission, staff is recommending compliance with the draft ordinance, prohibition on signage, our fire division inspection, providing documentation on a approved State License, and of course maintaining all the required fencing for Health Department reasons as well as safety of the children. Bottom line is that staff is recommending approval and would ask Council to do the same.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 10a. on the Agenda.** **First Reading Bill No. 96-31**, approving a Special Use Permit to Sandra McKenzie for operation of a child care center on residential property at 7004 North Central subject to certain conditions. (File #953)

Councilman Roger Norris moved to place Bill No. 96-31 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked Ms. McKenzie if she had read the eleven conditions and if she had a problem with them?

Ms. McKenzie answered she had read them and had no problem.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-31, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-31 and enact it as Ordinance No. 3.512; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda.**      **Public Hearing** on a request to rezone from CP-O Non-Retail District-Planned, to RP-2, Two Family District-Planned, property generally described as the northwest corner of NE 72nd Terrace and North Antioch Road. Applicant/Owner: Helt Management Group, L.L.C. (File #954)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

The applicant was not present, however, Director Wingerson stated the City requested rezoning of the property at the corner of northwest corner of 72nd Terrace and North Antioch Road by the applicant in connection with development of adjacent property. Helt Management Company is building an office building designed similar to a residential home on that property. As part of that rezoning request from the manufacturing district to the office district, it was recommended on the north portion of the property an application be filed for residential type zoning and this is that application for that zoning. Staff is asking to rezone to RP-2. There is no site plan with this. Mr. Helt has no plans for that property at the current time. In the event that Mr. chooses to subdivide or sell that piece of property it will have an RP-2 designation requiring Planning Commission and Council approval of any development of that property. Director Wingerson stated he would be happy to try and answer any questions.

Councilman Roger Norris stated he thought that RP-2 was an excellent use for that particular piece of property.

In favor:

None.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 11a. on the Agenda.**      **First Reading Bill No. 96-32**, rezoning from CP-O, Non-Retail District-Planned, to RP-2, Two Family District-Planned, property generally described as the northwest corner of NE 72nd Terrace and North Antioch Road. Applicant/ Owner: Helt Management Group, L.L.C. (File #954)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-32 on First Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-32, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill No. 96-32 and enact it as Ordinance No. 3.513; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda.**      **Public Hearing:** on a request to rezone from C-1, Local Business District to CP-1, Local Business District-Planned, property generally described as the southwest corner of NW 72nd Street & N. Wyandotte. Applicant: Sam Aylett Owner: Foot and Mouth Partnership (File #955)

Mayor Art Hammen noted for the audience: At the applicant's request to have this item tabled by the Planning Commission, the Public Hearing will be immediately opened and then continued.

Mayor Pro Tem Bill Reynolds moved to continue the Public Hearing; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda.**      **First Reading Bill No. 96-33**, an ordinance accepting Temporary Construction Easements and Quit Claim Deeds from property owners in conjunction with the 57th - Grand - Walnut street reconstruction - Project 9702.

Councilman Roger Norris moved to place Bill No. 96-33 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked if everything was in order on these particular chunks of road?

City Manager Norris stated that staff keeps plugging along. There are still three total property acquisitions left outstanding. All three of them effect Grand. Two of the three also effect 57th Street. When the Capital Improvements Committee moved this project to 1998, and moved Shady Lane up to 1997, the project number may need to change, but it does not affect the easements. It is a 1998 project and there is only one easement/right-of-way acquisition on Shady Lane and there are still several to do here.

City Counselor Thompson noted, that even though the project is not going to be constructed in 1997, the City needs to go ahead and get those easements filed which is why Council has them now versus at a later date.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-33, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-33 and enact it as Ordinance No. 3.514; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 14. on the Agenda.** **First Reading Bill No. 96-34**, an ordinance approving the Final Plat of "Stonebrooke 2nd Plat", and directing the appropriate officials to affix their signatures for recording. Applicant: Dan Carr Owner: Stonebrooke L.L.C. (File #958)

Councilman George Nodler moved to place Bill No. 96-34 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of Bill No. 96-34, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of Bill No. 96-34 and enact it as Ordinance No. 3.515; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda. First Reading Bill No. 96-35**, an ordinance accepting a standard sewer easement and a storm drainage easement from Stonebrooke, L.L.C. in conjunction with development of Stonebrooke 2nd Plat subdivision. (File #958)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-35 on First Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-35, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill No. 96-35 and enact it as Ordinance No. 3.516; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 16. on the Agenda. First Reading Bill No. 96-36**, an ordinance granting an access easement from the City of Gladstone to Charles E. and Doris Hill at 7100 N. Olive.

Councilman Roger Norris moved to place Bill No. 96-36 on First Reading; Mayor Pro Tem Bill Reynolds seconded.

**Discussion:**

City Manager Norris asked Director Wingerson to explain why the City is granting this easement when usually the City accepts easements from residents.

Director Wingerson stated that this easement actually grants some rights to a resident rather than the resident granting rights to the City. Some years ago Mr. & Mrs. Hill applied for a vacation of this unimproved right-of-way that runs south of and adjacent to their property. The Hills house is the last house on the south on Olive before you get to the apartments. The street is unimproved and there is fairly significant terrain through that area. The Hills applied to vacate that right-of-way and at that time the Planning Commission voted to deny their request and it stopped there. The Hills are looking to sell their house and have run into title problems and mortgage problems because their driveway is actually on the City right-of-way. The Hills hired an attorney named Dennis Eckles who came and visited with staff and proceeded along the normal right-of-way vacation process. When that process made



it to the Community Services Department for evaluation of water and sewer and other City services, Mr. Menefee expressed an interest in retaining the entire width of the right-of-way as an easement. So in other words, the City may or may not be willing, at a staff level, to give the land to the resident or split that right-of-way width with the adjacent property owners, but we are going to obtain a full easement on and you can't use it so it is basically of no value to you. At that time, Mr. Menefee suggested the concept that the City grant an easement to the Hills that would allow them access over City right-of-way to their garage using their existing driveway. What that allows the Hills to do is go to-and-from and improve the driveway, which is asphalt now, but doesn't diminish the rights of the City to put a street through, to put a water line in, to do storm drainage improvements or anything like that. All the City is bound by is providing access to the Hills. As an example, if the City desired to construct a street in the unimproved right-of-way, they would do that and provide a driveway approach to the Hill's garage. All this says is that the City will allow the Hills to use that for access until such time as the City needs it, but the City will maintain their access if the existing situation is changed.

City Manager Norris stated there are two corrections to what Director Wingerson said. The first thing is that the City maintains the right-of-way therefore they maintain ownership. What the City is granting is an easement to the Hills. The second thing is, if the City should choose to construct in the right-of-way, the Hills have alternative access and that would be at their cost to build that access, to build that driveway.

City Counselor Thompson stated as in any other project the City would build the approach, the curb cut, but not the actual driveway construction. At any time that the City would decide to improve the street through that location this easement would cease to exist. This is purely for the Hills to construct and maintain their driveway in the location that it is currently situated and has been for many years.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-36, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-36 and enact it as Ordinance No. 3.517; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 17. on the Agenda.** **First Reading Bill No. 96-37**, an ordinance imposing a Use Tax for general revenue purposes at the rate of two percent (2%) for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Section

144.600 through 144.763 RSMo.; providing for the Use Tax to be repealed, reduced or raised in the same amount as any city sales tax is repealed, reduced or raised; providing for the submission of the proposal to the qualified voters of the City for their approval at the primary election called and to be held in the City on August 6, 1996; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-37 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Anita Newsom asked, the ballot language, is this mandated by the State?

City Manager Norris answered, yes it is statutory by the State.

Councilman Anita Newsom stated, what is listed on Council's Agenda reads so much more clearly. It is unfortunate.

City Manager Norris stated an explanation of the Use Tax is in order. He explained the State of Missouri Legislature passed Statewide Use Tax legislation during the 1992 legislative session which began being collected July 1, 1992. Shortly after implementation of the tax Associated Industries of Missouri (AIM) and Alumax Foils Inc. (a Delaware Corporation headquartered in St. Louis) filed suit against the State of Missouri. During the intervening four years this litigation traveled to the Missouri Supreme Court, to the United States Supreme Court and then back to the Missouri Supreme Court.

The State Department of Revenue continued to collect and distribute the funds collected via the Use Tax to cities and counties throughout the period of litigation and over 162 million has been remitted back to local governments. Some municipalities chose to escrow the funds while others utilized the funds for one time expenditures and other utilized the funds in their operating budgets. Gladstone took the conservative route and chose to escrow the funds remitted by the State of Missouri.

A use tax is basically a sales tax except it crosses state lines. The original purpose behind the use tax was a level playing field between hometown merchants who must charge sales tax and out of state suppliers who sell goods and services tax-free. This has been a national issue for over the last 25 years. The benefactors of a use tax are in-state retailers who in the past have been placed at a competitive disadvantage against mail-order companies who saturate Missouri with direct mail advertising, catalogs, media spots, and sales representatives. A use tax is collected if an item is delivered directly to your home or business. A sales tax is collected if the item is picked up at a Missouri store. Typically use tax collections affect business to business transactions far more than business to resident transactions.

On March 27, 1996 the Missouri Supreme Court ruled that the use tax was unconstitutional in the State of Missouri because it could not be levied uniformly across the state due to various municipal sales tax rates. In response, the Missouri legislature developed a legislative remedy by passing Senate Bill 981 which authorizes the use tax to be established through local vote which would establish the use tax rate at the same rate as the total local sales tax rate in each specific municipality. The bill specifically references the August 6, 1996 ballot which, if the use tax is passed, will make the use tax effective October 1, 1996. Through discussions with municipalities across the state and in the metropolitan area, it is obvious that a significant number (if not a majority) of the cities and counties of any size will have this issue on the ballot due to both the level playing field aspect and the financial impact. Therefore this issue could potentially be more accurately described as a statewide issue that has to be voted upon in each jurisdiction and assessed and distributed in a similar fashion.

The use tax was collected between July of 1992 and March 1996, therefore those businesses and residents who would have made purchases from out of state vendors have already experienced the impact of the use tax. In most cases of resident purchases through catalog sales, the use tax would have been charged with little impact on the purchaser. Therefore, it appears that the authorization and continuance of the use tax in Gladstone would have minor impact on individual Gladstone residents.

Originally, the Department of Revenue was collecting the use tax and then distributing the proceeds to municipalities based upon that particular municipalities proportion of statewide sales tax collections. In Gladstone's case, our receipts were averaging more than \$120,000 per year. The new distribution formula is based upon the actual use tax charges generated from resident or business purchases from out of state vendors, which makes it extremely difficult to estimate proceeds given Gladstone's residential nature and the fact that the majority of use tax transactions occur between businesses, primarily manufacturing.

The intention of the use tax is to generate more of a level playing field by taking away the sales/use tax avoidance that the mail order and catalog sale industry has enjoyed in Missouri for years. The net effect is the encouragement of Missouri businesses doing business with Missouri businesses and for a level playing field to be developed. Due to legal loopholes both at the federal level and at the state level, litigation took away a collection and distribution formula that would have been much easier to administer, collect and distribute. Thanks to the Missouri General Assembly municipalities have the ability through individual action to collectively work towards the goals of the original legislation.

At this time there is no way to know the exact effect this will have on Gladstone. Most cities in the metropolitan area will be placing this issue on the ballot. The intent of the

use tax was honorable and a good one; to take away the competitive advantage that outside businesses have. Therefore staff is recommending that the tax be put on the ballot. Losing the \$700,000, that will have to ultimately be remitted, keeps the City from utilizing that money as the match on 72nd Street for the ISTEAGrant, roughly \$450,000, and the second thing is utilizing the annual money to hire additional Public Safety Officers to potentially expand from the City's current four beat configuration to a five beat configuration.

This bill provides an exclusion if a person buys less than \$2,000, via catalog sales, that individuals don't have to file that with the Missouri Tax Return in the future. This will lighten the burden significantly for residents. It is estimated that roughly 80% of the funds generated statewide to date are business to business transactions versus catalog or mail-order sales tax to residents.

Mayor Art Hammen asked, what is the probability of a challenge to the refund formula?

City Manager Norris stated, excellent. He has been involved in discussions of cities filing suit over the 12%, 12%, 9%, 9% issue of interest on monies received and whether or not the refund has to even be done in the first place. There has also been notice of litigation from high dollar businesses on the St. Louis side, that originally funded this litigation, that they are going to get some residents from different parts of the state and have those people file a class action to demand a 100% refund plus the interest from the Missouri Department of Revenue. This issue is by no means settled.

Councilman Anita Newsom noted, Gladstone has a strong track record with their voters when they become informed about an issue that the City thinks is vital to the community; they generally act in the affirmative and in a very strong way. What are the City's plans, at this point, to get the information out to our voting population?

City Manager Norris stated, since staff can't do that it is something he would suggest that the Council look at discussing at a future study session. He knows that the county is prepared to carry the public information ball because it is such a big deal to them. He noted the way he would urge residents to consider this is that the reason this is good for Gladstone is because of what it does for the state; statewide in terms of being competitive for Missouri's surrounding states. Especially in a metropolitan area where a Missouri business can look right across state lines and gain anywhere from 2% to 7% by buying from an out-of-state vendor. A Missouri business that might be right next door, can't win that business because they have to pay the sales tax. The use tax puts everyone on an equal playing field. The original intentions of the use tax were honorable. They remain in tact in what the legislature has provided. Staff can do some of the education of the public. An article can be placed in the *Gladstone Reporter*. What the use tax was, what it is, and why it is on the ballot.

Councilman Norris commented, dealing with the 12%, 12%, 9%, 9% issue, it seemed to him that the State Legislature voted this use tax in, the State Legislature passed it, the monies were then collected, and it should not be cities, or the cities general fund that takes the hit, it should be the State.

City Manager Norris stated he agrees. He noted he had raised that question with a gentlemen from the Department of Revenue, if Gladstone was willing to write them a check today for the amount that the City has in escrow, plus interest, would they accept that and allow the City to avoid the 12%, 12%, 9%, 9%. The answer was, if they do that for one they would have to do it for all. Since they would have to account for every single one it would become an accounting administrative nightmare and for everyone that filed they would have to figure how much would come back to the city. The answer was basically, no they don't have to deal with it. That is why the issue of the potential litigation from the cities and counties against the Department of Revenue may be coming forward.

Councilman Roger Norris stated, over the last several years there has been several times that the City of Gladstone has taken a stand. He feels in this case if it gets down to forcing the issue of 12%, 12%, 9%, 9%, that's not a real place to take a stand because it was not Gladstone or Gladstone citizens and Gladstone citizens should not be held accountable or penalized by the actions of another governing body, even though it is the State body. If giving back the money, plus the interest the City earned in the escrow account is not considered fair and equitable by the Department of Revenue, they can just you know what.

City Manager Norris stated, it was even proposed to the Department of Revenue that they consider that since most of these escrowed amounts were earning around 5% and the difference would roughly be 7%, they consider accepting the full amount plus the interest earned. With the constitutional amendment that went into effect last year about the 50 million dollar state revenue cap, they may potentially look at some of the monies they are going to make beyond that cap and ask for permission to use that money to pay the balance back. The legislature couldn't agree on how to deal with the money they are going to have over that 50 million dollar cap. One side said, let's do a reduction in the state sales tax for food. Another side said, let's do an across the board sales tax reduction. Then there were other people saying, let's deal with income tax and subsidizes on farmers. All types of things were coming out of the woodwork, but some cities and the Municipal League said, can you work this into your equation. This is a state liability as well. The State has not yet responded back on this issue.

Councilman Roger Norris asked, don't you think that is why this is going city by city and not statewide.

City Counselor Thompson explained that the reason this is going city by city is because each local cities sales tax rate maybe at a different rate. Some cities don't

actually have a sales tax. For them to recover a 1 1/2% use tax when they didn't have a sales tax made it unconstitutional as applied to the residents and businesses in that city.

City Manager Norris stated, what the Missouri Supreme Court said is that because the original legislation had a rate of 1 1/2% statewide, they couldn't do it statewide because of the varying local sales tax rate across the state. People have the opportunity to vote on this. Therefore, it was unequally applied. It couldn't be uniformly applied because sales tax rates in all the other cities were unequal. A cities use tax can only be in the amount of the cities sales tax. Once the court made that determination it was required then to be a local issue. City Manager Norris added, the State Legislature can only provide a statewide revenue that every city can apply uniformly.

Councilman Anita Newsom stated, if you don't ask for it and the voters haven't approved it, you don't get it.

Mayor Pro Tem Bill Reynolds stated at last weeks Clay County Coordinating Committee Meeting, Council was aware of the fact that Clay County, and what they consider their major cities, were going to be putting this item on the ballot. Some of those cities who have already spent the principal will have to pay that back as well as the interest. Mayor Pro Tem Reynolds believed that one of the things the State is trying to do is establish a level playing field between cities as Gladstone doesn't have much manufacturer to manufacturer or wholesale to wholesale sales. As an example, Sears has operations in all the states, and as he understands it, it takes either a location, a licensed vehicle or an employee in a state and then the company has to pay sales tax. So that is why there are so many UPS trucks around. Many businesses have no employees, no locations, no vehicles so they don't have to pay any sales tax. Now those folks will have to pay the use tax and that makes them pay the same as Sears, Penny's and the folks that have the facilities. Again, a level playing field.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-37, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill No. 96-37 and enact it as Ordinance No. 3.518; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 18. on the Agenda.**      **Public Hearing:** on proposed 1996-97 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

City Manager Jim Norris presented highlights of the budget and referenced the Open Study Sessions held previously on the budget. The Public Hearing document has been available to the public by contacting the City Clerks office and was in the possession of the public at the Public Hearing. The City Manager recommended the budget for approval by the Council at the first Council Meeting in June. A copy of the Public Hearing document is attached as Exhibit "a" to these minutes and made a part hereof by reference.

City Manager Norris thanked those staff members that had worked so hard on the budget. Especially Sue Henning and her staff. Also Laura Gay for the Capital Improvement section and the committee that had worked with her on it. They did yeomen's work and because of it the City is in good financial shape.

Councilman Roger Norris noted, City Manager Norris and his staff did a fine job.

**Mr. Dean Gromer, 6801 N. Wayne,** asked how many Harley motorcycles the City is going to have?

City Manager Norris stated, the City will be buying two Harley's at the net cost of \$100 each.

Mr. Gromer asked, then why does the budget show \$33,800.

City Manager Norris answered, because under governmental accounting the City has to show the total expenditure and then on the revenue side the \$33,800 is shown as sale of property and will go into buy the new ones.

There being no further questions or comments, Mayor Hammen closed the Public Hearing.

**Item 19. on the Agenda.**      **Questions from the News Media.**

None.

**Item 20. on the Agenda.**      **Other Business.**

Councilman Anita Newsom asked if the City had heard anything from brothers and sisters in Lee's Summit as to how they are surviving their disaster?

City Manager Norris stated that staff had talked to Kirk Davis' office when they called Gladstone and asked for a "Emergency Declaration" document. Gladstone does not have one because in the Council/Manager form of government the City Manager just makes a declaration. They were sent on to the State Emergency Management Agency to get what they would do to declare an emergency. It is known that the people that use to work for the City of Gladstone are all well. The City has also offered Lee's Summit any equipment Gladstone has that they might need and the City would find a way to get it to Lee's Summit for use.

Councilman Anita Newsom stated, this is a large metropolitan area but basically we are all neighbors in the metroplex.

City Manager Norris stated that the area of Eastern Jackson County has rallied around Lee's Summit very well. Lee's Summit seems to have done an extremely good job of evaluating buildings and structures, caring for the people and so forth.

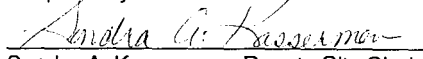
Councilman Anita Newsom noted, on one of the extended news broadcasts she had seen, Lee's Summit was talking about their incident control plan and it appeared they had a very good active one. She has not seen Gladstone in their practice sessions, but understands Gladstone also has a good plan of action.

City Manager Norris stated that he is waiting to call Lee's Summit Administrator Art Davis and Assistant Kirk Davis until several days from now. Right now his gut reaction is that they are full, up over their heads, with this disaster. He is more interested in their critique of their plan and their issues than where they are right now. After they are done and have critiqued themselves there will be more to learn from that.

Councilman Anita Newsom added that the news media reports have indicated that Lee's Summit has handled things in an excellent manner.

There being no further business to come before the Regular May 28, 1996, City Council Meeting, Mayor Hammen adjourned the meeting. Time: 9:02 pm.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

Approved as submitted: X

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

  
Mayor Art Hammen



**GLADSTONE, MISSOURI**

**MONDAY, JUNE 10, 1996**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Tuesday, May 28, 1996 City Council Minutes.
- 4a. **PROCLAMATION:** Designating Friday June 14, 1996 as "Flag Day" in the City of Gladstone, and urging Gladstone residents to join all Americans in a "Pause for the Pledge of Allegiance to the Flag" at 7 p.m. EDT on Flag Day as a part of Flag Day observances throughout the United States.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-96-38,** setting a Public Hearing on Monday, August 26, 1996 to establish a City of Gladstone Property Tax Levy for the Taxable Year 1996 in compliance with State Law.

**RESOLUTION NO. R-96-39,** adopting the FY '96-97 Annual Operating Budget for the City of Gladstone, Missouri and authorizing the expenditure of funds.

**RESOLUTION NO. R-96-41,** authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the City of Gladstone's Annual Audit for the fiscal year ending June 30, 1996.  
Total Contract Amount: \$20,900 (Includes Audit Services and Report Preparation/Printing)

**RESOLUTION NO. R-96-42,** authorizing Change Order No. 4 in the amount of \$26,380.50 to the 1994 Water Main Replacement Program, South Central Area Contract, (Project #9413C) and authorizing appropriation of additional funds from the Combined Waterworks & Sewerage System/Water Bond Fund.  
Revised Contract Amount: \$ 382,703.74

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.

9. **RESOLUTION NO. R-96-40**, authorizing execution of a contract with Kansas City Area Transportation Authority for public transportation services benefitting Gladstone residents for the period July 1, 1996 through June 30, 1997. Gladstone share: \$17,260.00
10. **APPROVAL OF BUILDING PERMIT** for addition to OakHill Day School, 7019 N Cherry. (File #BP96-012)  
Applicant: Copland Development & Construction Co., Inc.
11. **PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to CP-3 (Commercial District-Planned), property at 6609 N. Oak. Applicant: Ray Worth  
Owners: Robert R. & Wilma M. Thornton (File #956)
- 11a. **FIRST READING BILL NO. 96-38**, on a request to rezone from R-1 (Single Family Residential) to CP-3 (Commercial District-Planned), property at 6609 N. Oak. Applicant: Ray Worth  
Owners: Robert R. & Wilma M. Thornton (File #956)
- 11b. **FIRST READING BILL NO. 96-39**, approving a Site Plan in connection with development of property at 6609 N. Oak. Applicant: Ray Worth  
Owners: Robert R. & Wilma M. Thornton (File #956)
12. **FIRST READING BILL NO. 96-40**, approving the Final Plat of "THE OAKS" Subdivision (4900-5100 N. Washington).  
Applicant/owner: Intra State Development. (File #961)
- 12a. **RESOLUTION NO. R-96-43**, authorizing execution of a Developers Agreement with Intra State Development relative to the development of THE OAKS SUBDIVISION (4900-5100 N Washington).
13. **FIRST READING BILL NO. 96-41**, authorizing the issuance and delivery of a Tax and Revenue Anticipation Note by the City of Gladstone, Missouri, in the principal amount of \$350,000; prescribing the form and details of said note, and authorizing and approving certain other documents and actions in connection with the issuance of said note.
14. Questions from the News Media
15. Other Business
16. Adjournment

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JUNE 10, 1996**

Mayor Pro Tem Bill Reynolds called the Regular June 10, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**ABSENT:** Mayor Art Hammen

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Pro Tem Bill Reynolds introduced Scout Master Jay Muckoff of Scout Troop 357. Mr. Muckoff stated that these scouts were working on earning their Communications Badge and as part of that they were attending this City Council Meeting. The scouts presented the colors and led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of May 28, 1996 Minutes.**

Councilman Anita Newsom moved to approve the Regular May 28, 1996, City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

#### **Item 4a. on the Agenda. Proclamation.**

Mayor Pro Tem Bill Reynolds read a proclamation designating Friday, June 14, 1996 as "**Flag Day**" in the City of Gladstone and urging Gladstone resident to join all Americans in a "**Pause for the Pledge of Allegiance to the Flag**" at 7 p.m. EDT on Flag Day as a part of Flag Day observations throughout the United States.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading of the Consent Agenda, City Manager Norris explained Resolution No. R-96-42 was a change order that the Council authorized initially to do the repairs of the watermain on the culvert at Troost. The dollar number that Council was originally given was less than the \$26,380.50. When the contractor got into trying to locate the main where the leak was in the area of the culvert it was found that the main had originally been poured into the concrete of the culvert. Therefore it was not able to be separated without completely damaging and destroying the culvert underneath, so a sleeve had to be put in, then the sleeve had to be insulated, and then a new pipe through the sleeve. That made this more labor intensive due to how it was originally constructed many years ago. That is what caused the difference in the price. Councilman Anita Newsom moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**CONSENT AGENDA DETAIL**

Councilman Anita Newsom moved to adopt **Resolution No. R-96-38**, setting a Public Hearing on Monday, August 26, 1996 to establish a City of Gladstone Property Tax Levy for the Taxable Year 1996 in compliance with State Law; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

Councilman Anita Newsom moved to adopt **Resolution No. R-96-39**, adopting the Fiscal Year 1996-97 Annual Operating Budget for the City of Gladstone, Missouri and authorizing the expenditure of funds; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

Councilman Anita Newsom moved to adopt **Resolution No. R-96-41**, authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the City of Gladstone's Annual Audit for the fiscal year ending June 30, 1996. Total Contract Amount: \$20,900 (Includes Audit Services and Report Preparation/Printing); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

Councilman Anita Newsom moved to adopt **Resolution No. R-96-42**, authorizing Change Order No. 4 in the amount of \$26,380.50 to the 1994 Water Main Replacement Program, South Central Area Contract, (Project #9413C) and authorizing appropriation of additional funds from the Combined Waterworks & Sewerage System/Water Bond Fund. Revised Contract Amount: \$382,703.74; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.**    **Communications from the Audience.**

**Dixie Davis, 4761 N. Highland,** stated she has provided the City with the preliminary loan approval and the document showing who is owner of the house. Ms Davis requested the Council grant her more time to be able to take care of additional paperwork that the loan people have asked for and for closing; and give her a Stay on the Order that was passed.

Mayor Pro Tem Bill Reynolds asked Ms. Davis if she felt she would have any problems with the underwriting requirements that have been requested.

Ms. Davis answered that she did not foresee any problems.

Councilman Roger Norris stated that what concerns him most is not that Ms. Davis has complied but that she did not comply until today, five days before the Order. He is concerned about granting Ms. Davis a Stay of another thirty days and questions what is there to let him know that five days before the next thirty days runs out she won't be standing in front of the Council asking for another Stay.

Ms. Davis answered that she just received the notification from the loan people today. She has been in touch with them almost every day trying to get an answer out of them. She just received the answer today.

City Counselor Nancy Thompson confirmed that City staff did receive a copy from Best Mortgage of a preliminary credit approval. In addition to that staff has received some communication from Arnold Young also requesting a thirty day Stay in this so they can continue on with their financing alternative and get this structure completed in a habitable manner compliant with City Code. Staff has not received any documents showing the owner of the house to be anyone other than the Bonnie J. Tacke Revocable Trust. If there is any additional ownership information Ms. Davis would still need to provide that to staff.

Councilman Roger Norris asked Ms. Davis, if Council grants a 30 day Stay, where do you expect to be?

Ms. Davis answered, living in the house.

Councilman Anita Newsom asked Ms. Davis if she felt there will be any problems acquiring the rest of the funds, closing on the loan, and then acquiring the materials and making those repairs within thirty calendar days?

Ms. Davis stated she really doesn't see any problem unless it would be weather. She has no control over weather. Other than that she does not foresee a problem.

Mayor Pro Tem Bill Reynolds noted that the City Counselor stated the City had not received anything showing that property was owned by anyone other than the trust and you believe that with this application you have proven ownership?

Ms. Davis stated it should be with the credit approval papers.

Mayor Pro Tem Bill Reynolds asked if Ms. Davis could provide that to staff?

Ms. Davis stated that she can. She will have to get in touch with Arnold Young as he handles the legal end of this.

Counselor Nancy Thompson noted that staff has already received three proposals from companies for demolition of the structure so staff is ready to proceed if that Stay is lifted at the end of the next thirty days.

Councilman Roger Norris made a motion to grant a Stay of Execution on the Order for thirty days until July 15, 1996, at which time the Stay of Execution shall be lifted; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0)

Mayor Pro Tem Bill Reynolds told Ms. Davis that she has her Stay. Council hopes she is living there thirty days from now.

Ms. Davis said thank you. She also hopes she's living there.

**Edgar White, 5705 N. Grand**, stated that Gladstone is a first class city. He loves a lot of things about Gladstone. He helped to get a bond issue passed so that Gladstone could have some new streets and street improvements. He noted that he has been in front of the Council before on behalf of Grand and Walnut Streets. Some work has been done on 57th Street and he thanked the City for that. Mr. White stated he feels that the one block on Grand is worse than any other street in Gladstone and nothing has been done. He stated that most of his neighbors on Grand are really complaining about Grand and he is hoping since the bond issue was passed Grand will be fixed. They would like a new street, not a patched street. He is concerned about what is in the works for that block of Grand.

Mayor Pro Tem Bill Reynolds stated that staff would be happy to give him an update on this. Before that bond issue was passed, which is actually a sales tax, the City had appropriated money for this repair.

City Manager Jim Norris stated there are three more property acquisitions that have to occur. Unfortunately the three of them, because two of the properties are on corners, actually impact two different streets and it is almost like getting five acquisitions. Two of the acquisitions effect 57th Street and all three of the acquisitions effect Grand. Staff is still trying to acquire the properties. City Manager Norris was happy to report that the funds that were originally taken away for that project are shown in the 1998 Capital Budget of the Five Year Capital Improvements Plan that has been approved by the Capital Improvements Committee and will be coming forth to the Council in the near future. Staff is still very hopeful that they can acquire the remaining properties and construct those streets in 1997 and 1998. Shady Lane is the street that is going to be fully reconstructed this year. The area between Normandy Drive and Flora on Shady Lane will be done.

Mr. White thanked the Council and stated he still hopes something can be done.

Mayor Pro Tem Reynolds thanked Mr. White for his help and stated that staff is trying to get the street done as soon as possible.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom asked if banner flags would be up for Flag Day and Fourth of July, or are we waiting for Streetscape to materialize?

Scott Wingerson, Director of Planning and Development, stated that there is a Banner Committee Meeting this Wednesday night at 5:15 pm and that will be the number one topic on the agenda for discussion.

Mayor Pro Tem Bill Reynolds thanked the Sertoma Club and Sertoma President Nancy Thompson for their beautiful flower plantings at 68th and North Troost.

City Counselor Thompson thanked Mayor Pro Tem Reynolds and stated Sertoma had fun doing it.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Norris advised Planning and Development Director, Scott Wingerson, had an introduction to make of a new employee.

Scott Wingerson, Director Planning and Development, introduced intern Matthew Henry who will be working through the summer in Planning and Development. Matthew Henry is in his 2nd year of graduate studies in Kansas University's Urban Planning Program.

Mayor Pro Tem Bill Reynolds welcomed Matt Henry on board.

**Item 9. on the Agenda. Resolution No. R-96-40**, authorizing execution of a contract with Kansas City Area Transportation Authority for public transportation services benefiting Gladstone residents for the period July 1, 1996 through June 30, 1997. Gladstone share: \$17,260.00

Councilman Roger Norris moved to adopt Resolution No. R-96-40; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris stated he thinks this is something that is important for our City and we should continue to sustain it.

Mayor Pro Tem Bill Reynolds noted that there has been a lot of publicity in the newspaper recently about being careful during the hot summer months about topping off your gas tanks during the day, mowing lawns in the evening, because

last year Kansas City had three violations of the ozone. If this is not done voluntarily the State will come in and say that a lot of things have to be done. He brings this up because the KCATA on red days will give bus riders free transportation to cut down on the gas usage for those days. That will be very helpful to the ozone.

City Manager Jim Norris noted that the contact cost for this next year is only four dollars over what it was this last year. A four dollar increase is minuscule. The KCATA has completed their first consultants overview of the ATA's routes and of their service plan. When it was reviewed the General Manager of the ATA, Mr. Dick Davis, felt that it was rather light on its analysis of the Northland. In fact, with further consultation it was determined that the ATA needed to find better ways of serving the new Northland Services Center at Maple Woods. It was recognized that anyway you want to get to Maple Woods or that Service Center the prime way of doing that is to go up Route 1 and going through Gladstone. Therefore there has been an Ad Hoc Northland group put together, which includes Gladstone representation, to work with a consultant that the ATA has a grant for, to completely review Northland Services, including Gladstone. Included in those topics is the potential of moving to smaller buses, different types of routes, and the potential for different types of services which would tie more into Council's previous discussions on Senior/Disabled Paratransit programs. The City's representative on that committee is Scott Wingerson. Another resident of our community on that committee is Mr. Ken Winkler who is representing Tri-County Mental Health. We should see fairly substantive changes and service improvements that will come out of that review. The contract is written so that the City and/or the ATA can interrupt it in order to re-evaluate the results of that finding should they be beneficial.

Mayor Pro Tem Bill Reynolds noted that Mr. Ken Winkler is on the Gladstone Special Road District #3.

Councilman Anita Newsom noted that the ridership has consistently dropped the last four years. It seems there is a pattern.

City Manager Jim Norris noted that is also because KCATA has eliminated three routes in the last four years. That is due to ridership levels which if it keeps going that way it is going in the opposite direction to do what a good metropolitan transportation program should, thus the consultant and the thought of looking at a more destination direct type of service.

Councilman Anita Newsom stated that the idea of smaller buses is a very good idea, but, it still bothers her to see a sixty passenger bus with five people riding on it.

City Manager Jim Norris said it bothers the ATA as well since they are paying for the gas and upkeep on that sixty passenger bus.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)



**Item 10. on the Agenda. Approval of Building Permit:** for addition to Oakhill Day School, 7019 N. Cherry. (File #BP96-012) Applicant: Copland Development & Construction Co., Inc.

Applicant:

**Frank Weatherford, 1201 NE 93rd Street; Lenny Wright, representing Morton Buildings, Route 4, Chillicothe, Missouri; and Jeannie Carlile, 8192 NW Kirkwood Drive, Principal of Oakhill Day School, Kansas City;** introduced themselves.

Councilman Roger Norris stated that he is not really into metal buildings. He noticed it was stated there would be vinyl siding "by owner". He asked that it be explained to him what does "by owner" mean when it says vinyl siding?

Frank Weatherford responded that the building is not a metal building. It is a wood building and if Council has any specific questions about the structure Mr. Wright can answer that. The metal perception is coming from the school's desire to have metal siding rather than vinyl. The vinyl would not be "by owner", it would be part of the package that the contractor is building. There are two contractors on this. One contractor specifically does the structural part of the building and the general contractor does the development around the site and some specific things inside the building. The claim "by owner" is just a general note put on by the architect when it really means by the general contractor rather than the structural building contractor. (Mr. Wright nodded his head that that was correct.) The part about the metal siding, the feelings of the school were that it lasts longer, its cheaper and given its location behind the school, that it is not viewed from any real thoroughfare of Gladstone, their wishes should be granted because nobody is really going to see it. If Council has an objection to metal it's not unattractive at all. It is a painted surface and if there is an objection it is in an area where you will almost have to be on the playground to see the building.

Councilman Roger Norris noted, or at City Hall, in the parking lot or at the pool.

Mr. Weatherford stated if Council can get past the view of their own shed to see Oakhill's building.

Councilman Roger Norris stated if Mr. Weatherford would take opportunity to read the Comprehensive Plan he will see that Council wants to discourage metal buildings.

Mr. Weatherford said metal siding. Is metal siding the same as metal buildings?

Councilman Roger Norris stated pretty much. He asked staff if everything else was in order?

City Manager Jim Norris said the question that needs to be asked is whether or not this is residential style siding versus a Butler Building style siding?

Mr. Wright stated he could answer that question. His company has no objection at all of putting any type of siding on the building that Council would like to see. The school did ask them to see if the Council would consider the metal. His company likes to have a different look other than an all metal look. That is why they brought the brick up four foot high. Any other type of siding that the Council would deem to look better than the all metal, they would definitely consider it. Just let him know what the Council's feelings are.

City Manager Jim Norris pointed out that when the building staff reviewed the plans the reason that the recommendation left that intact, is that it is small width metal style siding which is not what one usually sees when people want to do a metal type building. It is more in character with what you would potentially see when people put aluminum siding on their house. Since this area is predominantly residential staff thought is was more in keeping with the area. If the Council desires a drivit on that rear facade, or something like that, we would want to make a change in the conditions for approval. From staff's standpoint that is obviously appropriate if that is what the Council's prerogative is.

Mr. Wright stated they do not wish to push all metal, or metal siding if it is something that the Council does not want. The vinyl wood had more of a residential look and would probably fit in better than the all metal would. He believes what is drawn in is the vinyl siding on the Council's plans.

Mayor Pro Tem Bill Reynolds asked if Mr. Wright recognized the fact that when staff spoke they thought it was the vinyl siding appearance and that is what Mr. Wright just stated it would be?

Mr. Wright stated right. Definitely.

Councilman Roger Norris asked, so if this was to get passed today, what would this building be made out of?

Mr. Wright stated, vinyl siding.

Mayor Pro Tem Bill Reynolds asked, which gives a residential look?

Mr. Wright stated, right.

Councilman Roger Norris asked it will appear like that when it is completed?

Mr. Wright stated, right. Except the lines will be horizontal lines rather than vertical lines.

Councilman Anita Newsom asked to have the roofing material clarified?

Mr. Wright stated the roofing is the metal roofing with a high rib standing seam. They did that for durability.

Mayor Pro Tem Bill Reynolds asked if Mr. Wright had had a chance to review the Planning and Development's comments and their request?

Mr. Wright stated their general contractor had and he had no problems with any of them. They did submit this to the City with vinyl siding. The reason for the "by owner" is that Morton is not going to put the vinyl on, but the general contractor is. That is why the "by owner" is on there.

Councilman Anita Newsom stated she was not sure whether she had a question or a commentary. She stated she did not know how to voice her disappointment. She asked Mr. Wingerson, if this was a commercial structure being planned in the City of Gladstone, what would be the exterior treatment that staff would be recommending in conjunction with the Comprehensive Plan?

Director Wingerson answered, as is done in all cases, whether commercial or residential, staff evaluates adjacent properties, construction material and architectural styles in the general vicinity. Oakhill Day School presented a unique challenge for staff because there is brick construction to the west of the property across from Cherry, and to east of the property public facilities and single family homes, where there is no consistent pattern between those two uses. To the north is single family homes. The reason Council sees vinyl siding, is because staff felt it would do a good job of blending the different architectural styles and construction materials that exist in the area. It is a cross between straight residential construction, because you can put this vinyl siding on your house, or commercial as this also has a commercial application. Staff had fairly lengthy discussions with the school about the metal vertical sheeting of the building. Staff did not feel that was appropriate in any way, shape or form. Staff did feel that the vinyl siding was an appropriate mix and compromise for the construction of the facility given their surrounding properties. However, if the Council would like to see drivit, staff would endorse it. Staff did discuss it with the school in preliminary discussions that this very issue would be of concern to the City Council.

Councilman Anita Newsom stated she is seeing this from a mixed perspective. The school is basically an educational facility, but it is privately owned and therefore it is a commercial facility. She has always thought of Oakhill as being high caliber and high quality and that is why the rendering disappoints her. The thought of vinyl or metal siding on it detracts from it. She does not know that it promotes the longevity, and coming from a public education perspective they would never use something like that because of its lack of durability in the long term and how they must be accountable for their funds with the public. Her personal preference would be seeing something other than siding on a facility that is going to be housing a number of students during the day. There is something in the back of her mind, maybe it is a fire issue, as well as the aesthetics, that is blocking her from being in favor of this type of siding.

Mr. Wright responded that with all metal there wouldn't be any issue of fire, plus there's fire rated sheet rock under the metal or vinyl siding or whatever type of

siding you have. Fire rated sheet rock on the exterior of the building, plus on the interior of the building, plus attic fire stops and all of that is addressed. The building meets all the fire codes. There definitely wouldn't be any possibility of fire with the metal exterior. Four foot from the ground up will be brick. It was thought that this would look nicer this way rather than having the two story all brick facility. It is up to what the Council wishes to do.

Mayor Pro Tem Bill Reynolds asked what their time line is on this project?

Mr. Wright answered, as soon as the Council gives their okay they will start sewer projects and the leveling of the ground.

Director Wingerson provided a little history. When the school first approached staff concerning an addition to the building, they were considering a temporary building that would allow them to have a few more children until they could raise the funds for a permanent addition. In the very early discussions, City Manager Norris came to him and said he had an interest in Oakhill so this is an independent staff review. Mr. Wingerson told the Council that what they see in front of them is Planning Department staff, his work, his recommendation. He stressed to the Council that if the Council prefers drivit he feels that is a feasible alternative and doesn't add significantly to the overall cost of the project as there are only two visible sides of the structure, the east and south sides. If the Council prefers drivit he would support that 100%.

Mayor Pro Tem Bill Reynolds stated it appears that Council's choices are to either vote on the issue or go ahead and ask the applicant to get with staff to see if they would be allowed to go ahead with some of the ground work that needs to be done so the project would not be delayed and then have Oakhill come back at the next Council meeting with outside building applications.

Frank Weatherford pointed out that there is a significant amount of landscaping trees that are being planted to "screen" the building. So he feels that whatever siding is put on the building, one won't see it as much as one might think they will because of the trees that are in the plans.

Mayor Pro Tem Bill Reynolds noted that one may focus on the trees in lieu of the building, but a two store building with five foot high trees it is going to be a while before the trees do much screening.

Frank Weatherford stated that is correct and obviously they wouldn't screen much on the day they were planted.

City Manager Jim Norris pointed out to Mr. Weatherford that he did not see the Council struggling with the issue of the screening at all. What he sees them struggling with is the issue of consistency. The Council has consistently utilized drivit and non-vinyl, non-metal siding materials in commercial applications. The issue that is there, in this instance, is this a commercial application or isn't it? Public schools are allowed in an R-1 zone. Public schools don't use metal or vinyl

siding in their construction. That is the issue he sees Council struggling with, not what it is going to look like from here or anywhere else, but more the issue of consistency. What happens to both the building department staff and himself and the Council is that the next time someone else comes along and wants to use that in lieu of the drivit, or some other type of finish, they will point right at that wall and say so. As Mr. Wingerson stated, when this application came forward he stepped aside because at the time he had a child going to school there. He stated he has not had any input in this until this point. As Mr. Wingerson stated, if the Council has a concern now they can table this issue for two weeks, have staff work with the applicant or they can make the motion to approve it subject to drivit and if the applicant can't live with it they can be back in two weeks.

Mr. Wright stated, if Council wants drivit, anything they want on the building siding shouldn't hold the rest of the project up as the school is going to try and get their kids in the school by fall.

Mayor Pro Tem Bill Reynolds stated the Council could go ahead and approve this tonight with other siding and then if Oakhill has a problem they can come back and if not then it would be approved.

Councilman Roger Norris stated, instead of approving something and having to have it come back in two weeks, why not just table it for two weeks, let Oakhill get with staff and it can come back to the Council in more final form.

Councilman Roger Norris moved to Table this Building Permit until the June 24, 1996 City Council Meeting; Councilman Anita Newsom seconded.

Mayor Pro Tem Bill Reynolds asked staff, if Oakhill wanted to do some preliminary work would staff object if they came to them and asked or would staff prefer nothing be done for two weeks?

Councilman Anita Newsom stated, if Council is looking at the Building Permit they are looking at the structure, not the infrastructure sewer. To go ahead and start the preliminary grading as the placement of the structure is very good, the courtyard is a great addition, her concern at this time is that she would like to see a higher quality exterior finish, something along the lines of masonry and a little bit of architectural detail someplace would sure be appealing and enhance the quality of Oakhill and speak that Oakhill is the quality institution that it is.

Mayor Pro Tem Bill Reynolds asked staff what their feelings are about letting Oakhill do some preliminary ground work if they want, prior to two weeks?

Councilman George Nodler asked Oakhill what ground work they anticipate they would want to do during the next two weeks.

Mr. Wright stated they need to have grading done and the grass put back. Sewer lines and water lines could also be located and run prior to Morton getting started

on the building. The building probably wouldn't be started until six weeks after the start of the project. It would sure be a big help to everyone.

Mayor Pro Tem Bill Reynolds asked Mr. Wright, if ground work would be done in the next two weeks if there was permission to do that?

Mr. Wright answered yes.

Mr. Weatherford stated he was not sure that Oakhill would not let them do that until they knew the complete and final impact of the dollars. They don't want to start a project, tear up the ground, and then come back and find out that the choice of siding puts them out of what they can afford to build. Mr. Wright may be ready to start, but being fiscally responsible to the families of Oakhill he doesn't believe the Board would approve a notice to proceed without knowing the full dollar ramifications of the decision that have yet to be made.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 11. on the Agenda. Public Hearing:** on a request to rezone from R-1 (Single Family Residential) to CP-3 (Commercial District-Planned), property at 6609 N. Oak. Applicant: Ray Worth Owners: Robert R. & Wilma M. Thornton (File #956)

Mayor Pro Tem Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Scott Wingerson, Director Planning and Development stated, as Council knows from reading their Planning Commission minutes, the Worth's are proposing the construction of a new facility for the retail sales and repair of Harley Davidson Motorcycles. This property is generally east of and adjacent to North Oak Trafficway, just south of 67th Street and north of Gladstone Auto Trim and Gladstone Plaza on the east side of North Oak Trafficway. The Planning Commission reviewed this case, held a Public Hearing, took comments from interested public, performed a site visit and were able to reach a decision on the project which was to recommend approval with several of the conditions contained in the Staff Report. One of the conditions concerned the fire hydrants. That has been changed a little bit in Council's draft ordinance. The change is, it was omitted because there are other code compliant ways to address fire protection. When the Building Permit comes through, staff will ensure that the construction is absolutely code compliant in respects to fire protection. That will involve a sprinkler system in the building. The Worth's have agreed to dedicate five foot of additional right-of-way along North Oak, plant a few additional trees to comply with Streetscape that will be three inches in diameter and six feet in height, screen the dumpster pad with material similar to the construction of the building; and one issue of discussion at the Planning Commission level was the installation of fences along the north property line and the east property line. Staff is recommending the construction of a privacy fence which would basically follow about 200 feet of the north property

line and all of the east property line and then tie in the existing residential chain link fence perpendicularly to the privacy fence. The Planning Commission actually voted to replace the privacy fence with a chain link fence, however, under other comments from the Commission, almost unanimously expressed a concern that they would like staff to pass along to the Council, that they would actually prefer a privacy fence. That entire discussion is in the Planning Commission minutes. The last thing is that proposed signage comply with sign code requirements or request a variance. An artist rendering of the proposed project was displayed. Mr. Rick Worth, Mr. Ray Worth and Mr. Robert Junk are present representing the applicant and they should be able to answer any questions Council has.

Councilman Roger Norris stated that he read the Planning Commission minutes and still does not have a grasp on wood or chain link fence from where to where. It states in number four, a solid wood privacy fence shall be constructed and maintained on or near the east property line adjusted for existing encroachments. A solid wood privacy fence shall be constructed on or near the north property line beginning at or near the east property line to a point approximately 200 feet west. Existing residential chain link fences shall be tied into recommended privacy fences, etc. Does that make sense to anybody?

Director Wingerson stated it makes sense to him.

Mayor Pro Tem Bill Reynolds asked, was this the original request that staff made and then it was changed at the Planning Commission?

Director Wingerson stated, what is contained in the draft ordinance is the staff's recommendation which is basically a privacy fence along the east property line, of course adjusting for encroachments that exist on the property. From the east property line, a distance of two hundred feet west, also a privacy fence. What is in the ordinance is suggested draft language for that ordinance from staff's perspective.

Councilman Roger Norris asked, what will that separate? That 200 foot section that is coming from the back, down one of the sides?

Director Wingerson stated, yes.

Councilman Roger Norris asked, is that in between Old Towne or Gladstone Auto Trim?

Director Wingerson stated, it is at the northeast corner of the property and then goes west. Basically it is designed to provide separation from the single family homes that back up to that property and basically stop at the back of Old Towne.

Councilman Roger Norris stated, so we are talking about the back.

Director Wingerson stated, yes.

Councilman Anita Newsom asked Director Wingerson, if the property line dispute or irregularity has been resolved?

Director Wingerson answered, they do have a final survey and they just got it Friday. His understanding it that they are left with two encroachments from residential properties, one to the north and one to the east. Both of those are basically out buildings or wood sheds. The main concern in the property dispute was that a portion of one of the single family homes actually encroached onto the Thornton's property, which is the Worth's proposal. That has been resolved through the existence of easements that the Thornton's granted to that property owner to allow them to construct that house. In general terms, staff is not near as worried about the wood shed encroachment as they were about the possibility of a master bedroom of the single family home encroaching into the property. Staff has made provisions in their recommendations for adjustments because of those encroachments and have strongly encouraged the Worth's to work with the adjacent private property owners to resolve this dispute either through deeding of land or easements or some other mechanism that will resolve that conflict.

Applicant:

**Robert Junk, Junk Architects, 5201 N. 96th Street; Rick Worth, Worth-Harley-Davidson, 416 N. Park Drive, and Ray Worth, Worth-Harley-Davidson, 6105 Mabel, Belton, Missouri;** introduced themselves.

Ray Worth stated he would explain where they are coming from and who they are. They have been in the Harley-Davidson business for almost twenty years. It is a family business. His wife, himself, two daughters, two sons and a daughter-in-law are all involved in the business. They have been in Gladstone since 1987 on North Oak. They provide service for the City's motorcycles and sell them to the City also. They are Greater Kansas City Chamber of Commerce number one small business of the year for this year. They are quite proud of that. They were picked from 400 businesses, 250 employees or less. They were judged the number one motorsports dealership in the United States last year by *Dealer News Magazine*, which is the number one magazine among motorsports dealers. *Dealer News* publishes a magazine and holds a yearly convention in Cincinnati for the 90,000 dealers in the United States. Mr. Worth said his dealership hosts several community service events each year. They raised almost \$40,000 last year for MDA. Just a few weeks ago they raised \$25,000 for Wayside Waifs in an event they call "Putt for Mutts". They also are contributors to the Gladstone tax structure. They do approximately 7 million dollars in business in Gladstone and he is sure Gladstone will want some property tax when they do this building. If Council has any questions of him he would be happy to answer them or any of these other gentlemen.

Councilman Roger Norris asked, do you ever have any people from the neighborhood where you are now, come down and talk about noise? Has that ever happened?



Mr. Ray Worth answered he has never had that happen at the Belton store.

Mr. Rick Worth answered there was one issue back in 1988 where there was too much traffic coming and going from the store on the residential street behind them. They tried to educate their customers to use North Oak Trafficway whenever possible and it hasn't been an issue since. They also eliminated their own employees from using the residential street unless they were in their automobile.

Councilman Roger Norris told Mr. Worth they have done a fantastic job as a Harley-Davidson Dealership both in Belton and in Gladstone. This Councilman is certainly happy to see that when they looked to grow and looked to expand they did not look outside of Gladstone.

Mr. Ray Worth thanked Councilman Norris and stated he appreciated that. As another comment to that, the City of Belton proclaimed August 26th as Worth-Harley-Davidson Day from hereon, so they were happy about that too. To think that they are that good a neighbor was gratifying.

Mayor Pro Tem Bill Reynolds stated to Mr. Worth, if that building is built they will be in the running for the Small Business of the Year Award from the Gladstone Area Chamber of Commerce next year also.

Mr. Ray Worth stated that is the building that they intend to build. The facade is to be drivit.

Councilman Roger Norris asked how tall the spire was to be?

Mr. Ray Worth stated the drawing shows it taller than it will be. The spire shown is too immense. Mr. Junk would know the height that was decided upon.

Mr. Junk stated it will be about 38 feet in height. The artist rendering was the plan they were shooting for. There have been some adjustments. The store is slightly lower in the final plans due to constructural considerations.

Councilman Anita Newsom stated, she is assuming the driveway is a little bit foreshortened? It looks like a very steep grade.

Mr. Junk stated yes because they gave the artist a picture of the site and he didn't realize how much of the earth they were going to take down.

In Favor:

None.

Opposed:

**Jane Pickernell, 409 NE 66th Terrace**, stated it was her understanding at the Planning Commission that Mr. Worth wanted a chain link fence completely around

his property, which was all right, with her, but she had asked for a privacy fence next to his parking lot on his side to keep the papers from coming into the berm area and also to help keep the noise down. She stated that she definitely does not want a wooden privacy fence behind her 105 feet on the north.

Mayor Pro Tem Bill Reynolds asked Director Wingerson, that ties into their fence? Is that correct? Where does that wooden fence start?

Director Wingerson answered, he believed what was being discussed was, that at the Planning Commission meeting there was some discussion about where the privacy fence would go. Part of this project is some unique stormwater ponding area which is actually the parking lot. That will create a berm at the back of the property and at the back of the buffer area itself. The required 35 foot buffer area. What that does is create a pool for the water to drain underground out to North Oak. He believes what Ms. Pickernell is requesting is that the privacy fence be put on the inside of the berm and what staff is recommending is on the outside of the berm at the property line. He believed that is what Ms. Pickernell is requesting. That is not part of the recommendation, however if the Council voted to do that he believed it would be a fairly aesthetic addition to the project but may reduce the ability to maintain the fence in the berm and may effect the drainage characteristics of the detention area.

Mayor Pro Tem Bill Reynolds asked, if the wooden fence would tie into their fence or would it go on behind Ms. Pickernell's property?

Director Wingerson responded, what is proposed is that the privacy fence would become Ms. Pickernell's back fence line and the last part of the paragraph in the recommendation is that they tie the chain link fence back to the wood fence so there is not a raceway for pedestrians or animals or whathaveyou in-between the fences.

Ms. Pickernell stated the reason she does not want a wooden fence behind her property is that it will knock off all the breeze, it will make it hotter and who wants to look at a wood fence all the time. It will be harder to maintain than chain link fence. A chain link fence will last a lot longer than a wooden fence. She has lived there almost 42 years and she would like for the Council to consider her wishes. She asked if Council had gotten recommendations from the Planning Commission? She wasn't sure whether or not they had given their okay to the Council or not. She also wanted to know if there were any other changes other than the plan she was given before the Planning Commission meeting. By what Director Wingerson has said she now understands that the only change was the water hydrant. Is she right?

Mayor Pro Tem Bill Reynolds stated he knows of no other changes.

Director Wingerson stated there are no other changes to the plan. There is a change to the recommendation concerning the fire hydrant but not to the plan itself.

Mayor Pro Tem Bill Reynolds noted that that change was only being made because there is other fire equipment that is available that meets code so they don't have to use the hydrant.

Ms. Pickernell thanked Mayor Pro Tem Reynolds and the Council.

**Jeff James, 501 NE 66th Terrace**, commented that he was wondering if it would be possible for an artist depiction of the landscaping to be done because he is one of the houses near the building, he has listened to everything and he is still not quite clear on exactly what the buffer is going to look like, on some sort of scale, and how the berming is going to look. They are going to have an underground drainage system in the parking lot and it is not his area of expertise and he would like to have some idea what it is going to look like as he is going to be directly affected by it. So if there is something that would be very inconvenient for himself or any of the neighbors, they could address that.

Mayor Pro Tem Bill Reynolds stated that Director Wingerson can show him the landscaping diagram.

Director Wingerson handed Mr. James a proposed site plan for this project. That site planned showed a 35 foot buffer yard to the rear of the property, which is the east, and then the other areas where it abuts residential property, which is to the north. In that area they are proposing extensive landscaping. The best he can do in terms of elevation, and Mr. Junk may be better prepared to do this, basically what is being talked about is a four to six foot tall berm that would start 35 feet in their property line, peak about midway and then transition back down to the property line. At the back of that berm is recommended the privacy fence near the property line. Mr. Junk may be able to add a few things to that, but if you can picture that in your mind that really is what is being talked about.

Councilman Anita Newsom asked if the tree planting would be up and down both sides of the berm? Not just lined up on the crest?

Director Wingerson answered that is correct. The trees appear to be interspersed throughout the entire buffer area.

Councilman Anita Newsom asked, evergreen or deciduous?

Director Wingerson stated, primarily deciduous, however that needs to be referred to a permit question to actually specify the variety of tree to be planted.

Councilman Roger Norris asked, where is the Pickernell house?

Ms. Pickernell showed the Council where her house was located on the plan.

Councilman Roger Norris asked Ms. Pickernell and behind your house you don't want a wood privacy fence you want chain link?

Ms. Pickernell stated that is correct.

Councilman Roger Norris stated to Ms. Pickernell, you don't mind looking at the trees, you just don't want the privacy fence.

Ms. Pickernell stated that is correct.

Mr. Fred James noted that if Council were looking at their drawing, the wood shed that has the easement was built on his land a long time ago. Mr. James stated that he would like to have the privacy fence butted up to the end of his property line as he does want the privacy fence backed up to the chain link fence just as far as his building for the fact of trash, noise and the privacy. It is his backyard. His wife likes to lay out in the summer time and with the Harley-Davidson crowd he believes the fence line there would be appropriate.

Mayor Pro Tem Bill Reynolds stated that he wanted to do an informal count and asked how many people present in the audience are residents from that area whose house backs up to this project?

**Florence James, 501 NE 66th Terrace,** stated that she did not mind if Ms. Pickernell wanted to end the privacy fence before her property, but they would like the privacy fence behind her house. If Ms. Pickernell chooses not to have the privacy fence they can start the chain link fence next door so she doesn't have chain link and the Pickernell's do. The Pickernell's are her next door neighbors.

Mayor Pro Tem Bill Reynolds asked what about from your house on? Have any of your neighbors back to the east expressed what they would desire?

Ms. Florence James stated she is not aware of any others desire. She stated she had talked to Bob Pickernell one afternoon and that is all. She has no problem if the privacy fence ends at the end of her property and the Pickernell's have chain link.

Mayor Pro Tem Bill Reynolds asked, wasn't there going to be some fencing between Old Towne and this project anyway? Is there not some chain link fence from Old Towne?

Mr. Jeff James stated there is some chain link fence there.

Ms. Pickernell stated that chain link fence is owned by Mr. Thornton.

Mayor Pro Tem Bill Reynolds asked, that comes from his property line?

Ms. Pickernell stated that it goes from Mr. Thornton's property line to North Oak and all around.

Mayor Pro Tem Bill Reynolds asked, between that property and Old Towne is there a fence there?

Ms. Pickernell answered, no there is not.

Mr. Jeff James stated, if you were to look at it its really a strange cut property line the way the fence is now. The Pickernell's have a really long stretch. If the privacy fence was ended at his yard and the Pickernell's had the chain link so they could have their breezes and everything, he thought that would be fine in his opinion.

Councilman Roger Norris asked where Mr. James house was on the plan?

Mr. James showed the Council where his house was located.

Mayor Pro Tem Bill Reynolds asked staff if they saw any problem with having chain link fencing behind the Pickernell's and the privacy fence starting at the James property line? Does the applicant see a problem with that?

Ray Worth responded there is a fence behind Old Towne now.

Mayor Pro Tem Bill Reynolds asked Mr. Worth if he would have a problem with putting chain link fence behind the Pickernell's property and starting the privacy fence at the James' property?

Ray Worth stated, not at all. If that is what they want that is fine with him. That will work. Whatever they want is fine. It is not a big deal.

Jane Pickernell noted that Mr. Art Medley is the gentlemen that lives at 503 NE 66th Terrace. There are just those three people that touch. Mr. Medley came to the Planning Commission meeting. She does not know if he was unable to come tonight or not. She knows that he wants a fence, but she does not know if he wants a privacy fence or a chain link fence.

**Edgar White, 5705 N. Grand,** stated maybe it is not his place to speak on behalf of the people at 6609 Oak, but there is a motorcycle place and Gladstone Dodge right behind him and they get a tremendous amount of noise from that. Motorcycles even race around his block and wake him in the middle of the night. He is just not a motorcycle fan and if these people can put up with all that noise more power to them, but for him he wouldn't want that noise close, he has enough next to his place.

City Manager Jim Norris stated, from staff's point regarding the fence, there is not a problem from a land use site planning standpoint of splitting and changing the fences at one location. If it is done at every other address to try and appease everyone, it will become both a maintenance and visual nightmare. From staff's experience on dealing with code enforcement issues dealing with blowing trash from commercial establishments, staff has found that the board-on-board privacy fence is much better. Trash can go through chain link, it can get caught in chain link and so forth, but if that is what the residents want and what Council desires to do, so be it. His caution is to not choose the fence type lot by lot. It is the Worth's

obligation to maintain whatever they put up and if the City's code enforcement were called out it is staff's experience that wood privacy works better than chain link.

Councilman Roger Norris asked, to finally resolve this if everyone would be in agreement to go with chain link fence to the end of the Pickernell residence and wood fence from there on? If they were astute enough and wanted to involve themselves in the process, that should be rewarded. The people next door want their privacy, understandably so.

City Manager Jim Norris stated he understands the request is for chain link in-between Worth-Harley-Davidson and Old Towne through the back of 409 NE 66th Terrace (Pickernell residence).

There being no additional questions or comments, Mayor Pro Tem Bill Reynolds closed the Public Hearing.

**Item 11a. on the Agenda.**      **First Reading Bill No. 96-38**, on a request to rezone from R-1 (Single Family Residential) to CP-3 (Commercial District-Planned), property at 6609 N. Oak. Applicant: Ray Worth Owners: Robert R. & Wilma M. Thornton (File #956)

Councilman Roger Norris moved to place Bill No. 96-38 on First Reading; Councilman Anita Newsom seconded.

Discussion:

Councilman Anita Newsom stated that this helps to fulfill the Comprehensive Plan for commercial development in the City by taking this residential plot commercial and putting it to good use.

The vote: All "aye" - Nodler, Norris, Newsom Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-38, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-38 and enact it as Ordinance No. 3.519; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 11b. on the Agenda.**      **First Reading Bill No. 96-39**, approving a Site Plan in connection with development of property at 6609 N. Oak. Applicant: Ray Worth Owners: Robert R. & Wilma M. Thornton (File #956)

Councilman Anita Newsom moved to place Bill No. 96-39 on First Reading with condition 4. under Section 1. amended to read as follows: **A solid wood privacy**

fence shall be constructed and maintained on or near the east property line, adjusting for existing encroachments. A solid wood privacy fence shall be constructed on or near the north property line beginning at or near the east property line to a point approximately 102' west. A chain link fence shall be installed from a point approximately 102' west of the east property line and continue for a distance of 102'. Existing residential chain link fences shall be tied into the fence by Developer to discourage foot traffic; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom Reynolds. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill No. 96-39 as amended, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill No. 96-39 as amended and enact it as Ordinance No. 3.520; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 12. on the Agenda.** **First Reading Bill No. 96-40**, approving the Final Plat of "The Oaks" Subdivision (4900-5100 N. Washington). Applicant/Owner: Intra State Development. (File #961)

Councilman Roger Norris moved to place Bill No. 96-40 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked if everything was in order.

City Manager Norris stated yes it is.

The vote: All "aye" - Nodler, Norris, Newsom Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-40, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-40 and enact it as Ordinance No. 3.521; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 12a. on the Agenda.** **Resolution No. R-96-43**, authorizing execution of a Developers Agreement with Intra State Development relative to the development of THE OAKS SUBDIVISION (4900-5100 N. Washington).

Councilman George Nodler moved to adopt Resolution No. R-96-43; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0)

**Item 13. on the Agenda. First Reading Bill No. 96-41,** authorizing the issuance and delivery of a Tax and Revenue Anticipation Note by the City of Gladstone, Missouri, in the principal amount of \$350,000; prescribing the form and details of said note, and authorizing and approving certain other documents and actions in connection with the issuance of said note.

Councilman Roger Norris moved to place Bill No. 96-41 on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris stated several years ago the City established a Neighborhood Improvement District to help facilitate the building of 72nd Street from Prospect to Bellefontaine. When Wal-Mart began discussions with the City about relocating within the City, based upon how they own, build and sometimes sell their properties to their employees pension funds, there can be no liens or encumbrances against the property, therefore at that time the City dissolved the Neighborhood Improvement District recognizing that the sales tax from both Hy-Vee and Wal-Mart would more than pay for the Neighborhood Improvement District, and the City chose to do it over a six to ten year period based upon surplus funds at the end of each fiscal year, the City has gone from an original note of \$600,000 two years ago down to \$350,000 principal for this coming year. In the budget that the Council approved earlier this evening there is a \$100,000 payment already budgeted in for next year which will lower this down to \$250,000.

The vote: All "aye" - Nodler, Norris, Newsom Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-41, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds. (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-41 and enact it as Ordinance No. 3.522; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 14. on the Agenda. Questions from the News Media.**

None.

**Item 15. on the Agenda. Other Business.**

None.



There being no further business to come before the Regular June 10, 1996, City Council Meeting, Mayor Pro Tem Bill Reynolds adjourned the meeting.  
Time: 9:00 p.m.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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



Mayor Pro Tem Bill Reynolds

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, JUNE 24, 1996**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Monday, June 10, 1996 City Council Minutes.

**5. CONSENT AGENDA**

**RESOLUTION NO. R-96-44**, authorizing acceptance of a Bill of Sale from King Enterprises, Inc. and Mid Continent Mechanical conveying water line and fire hydrant constructed at developer's expense to serve 7001 N Oak Trafficway to the City for maintenance.

**RESOLUTION NO. R-96-45**, authorizing acceptance of a Bill of Sale from John Chamberlain and Haines Stowers Construction Company conveying relocated water line at 504 NW 47th Street constructed at developer's expense to the City for maintenance.

**RESOLUTION NO. 96-46**, authorizing acceptance of work under contract with R.K. Breit Construction Services for the 6300 N Woodland Drainage Improvement Project and authorizing final payment. Total Contract Amount: \$60,643.00  
Final Payment Due \$2,459.65 (Project #9602).

**RESOLUTION NO. R-96-47**, authorizing Change Order No. 5 in the amount of \$14,288.00 to the 1994 Water Main Replacement Program, South Central Area Contract, (Project #9413C) and authorizing appropriation of additional funds from the Combined Waterworks & Sewerage System/Water Bond Fund. Revised Contract Amount: \$ 396,991.74

**RESOLUTION NO. R-96-48**, adopting a new "Position Classification and Compensation Plan" for the City of Gladstone, Missouri.

**RESOLUTION NO. R-96-49**, adopting Change Order No. 1 in the amount of \$220,070.30 to the 1996 Street Maintenance Program contract with Superior-Bowen and authorizing additional appropriation in the Transportation Sales Tax Fund. Revised Contract Amount: \$1,149,512.59  
(Project #9612)

**RESOLUTION NO. R-96-50**, authorizing the City Manager to execute a Land Development and Escrow Agreement with Ricky Bledsoe relating to construction of residence at 1303 NE 72nd Terrace.

**RESOLUTION NO. R-96-51**, authorizing execution of a contract with Larson Binkley Associates, Inc. for final design of a new Heating, Ventilation and Air Conditioning System (HVAC) for the City Hall building. Contract Amount: \$12,900.00  
Fund: Capital Improvements Sales Tax Fund

**RESOLUTION NO. R-96-52**, authorizing execution of a contract with Pyramid Excavation for the 72nd Street east city limits culvert replacement project. (Project #9224)  
Contract Amount: \$55,270.00  
Fund: Capital Improvements Sales Tax

**APPROVAL OF FINANCIAL REPORTS** for May, 1996.

**APPROVAL OF LIQUOR LICENSE RENEWAL** for Godfather's Pizza, 328 NE 72nd Street. (Class A&B License)

### **REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.
9. **APPROVAL OF BUILDING PERMIT** for addition to OakHill Day School, 7019 N Cherry. (File #BP96-012)  
Applicant: Copland Development & Construction Co., Inc.  
(Tabled at 6/10/96 meeting to 6/24/96 meeting.)
10. **FIRST READING BILL NO. 96-42**, approving the Final Plat of "REPLAT OF THE NORTH HALF OF LOT 11 AND ALL OF LOTS 12, 13 & 14, BLOCK 2, LINDEN". (7109-7111 N Campbell)(  
Applicant: James R. Tankersley  
Owners: James R. and Mary J. Tankersley, and  
Lawrence E. and Barbara A. McIntire (File #963)
11. **FIRST READING BILL 96-43**, accepting a Standard Easement from property owners in conjunction with the 76th Terrace, West of Oak, Street Reconstruction Project. (Project #9301)
12. Questions from the News Media
13. Other Business
14. Adjournment

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JUNE 24, 1996**

Prior to the regular meeting, upon motion by Councilman Roger Norris and second by Councilman Anita Newsom, the City Council met in Closed Executive Session at 7:00 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Privileged Communications discussion.

Mayor Art Hammen called the Regular June 24, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
City Counselor Nancy Thompson  
City Clerk Marilyn F. Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of June 10, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular June 10, 1996, City Council Minutes as written; Councilman Roger Norris seconded. The vote: "Aye" - Nodler, Norris, Newsom, Reynolds; "Abstain" Hammen (4-0-1)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds commented on Resolution R-96-49, that Gladstone citizens would be receiving \$220,000 of additional road work. At a time when the cost of oil products are going

up, the City was still able to get good bids on the 1996 Street Maintenance Contract which allowed the City to do additional streets for this contract year. Mr. Reynolds noted that some of the water work has been rearranged so that road cuts do not have to be done right after the road has been resurfaced and he feels that the citizens should know that the City employees are doing a great job in taking those dollars and doing a lot of capital improvements in Gladstone.

City Manager noted that staff cannot take any credit. For the first time ever, thanks to the voters approving the transportation sales tax, the City was able to go to bid for \$1,300,000 worth of road improvements versus the \$300,000 that was bid in the past. Because of that enormous amount of purchasing power, which is what Gladstone needs on an annual basis to keep the streets done on a ten to fourteen year cycle, the quantity cost comes down. It is just an economy scale issue. When a contractor knows they will have more work for a longer period of time they are willing to work on the margin for the asphalt which benefits all of Gladstone residents.

Councilman George Nodler moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **Resolution No. R-96-44**, authorizing acceptance of a Bill of Sale from King Enterprises, Inc. and Mid Continent Mechanical conveying water line and fire hydrant constructed at developer's expense to serve 7001 N. Oak Trafficway to the City for maintenance; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-45**, authorizing acceptance of a Bill of Sale from John Chamberlain and Haines Stowers Construction Company conveying relocated water line at 504 NW 47th Street constructed at developer's expense to the City for maintenance; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-46**, authorizing acceptance of work under contract with R.K. Breit Construction Services for the 6300 N. Woodland Drainage Improvement Project and authorizing final payment. Total Contract Amount: \$60,643.00 Final Payment Due \$2,459.65 (Project #9602); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-47**, authorizing Change Order No. 5 in the amount of \$14,288.00 to the 1994 Water Main Replacement Program, South Central Area Contract, (Project #9413C) and authorizing appropriation of additional funds from the Combined Waterworks & Sewerage System/Water Bond Fund. Revised Contract Amount: \$396,991.74; Councilman

Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-48**, adopting a new "Position Classification and Compensation Plan" for the City of Gladstone, Missouri; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-49**, adopting Change Order No. 1 in the amount of \$220,070.30 to the 1996 Street Maintenance Program contract with Superior-Bowen and authorizing additional appropriation in the Transportation Sales Tax Fund. Revised Contract Amount: \$1,149,512.59 (Project #9612); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-50**, authorizing the City Manager to execute a Land Development and Escrow Agreement with Ricky Bledsoe relating to construction of residence at 1303 NE 72nd Terrace; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-51**, authorizing execution of a contract with Larson Binkley Associates, Inc. for final design of a new Heating, Ventilation and Air Conditioning System (HVAC) for the City Hall building. Contract Amount: \$12,900.00 Fund: Capital Improvements Sales Tax Fund; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **Resolution No. R-96-52**, authorizing execution of a contract with Pyramid Excavation for the 72nd Street east city limits culvert replacement project. (Project #9224) Contract Amount: \$55,270.00 Fund: Capital Improvements Sales Tax; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Financial Reports** for May 1996; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **Liquor License Renewal** for Godfather's Pizza, 328 NE 72nd Street, (Class A&B License); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda.    Communications from the Audience.**

**John Chamberlain, 504 NW 47th Street**, stated he was here to discuss with the City Council whether or not he could seek to have some of the expenses reimbursed on the water line relocation project. Resolution 96-45 serving his residence.

Total expenses were \$16,657, as well as \$6, 600 in legal fees over three years. Mr. Chamberlain stated they have sued the previous owners of the property, who in turn sued Boatman's Bank whom sold the property to them, and they did get a settlement of about \$13,500 but there are still a lot of unreimbursed expenses.

If the Council looks back at the history of this there may have been several areas where the City could have prevented this or had some liability in it. The first came back in 1986 when the original plot plan for the Claymont Estates subdivision was submitted. It was approved. About six months later there was a change by the developer that widened the utility easement from ten feet to fifteen feet. The builder didn't catch that change and he submitted his Building Permit on the original plot plan and that apparently was approved by the City when he went to get his Building Permit. So the house was built off the wrong plot plan. Subsequent to that Mr. Chamberlain assumes the City was out inspecting the building process and didn't catch the mistake. Finally the mistake was caught at the time of the final inspection. At that time the City Inspector, Mr. Cargill, sent a letter to Mr. Stubby who was the builder and then living in the house, declaring that he had built the house nearly on top of the waterline and that the house constituted a hazard to the safety, health and public welfare and he was instructed to vacate the house.

At that point Mr. Stubby walked away from the house. The house was sold at auction. Boatman's Bank got the house and they then sold the house to a couple named the Belchers who lived in the house three years and they then sold the house to the Chamberlain's. The Occupancy Permit was never granted during this time. Mr. Chamberlain did not feel that the City could send out a letter saying that a house is public hazard and not follow-up on it. Apparently the file on the house was set off to the side and forgotten about. About two years ago he came before the Council because he had been advised to petition to see if they could get the corner of the house removed from the utility easement, and at that time his house file was present and he found out about a lot of these things.

Just prior to closing on the house he had asked the City to look for a file on this house and the City could not find it. He believes that the City had put the file to the side, it was sitting on someone's desk who was to follow-up on this and seeing that the waterline was moved before an Occupancy Permit was granted and the file was forgotten about and lost and the Belcher's were allowed to live in the house for three years, they sold it to the Chamberlain's and they lived in the house and just in the process of inspecting their house papers did they come across this total mess.

They are out a lot of money and somewhere along the line the City maybe could have done some things differently and some of this could have been avoided. Mr. Chamberlain thought maybe the Council would like him to speak to the City Attorney about this just to see what could be worked out. Mr. Chamberlain stated he is not asking for a lot. He is asking for reimbursement of his landscaping expenses, a couple of thousand dollars.

City Manager Jim Norris stated he was not aware that Mr. Chamberlain was going to appear tonight. This has been an issue that has been ongoing for sometime which is obvious by the names that were involved: Mr. Cargill who hasn't been employed here for a long time. City Manager Norris suggested that he and the City Counselor have the opportunity to go back and review the chronology, work on the issue and present a report. Since Mr. Chamberlain is indicating a liability on the City it is potentially a litigious item. Mr. Norris stated that he appreciated how Mr. Chamberlain is making the request and the City's responsibility is to provide the Council with the information they need to make a decision and that will probably be done in terms of a Closed Session because of the liability issue that Mr. Chamberlain has raised.

City Manager Jim Norris stated that he personally has not looked at this issue in a long time, since Mr. Chamberlain had stated that he was going to sue the previous property owners which was several years ago. Mr. Norris stated it is an issue that staff needs to look at and provide a report to the Council so they can make a decision on what to do. There is a lot more to the story than what Mr. Chamberlain has been able to give to Council tonight. This needs to be revisited at a later date. Mr. Norris told Mr. Chamberlain that staff will be communicating with him.

Mr. Chamberlain thanked City Manager Norris and the Council and stated that he will provide the City with a list of his expenses that can be reviewed.

**Item 7. on the Agenda.    Communications from the City Council.**

Councilman Anita Newsom thanked staff for getting the flag banners up in a timely fashion. Ms. Newsom reminded everyone about the Fourth of July festivities on July 4th in Oak Grove Park and the Theatre in the Park production of "George M" on Friday, Saturday and Sunday, July 5th, 6th and 7th. Events start at 8:30 pm each evening. The Midwest Regional Barbecue & Blues Festival is scheduled for Friday and Saturday July 12th and 13th in Central Park.

City Manager Norris noted the first several weeks of July are very public intensive weeks for the City. Besides the three events that Ms. Newsom mentioned there is also Gladstone Night at the Royals on Monday, July 15th. Staff hopes that the public turns out for these events and enjoys them all. The Fireworks will be new and improved over last year.

Mayor Art Hammen commented that he had received a copy of *Peak Magazine* - *A Look At Life In The Northland* and City Counselor Nancy Thompson's picture is in



there. She was honored in the magazine for helping to organize a spring luncheon for the Children's Mercy Hospital pediatric research program. Congratulations to Nancy Thompson.

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris stated that there has been no physical progress at 7101 N. Highland. Their deadline is rapidly approaching and staff is still waiting on activity based on assertions made to the City Council at the last meeting.

City Manager Norris introduced Sergeant Richard King, who also serves as the City's Emergency Disaster Coordinator, to give an update on where the City stands on the petroleum leak issue that staff has been working on in the vicinity of Texaco and Quik Trip just south of 64th and Prospect. As part of the introduction Mr. Norris stated that since this originally reoccurred, on Thursday, June 13th, Richard has basically lived at that location and since last Wednesday, June 19th he has lived there 16, 17, 18 hours a day in the heat and the sun coordinating the City's efforts, interfacing with the Department of Natural Resources which is the agency that actually has to deal with this type of environmental issue and with all the private environmental consultants that have been hired by the different companies and also making sure that Gladstone residents were receiving updates and were safe. As the Council is aware there have been instances of gasoline vapors going through the City's sanitary sewer main and going through individual sanitary sewer laterals into resident homes. There were some explosive limits in some homes and some evacuations were done including the United Methodist Day Care in the basement of the Church. Mr. Norris stated that he personally wanted to applaud Sgt. Richard King for being there 16 to 18 hours a day in the extreme heat and living at Station II in-between. Sgt. King is doing a fantastic job and it is appreciated.

**Sergeant Richard King** stated that it was a pleasure to come before the Council tonight and give a review and update on what has been happening over at 6300 N. Antioch. For about two and a half years now the City has been plagued with a mysterious order of gasoline in the sanitary sewer system that manages to migrate its way through and make itself known in the presence of residences in that area and at the United Methodist Church. Staff has worked on this problem with DNR for the entire period of time that they have been responding to calls. DNR has done numerous geo-probes which is where they bore into the earth looking for the fuel source. The tanks on site there have been petro-tight tested by Double-check to insure their tightness with no noted or obvious leaks or loss of product into the ground. The interesting thing about a Double-check Petro Tight Check is you can have tanks and storage systems underground test secure and tight and still lose approximately 400 gallons of product out the tank and the lines over the course of a twelve month period. It doesn't seem to be a lot of fuel over twelve months when you talk about 400 gallons, but think about the fact that these tanks sit in a pea gravel bed that holds the fuel. As the water table rises with rain, there was plenty in 1993 which is early on when this problem originally surfaced, it migrates up, it rises the fuel, wrenches it off

the gravel, much like a French drain would work, and it finds a point of least resistance which happens to just get over to the sewer laterals coming off the commercial properties that tie into our City sewer main, our sanitary lines.

On June 13th the City started receiving call again. Product, active fuel, was found in the sanitary system. Explosive limits were found in a couple of residences and the United Methodist Church and they were evacuated until the vapor was dissipated and gone so that folks could return safely. The church itself operates a Day Care Center on a regular basis and the children had to be removed to other locations for safety because it was a dangerous level. The Department of Natural Resources (DNR) was recontacted. They activated their emergency response teams. Sgt. King said, Mr. Ron Sheeley of DNR has spent as much time at the site as he has, along with Ron McIntire from the City Community Services department who works with water and sewer. Mr. McIntire has been a tremendous asset to him and Mr. Sheeley in bringing this problem to a successful conclusion.

They identified and felt like the predominate problem came from the area of Texaco. There has been a service station there for many, many years. They have had some problems there in the past. Texaco, when they came in and built their *Star Mart* put in new tanks. They too however sit on a gravel bed. Staff exposed two abandoned lateral lines for Texaco's sanitary system from the previous stations that had been there and found some old product draining around those old laterals. They also found where product had penetrated through the mastic in the connections in the City's main sewer mains. They exposed Texaco's active sanitary lateral and found that it had a loose connection in the "T" that ties it to the City's main. They found some live product that is active fresh fuel, along with old product. Those main joints have been sealed, they have been tightened and they won't leak anymore. They have been concreted over to eliminate leaking. There has been thousands of tons of dirty dirt, and it is contaminated with petroleum products, gasoline specifically, that have been excavated by Texaco and hauled off. They have worked with Texaco's environmental clean-up company which is Geotechnology. Geotechnology's staff has been very cooperative. Texaco's staff has been extremely cooperative and their people have been working with Gladstone citizens to assure them that if there are long range problems, if the people are suffering that they will work with them and address those issues.

It has been learned, through the course of this, that there was a possible problem at Quik Trip. Some things had slipped by in the past and as they were addressed Quik Trip's sanitary lateral had to be exposed. When that lateral was exposed where Quik Trip was to have installed a clean-out tap, live fuel products was uncovered, active gasoline that was fresh. This prompted DNR to declare Quik Trip a new emergency site and activate the system all over again and staff has been working there. Quik Trip has a problem where they sit on a greater scale of pea gravel than anybody Sgt. King has ever seen. Almost everything under Quik Trip's concrete pad is pea gravel. It is a very unique construction technique, but not one that is uncommon for that type of setting. It would appear that Quik Trip has a small leak in their lines. They just finished a Petro Tight Test and tested tight. Where their canopy sits they have

underground rain drains, gutters, that come down the tubes on their canopy and come out on the north end of their parking lot right above the sanitary lateral. Active fuel product was recovered there about 45 minutes ago. Not a lot. About a sixteenth of an inch of fresh gasoline in a half pint jar of water doesn't seem like a lot of gasoline, but when it makes its way into the City's sanitary system and comes up in someone's home, if it finds an ignition source as fresh gasoline there would be an explosion with serious injury and/or death. It is a problem which is going to be mediated. They believe they have gotten to the bottom of it.

They are in the process of cleaning up over at Quik Trip now. Quik Trip is being very cooperative as a corporation. They want to be a good neighbor in Gladstone and Sgt. King feels that they and Texaco alike are. Quik Trip is also being responsive to the needs of Gladstone citizens which Sgt. King stated he feels is as important as anything else that is taking place right now. Quik Trip is going to put in ductile iron pipe for their sanitary line, which is about ten times as expensive as schedule 35 PVC which they could get by with. The problem with PVC is that gasoline attacks it, degrades it and it mashes flat kind of like a flat tire and then you have penetration which allows product back into our sanitary system and they don't want to have that happen again.

Quik Trip is also putting in monitoring wells were Public Safety can check for any contamination at any time they desire. If there is contamination found they have agreed to come and immediately clean it up. Quik Trip also has some dirty dirt that must be hauled off and properly disposed of in an appropriate landfill for environmental problems. Quik Trip is working diligently, at this point around the clock. They have a number of contractors on site and they are going to stay with it until it is finished and corrected. Sgt. King stated he feels confident and Mr. Sheeley from DNR feels confident that this has been mitigated. That problem is being remediated by the removal of the contaminated sanitary lateral and replacement with new laterals of ductile iron that will prevent the problem from entering the City's sanitary system again.

Sgt. King stated staff cut Quik Trip's sanitary line. They have been without a sanitary supply system since Saturday afternoon, June 22, 1996. There have been no calls for an odor of gasoline in anybody's home since Quik Trip's sanitary line was severed. Staff is confident that they have been able to isolate, remediate and then begin the long term clean-up which could take three to four months on Quik Trip and Texaco's part. At this point Sgt. King stated he wanted to commend City Manager Norris, City Counselor Nancy Thompson, and the folks sitting behind the table. They have worked long and hard. Sgt. King thanked Mr. Norris for his praise, but Sgt. King stated without the support of these people, their hours, it is virtual impossible job for one person to do. What he has done is very small. These are the resource folks that make everything work. They are the people in the City's emergency operation plan that have proven once again, it does work when a big emergency comes up beyond the City's normal operating capacity. Everybody comes together and under the direction of City staff they have spent many hours out in the field, just as he has, working in

cooperation with private companies, clean-up contractors and the neighbors, the businesses in Gladstone. They are safely and successfully remediating a problem that has been long term at last. Sgt. King asked if there were any questions he could answer?

Mayor Pro Tem Bill Reynolds commended Sgt. King for being there all the time because he feels it is necessary to have someone there on a timely basis. Mr. Reynolds noted that Sgt. King had mentioned the recent findings at Quik Trip, did that need new piping?

Sgt. King stated that a new pipe would be installed tomorrow. The pipe is called ductile iron. It is what we would normally use for water pipe. Quik Trip has ordered and brought in special 6" ductile iron that they are going to use to replace their sanitary system with nylock fasteners that are impervious to gasoline that will all have mechanical connections and fittings. There will be no rubber boots, no screw clamps, no partial sleeving, it will all be intact and be rigid pipe all the way that will be impervious to the gas product.

Mayor Pro Tem Bill Reynolds asked, and some of those rubber boots is where some leakage occurred in the past?

Sgt. King answered yes. neoprene rubber and rubber in its basic content is attacked by petroleum products. The hydrocarbon in them causes them to break down. Where Quik Trip's previous PVC tied in to the clay tile of the City's connection, the rubber had broken down and there was another point of leakage there.

City Manager Jim Norris stated, to bring this summary to conclusion, Sgt. Richard King, as usual, is much too humble on what his part was. But he is correct in saying that many other people have been involved. The City's City Counselor had to be called there on numerous occasions to make sure that where the City was trying to exercise certain authority in relationship to City businesses that the City had that legal authority. Although, as everyone is aware, since this has been declared an emergency disaster area, DNR carries a much, much bigger stick and wherever that stick could be utilized it was. The City did not want to bring their small stick, unless they had too, but the City Counselor was there for multiple hours during the weekend. Assistant to the City Manager, Dianna Wright, was also there. On Thursday and Friday, June 21 and 22, 1996, both Dianna Wright and Nancy Thompson were in City Hall answering calls from residents when vapor smells were occurring. Director of Parks and Recreation, Steve Buschor, came over with the tent/awning that the City has for our festival use, and made sure those were put up so that some type of sun shade and screen was available. Director Buschor served as a partial communications link in providing his departments portable cellular phone to be used at the site. Director Wingerson was taken out of the Brooktree Pool on Sunday and asked to report to the site because someone who knew electrical codes was needed to make sure that the electrical services that go to the islands at Quik Trip were put in conduit correctly and were the right type of schedule. Director of Community Services,

Jerry Menefee, literally spent Thursday, Friday, and Saturday, all day in the field, along with Ron McIntire.

City Manager Jim Norris said Richard King underestimates what he did and is way too humble, because whenever any staff member had a question they went to Richard King and asked him. Council's information they received this weekend had come through Richard King. Finally staff can say to the residents that have had this problem, we found the sources. Those sources are now known. They are being remediated. The short term remediation is the sanitary sewer permanent fix and the long term remediation is the removal of the contaminated soils in that vicinity with the installation of additional monitoring wells that staff will have the ability to access. Mr. Norris commented that Ron Sheeley from DNR has more energy than any five men he has ever met in his life. He runs back and forth from site to site taking samples, measuring, monitoring and directing. He has done a tremendous job. Mr. Norris stated that he felt the Council should hear this. Council has all had calls in the past from residents on this issue and know that it has been a major concern to staff. Because these are both insured sites, and because they are both emergency declarations done by DNR, all the costs that the City has had over the last two and a half to three years, dealing with this, responding to calls, the City's gas sensors actually burnt out, any and all costs are eligible for reimbursement. Staff time, benefits, everything. Laura Gay has been tracking that now for over a year and a half. In fact, Laura, even on maternity leave, has been to the site at least three times to check on how things are going and to talk to people from DNR, Richard King and himself, to keep herself abreast. Now it has turned itself into a positive.

Councilman Roger Norris stated that Richard King is right. The entire staff supports him and he has done an outstanding job in getting to this, but he noted that Richard doesn't come very often to the City Council Meetings and he wanted to say a few things to Richard while he was present. Once again Richard King, Sergeant in the Public Safety Department, has shown that his sense of duty, that his commitment to his community and his level of service to this Council and to the staff is outstanding as usual. In the entire five years that he has sat on the Council he has not heard one bad thing about Sgt. King and he cannot say that about everybody. Councilman Norris told Richard King he has done an outstanding job and it is very much appreciated.

Mayor Art Hammen thanked Sgt. King for his report and stated that he speaks for the entire Council when he expresses their appreciation to him and his team for their perseverance and diligence in bringing this to conclusion.

**Item 9. on the Agenda.** **Approval of Building Permit** for addition to OakHill Day School, 7019 N. Cherry. (File #BP96-012) Applicant: Copland Development & Construction Co., Inc. (Tabled at 6/10/96 meeting to 6/24/96 meeting.)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Revised Staff Reports dated June 20, 1996; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris noted that Jeannie Carlile of OakHill Day School was present if Council had any questions and referred Council to the revised plans which indicate added windows and the use of 48" high brick wainscot with the remainder of the exterior constructed with synthetic stucco.

Mayor Pro Tem Bill Reynolds noted that the Staff Report states OakHill had agreed to all the conditions listed.

Councilman Anita Newsom commented that this appears to be a more stable and permanent looking structure. She believes that the school will be glad they put more time and effort into the building in the long run.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda.** **First Reading Bill No. 96-42**, approving the Final Plat of "REPLAT OF THE NORTH HALF OF LOT 11 AND ALL OF LOTS 12, 13 & 14, BLOCK 2, LINDEN". (7109-7111 N. Campbell) Applicant: James R. Tankersley Owners: James R. and Mary J. Tankersley, and Lawrence E. and Barbara A. McIntire (File #963)

Councilman Roger Norris moved to place Bill No. 96-42 on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Mayor Pro Tem Bill Reynolds noted that the Council had an amendment in front of them this evening and that the last recommendation on the Staff Report: "ten feet of additional right-of-way is required to facilitate future improvements on NE 72nd Street", would be replaced with: "dedication of five foot of right-of-way and the dedication of five foot utility easement beyond the new right-of-way. The home would be setback twenty-five foot from the edge of the new easement and the City will close an existing curb cut on 72nd Street".

City Manager Norris stated that in the Planning Commission Minutes Mr. McIntire raised some issues about the ten foot dedication. Mr. McIntire, Director Wingerson and himself sat down today and came to what is a more common sense approach to what actually could physically occur over there. It is his understanding that Mr. McIntire is in agreement with what the Council is going to do in terms of approving the Plat and that the Plat would be conditioned upon those actions being taken subject to the staff report.

City Counselor Nancy Thompson stated that conditions are not a part of a plat, but would be part of any ultimate building permit that would be pulled on this particular

piece of property, therefore the building permit will be in conformance with those recommended conditions rather than the plat being in conformance with the recommended conditions. The actual ordinance for the approval of the plat is as it reads on Bill No. 96-42, and then those conditions would be implemented at the time of the building permit.

Mayor Pro Tem Bill Reynolds commented, normally if there is much variation from what the Planning Commission does, a project goes back to them, but in this the Planning Commission had no problem and they had a bit of quandary about the ten foot anyway.

City Manager Jim Norris noted that what is going to have to happen is that before the plat can be signed, it will have to be changed to show the five foot right-of-way and the five foot easement, instead of the ten foot easement that is currently shown on the plat or the ten foot right-of-way that is in the Staff Report. When that is done the plat will be ready to be signed and then the Building Permit can be applied for and pulled.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-42, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-42 and enact it as Ordinance No. 3.523; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda. First Reading Bill No. 96-43,** accepting a Standard Easement from property owners in conjunction with the 76th Terrace, West of Oak, Street Reconstruction Project. (Project #9301)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-43 on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked if everything was in order?

City Manager Jim Norris responded yes. It is only one property owner.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-43, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill No. 96-43 and enact it as Ordinance No. 3.524; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda. Questions from the News Media.**

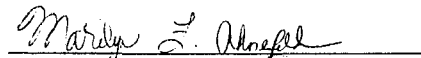
None.

**Item 13. on the Agenda. Other Business.**

Mayor Pro Tem Bill Reynolds noted that he would be walking in the "Christmas Walk-A-Thon" on July 20, 1996 to benefit the Northland Christmas Store. He plans to walk 6 miles and would be happy to accept anyone's pledges.

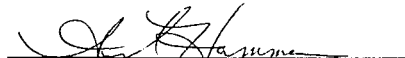
There being no further business to come before the Regular June 24, 1996, City Council Meeting, Mayor Hammen adjourned the meeting. Time: 8:40 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak



7/8/96-6/23/97 City Council minutes

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**GLADSTONE, MISSOURI**

**MONDAY, JULY 8, 1996**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: 6:15 PM**

**Open Study Session: 6:45 PM**

**A G E N D A**

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Monday, June 24, 1996 City Council Minutes.

**5. CONSENT AGENDA**

RESOLUTION NO. R-96-53, authorizing the Mayor to execute a Local Law Enforcement Block Grant Program application for direct grant funds administered by the U.S. Department of Justice in the approximate amount of \$18,355.00 for use by the Gladstone Department of Public Safety for programs designed to reduce crime and improve public safety.

RESOLUTION NO. R-96-54, authorizing execution of a Cooperative Agreement for conversion from private to public for the City's maintenance, the streets, water and sanitary sewer facilities in the Woodlands Subdivision.

**APPROVAL OF LIQUOR LICENSE RENEWALS for the following:**

Bubbles Wine & Spirits, 7407 N Oak  
Smoke House BBQ, 6304 N Oak  
JC's Sports Bar & Grill, 6825 N Oak  
Gene's Party Shop, 6313 N Prospect  
Hy-Vee Food & Drug Store, 7117 N Prospect  
Northland Elks, 7010 N Cherry  
Fire House North, 6948 N Oak  
Tortilla Flats, 5716 NE Antioch Road  
Quick Trip #181, 2590 NE 72nd  
Quick Trip #237, 6309 N E Antioch Road  
Checkers, 6553 N Oak  
IGA Super Center, 5945 NE Antioch Rd  
Golden Eagle II, 6502 N Oak  
Gladstone Bowl, 300 NW 72nd Street  
Pizza Hut, 6420 N Oak  
Texaco Star Mart, 6305 N Prospect  
Margarita's North, Inc., 7013 N Oak  
Uncle Nebo's Pizza & Wings, 7102 N Oak

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council
8. Communications from the City Manager.

9. **APPROVAL OF BUILDING PERMIT** for 10,065 sq. ft. interior remodeling of Ryan's Family Steak House, 7514 N Oak Trafficway. (BP #96-014)
10. **PUBLIC HEARING:** On a request to rezone from CP-0 to RP-2, property at 2001 NE 72nd Street.  
Applicant: Affordable Homes (File #964)  
Owner: R.E. & J.A. Tietz and M.J. and L.K. Barth.

**AUDIENCE NOTE:** ALTHOUGH ADVERTISED FOR THE JULY 8, 1996 CITY COUNCIL MEETING, THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, JULY 22, 1996 CITY COUNCIL MEETING AT WHICH TIME THE PLANNING COMMISSION'S RECOMMENDATION WILL BE AVAILABLE.

11. **PUBLIC HEARING:** On a request for a Special Use Permit to operate a child care center at 2005 NE 62nd Street.  
Applicant/Owner: Judy Cervantes (File #960)
- 11a. **FIRST READING BILL 96-44**, approving a request for a Special Use Permit to operate a child care center at 2005 NE 62nd Street subject to certain conditions.  
Applicant/Owner: Judy Cervantes (File #960)
12. **FIRST READING BILL NO. 96-45**, approving the Final Plat of "REPLAT OF LOT 20, LINDEN PLAZA CORRECTED PLAT", property at the northeast corner of N Walnut and NE 73rd Street.  
Applicant/owner: Timberland Properties, Inc. (File #966)
13. **FIRST READING BILL NO. 96-46**, approving the Final Plat of "ALDI ADDITION", property at 7604 N Oak.  
Applicant/owner: Aldi, Inc. (#967)
- 13a. **APPROVAL OF BUILDING PERMIT** for construction of new 14,680 sq. ft. Aldi's Store at 7604 N Oak.  
Applicant: Aldi, Inc. (BP #96-013)
14. **FIRST READING TABLED BILL NO. 96-15**, approving the Final Plat of "CLAYBROOK FIRST PLAT", 3800 & 3900 blocks of NE 77th Street. Applicant: Five Star Homes (File #941)  
(This Bill was tabled indefinitely at March 25, 1996 City Council Meeting)
15. **FIRST READING BILL NO. 96-47**, amending certain chapters of the Gladstone Municipal Code and enacting a new ordinance to be codified as Chapter 34 relating to the construction and maintenance of structures within the city and designated as the "Building and Construction Ordinance" (BACO).
16. Questions from the News Media
17. Other Business
18. Adjournment

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, JULY 8, 1996**

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman Anita Newsom, the City Council met in Closed Executive Session at 6:15 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Privileged Communications discussion.

Mayor Art Hammen called the Regular July 8, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of June 24, 1996 Minutes.**

Councilman Roger Norris moved to approve the Regular June 24, 1996, City Council Minutes as written; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds asked that **Resolution No. R-96-54** be removed from the Consent Agenda and be considered separately. Mayor Art Hammen stated **Resolution No. R-96-54 would become Item 5a. on the Agenda.** Councilman George Nodler moved to approve

the amended Consent Agenda; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **Resolution R-96-53**, authorizing the Mayor to execute a Local Law Enforcement Block Grant Program application for direct grant funds administered by the U.S. Department of Justice in the approximate amount of \$18,355.00 for use by the Gladstone Department of Public Safety for programs designed to reduce crime and improve public safety; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

Councilman George Nodler moved to approve **Liquor License Renewals** for the following: Bubbles Wine & Spirits, 7407 N. Oak; Smoke House BBQ, 6304 N. Oak; JC's Sports Bar & Grill, 6825 N. Oak; Gene's Party Shop, 6313 N. Prospect; Hy-Vee Food & Drug Store, 7117 N. Prospect; Northland Elks, 7010 N. Cherry; Fire House North, 6948 N. Oak; Tortilla Flats, 5716 NE Antioch Road; Quick Trip #181, 2590 NE 72nd; Quick Trip #237, 6309 NE Antioch Road; Checkers, 6553 N. Oak; IGA Super Center, 5945 NE Antioch Road; Golden Eagle II, 6502 N. Oak; Gladstone Bowl, 300 NW 72nd Street; Pizza Hut, 6420 N. Oak; Texaco Star Mart, 6305 N. Prospect; Margarita's North, Inc., 7013 N. Oak; Uncle Nebo's Pizza & Wings, 7102 N. Oak; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 5a. on the Agenda.** **Resolution R-96-54**, authorizing the execution of a Cooperative Agreement for conversion from private to public for the City's maintenance, the streets, water and sanitary sewer facilities in the Woodland's Subdivision.

#### **Discussion:**

Mayor Pro Tem Bill Reynolds asked City Counselor Thompson if she had an amended Resolution?

**City Counselor, Nancy Thompson**, answered that there is not an amended Resolution but there is an amended Agreement to attach to the Resolution which provides in paragraph 4. that the Association shall cause the improvements as set forth in the plans and specification developed by an engineer and described in Exhibits A and B together with such improvements necessary to bring the facilities within the Woodlands into conformance with City Code standards to be constructed with the exception of milling and overlay of the asphalt streets which shall be performed at the sole expense of the City. In paragraph 8, which is the commencement and completion periods she added a sentence that says, in the event that the Association does not construct and dedicate the public improvements described herein, the Association shall reimburse the City for any cost of milling and

overlay of the asphalt streets performed by the City within the subdivision in anticipation of the public dedication of said streets.

Mayor Pro Tem Bill Reynolds moved to adopt **Resolution R-96-54**, authorizing execution of the Amended Cooperative Agreement for conversion from private to public for the City's maintenance, the streets, water and sanitary sewer facilities in the Woodlands Subdivision; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 6. on the Agenda.    Communications from the Audience.**

None.

**Item 7. on the Agenda.    Communications from the City Council.**

Councilman Anita Newsom thanked staff and everyone responsible for the great fireworks display on the Fourth of July. Everywhere she has gone since the Fourth of July everyone has been talking about Gladstone's fireworks. Today at summer school, two residents of Northtown said they are not going any place besides Gladstone because the fireworks were so good. It was an outstanding display.

**City Manager Jim Norris** stated that staff was more critical of the display than the residents. Staff felt it was a little bit shorter this year, compared to past years, and that the finale was definitely shorter. He believes that was due to who was actually lighting the fuse and pushing the buttons. The volume was more shots and bigger shots, but they seemed to be coming quicker during the regular show than they did last year and there was not a lot of pauses.

Councilman Anita Newsom stated that one didn't realize the difference until they saw the fireworks at Theater in the Park. The fireworks were a great addition to the Theater in the Park production, but they were small compared to the Fourth of July display. She noted that Theater in the Park also had great turnouts. It was four great nights in the park.

Mayor Pro Tem Bill Reynolds noted that he had also heard kind remarks about the fireworks. He was present Sunday evening for Theater in the Park and felt it was a great production.

Mayor Art Hammen congratulated City staff for their hard work and fine efforts on Fourth of July and Theater in the Park.

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris noted that the Department of Natural Resources has directed that Quick Trip and Texaco will insituform the sewer line, as well as sealing the existing City manhole at their costs. A time frame is not yet known, but it is a very quick and quiet process.

He also noted that due to impending work that is going to be done at the City's firing range and the retaining of a design firm to make improvements of the City's range, the City will cease handgun operation at the range in approximately thirty days. The City will continue to utilize the range in the foreseeable future for shotgun and rifle training. The rifle training will be done through the use of culvert pipe where the person actually crawls into the culvert pipe, sights down through the culvert pipe towards the target and then shoots.

City Manager Jim Norris stated that this Friday, July 12, 1996, kicks off the Midwest Regional Barbecue and Blue Festival in Central Park. Blues will start Friday, 5 pm to 10 pm, and on Saturday, noon until 10 pm. The following Monday, July 15, 1996, is "Gladstone Night at the Royals". City Manager Norris also noted that he and staff are very pleased to have the return of Assistant to the City Manager, Laura Gay, who is back following her maternity leave.

**Item 9. on the Agenda.** **Approval of Building Permit** for 10,065 sq. ft. interior remodeling of Ryan's Family Steak House, 7514 N. Oak Trafficway. (BP #96-014)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Staff Report; Councilman Roger Norris seconded.

Discussion:

Councilman Anita Newsom asked, what are they going to remodel?

**Scott Wingerson, Director of Planning and Development**, noted that Ryan's will be doing interior renovation. They are changing their entryway, which is corporate directive that all the Ryan's throughout the country are going through. Rather than the customer lanes to get through the line to order your food, it is more of a point of entry order. Apparently 90% of the customers get the buffet so Ryan's Corporate Office decided to do away with the long lines and as the customer walks in the door they will order, go sit down and the waitress will take care of them from there. It should be a nice change to the property.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 10. on the Agenda.** **Public Hearing:** on a request to rezone from CP-O to RP-2 property at 2001 NE 72nd Street. Applicant: Affordable Homes (File #964) Owner: R.E. & J.A. Tietz and M.J. and L.K. Barth.

**Mayor Pro Tem Bill Reynolds** opened the Public Hearing and immediately continued it to the Monday, July 22, 1996, City Council Meeting.

**Item 11. on the Agenda.** **Public Hearing:** on a request for a Special Use Permit to operate a child care center at 2005 NE 62nd Street. Applicant/Owner: Judy Cervantes (File #960)

**Mayor Art Hammen** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

In Favor:

**Judy Cervantes, 2005 NE 62<sup>nd</sup> Street**, stated she was requesting a Special Use Permit for daycare in her home.

Councilman Anita Newsom noted, in the draft ordinance the operation hours have been altered from what was initially requested at the Planning Commission Meeting from 7 pm to 9 pm and limiting her to four non-related children. Does that still fit within the parameters of the service that she is trying to provide?

Ms. Cervantes stated yes. She has two little boys at night whose mother works at a hospital. She is a single mom and has no one else to take care of the boys.

Councilman Roger Norris asked if Ms. Cervantes had read through the ordinance conditions and if she has a problem with any of it?

Ms. Cervantes stated yes she had read them and that she did not have any problem with it.

Scott Wingerson, Director of Planning and Development, noted that the Planning Commission voted unanimously to approve the ordinance and staff would ask the Council to do the same.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 11a. on the Agenda.**      **First Reading Bill 96-44**, approving a request for a Special Use Permit to operate a child care center at 2005 NE 62<sup>nd</sup> Street subject to certain conditions. Applicant/Owner: Judy Cervantes (File #960)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-44 on First Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-44, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Reynolds, Hammen, Newsom (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-44 and enact it as Ordinance No. 3.525; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)



**Item 12. on the Agenda. First Reading Bill No. 96-45**, approving the Final Plat of "REPLAT OF LOT 20, LINDEN PLAZA CORRECTED PLAT", property at the northeast corner of N. Walnut and NE 73<sup>rd</sup> Street. Applicant/ Owner: Timberland Properties, Inc. (File #966)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-45 on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked Director Wingerson, this is half acre lot they want to split into two. The south section already has a house on it. How are they going to get access to the north section?

Director Scott Wingerson answered, on North Walnut.

Councilman Roger Norris noted that it dead ends in the backyard of houses off of 74<sup>th</sup> Street, does that provide enough access to this piece of land?

Director Wingerson answered yes. The improved street is to the north property line of this tract.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-45, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill No. 96-45 and enact it as Ordinance No. 3.526; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 13. on the Agenda. First Reading Bill No. 96-46**, approving the Final Plat of "ALDI ADDITION", property at 7604 N. Oak. Applicant/Owner: Aldi, Inc. (#967)

Councilman Roger Norris moved to place Bill No. 96-46 on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-46, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-46 and enact it as Ordinance No. 3.527; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 13a. on the Agenda.**      **Approval of Building Permit** for construction of new 14,680 square foot Aldi's Store at 7604 N. Oak. Applicant: Aldi, Inc. (BP #96-013)

Councilman Roger Norris moved to approve the Building Permit subject to the Staff Report; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Anita Newsom stated that the drawings of the elevation were so small and if there is a color scheme of the canopy it is so small she can't read it.

Director Scott Wingerson stated that the color is kind of a creamy-beige-yellow and blue.

Councilman Anita Newsom asked, are they having a monument sign?

Director Scott Wingerson answered yes.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 14. on the Agenda.**      **First Reading Tabled Bill No. 96-15**, approving the Final Plat of "CLAYBROOK FIRST PLAT", 3800 & 3900 blocks of NE 77<sup>th</sup> Street. Applicant: Five Star Homes (File #941)

Councilman Roger Norris made a motion to remove Bill No. 96-15 from the table; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked why this item is back in front of the Council?

City Manager Jim Norris answered, at the request of the developer who had requested that it be tabled back in March.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

Councilman Roger Norris moved to place Bill No. 96-15 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill No. 96-15, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem

Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill No. 96-15 and enact it as Ordinance No. 3.528; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 15. on the Agenda.** First Reading Bill No. 96-47, amending certain chapters of the Gladstone Municipal Code and enacting a new ordinance to be codified as Chapter 34 relating to the construction and maintenance of structures within the City and designated as the **Building and Construction Ordinance (BACO)**.

Councilman Anita Newsom moved to place Bill No. 96-47 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris stated he was happy to see this on the Agenda.

Councilman Anita Newsom asked if the other related codes will take as long?

City Manager Jim Norris noted that they have been working at the same time as BACO. The public's review part, especially of ZAPO (Zoning and Planning Ordinance) will take a significant amount of time. It is lengthy. ZAPO and LADO together are about a thousand type written pages.

Mayor Art Hammen congratulated staff for getting the City to this point. There has been a lot of hard work put into getting BACO completed.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill No. 96-47, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill No. 96-47 and enact it as Ordinance No. 3.529; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 16. on the Agenda.** Questions from the News Media.

None.

**Item 17. on the Agenda.** Other Business.

Councilman Anita Newsom noted that recently some communities have dealt with the annual inspection of rental properties. During a citizenship class she was working with the other day, they were talking about problems that face cities. One of them was the process of re-greening of neighborhoods. As neighborhoods age, sometimes the primary owners move out and place these properties as rental properties. Too often these properties then become not well kept. She was wondering if staff should be asked to explore the possibility of some sort of situation where staff could look at annual inspections of rental properties to protect our citizens and the integrity of our community. Some other municipalities have been dealing with this in the recent months. Would staff be interested in looking at this?

Councilman Roger Norris noted that it is being discussed in other communities. Maybe Gladstone should at least tap their ear into that discussion.

City Manager Jim Norris suggested that staff provide a report to Council on that subject. North Kansas City already does this. Liberty is in the process of entertaining the idea or already doing it. Staff would want to do some basic groundwork and bring it back to the Council in terms of what the issue would entail, whose doing it and bring it back to the Council as a Study Session.

Councilman Anita Newsom noted there is a cost factor in anything that involves inspections.

City Manager Jim Norris stated that from working in cities where this was done, it is a significant time allotment, especially with apartment complexes. The other hard part is that you don't always know whether or not a home is being used as rental property. If there was a conflict between a water utility bill and who is paying the tax bill, that may not even prove enough to give staff that information. There are a lot of little subtle issues inside the major issue that Councilman Newsom raised. It dovetails right in with property maintenance. It deals with keeping older subdivisions at a certain standard for single-family and rental properties too. Staff will bring some research back to Council. Staff did a significant amount of research on this issue in 1993 prior to the Comprehensive Plan being adopted and have already done some more research on the issue. Staff needs to find out what other communities in the metropolitan area are doing and will bring it back to Council.


Mayor Art Hammen asked, if there a general time table when that might come back to the Council?

City Manager Jim Norris stated, as Council is aware, there are a lot of major issues that are pending right now, but he would suggest that this discussion probably needs to occur prior to the point in time that the Building Codes become effective. That is just the discussion. Mr. Norris noted that in his experience it is a fairly intensive public relations issue with property owners of apartments, condominiums, townhomes, duplexes, quads, and single family homes. His suggestion is that staff bring the information back to the Council and then look at having some sort of public

hearing, public input through some forum or forums. Staff will do some work on this and bring it back to the Council.

There being no further business to come before the Regular July 8, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:15 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, JULY 22, 1996**

**CLOSED EXECUTIVE SESSION: 7:00 PM**  
**Pursuant to Missouri Open Meeting Act Exemption**  
**Section 610-021(1) for Litigation Discussion**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, July 8, 1996 City Council Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-55**, authorizing acceptance of a proposal from Midway Ford Truck Center, Kansas City, Missouri, for the purchase of a one ton four-wheel drive pick-up truck for the purchase amount of \$22,532.00 less trade in allowance of \$7,010.00 for a total net purchase amount of \$15,522.00. Fund: General Fund

**RESOLUTION R-96-56**, authorizing execution of a contract with K.C.R.E. Land, LLC and Havens Construction Company, Inc. for installation of water main and sanitary sewer main serving 100 NW Englewood Rd. at the sole expense of the developer.

**RESOLUTION R-96-57**, approving and endorsing the 1996-2001 Capital Improvement Program for the City of Gladstone, Missouri.

**RESOLUTION R-96-58**, authorizing execution of a contract with O'Reilly Automotive and Miller Building Services, Inc. for construction of storm sewer main to serve 7708 N Oak.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Papa Nick's 21/21 Restaurant, 5941 NE Antioch Road  
Osco Drugs #2202, 6129 NE Antioch Road

**REGULAR AGENDA**

6. Communications from Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **BUILDING PERMIT APPROVAL** for 9600 sq. ft. addition to existing auto body shop building at 700 NE 76<sup>th</sup> Street. Applicant: Tom Sims. (BP96-016)
10. **BUILDING PERMIT APPROVAL** for construction of 850 sq. ft. North Haven Village Apartments (970 sq.ft. with deck and storage) on property at 68<sup>th</sup> Street and N Olive. Applicant: Wesco Investments. (File 96-015)

**NEXT ORDINANCE NO. 3.530**

11. **PUBLIC HEARING:** On a request to rezone from CP-O to RP-2, property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes Owner: R.E. & J.A. Tietz and L.K. Barth. (File #964)
- 11a. **FIRST READING BILL 96-48**, rezoning from CP-O to RP-2, property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes (File #964). Owner: R.E. & J.A. Tietz and L.K. Barth. (File #964)
- 11b. **FIRST READING BILL 96-49**, approving a Site Plan for development of property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes (File #964)
- 11c. **FIRST READING BILL 96-50**, approving the Final Plat of "Deer Park" Subdivision and directing the appropriate officials to affix their signatures to the plat for recording. (File #964)
12. **PUBLIC HEARING:** On a request to rezone from CP-2 to CP-3, property at 6850 N. Oak. Applicant: Quality Vending Owner: Garold D. Tingler (File #965)
- 12a. **FIRST READING BILL 96-51**, rezoning from CP-2 to CP-3, property at 6850 N Oak. Applicant: Quality Vending. Owner: Garold D. Tingler (File #965)
- 12b. **FIRST READING BILL 96-52**, approving a Site Plan for development of property at 6850 N Oak. Applicant: Quality Vending
- 12c. **FIRST READING BILL 96-53**, approving the Final Plat of "Tingler Properties" Subdivision and directing the appropriate officials to affix their signatures to the plat for recording. (File #965)
13. **PUBLIC HEARING:** On a request for a Special Use Permit to operate a lawn care business at 6710 N Oak. Applicant: A&B Lawn Care dba Lawn & Order. Owner: Joseph & Myrna Praetz. (File #962)
- 13a. **FIRST READING BILL 96-54**, granting a Special Use Permit to A&B Lawn Care dba Lawn & Order for operation of a lawn care business at 6710 N Oak subject to certain conditions. (File #962)
14. **FIRST READING BILL 96-55**, approving the Final Plat of "The Oaks Revised First Plat". Applicant: Intra State Development Company. (File # 969)
15. **FIRST READING BILL 96-56**, accepting a Standard Easement from KCRE Land LLC in conjunction with the Realty Executive Development at 100 NW Englewood Road. (File #920 A)
16. **FIRST READING BILL 96-57**, accepting a Standard Easement and Temporary Construction Easement from property owners in connection with the 72<sup>nd</sup> Street at east city limits culvert replacement project. (Project #9224)
17. Questions from the News Media.
18. Other Business.
19. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JULY 22, 1996**

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman George Nodler, the City Council met in Closed Executive Session at 7:00 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Privileged Communications discussion.

Mayor Art Hammen called the Regular July 22, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**ABSENT:** City Counselor, Nancy Thompson

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of July 8, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular July 8, 1996, City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the amended Consent Agenda; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**CONSENT AGENDA DETAIL.**



Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-55**, authorizing acceptance of a proposal from Midway Ford Truck Center, Kansas City, Missouri, for the purchase of a one ton four-wheel drive pick-up truck for the purchase amount of \$22,532.00 less trade in allowance of \$7,010.00 for a total net purchase amount of \$15,522.00. Fund: General Fund; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-56**, authorizing execution of a contract with K.C.R.E. Land, LLC and Havens Construction Company, Inc. for installation of water main and sanitary sewer main serving 100 NW Englewood Road at the sole expense of the developer; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-57**, approving and endorsing the 1996-2001 Capital Improvement Program for the City of Gladstone, Missouri; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-58**, authorizing execution of a contract with O'Reilly Automotive and Miller Building Services, Inc. for construction of storm sewer main to serve 7708 N. Oak; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to approve **LIQUOR LICENSE RENEWALS**: for the following: Papa Nick's 21/21 Restaurant, 5941 NE Antioch Road; Osco Drugs #2202, 6129 NE Antioch Road; and Mama & Me, 6012 NE Antioch Road; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda.    Communications from Audience.**

**Brent Barber, Raymore, MO**, stated he was wanted to talk to the Council about the house at 7101 N. Highland that is owned by Dixie Davis, in a trust along with Arnold Young of Washington. This house caught fire approximately six months to a year ago. The reconstruction has never taken place and the house has become an eyesore. The City has made the condition that if the home was not restored within a certain time frame that the house would be demolished. It is his understanding that all has transpired and the house is scheduled for demolition this week. The house has been appraised in its completed value at \$94,000.00. When the property burnt, Ms. Davis had no insurance on the house and there was no mortgage on the property. She borrowed against some CD's for \$16,000 to \$20,000 to try and renovate the home. He believes that Ms. Davis did not have the right people working on the house and for whatever reason the money was mismanaged and wasn't budgeted correctly. The rebuilding didn't move very far along, although promises were made to the City that it would get done in a timely manner. Ms. Davis did approach a lender and got a loan for \$40,000.00, but her closest bid to getting the property rebuilt was for \$48,000.00 so the bank rescinded its commitment.

Mr. Barber stated that he had supplied lumber for Ms. Davis to finish the property and she called him last Friday to ask if he would be interested in purchasing the property. They have agreed on a price. He has been informed about the problems with the City and the proposed demolition of the home. He contacted his construction lender, North Oak Investment, they looked at the property and stated they would loan him the money necessary to purchase and reconstruct the home. He is prepared to start on the house immediately if the Council would issue him a Stay on the demolition so work can be done and he can purchase the property. He will reconstruct the house and Ms. Davis won't come out with such a tremendous loss. She has lost the home and she would also lose her CD's if he is not allowed to purchase the home.

Mr. Barber noted he had sent earlier today to Scott Wingerson a copy of the contract, a copy of his cost sheet showing the cost it will take to complete the home, and he has talked to his construction lender who stated he would fax a letter over showing that they intended to make him the loan. He has also received an end loan commitment on the home once it is done for end loan financing. The problem as he sees it is that Ms. Davis did not have the cash to repair the home nor the people to work on and repair the home. Mr. Barber stated he is coming before the Council today to state that he will repair the home, that he does have the cash, that he does have the construction loan in place, that he has the end loan in place, he has the men that can work on it and he would do so immediately. He anticipates, subject to Council approval, getting final paperwork drawn up by the end of this week so he could close on the property. Right after closing he would start repairs just as soon as he gets building permits. The reason he is in front of the City Council this evening is to ask for a Stay of the demolition of this structure.

Councilman Roger Norris asked Mr. Barber how long he had been building houses?

Mr. Barber answered that he built his first home when he was eighteen so that would be fourteen years.

Councilman Roger Norris asked Mr. Barber, from the time you close on the house how long will it take you to have the house ready for someone to move in?

Mr. Barber stated that it would take him approximately forty-five days to completion, even with weather delays.

Councilman Roger Norris asked, if the Council was to offer Mr. Barber a Stay on the Demolition until August 13, 1996, which is twenty days, could he by then provide to staff proof of ownership, proof of purchase, show how the house is going to be completed and actually be working towards a completed house?

Mr. Barber stated, yes sir.

Councilman Roger Norris noted that Mr. Barber had stated he had been building houses for fourteen years. Has he worked all fourteen years with the company he is with now?

Mr. Barber answered that he has always built homes. His father and grandfather were builders. When he was in the fifth grade he worked on a rough-in crew. Since fifth grade on he has been roughing in and then he helped with all the work in the homes with his father and grandfather. When he turned eighteen he built a house himself. He drove every nail in the house. No other tradesman stepped on the job. He has built close to a hundred homes in the past fourteen years. He has also built several rentals.

Mayor Pro Tem Bill Reynolds stated he would like to see the house rebuilt versus demolished and that he had driven by the house prior to the Council meeting this evening and there are still a lot of problems around the home. There are a lot of safety issues that need to be addressed. What can Mr. Barber do and what would be the time table to get the home where it would be safe?

Mr. Barber stated that if the Council grants a Stay he can have a dumpster delivered tomorrow and start having trash loaded up. The house outside is secured as far as the doors and windows being in place. There is no broken entry where someone could get in. The only thing not buttoning the house up is the roof. When he is given a closing date on the property he will start on the roof. If there is something the Council wants done in addition to going ahead and setting in a dumpster, cleaning up the property and the process of gaining permits, he would be happy to entertain it.

City Manager Jim Norris interjected that what Mr. Barber suggests would be appropriate given the fact that since the structure has been left in its current open condition more damage has occurred due to the weather. Staff would want to make sure that the plans that Mr. Barber would submit to receive a building permit would deal with all the issues that are there on the site now. The dumpster and policing the site is good, but beyond that Mr. Barber needs to use due diligence towards getting the building permit in the next twenty days.

Councilman Roger Norris asked if the City had already incurred some costs on this property?

City Manager Jim Norris noted there are some costs but staff does not know exactly how much as of today. Staff had authorized the contractor to proceed with the demolition because the Stay had elapsed. It is staff's understanding that utilities are starting to be disconnected. Based upon the Council's action tonight staff will do everything they can to stop any other utilities from being fully disconnecting and find out what the City's exposure is. He believes that the contractor would probably work with the City as he doesn't have any expenses other than disconnecting the utilities. The Council could make the motion for a Stay, contingent upon the City being reimbursed for any expenses that the contractor or the City has expended.

Councilman Roger Norris asked Mr. Barber if he had any problem with the Council making the Stay contingent upon the City being reimbursed for any expenses incurred to date?

Mr. Barber stated no problem.

Councilman Roger Norris noted that Mr. Barber's company is called "Somerset Homes". In the fourteen years he has done business has he ever done business under any other name and what were they?

Mr. Barber stated yes. When he first started he built under the name "Affordable Homes" until he was twenty-three and was sent notice by *Affordable Homes* that they had that name and were either incorporated or had that name trademarked and to please change names.

Councilman Roger Norris stated Council would much rather see someone living in the house rather than a vacant piece of land. Council would like to have the neighbors quit calling and asking to have someone clean up the trash. Council is tired of talking about this house and everybody on the Council is probably thrilled not only to hear Mr. Barber say he can rebuild the house but that he has the money to do it.

Mr. Barber stated he understands that the Council has asked somebody to do something and when it hasn't been done they have to push a little harder. He would like to rebuild this home. It is a nice house. It is the nicest on the block. He would appreciate a chance to build it.

Mayor Pro Tem Bill Reynolds asked Mr. Barber if he planned to live in the house when it was completed?

Mr. Barber stated no sir.

Mayor Art Hammen stated he wanted to clarify one point. He asked Mr. Barber how quickly did he indicate that he would be prepared to submit the necessary paperwork for a building permit?

Mr. Barber stated he can have that this week.

Mayor Art Hammen stated that due to the fact that he and Mr. Barber have had business dealings in the past, as President of *Affordable Homes Inc.* he would be abstaining from the vote this evening.

#### Motion

Councilman Roger Norris moved to Stay the Execution of the Demolition of the house at 7101 N. Highland based on the fact that Mr. Barber will be back in three weeks, August 13, 1996, with all the papers necessary to proceed and that the City be reimbursed for any costs so far incurred dealing with the demolition; Mayor Pro Tem Bill Reynolds seconded.

#### Discussion:

Mayor Pro Tem Bill Reynolds encouraged Mr. Barber to make the property as safe as he could as quickly as he could.

Mr. Barber stated that if the Council decides there is something they would like done in addition to what he has agreed to do, to please let him know.

The vote: "aye" - Nodler, Norris, Newsom, Reynolds. "abstain" - Hammen (4-0-1)

**Item 7. on the Agenda.    Communications from the City Council.**

Councilman Anita Newsom asked what code encouragement the City has for some of the larger businesses in town who have put in landscaped islands in their parking lots but right now contain nothing but mulch and dead evergreens?

City Manager Jim Norris answered, if they were done in the last five to seven years where there is a site plan ordinance that actually has specific conditions, staff can go back in and make them bring the island up to those specific conditions.

Councilman Anita Newsom noted that there are a couple of businesses along North Prospect/Antioch that are very recent and that are looking awfully trashy, i.e., Osco Drug and Wal-Mart.

City Manager Jim Norris stated that staff has had several meetings with the Wal-Mart people and they have changed some of their practices and how they are dealing with their landscaping and sod. It has improved greatly since last year, but staff will continue to work with them.

Councilman Anita Newsom stated that the mulch beds become nothing but a refuse dump for trash. The landscaping at Osco Drug has never been as proposed.

City Manager Jim Norris stated that Osco Drug has had a major problem with their parking lot and they had to quit watering during that construction. They lost a lot of their landscaping then and they know they are going to have to go back and do replacements. They are not going to want to do it now, just like the City would not want to re-landscape now. With the heat that we have had this is not the best time to landscape. Staff will do an audit and get it back into compliance.

Mayor Pro Tem Bill Reynolds stated that on his way to City Hall this evening he dodged many street cuts that Missouri Gas Energy had made on 64<sup>th</sup> and also on Flora. As he came in he met Barbara LaBass with Missouri Gas Energy and she made the mistake of asking and he told her about the street cuts. She promised that she would be driving the City and looking at those. Hopefully they will be filled in soon.

City Manager Jim Norris stated that Barbara LaBass got him first this evening and he told her about 64<sup>th</sup> and Flora; and she also spoke with Mayor Hammen and Mayor Bill Reynolds on the same issue. The problem has been the rain. The City does not want them putting caps on right now with the moisture that is in the ground. The design spec is not what it used to be ten years ago. The City actually requires them to go in and re-excavate out the gravel, put a cap of concrete in that is six inches thick, and leave enough room for an asphalt cap on top of that. The concrete crew has to be scheduled in, they have to excavate it out, put the concrete caps on, those have to cure several days and then they put the asphalt on top. These are going to meet City

specifications. Staff had a very good and lengthy meeting with MGE in April about all the work they are doing this year in Gladstone with their pipeline replacement program. None of it is conflicting with the City's resurfacing program. They are being coordinated together. Staff is also inspecting the caps. Part of the delay is staff's as staff wants it done right.

Mayor Art Hammen extended his congratulations to those members of the City staff who were responsible for an excellent Barbecue and Blues Festival this year. There was a super turnout and a great time for all those who were there. A lot of people put in a lot of hard work to make it a success.

City Manager Jim Norris said, especially Director of Parks and Recreation, Steve Buschor, who is on vacation this week.

**Item 8. on the Agenda. Communications from the City Manager.**

None.

**Item 9. on the Agenda. Approval of Building Permit** for 9600 sq. ft. addition to existing auto body shop building at 700 NE 76<sup>th</sup> Street. Applicant: Tom Sims. (BP96-016)

Councilman Roger Norris moved to approve the Building Permit subject to the Staff Report; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Jim Norris, City Manager, stated that this is still part of the original building that burned several years ago when the Elks were using it for storage. In this instance it can be replaced with the type of building at that time. In keeping with the City's Code on disasters they will be able to replace it as is. That is how this is being done.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda. Approval of Building Permit** for construction of 850 sq. ft. North Haven Village Apartments (970 sq. ft. with deck and storage) on property at 68<sup>th</sup> Street and N. Olive. Applicant: Wesco Investments. (File 96-015)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Staff Report; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked, in the Building Permit phase there is nothing Council can do about it, right?

City Manager Jim Norris asked, in terms of changing the zoning and the land use?

Councilman Roger Norris stated no, in terms of changing what color the building is going to be.

City Manager Jim Norris stated that the Council has the ability to direct colors based upon what the aesthetics are of the surrounding land uses. Usually commercial to commercial is harder than commercial against residential.

Councilman Roger Norris asked, how about several kinds of residential that can be seen from a central location? On the Staff Report, under Additional Information, it states: "Structure exterior colors and materials are white vinyl siding with dark green trim. The roof is green asphalt shingles." What color are the shingles in the apartments to the north?

City Manager Jim Norris stated they are brown.

Councilman Roger Norris asked, if there are wood shingles to the east?

City Manager Jim Norris stated they are black composition.

Councilman Roger Norris asked if there is green any where?

City Manager Jim Norris stated no. The reason the builder/developer wants to use this type of color scheme is because he is trying to differentiate these units. These are a different style and type of building than what is already there.

Councilman Roger Norris asked Director Wingerson if he could add anything?

Scott Wingerson, Director of Planning and Development, stated that the applicant is requesting to continue this development. This development is different from the other apartments that are in the general vicinity. It is staff's understanding that these apartment are actually a step above the others and are being classified as small luxury apartments as can be noted from the 800 to 900 square foot range of each unit. There are approximately eighteen units and the colors were based on what people like to see now as opposed to what they liked to see five, seven, ten years ago when the other units were constructed.

Mayor Art Hammen asked if staff was comfortable with this color combination or was that an unfair question?

City Manager Jim Norris stated it is an unfair question. His suggestion would be that Council look at approving the Building Permit subject to the exterior colors being revisited at a later date. Then the shingles can be brought in to see how "green" they are.

**Derk Ellis, 1907 Swift, North Kansas City**, stated he is the architect and has no problem with bringing in samples of the shingles. To address Councilman Norris' concern, he is not talking about bright green shingles. The shingles will appear to be dark green to black. He would be happy to bring in any samples of the shingles, vinyl, anything that the Council would like to see.

City Manager Jim Norris stated the type of question he would ask is, what type of shingle is being talked about? Are they asphalt shingles that have the green flecking in them?

Mr. Ellis answered that is what it actually turns out to be. It is not a green shingle, it is almost a black green.

City Manager Jim Norris stated staff will ask him to bring in samples that Council can see at the next Council Meeting so the exterior colors can be reviewed. They will also be asked to bring a sample of the white vinyl siding so Council can be seen how those work together.

Mayor Pro Tem Bill Reynolds made a motion to approve the Building Permit by amending it to read, minus the roof and siding color scheme until the applicant brings samples of the roof, siding and trim to the City Council Meeting on August 12, 1996; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Mayor Art Hammen** advised all present that he has a financial interest in this next item and therefore from Agenda Items 11. through 11c. he will be excusing himself and asking Mayor Pro Tem Bill Reynolds to take over.

**Item 11. on the Agenda. Public Hearing:** On a request to rezone from CP-O to RP-2, property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes Owner: R.E. & J.A. Tietz and L.K. Barth. (File #964)

**Mayor Pro Tem Bill Reynolds** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Les Smith, 300 NW 72<sup>nd</sup> Street,** asked to be forgiven for his posture and slow motions as he has a back problem this evening. He represents Affordable Homes Inc. The sole owner of Affordable Homes is Mr. Art Hammen, residing and doing business as 7001 N. Benton Court in Gladstone. They are requesting a rezoning from CP-O to RP-2 and then also Site Plan approval and Final Plat approval for Deer Park this evening. Mr. Smith stated he would like to start the evening by giving a very brief explanation of the project and then answer any Council questions.

Mr. Smith stated he is representing Affordable Homes this evening because Affordable's legal counsel, R. Brian Hall, had a conflict on his schedule. This project will consist of thirteen luxury duplex buildings, a total of twenty-six units. These units will be approximately 12,500 to 14,000 square feet each depending on the floor plan. They will be units that will be for lease. Each building will average about \$170,000 in retail value. Mr. Hammen will own the majority of these units. He will own the remainder of the units. They will keep these units for lease and intend them to be retirement type income properties for themselves. Council is familiar with both



gentlemen. They have been here awhile and intend to be here awhile longer and they intend to retain ownership for as long as possible. Council will note that there is one curb cut going down into a cul-de-sac. There are currently two curb cuts on the property now. Those two will be closed and the curbs matched to what is existing. There is a street light currently at the mouth of the project that will serve as lighting into the project. The beauty of the project is that these units are able to fit very nicely on the property and all the existing woods on the property can be retained. The way the project lays out they are not in any way, shape or form, with the exception of possible utility hookups, going to disturb any of the natural woods. On the east of the property there is a Kansas City Power and Light utility easement that runs 100 feet wide. On the southwest corner there is 100 year flood plain.

At this time, they anticipate filing some protective covenants on the property that will be recorded with the Clay County Recorder of Deeds Office and run with the life of the land. That will insure certain things such as: exterior maintenance, compatible color schemes, trash and whatnot as far as parked cars in the drives and streets, in fact the number of cars that can be parked in any driveway. They are also considering the possibility of a homeowners association but with the two of them owning the units a homeowners association may not be necessary as the protective covenants can accomplish what they hope to accomplish.

Just some brief history on the property, in November 1986 the property was rezoned from R-4, which is multi-family use, to CP-0. Obviously no suitable commercial use has come along in the last ten years so they feel it is appropriate to down zone the property to residential use. Council may recall a meeting back in April or May where it seemed that the surrounding neighbors were in favor of a use more like this, and at this date they have not received any opposition to the project. Mr. Smith stated he would like to distribute to Council a document from surrounding homeowners, signed by them, stating that they had no objection to the project. Mr. Smith stated he had nothing further to add, it is a factual presentation, and he would entertain any questions from the Council at this time.

Opposed:

**Bonnie Belnap, 6916 N. Woodland**, stated there is really no place for someone on the Agenda who would like to say yes, but... She really approves of this development. She thinks a residential development in a residential neighborhood is fitting and commendable. But, what she objects to are the variances on the site plan. They have an eight foot setback at the side and 30 feet on the front. Gladstone calls for nine feet and 35 feet. Those codes are there for a reason and she feels they should be followed. She is talking about space and privacy for residents and the quality of life in Gladstone. The Council is the highest authority in Gladstone and she doesn't know who else can say, we will allow this variance or we won't allow that variance. If you know of somebody that sets these rules she would appreciate knowing it. She requests that the Council uphold those standards and vote yes, but... She will graciously respect the Council's decision.

There being no additional questions or comments, Mayor Pro Tem Bill Reynolds closed the Public Hearing.

**Item 11a. on the Agenda.** **First Reading Bill 96-48**, rezoning from CP-O to RP-2, property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes (File #964). Owner: R.E. & J.A. Tietz and L.K. Barth. (File #964)

Councilman Anita Newsom moved to place Bill No. 96-48 on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked the applicant, how would the variance affect you? What would be the impact of Mrs. Belnap's argument that side yards need to be nine feet when you show them at eight feet? Where would you spread that foot out?

Mr. Les Smith responded, what happens because of the way the project has to lay out, and again he reiterated that they have a 100 foot KCP&L easement to the east, a flood plain to the southwest and little bit directly on the south. This is what our forefathers wrote regarding a "P" zoning and what they were intending to happen, and that is a quality development on a piece of ground that is very difficult to develop. He thinks that staff has taken that into consideration with their recommendation for approval, as has the Planning Commission. What happens is, and it would seem it is as simple as taking out one unit and all of a sudden you then would have seventy feet that you can spread out over. If you look at the bottom of the project, at the southwest corner where the woods and flood plain are, there is a great open space. In effect what you would have to do is take out two units, one on each side of the street. Two buildings which would mean four units.

The other possibility, which is what they would do because it is not feasible to take out two units, is they would push the cul-de-sac further to the south. Mr. Smith stated that he truly respects Mrs. Belnap's questions to the Council, but in their meetings with the homeowners surrounding the property their biggest concern was please, please don't touch the woods. They can gain twelve inches on each side of every building, but because of the grade changes and everything else, if they push that cul-de-sac ten or fifteen feet further to the south, they are going to have to bevel down the hillside and probably get into 50 to 75, maybe even as much as 100 feet of those woods. He really does not think that is what the people over there want because they would then destroy the woods in the southwestern part of that property. Those are the two options. The first one does not make it a feasible project. The second one defeats the purpose of what the homeowners are looking for and why they want it to be residential for a great part of those woods would have to go away.

Councilman Roger Norris asked Mr. Smith to answer the question about 30 foot setbacks? Is that basically going to be the same thing? Would they be in the tennis courts on one side and in the trees on the other?

Mr. Smith stated the 30 foot setbacks are solely because of the 100 foot KCP&L easement. What they have done is they have kept the backyard distances intact because they felt it was important to the homeowners on North Woodland that they keep the buildings as far away from their backyards as possible just because there is a

big change going from five acres of vacant land to having neighbors behind you. They have kept the rear yards intact and they have stayed out of the easements and yes sir, they have to scrunch them a little bit on the front. That is really only going to impact the people that live on that street.

Councilman Anita Newsom stated that she had a follow-up comment about the variance. Gladstone has other neighborhoods in the City that have the same kind of variances.

City Manager Jim Norris stated there are various neighborhoods and the "P" zone was written in order to deal with the physical natures of the property as well as the underground utilities that have already been put in place, and in this instance they are dealing with the flood plain and the KCP&L easement.

Mr. Smith stated that this project is the perfect example of a developer not taking advantage of a "P" zoning but using it for what it was intended and that is because the property provides a hardship. This is their way of dealing with the hardship. They are doing things out of the ordinary but the things are only going to impact the people living in this neighborhood versus doing things that might impact people in the surrounding neighborhoods because of its dead-end nature.

Councilman Anita Newsom stated that in the neighborhoods that currently have the 8 foot side yards and the 30 foot setbacks, you don't realize it because the entire neighborhood is done that way. Because of how it is landscaped and planned a person doesn't realize that it is any different. If it was built one house up and one house back that would be real detrimental to the look of the project.

Mr. Smith noted that five feet is not very noticeable on the front. This is one of the issues they are going to deal with in the lease and also with the protective covenants, such as the number of vehicles that can be parked in the driveway and in front of each house.

Councilman Roger Norris stated that this project is light years ahead and better than what was presented a couple of months ago. Secondly, he agrees with Mrs. Belnap about the "P" zoning and what that gets around sometimes, but we are running out of room here in Gladstone and people still want to live here. That is something we are going to have to live with on little parcel properties like this where we are fitting it in to existing problems that weren't seen by our forefathers. On the draft ordinance there are six conditions listed. Any problems with those?

Mr. Smith responded they are comfortable with everyone of them.

Councilman Roger Norris asked, and you know all disturbed areas shall be sodded?

Mr. Smith stated yes.

City Manager Jim Norris stated, for clarification, the items Councilman Roger Norris was referring to are in Agenda item 11b. Item 11a. is just the rezoning. Staff will actually want to request an additional item in 11b.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 96-48, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 96-48 and enact it as Ordinance No. 3.530; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 11b. on the Agenda.** **First Reading Bill 96-49**, approving a Site Plan for development of property at 2001 NE 72<sup>nd</sup> Street. Applicant: Affordable Homes (File #964)

Councilman Anita Newsom moved to place Bill No. 96-49, with the addition of condition #7 to Section 1., on First Reading; Councilman George Nodler seconded.

**Discussion:**

City Manager Jim Norris stated that since the issue of covenants has come up, typically the City reviews those covenants prior to the plat being recorded because the covenants actually go on to the plat. The City doesn't have veto authority because they are actually private covenants. What the City does is review the covenants and make sure that they are at least to the standards of City Code and not a contradiction. It is kind of like State Law, the City has the ability to go tougher than State Law, and in subdivisions and homeowners covenants the developer has the ability to go beyond City Code. The City tries to deal with things so they are not contradictions and so the City is aware of them and knows about them in advance of the plat being filed. Condition #7 under Section 1. shall read: *Restrictive covenants shall be forwarded to the City for review by legal counsel prior to recording of the plat.*

Mr. Smith stated that they are accustomed to the request of providing a copy of the covenants to the City, the City's legal staff reviews them and then they are then recorded simultaneously with the plat. Mr. Smith stated they are fine with that.

City Manager Jim Norris stated that the issue of covenants is a relatively new one. It actually grew out of public hearings and meetings that the developer had with residents prior to public hearings. That is why it is new for the City as well.

Mr. Smith stated that the covenants issue is really to protect the surrounding neighborhoods in the future. If something should happen to either Mr. Hammen or himself, and there should be another player come in on the project, they would have to live by the same rules that are being presented to the Council this evening.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 96-49 Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 96-49 and enact it as Ordinance No. 3.531; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Item 11c. on the Agenda.** First Reading Bill 96-50, approving the Final Plat of "Deer Park" Subdivision and directing the appropriate officials to affix their signatures to the plat for recording. (File #964)

Councilman Roger Norris moved to place Bill No. 96-50 on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris stated that in this instance the Site Plan and the Plat are identical.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-50, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-50 and enact it as Ordinance No. 3.532; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds (4-0)

**Mayor Pro Tem Bill Reynolds asked Mayor Hammen to return to the Council table which he did.**

**Item 12. on the Agenda.** Public Hearing: On a request to rezone from CP-2 to CP-3, property at 6850 N. Oak. Applicant: Quality Vending Owner: Garold D. Tingler (File #965)

**Mayor Art Hammen** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Don Micelli, 203 NW 59<sup>th</sup> Place,** stated he owns Quality Vending. He stated he really doesn't know where to start. He'll state the same thing he told the Planning Commission at their meeting. He intends, if the Council will approve at this point-in-time the rezoning, to take the necessary steps with Engineering, the architect and

builder and use Mr. Wingerson's expertise to see things through and make sure it is a plan and development that the City of Gladstone will be proud of. He is intending to try and develop a piece of property at 6850 North Oak. It sets behind the Paris II building. It is not visible from North Oak. The south of that piece of property is a storage facility that sets up above and over that piece of property. To the north and west of that property is a set of woods. The east faces the back of the Paris II building. He thinks it is a piece of property that he can use. They will go in there, put in a real nice facility and go from there.

Councilman George Nodler asked what is the building going to look like that he is going to build on this property?

Mr. Micelli said they have planned a 50 by 100 foot building. 50 foot wide and 100 foot deep. The 50 foot will face the North Oak side. The front of the building will be brick, windows, and have glass doors. There will be two overhead doors in the front and one overhead door in the back of the building. The remainder of the building will be of metal construction, a Butler style building.

Councilman George Nodler asked if he knew what color it would be?

Mr. Micelli stated most likely a beige or taupe, natural colors. Like what is being used today.

Councilman George Nodler asked what kind of exterior lighting will be on the building?

Mr. Micelli stated basically the four outside corners of the building will be lit. If they have a canopy of some sort over the doorway and there will be lighting there.

City Manager Jim Norris noted that when Mr. Micelli was meeting with Mr. Wingerson and himself, he indicated some type of acceptable synthetic stucco finish would be presented to the Council as the exterior finish on three sides of the building at the Building Permit stage.

Mr. Micelli stated that was right. He noted that he had brought a sample in and showed it to Mr. Wingerson. What the City of Liberty is proposing to build their fire station out of is a piece of metal, made by Butler, with a drivit look alike system so that the metal finish looks like a drivit finish. Basically that is what they would be using for the metal sides with a brick front if that is acceptable with the City. Again they want a permit and rezoning to get this building up. They are a family operation. This is not something they do all the time. They want to go in there, stay there. They want to be as proud of this building as the City of Gladstone does. They are going to use Mr. Wingerson's expertise to see them through and make sure they put up something the Council will like.

Councilman George Nodler asked how much of the existing woods they have to take out to put up this building.

Mr. Micelli stated that he hoped none.

Councilman Roger Norris said, so if Council puts it in the form of a motion the rezoning of this property, somehow Council wants to make sure it is not a metal Morton building. Because Mr. Micelli is hidden back behind the Paris II building, Council is not only concerned about the front of that building, they are concerned with the people that live 150 feet behind that building. What Mr. Micelli sees as just this endless vast woods, he sees as his backyard. Councilman Norris stated he is interested in how many junk vending machines he gets to look at, how many trucks he gets to hear drive in and out, and just the standard concerns that anyone would have.

Mr. Micelli stated that he operates right now out of his home. He has for five years with a City permit. He wished Mr. Norris would drive by his house right now and see how many junk vending machines are out there. He has the nicest home and yard in the entire neighborhood and his entire facility will always stay that way. He owns two vending trucks that are new. One is 1993 and the other is a 1995 that will be parked inside the facility. The facility is big enough that there is never going to be anything thrown outside. A junk vending machine, he doesn't believe in it. This is something he wants to be proud of. He wants the Council to be proud of it. He has lived in the City of Gladstone for thirty-one years and he doesn't want to junk it anymore than the Council does.

City Manager Jim Norris stated, as the Council is aware, a lot of the buildings that are built commercially these days are actually structurally metal buildings. The City is requiring a drivit finish. Drivit is a trade name. The City is getting better at not calling it drivit and calling it a synthetic stucco finish. The companies that manufacture these skins have gotten smart. They have finally realized that most cities are doing the same thing as what Gladstone is doing, requiring some sort of exterior treatment on their metal skins. So the steel building companies are trying to put together a product that will incorporate the metal building with a drivit finish so that a third party is not making money off of their skin treatment. At building permit time, staff will come back in with the actual samples of the finish and have pictures to show how the seams run and how this metal drivit looks. Mr. Norris stated he is not entirely convinced that it gives the building the same effect as a good synthetic stucco finish, but it is something that has been proposed for Council to look at. This will be brought in for the Council to look at at building permit time. As the applicant has stated, he is willing to look at whatever the Council wants in terms of those remaining three sides exterior finish. Staff will have some elevations at building permit time to deal with and how the front of the building is going to look.

Mr. Micelli stated that he could not stress enough to the Council that he just wants the permit and the okay to build the building. At that point in time he will go along with whatever the City Council suggests he do to the building to do it right. The last thing he wanted to say to the Council is that the metal finish, with this drivit type system look alike, is what the City of Liberty is building their fire station out of. So it evidently must be pretty nice.

Mayor Art Hammen stated he had two questions pertaining to the roof of his proposed structure. Can Mr. Micelli tell them what the pitch will be and secondly what type of material it will be made of?

Mr. Macilli stated he has no idea.

Mayor Art Hammen asked if that was an issue they could deal with at building permit time?

City Manager Jim Norris stated yes.

Scott Wingerson stated that he and Mr. Micelli have had several discussions about the pitch, or lack thereof, of the roof. It is Mr. Micelli's preference to do a flat roof but he has said that he could do a pitched roof if that is the Council's desire. Mr. Wingerson suggested that that be handled at building permit time and possibly provide two sets of elevation drawings so that the Council can make their decision between two sets of elevations drawings.

Mr. Micelli stated all he could say to that is when they get to the architectural design he would be more than happy to have everyone look at it, agree upon it, approve it and then he will put it up.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 12a. on the Agenda.**      **First Reading Bill 96-51**, rezoning from CP-2 to CP-3, property at 6850 N. Oak. Applicant: Quality Vending. Owner: Garold D. Tingle (File #965)

Councilman Roger Norris moved to place Bill No. 96-51 on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris encouraged the applicant to continue the frame of thought that he is in at this point.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-51 Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-51 and enact it as Ordinance No. 3.533; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12b. on the Agenda.**      **First Reading Bill 96-52**, approving a Site Plan for development of property at 6850 N. Oak. Applicant: Quality Vending.



Councilman Roger Norris moved to place Bill No. 96-52 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-52 Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-52 and enact it as Ordinance No. 3.534; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12c. on the Agenda.** **First Reading Bill 96-53**, approving the Final Plat of "Tingler Properties" Subdivision and directing the appropriate officials to affix their signatures to the plat for recording. (File #965)

Councilman Roger Norris moved to place Bill No. 96-53 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-53 Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-53 and enact it as Ordinance No. 3.535; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 13. on the Agenda.** **Public Hearing:** On a request for a Special Use Permit to operate a lawn care business at 6710 N. Oak. Applicant: A&B Lawn Care dba Lawn & Order. Owner: Joseph & Myrna Praetz. (File #962)

**Mayor Art Hammen** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Bill Duran, 10613 N. Grand, Kansas City, Missouri**, stated he didn't know he was supposed to speak tonight. Basically what they are looking at is pretty much running the operation like they have the past six years when David and Patty LaMaster owned the business. It is still the same lawn care landscape day-to-day activities. He would be happy to answer any questions Council had.

Councilman Roger Norris noted that Mr. Duran stated the operation is run the same way as it was when the LaMaster's owned it. What about neighbors behind you, have you had any problems with them at all?

Mr. Duran stated never.

Councilman Roger Norris if any complaints had been filed against the location at all?

Mr. Duran stated not to his knowledge.

Councilman Roger Norris asked Mr. Duran how long he had worked for Lawn & Order?

Mr. Duran stated since 1990.

Mayor Pro Tem Bill Reynolds stated that in the Staff Report the parking lot was not striped. Is that going to be a requirement?

Scott Wingerson, Director of Planning and Development, answered that the requirements are the same requirements that were applied for in November 1993 when the Special Use Permit was renewed for the first time. Basically that condition states something to the effect that upon leasing of additional space within the building then it would be required to be striped.

Councilman Roger Norris stated that in the Planning and Development Staff Report under Recommended Conditions there are three selected code requirements. Have you seen those?

Mr. Duran stated yes he has.

Councilman Roger Norris asked, any problems with those?

Mr. Duran stated no.

Councilman Roger Norris stated, under those recommended conditions there are fourteen. Any problems with any of those?

Mr. Duran said no.

Scott Wingerson, Director of Planning and Development, stated for clarification, Mr. Duran is reading from a Staff Report here at the podium. He is familiar with the ordinance. Mr. Wingerson stated that the Planning Commission voted unanimously nine to zero to approve this Special Use Permit. He noted again that these conditions were the same as those applied to the previously issued Special Use Permit.

Mayor Pro Tem Bill Reynolds noted that the applicant indicated that he was going to continue as is. When the first Special Use Permit was issued there were several items that specified where the Christmas Trees could go, where the fertilizer storage could be, etc.; has there been any problems with any of that?

Mr. Wingerson answered that staff has not noted any problems in those regards or any others with this business.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 13a. on the Agenda.**      **First Reading Bill 96-54**, granting a Special Use Permit to A&B Lawn Care dba Lawn & Order for operation of a lawn care business at 6710 N. Oak subject to certain conditions. (File #962)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-54 on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-54 Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-54 and enact it as Ordinance No. 3.536; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 14. on the Agenda.**      **First Reading Bill 96-55**, approving the Final Plat of "The Oaks Revised First Plat". Applicant: Intra State Development Company. (File #969)

Councilman Roger Norris moved to place Bill No. 96-55 on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris said he understands this is basically a replat because they removed two properties from a cul-de-sac which made more room because there wasn't enough in the beginning?

Scott Wingerson, Director of Planning and Development, stated that they had enough room. It is basically a cul-de-sac on the southern portion of the development which became very, very expensive to build. Instead of building that cul-de-sac they are choosing to straighten that roadway out and in the process they lost two lots.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-55 Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-55 and enact it as Ordinance No. 3.537; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 15. on the Agenda.**      **First Reading Bill 96-56,** accepting a Standard Easement from KCRE Land LLC in conjunction with the Realty Executive Development at 100 NW Englewood Road.  
(File #920 A)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-56 on First Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked if everything was in order.

City Manager Jim Norris answered yes.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill 96-56 Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-56 and enact it as Ordinance No. 3.538; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 16. on the Agenda.**      **First Reading Bill 96-57,** accepting a Standard Easement and Temporary Construction Easement from property owners in connection with the 72<sup>nd</sup> Street at east city limits culvert replacement project. (Project #9224)

Councilman Roger Norris moved to place Bill No. 96-57 on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked if this is the narrow concrete culvert that the City has been getting complaints on forever and ever as it comes down the hill at the very edge of our City limits? Half in Kansas City and half in Gladstone?

City Manager Jim Norris stated yes. Council will remember a three party agreement that was authorized between the City of Kansas City, Missouri; Stonebrooke Limited Partnership; and the City. Those bids have come in. They came in well under budget and this is the easements necessary to construct the improvement.

Councilman Roger Norris asked when they start the construction if staff has any idea how long that little section of road will be out?

Norman LeClerq, Director of Engineering, responded it will probably be close to thirty to forty-five days.

City Manager Jim Norris stated it is a pretty extensive box that is going to be put into place. Volume is not necessary to be added because the existing brick/stone culvert actually has enough volume in it, it just has to be widened significantly and dealt with structurally so that people who drive pickup trucks don't exit the roadway and end up down in the ditch.

Councilman Anita Newsom asked if this would be torn up all winter?

City Manager Jim Norris stated that the bid has actually been awarded and it should be completed in thirty to forty-five days unless it rains daily.

Councilman Anita Newsom stated she just remembers 72<sup>nd</sup> Street being torn up forever by the Hy-Vee construction.

City Manager Jim Norris stated that part of the issue here is that this is halfway in-between Gladstone and Kansas City City Limits and there are only three or four houses that it will effect. It is a way that people do use now to cut through to get from Brighton to Hy-Vee and Wal-Mart in Gladstone, but it is something that absolutely has to be done.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 96-57 Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 96-57 and enact it as Ordinance No. 3.539; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 17. on the Agenda. Questions from the News Media.**

None.

**Item 18. on the Agenda. Other Business.**

Councilman Roger Norris noted, in the Planning Commission Minutes from the last meeting, they dealt with a public hearing for a site plan revision in a CP-2 zone (Charter Funeral Home), is that going to come to the Council?

City Manager Jim Norris stated that it will be coming to the Council at their next meeting. It was published for a Public Hearing in front of the Council at the August 12, 1996, City Council meeting. Pending the potential of a site visit the applicant did not

ask for back-to-back public hearings so they were scheduled with a City Council Meeting in-between.

There being no further business to come before the Regular July 22, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 9:03 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted:   X  

Approved as corrected/amended:           

  
Mayor Art Hammen

MFA/sak

**GLADSTONE, MISSOURI**  
**MONDAY, AUGUST 12, 1996**

**CLOSED EXECUTIVE SESSION: 6:00 PM**  
**Pursuant to Missouri Open Meeting Act Exemption Section 610-021(1)**  
**for Privileged Communication from the City Counselor**

**OPEN STUDY SESSION: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, July 22, 1996 City Council Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-59**, authorizing acceptance of work under contract with Stelmach Construction Company for the 67<sup>th</sup> Street, East of Indiana drainage improvements, Project 9322, and authorizing Final Payment. Total Project Amount: \$58,816.00. Final Payment Amount: \$2,600.00.

**RESOLUTION R-96-60**, authorizing the City Manager of the City of Gladstone to execute an amended Federal Aid-Urban Program Agreement with Missouri Highway and Transportation Commission in connection with road improvements on NE 72<sup>nd</sup> Street from North Bellefontaine to East of North Antioch Road in the City of Gladstone.

**RESOLUTION R-96-61**, adopting an interim plan and design standards for low power mobile radio service telecommunications land use and establishing a moratorium on the issuance of any permits for the construction of such facilities in the City of Gladstone, Missouri unless the facilities comply with the interim plan and design standards.

**RESOLUTION R-96-62**, accepting a proposal from Independent Salt Company for purchase of snow removal salt.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Manley Spirits dba Aardvark Liquors, 7507 North Oak  
Sal's Groceries, 7125 North Broadway  
Johnny Dix Pool & Pub, 316 NE 72nd Street (change in dba from Pinky's)  
Total Petroleum, Inc., 5800 North Oak  
Kwik Shoppe, 7603 North Oak Trafficway  
Mike Lombardo's Restaurant, 6972 North Broadway

**APPROVAL OF LIQUOR LICENSE**, Class AB Liquor License, for Pancho's Restaurant, 6906 North Oak Trafficway. Managing Officer: Maite Restrepo

## NEXT ORDINANCE NO. 3.540

### REGULAR AGENDA

6. **Communications from Audience.**
7. **Communications from the City Council.**
  - a. Appointment of Cable TV Advisory Board Chair
8. **Communications from the City Manager.**
9. **MOTION TO APPROVE** exterior treatment of 850 square foot North Haven Village Apartments (970 sq. ft. with deck and storage) on property at 68<sup>th</sup> Street and North Olive.  
Applicant: Wesco Investments. (File 96-015)
10. **BUILDING PERMIT APPROVAL:** Permit for interior remodeling of 3,625 square foot of Gladstone Bowl, 300 NW 72<sup>nd</sup> Street.  
Applicant: Les Smith  
Owner: Everett & Carmalina Smith Trust
11. **BUILDING PERMIT APPROVAL:** Permit for removal of existing building and construction of a 4,560 square foot new building for Kingdom Hall of Jehovah's Witness, 1501 NE 65<sup>th</sup> Street.  
Applicant/Owner: Kingdom Hall of Jehovah's Witness
12. **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone (General Business District-Planned), property at 77 NE 72nd Street.  
Applicant: Sweers Toben Architecture & Design  
Owner: Charter Funeral Home (File #968)
- 12a. **FIRST READING BILL 96-58,** approving a Site Plan Revision in a CP-2 zone, property at 77 NE 72nd Street subject to certain conditions.  
Applicant: Sweers Toben Architecture & Design  
Owner: Charter Funeral Home (File #968)
13. **FIRST READING BILL 96-59,** establishing a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials pursuant to the State of Missouri "Ethics Law".
14. **FIRST READING BILL 96-60,** declaring the results of the Special Election held in the City of Gladstone, Missouri on Tuesday, August 6, 1996, at which election the question of whether to impose a Local Use Tax at the same rate as the Local Sales Tax was presented to the Qualified Voters of the City.
15. **FIRST READING BILL 96-61,** accepting a Standard Water Line Easement from Antioch Bible Baptist Church in conjunction with development at 800 NE 72<sup>nd</sup> Street.  
(File #BP95-021)
16. Other Business.
17. Questions from the News Media.
18. Adjournment



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 12, 1996

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman George Nodler, the City Council met in Closed Executive Session at 6:00 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Privileged Communications discussion.

Mayor Art Hammen called the Regular August 12, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

ABSENT: Councilman Roger Norris

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the July 22, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular July 22, 1996 City Council Minutes as written; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds asked that **Resolution No. R-96-61** be removed from the Consent Agenda and be considered separately. Mayor Art Hammen stated **Resolution No. R-96-61 would be considered under Item 16. Other Business on the Agenda.** Mayor Bill Reynolds explained that his request to move Resolution No. R-96-61 was because it was

scheduled as an Open Study Session item at this evenings City Council Meeting and since this was not presented in Open Study Session it will be considered separately under Item 16. Other Business where it may have discussion. Councilman Anita Newsom moved to approve the Consent Agenda as amended; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-59**, authorizing acceptance of work under contract with Stelmach Construction Company for the 67<sup>th</sup> Street, East of Indiana drainage improvements, Project 9322, and authorizing Final Payment. Total Project Amount: \$58,816.00. Final Payment Amount: \$2,600.00; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-60**, authorizing the City Manager of the City of Gladstone to execute an amended Federal Aid-Urban Program Agreement with Missouri Highway and Transportation Commission in connection with road improvements on NE 72<sup>nd</sup> Street from North Bellefontaine to East of North Antioch Road in the City of Gladstone; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-62**, accepting a proposal from Independent Salt Company for purchase of snow removal salt; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

Councilman Anita Newsom moved to approve **LIQUOR LICENSE RENEWALS** for the following: Manley Spirits dba Aardvark Liquors, 7507 North Oak; Sal's Groceries, 7125 North Broadway; Johnny Dix Pool & Pub, 316 NE 72nd Street (change in dba from Pinky's); Total Petroleum, Inc., 5800 North Oak; Kwik Shoppe, 7603 North Oak Trafficway; and Mike Lombardo's Restaurant, 6972 North Broadway; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

Councilman Anita Newsom moved to approve a **Class AB Liquor License**, for Pancho's Restaurant, 6906 North Oak Trafficway. Managing Officer: Maite Restrepo; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

#### **Item 6. on the Agenda. Communications from Audience.**

**R. E. Carver, 3400 NE 68<sup>th</sup> Terrace**, addressed the Council regarding dogs. Last week on Tuesday he mowed and cleaned his yard. On Wednesday morning he went into his yard and there were three places between the sidewalk and street in his front yard and one place on his side street where dogs had gone to the bathroom. The dog walkers have the animal on leashes but do not have the plastic bag with them to clean up after their dog. There are only two women in his neighborhood that do clean up after their

animal that he has seen. He has lived at this residence thirty years and in the last twenty-five years he has cleaned up after more dogs in the right-of-way of his yard than there are dogs in Gladstone. His question to the Council is, where and when is the City stopping people walking their dogs to see if they have cleanup materials with them?

**City Manager, Jim Norris**, answered, the City's Ordinance was written to require people to be in charge of their own dogs excrement. Unfortunately, with the number of employees that the City has, the number of square miles and blocks within the City, staff cannot be at all places at all times when all animals are utilizing yards, parks, or right-of-way. Investigation is done on a citizen complaint basis as are many other types of infractions such as noise and weeds. If the names of the people are known, staff will try to intervene in a mediation type fashion rather than issue tickets. Staff has found that in neighborhoods where people are walking their dogs they usually live two or three doors down from where the dog goes or around the other side of the block and ill will can get started and that doesn't do either party any good.

Mr. Carver stated that he has talked to the Mayor about his neighbor's two greyhounds. The ordinance states that a resident is supposed to clean up his yard once everyday or once every 24 hours and he would like an explanation of what exactly that means?

City Manager, Jim Norris, stated that Animal Control is used to dealing with the neighbor to neighbor concerns about people who keep their dogs in their backyard or in runs. The rule of thumb is if the person will make an attempt to cleanup and keep the yard so there is not a huge number of piles, usually cleaning it once in every 24 to 48 hours, depending on the number of dogs, that is as much as the City thinks they can expect given the fact that the City's ordinance allows for people to have up to three dogs and allows them to be kept inside a fenced area.

Mr. Carver stated that what once every 24 hours means to his neighbor is to clean up when he gets home around 4:30 pm. That is what has layed there from the night before. The green flies don't know the difference from this raw sewage and human sewage. He then goes in the house and turns out both dogs. Ten minutes later they have done their business again and it lies there until the next day at 4:30 pm. We have taken care of human element by eliminating outhouses but now we let dogs simply litter the backyards. It is raw sewage anyway you look at it. He believes that before anyone gets a dog they know that they need to take care of them, fence them, and it wouldn't hurt for him to clean up after the dogs every morning and every evening.

Mayor Art Hammen asked if this was something Animal Control could follow up on?

City Manager Jim Norris responded that this is something he and Mr. Carver have been talking about for more than a year with Animal Control. Staff has checked with other jurisdictions and Gladstone's standard of cleanup being done within 24 to 48 hours is even more restrictive than most. Both he and Mr. Carver have talked to the Environmental Protection Agency (EPA) about this issue and the dealing with animal excrement. The EPA stated our ordinance is more than they can do. When asked if there was anything for treatment, they laughed. The EPA stated that for years and

years before cities had leash laws and fencing requirements dogs ran free and they went where they went and no one picked it up and it never has been an issue that has been dealt with on a federal, state or local level. Leash laws came into effect not for sanitation reasons but for dog bite reasons. This is an issue that Mr. Carver has with a neighbor and in Animal Control's opinion given the hours the neighbor works he is doing what the City requires. This is not an issue with the EPA. Mr. Norris stated he is sensitive to what Mr. Carver has said but it is not a regulatory issue for the City. It is a neighbor issue and the neighbor is doing as good of job as we can hold him too. Staff feels if Mr. Carver signed a complaint and took it to court the Prosecutor would either fail to prosecute it, or the Judge would throw it out.

Mr. Carver stated that when Animal Control came out there were fourteen places they found where the dogs had gone.

City Manager, Jim Norris, noted that was the first time Animal Control went out. As Mr. Carver just stated his neighbor has been cleaning up on a daily basis.

Mr. Carver said that he is cleaning up on a daily basis but it only last for ten minutes because the dogs are then let out and they go again.

Mayor Art Hammen asked Mr. Carver if he has talked to his neighbor about this at all?

Mr. Carver stated that last Fall he talked to his neighbor when he came home from work and his neighbor hasn't spoken to him since.

**Tammy Sharp, 1201 NE 74<sup>th</sup> Street**, is a Block Captain for the Jamestown Subdivision, east of North Troost between 73<sup>rd</sup> Street and 74<sup>th</sup> Terrace and as a Block Captain she represents the residents. Ms. Sharp handed out a map of the Jamestown Subdivision to the Council. Their major concern is the traffic on NE 74<sup>th</sup> Street that has greatly increased and will increase even further when the school year begins. They are concerned for the safety of their children. The amount of traffic is increasing because of how 74<sup>th</sup> Street goes completely through from North Troost, turns into North Flora and then intersects with NE 72<sup>nd</sup> Street. 74<sup>th</sup> Terrace is being used as a thoroughfare. If you cut through and use 74<sup>th</sup> Terrace instead of going south on Troost and hitting the light at 72<sup>nd</sup> Street and North Troost, one can cut about two minutes off of their travel time. That is what is being done and is causing the additional traffic through this neighborhood. The speed limit on NE 74<sup>th</sup> Street is 25 mph. Unfortunately most of the drivers are not abiding by the posted speed limit, nor do they heed the signs that read "Caution Children Playing". Collectively the Jamestown residents feel the best way to curtail the excessive traffic or at least control it, is to implement stop signs. Ms. Sharp stated that she had a petition with her that requests the same, which has been signed by the residents of Jamestown. On the map are highlighted areas that are their suggested stop sign areas. They all enjoy living in Gladstone and the superior services they have received to date. When the snow falls it is removed from the streets quickly. When they needed street lights they were installed. There are 73 children and 27 senior citizens in this neighborhood and they believe the Council can relate to their concern for their families. They have had one near miss that she is aware of in the last

year. They would like to have the traffic controlled before there is an injury. They would appreciate the Council's consideration. Ms. Sharp handed the Mayor the signed petition.

Councilman Anita Newsom asked Ms. Sharp if they had given the City a request for Public Safety to monitor the speeds through Jamestown?

Ms. Sharp stated she believed so.

Councilman Anita Newsom stated that several years ago when she lived in Jamestown they had the same problem of students cutting through around dismissal time. It took an officer sitting there off and on about two weeks and the kids were quick learners that that was not a good path.

City Manager, Jim Norris, explained that the City has endorsed what's called the "Manual For Uniform Traffic Control Devices" as the City standards for the installation of traffic signals, stop signs and other traffic control signs. The courts have basically said to cities across the country, you have to have standards to put these things in. The city can be held liable if they are put in and standards are not met. If cities rely on this and they are not put in and something happens, the city is not liable.

What the City of Gladstone has to do to determine the need for a stop sign is to go through an analysis that would include traffic measurements, turning movements and vehicular accidents over the last five years. Given the number of locations that are shown on her map, including mid-block locations which are referenced as being detrimental in the manual, what study after study has shown is that speed is not enforced through signage because people begin to roll through them, ignore them and make up their time in-between the signs. If they are trying to make up time by missing the Troost signal and going through this neighborhood, what will they going to do when they start seeing stop signs? They are going to speed up in-between the stop signs. That has been proven to happen.

The City will need to conduct a study on which to have a basis to put in signs. It may turn out that Yield signs are warranted. It may turn out that one or two signs may be warranted and others may not be, but that is something the City needs to determine. Once the traffic measurements are in they will be reported back to the Neighborhood Association. The City is glad to come out and meet with the Neighborhood Association and explain the results. If the Association still requests that signs be posted that request comes back to the City Council for their review and their decision on whether or not the signs should go in, with or without the results of the analysis. Because this type of issue comes up from time to time, there is free book from the Missouri Highway and Transportation Department that talks about what the City has to do and why and Mr. Norris gave a copy to Ms. Sharp. The City will be happy to start the analysis, but the immediate thing the City can do is complete a Traffic Request Form to have Public Safety begin routine speed checks.

Ms. Sharp stated she appreciates the City's efforts. She is aware that one Public Safety Officer has been down there within the year, but that is the only one she knows of.

City Manager, Jim Norris, stated Public Safety can put this on a rotating basis. When school starts they know there are certain areas where they need to be. 76<sup>th</sup> Street from between Troost all the way to Euclid is an area that Officers sit on frequently. 76<sup>th</sup> Street from Troost over to Oak is another area. Public Safety knows when the high school lets out and the students know that we know when school lets out.

Ms. Sharp stated she can give exact times when an Officer needs to be there if that would help. Even school buses go barreling through there. They are just hoping that if they can make this more of a deterrent the excess traffic will stop. The residents themselves don't have a problem. They are concerned about their children and don't want something to happen.

City Manager, Jim Norris, stated that due to the number of locations the Association has noted on the map they are looking at several months to get all the study information in and a determination made.

**Richard Gregory, 1300 NE 74<sup>th</sup> Street**, has a question on the City Manager's comment that studies show stop signs do not limit traffic flow?

City Manager, Jim Norris, explained that studies that have been done have shown that stop signs do not significantly curtail speed.

Mr. Gregory stated that as he perceives it Jamestown's objective it is not to change the City's traffic flow pattern, but to restore the residential character of this street. Ultimately the desire is to cut car speed. The speeding is not done by residents of Jamestown, but by people who are turning this street into a thoroughfare. It is his belief that if people are using this street to avoid the 72<sup>nd</sup> Street and Troost traffic light, a stop sign would inhibit people from using the street for this purpose. He asked if he had understood correctly, can the City be sued if they put up an inappropriate stop sign?

City Manager, Jim Norris, stated that is correct. If an accident occurs at a location where a sign or traffic control device is not warranted under the manual, then the City may be held liable.

Mr. Gregory commented that he is not sure three stop signs are necessary. One would probably achieve their objective. If that helps any in limiting the liability issue.

City Manager, Jim Norris, noted that what the City needs to do is look at the neighborhood as a whole, look at what factors may or may not have changed between Troost and 72<sup>nd</sup> Street over the last four or five years since the signal was put in. The City will look at these intersections. 74<sup>th</sup> Street serves as a neighborhood collector. It basically funnels everyone in the neighborhood out of the neighborhood. All the other surrounding streets are residential streets. The counts will show if there is an optimum

place to put a stop sign. The City has to go through these steps to get to the end result. But the Council has the ability to make the final determination on whether a stop sign is placed or not regardless of what the studies show.

**Amy Heighoff, 1313 NE 74<sup>th</sup> Terrace**, stated she is the Chairperson of the Jamestown Neighborhood Association. She thanked the Council for all the good things they really like about Jamestown. She reminded the Council that not only can they be sued if you put up an inappropriate stop sign, the City can be sued if someone gets hurt or killed. That is the greater objective that needs to be kept in mind.

Amy Heighoff also asked the Council where the City was in regards to the creek plan that they had brought to the Council's attention one year ago when they asked Council's help in improving the creek. They have not heard anything. They were told that some stabilization was going to take place and nothing has been done.

City Manager, Jim Norris, stated that the Capital Improvements Committee put part of this in as a maintenance project to be done by the street/stormwater crews this summer. It is one of the projects that they have not gotten to yet. The Capital Improvements Committee has been back out on two of their last three site visits. At this time the Capital Improvements Committee has decided not to do any other work out there given the fact that there are still parts of the City that have areas where there is water getting into residences. There are still higher Capital Improvements priorities but there still is a maintenance project that is being looked at along the area down where the end of the culvert is located.

Amy Heighoff stated that that particular part is her backyard and it is eroding more and more and more, close to the posts of their deck. When her home was built they came to the City to see if fill dirt could be brought in and they were denied. The City told them they would take care of it. It has now been five years and still nothing has been done. Not one thing has been done in her backyard.

Mayor Art Hammen told Ms. Heighoff that the next Capital Improvements Meeting has been scheduled for September 19<sup>th</sup> and he encouraged her to come to that meeting with her specific item. In that forum her problem can be better addressed.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom commented she was disappointed in the outcome on the Use Tax results at last Tuesday's election. It just proves again that when we educate our voters they vote in the affirmative and no time or effort was put into this campaign.

City Manager, Jim Norris, noted that from the meetings he and Mayor Pro Tem Bill Reynolds attended on behalf of Gladstone with the County was that the County was going to take the lead on that issue.

Mayor Pro Tem Bill Reynolds stated that the *Guide to City Services* is in the mail to residents. This is one of the greatest things that the City has done for its citizens in a

long time. This Guide gives a glossary and lists every department that one would need to call on any issue. Our residents should appreciate it. He thanked Assistant to the City Manager Laura Gay and told her she did a great job.

City Manager, Jim Norris, added the Guide also contains the City's new 24 hour information line mailbox numbers to find out about a service. In many cases a message can also be left for someone to contact you.

Mayor Art Hammen commented that a great second Theater in the Park was held and he wished to congratulate Steve Buschor and all the staff members who were involved with seeing that it ran smoothly. Is there a final approximate count on how many people attended the three nights of "Meet Me In St. Louis"?

Director of Parks and Recreation, Steve Buschor, answered that for the three nights there were between 7,000 and 8,000 people in attendance. Collectively they were looking at between 12,000 and 14,000 in attendance for both shows.

Mayor Art Hammen added his congratulations to Laura Gay and the rest of staff that worked on the *Guide to City Services*. This is an excellent way to help our citizens learn the easiest way to find the answers to their questions.

**Item 7a. on the Agenda. Cable TV Advisory Board Chair Appointment.**

Mayor Art Hammen recognized the Cable TV Advisory Boards recommendation and appointed Jim Collier as Chair of the Cable TV Advisory Board.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager, Jim Norris, stated he wanted to comment on the Use Tax. Back when the Missouri Supreme Court finally ruled that it couldn't be applied the way it had been, it was known that it would have to be an issue for every individual city and county across the state. He has been able to find out since the election that the results were as different across the state as they were locally. In Jackson County it passed. In Platte County it passed. In Clay County it failed and it happened this way across the state. It will be a patchwork quilt like effect on the Use Tax. Many cities were led to believe that the counties were going to carry the ball on this issue because their dollars were much higher and at risk. Gladstone was told that Clay County would put together a committee and run a campaign and that the City's role would be at a minimum. The Use Tax is a tax that goes in place of a sales tax for out of state sales, primarily between businesses. In essence everyone in the State of Missouri has been paying this tax for the last three years. What this would have done is allow it to continue. The people didn't even realize they were paying it so most people thought it was a brand new tax. It wasn't.

This tax means that a business in Gladstone can go to a business in Tennessee and buy parts and because the business in Gladstone doesn't have to pay sales tax for the parts in Tennessee that it is more competitive for it to buy the parts in Tennessee than it



is for them to buy from another Missouri business. This was originally put together by the legislature not as a revenue source for cities as much as it was as a Missouri business doing business with a Missouri tax. It got challenged because there are different sales tax rates in different cities and the ultimate ruling after it went to the United States Supreme Court and then back through the Missouri State Supreme Court was that it had to be voted on individually in each city. It did not pass in one city in Clay County. Not to put blame anywhere, but when you are led to believe that somebody is going to run the campaign because it is a county-wide issue and you see little if anything in the press, that's why it didn't get out. Only two cities sent out anything to the voters on this issue, Liberty and Smithville. Smithville is the only one that passed. There is a major change in how the old law, which was ruled unconstitutional, was applied and how this one would have been applied. The old way Gladstone would have gotten a pro rata share based upon our total of sales tax state wide which would have meant about \$160,000 dollars a year. Under the new law that the legislature passed and was on the ballot, the City of Gladstone would have only gotten exactly what was produced from sales to Gladstone businesses or catalog mail order sales over \$2,000.00 each year. As a staff and as a Council they thought that was going to be a much, much, much lessor number than the \$160,000.00. The Use Tax was collected by the State for the years that it was originally in effect before it was ruled unconstitutional and many cities went out and spent that money. The City of Gladstone did not. The money is setting in escrow and it is available to refund should the courts order that a refund be mandated. The City of Gladstone has not lost anything. It might have been nice if this had passed as the City could have done more, but it is not financially going to strap or hurt the City.

Mayor Pro Tem Bill Reynolds commented that residents may see it on the November election ballot. As a private citizen there is a \$2,000.00 exemption. It is not going to effect the majority of people who order very little from a catalog. It is almost adverse to a business because if you are an out-of-state business, and you own no property and you have no employees in the State of Missouri then you don't have to pay it. As an example, someone in Tennessee could ship something in to a Missouri business by UPS and they wouldn't have to pay this tax. But the Sears store that has employees and property in every state, they have to pay this tax. So Sears has to pay 2% more than the person from Tennessee who is shipping product in. The basic thing that this tax is trying to do is give the businesses in the State of Missouri equal opportunity to be competitive with out-of-state businesses.

**Item 9. on the Agenda.** MOTION TO APPROVE exterior treatment of 850 square foot North Haven Village Apartments (970 sq. ft. with deck and storage) on property at 68<sup>th</sup> Street and North Olive. Applicant: Wesco Investments. (File 96-015)

Mayor Pro Tem Bill Reynolds moved to approve the exterior treatment of North Haven Village Apartments as submitted; Councilman Anita Newsom seconded.

Discussion:

Councilman Anita Newsom asked if all Councilmembers had seen the samples of exterior treatment? The roof material is brighter than she had anticipated.

City Manager, Jim Norris, commented that after the last City Council Meeting staff had gone out and looked at other apartments in the area and they had raised metal roofs which were brighter looking than what staff originally remembered. When compared with other apartments in the area, the green is different but it is not really aesthetically that much of a change.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 10. on the Agenda. BUILDING PERMIT APPROVAL:** Permit for interior remodeling of 3,625 square foot of Gladstone Bowl, 300 NW 72<sup>nd</sup> Street. Applicant: Les Smith Owner: Everett & Carmalina Smith Trust

Councilman George Nodler moved to approve the Building Permit subject to the Staff Report; Mayor Pro Tem Bill Reynolds seconded.  
Discussion:

Mayor Pro Tem Bill Reynolds asked if everything was in order?

City Manager Jim Norris stated yes it is. As our Code holds, this is truly and entirely an interior finish, but since it is valued over \$5,000.00 it must come before the Council.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 11. on the Agenda. BUILDING PERMIT APPROVAL:** Permit for removal of existing building and construction of a 4,560 square foot new building for Kingdom Hall of Jehovah's Witness, 1501 NE 65<sup>th</sup> Street. Applicant/Owner: Kingdom Hall of Jehovah's Witness

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Staff Report; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked if the applicant was aware of all the requirements in the Staff Report and in agreement with them?

Director of Planning and Development, Scott Wingerson, replied yes.

City Manager, Jim Norris, noted that this is not a great change site plan wise from what is there now.

Director of Planning and Development, Scott Wingerson, explained the applicants are requesting to demolish the existing structure and construct a new structure. The new structure will be very similar in terms of size and design. As to the existing structure the main aesthetic change from the outside would be the addition of a canopy to pick

people up and drop people off given the weather. There are some parking lot improvements including curbing around the parking lot. Sidewalk will be constructed on the front side and the back side, 64<sup>th</sup> Street and 65<sup>th</sup> Street.

Councilman Anita Newsom stated that she appreciates the residential look of the structure given it is located in a residential area. It looks very nice and she thinks it will be very compatible.

**Tony McKee, representing the Kingdom Hall of Jehovah's Witness congregation,** stated that he had brought some color samples of actual brick and shingles if the Mayor and Council would like to see them. (Mr. McKee showed them to the Council.)

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 12, on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone (General Business District-Planned), property at 77 NE 72<sup>nd</sup> Street. Applicant: Sweers Toben Architecture & Design Owner: Charter Funeral Home (File #968)

**Mayor Art Hammen** opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

**Tom Toben, Sweers Toben Architecture, 712 Broadway, KCMO,** stated that they are coming forth with a request to change both the size and the design of the building from what was originally approved. Since the time that it was designed there has been a desire to downsize this building after they looked at the design of their Merriam location. A decision was made that they would like to change the roof line to a parapet type roof instead of a sloped roof which they have in Merriam. The parapet roof is a drivit type application that they have used on various buildings around town. To give the Council an idea of that look Mr. Toben showed the Council a picture of one of the buildings they have been doing, a Houlihan's restaurant.

During the Planning Commission Meeting there was a question about parking spaces. On the plan they had been reduced from ninety-eight to eighty-eight parking spaces. The plan has been redone and they are now up to one hundred and three parking spaces on the site. One of the reductions in the size of the building is that they have removed a garage that was going to be on the back. They have enclosed a port-a-share on the back now so that will house the hearse and family cars. That would also take care of an item proposed by a neighbor behind that they could see into that area. The way it is being done now, with that completely closed off it is virtually impossible, unless they are standing over at the bank to look into that area.

Mayor Pro Tem Bill Reynolds asked if any of the air conditioning units can be seen on top of the roof?

Mr. Toben answered no, that is what the parapet wall is for. The parapet wall is about four and a half feet tall.

Mayor Pro Tem Bill Reynolds asked, what about from the houses on the south, up on top of the hill?

Mr. Toben answered from up on top of the hill, yes. He does not believe that he could actually make the parapet wall tall enough to shield the air conditioning units from them unless the building was three stories tall.

**Staff Comments:**

Scott Wingerson, Director of Planning and Development, noted that Mr. Toben did a good job of explaining the request. It is basically a reduction of building size from approximately 8,800 square feet to 6,300 square feet. The roof issue is one of the major issues. Council will note that one of the conditions in the Staff Report is that all mechanical equipment be screened from public view. That would include the residents from the south as well as residents and travelers on 72<sup>nd</sup> Street and adjacent developments.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 96-58**, approving a Site Plan Revision in a CP-2 zone, property at 77 NE 72nd Street subject to certain conditions. Applicant: Sweers Toben Architecture & Design Owner: Charter Funeral Home (File #968)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-58 on First Reading; Councilman Anita Newsom seconded.

**Discussion:**

Mayor Pro Tem Bill Reynolds asked if everything was in order?

City Manager, Jim Norris, stated the Council is dealing with a site plan in a "P" zone and the Council has a greater latitude than they would in a straight zoning request. Usually roofs would be handled in a Building Permit. Not to say that roof treatments haven't been handled in site plans before, because they have, especially with the major commercial developments where the developments were impinging directly on residential. The standards to look at here are not commercial to commercial, but commercial to residential in terms of maintaining the aesthetics in architectural detail, unless a special or historic district has been set up where you mandate certain items. Council has the purview in the building permit to deal with the roof issue, if they should choose to do so, however Charter is wishing Council to give them an understanding of what their response to the roof issue is because that may dictate how far they proceed with this. He is not speaking for them, but it may or may not be a consideration. The

roof issue is important for the Council to think about from the standpoint of whether they would approve the site plan based on the roof or not and because of how that relates later to the building permit issue is sending the correct message to the developer. Whatever that message should be from the Council. It is obvious by reading the Planning Commission Minutes that the Planning Commission, while potentially concerned with the roof line, did not feel it was entirely within their purview to deal with that issue; again because the past it has been dealt with more as a building permit issue. It is up to the Council. He has heard some Planning Commissioners say that they actually did like the flat roof with the parapet wall better than the sloped roof previously proposed based upon the picture that was presented by the applicant. Council should be aware that they can deal with that issue tonight if they choose too.

Mayor Pro Tem Bill Reynolds stated he heard two different things tonight. From Mr. Toben he heard him say that it probably could not be shielded from the homes to the south and from Director Wingerson he heard that is a requirement.

Director Scott Wingerson replied that what he was referring to was screening around the equipment itself, similar to other developments in town. The residents surely will be able to see the screening of the equipment but they may not have to look at an air conditioner or some other piece of equipment on the roof.

Councilman Anita Newsom asked, so the people up on the hill to the south without additional screening, other than the parapet wall, will be able to see the actual mechanical units?

Director Scott Wingerson answered correct.

Councilman Anita Newsom asked, but by putting up some additional screening like McDonald's did on North Oak, the little white fence, that would therefore screen the mechanical and not impair the use of the equipment?

Director Scott Wingerson answered yes. There are many different ways to do that and he is not sure what the architect in this case would specify, but the picket fence or that type of enclosure isn't harmful to the equipment and does serve to screen it to some extent.

Councilman Anita Newsom stated in her personal opinion, when the idea first came forward of using a flat roof instead of the normal gabled roof, like the rest of the businesses along that corridor had been using, she was opposed to it in concept. Seeing the renderings, if indeed this parapet wall can look as nice as the one on the Houlihan's site and it retains a gabled canopy out in front, she can vote for it as it brings enough of the residential look back into it. Maybe not as solidly as the first plan.

City Manager, Jim Norris, commented that there are several gabled parapet buildings in Gladstone.

Councilman George Nodler stated that he still has a problem with changing the roof. He thinks an air conditioner with a white picket fence around it is still an air conditioner

with a white picket fence around it. He does not feel that it offers much of a screening as far as aesthetics go for the neighbors to the south.

Mayor Art Hammen asked if staff had received any input from any of the neighbors?

Director Scott Wingerson stated not on this request. Council may recall that back in February one of the residents came to the Council Public Hearing and discussed the view of hearses and that type of thing. They have entirely corrected and alleviated that problem through the elimination of the garage and the use of the canopy area as a garage with roll-up doors. That issue being solved staff has not heard from the residents to the south.

Mayor Art Hammen asked Director Wingerson if he recalled if any of the residents showed up at the Planning Commission Meeting?

Director Wingerson answered he did not believe any residents appeared.

Mayor Art Hammen asked, so apparently this is not a concern to the residents? Is that a fair assumption in your estimation?

Director Wingerson answered yes.

Mayor Art Hammen asked Mr. Toben if he was familiar with the nine conditions on the Site Plan and if he was agreement with all of them?

Mr. Toben stated yes he was familiar and in agreement.

The vote: "Aye" - Newsom, Reynolds, Hammen. "Nay" - Nodler. (3-1) The Clerk read the Bill.

Noting Councilman George Nodler's "no" vote on the First Reading, staff reminded that the City Code provides that no Ordinance shall be placed on final passage the same day it is introduced without the **unanimous** consent of the Council present to Waive the Rule. The motion and vote to Waive the Rule can be taken separately.

Councilman George Nodler indicated that although he will vote "no" on final passage, he would vote in the affirmative to advance the Bill for additional readings and enactment.

Mayor Pro Tem Bill Reynolds made a motion to Waive the Rule and proceed to the Second Reading of Bill No. 96-58; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-58 and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: "Aye" - Newsom, Reynolds, Hammen. "Nay" - Nodler. (3-1) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-58 and enact it as Ordinance No. 3.540; Councilman Anita Newsom seconded. The vote: "Aye" - Newsom, Reynolds, Hammen. "Nay" - Nodler. (3-1)

**Item 13. on the Agenda.** **FIRST READING BILL 96-59**, establishing a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials pursuant to the State of Missouri "Ethics Law".

Councilman Anita Newsom moved to place Bill No. 96-59 on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill No. 96-59, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 96-59 and enact it as Ordinance No. 3.541; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 14. on the Agenda.** **FIRST READING BILL 96-60**, declaring the results of the Special Election held in the City of Gladstone, Missouri on Tuesday, August 6, 1996, at which election the question of whether to impose a Local Use Tax at the same rate as the Local Sales Tax was presented to the Qualified Voters of the City.

Councilman George Nodler moved to place Bill No. 96-60 on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of Bill No. 96-60, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of Bill 96-60 and enact it as Ordinance No. 3.542; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 15. on the Agenda.** **FIRST READING BILL 96-61**, accepting a Standard Water Line Easement from Antioch Bible Baptist Church in conjunction with development at 800 NE 72<sup>nd</sup> Street. (File #BP95-021)

Mayor Pro Tem Bill Reynolds moved to place Bill No. 96-61 on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris stated that everything is in order.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of Bill No. 96-61, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of Bill 96-61 and enact it as Ordinance No. 3.543; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 16. on the Agenda. Other Business.**

**RESOLUTION R-96-61**, adopting an interim plan and design standards for low power mobile radio service telecommunications land use and establishing a moratorium on the issuance of any permits for the construction of such facilities in the City of Gladstone, Missouri unless the facilities comply with the interim plan and design standards.

**Discussion:**

City Manager, Jim Norris, explained that Congress passed a new telecommunications law this past year and it has radically changed how cities, telephone companies, cable companies, wireless companies, personal communication system companies, direct satellite companies and pager companies all interrelate with each other. In fact the law has put things in such flux that parts of the law are all subject to regulations to be written by the Federal Communications Commission, some of which have been written, some of which remain to be written and some which are in the comment stage. Part of what the law does is attempt to take away some local control so municipalities across the country are scrambling to deal with this issue.

As the Council is aware, the City's attempt to deal with it has been initially to negotiate with the eight or nine different companies that have approached the City looking at sites on the City's water towers to put these antennas on, where they are inconspicuous and more out of the way, instead of having monopoles or towers, such as the one that is at the corner of 68<sup>th</sup> and Troost, located throughout the City. What staff has done, because this issue has not progressed because of the uncertainty of the law, is put together a plan to deal with requests that might come forward from these companies that are really more rezoning/special use requests than if they were a lease on a public facility. Staff is talking about where they would want to put a tower in versus just an antenna on the City's water tanks.

This Ordinance is patterned from an ordinance from another municipality in Colorado, although significant research was done on what cities in this area and across the



country are doing. Gladstone is part of two consortiums that are looking at this issue to look at a regional approach where a major telecommunications ordinance would be passed within the metropolitan area. There is a loosely knit Northland group and there is the Mid-America Regional Council (MARC) group as a whole. Frankly, this is an issue that is being looked at through the Missouri Municipal League and federally by the National League of Cities. Gladstone is participating with the two local groups to see if they all can't come up with a telecommunications ordinance that they all can live with that will deal with all the issues. Until then the City needs an interim solution to deal with any special use permits request that might come the City's way. That is what this plan does. The Planning Commission reviewed it at their last meeting and approved it. Again, it is an interim plan for the City.

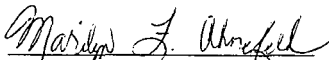
Mayor Pro Tem Bill Reynolds moved to approve **Resolution R-96-61**; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

**Item 17. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the regular August 12, 1996 City Council Meeting, Mayor Art Hammen adjourned the meeting.  
Time: 8:45 pm

Respectfully submitted:

  
Marilyn F. Ahnfeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, AUGUST 26, 1996**

**CLOSED EXECUTIVE SESSION 6:00 PM**

**Pursuant to Missouri Open Meeting Act Exemption Section 610-021(1), (2) & (3)  
for Litigation and Privileged Communication from the City Counselor,  
Personnel and Land Acquisition Discussions.**

**OPEN STUDY SESSION: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, August 12, 1996 City Council Minutes.**
- 4a. **Short Recess to Municipal Pool for Dr. Bill Cross Reception**

**YOU ARE CORDIALLY INVITED TO THE GLADSTONE MUNICIPAL POOL  
FOR A RETIREMENT RECEPTION HONORING DR. BILL CROSS  
FOR HIS EIGHTEEN YEARS OF SERVICE AS THE POOL MANAGER  
HOSTED BY THE CITY OF GLADSTONE**

- 4b. **City Council Meeting Reconvened.**

**5. CONSENT AGENDA**

**RESOLUTION R-96-63**, authorizing execution of a contract with R.K. Breit Construction Services for the North Flora Street Maintenance Project for a total contract amount of \$123,419.50. Fund: Transportation Sales Tax (Project 9701-B)

**RESOLUTION R-96-64**, authorizing the City Manager to execute a three year Rental Service Agreement with G&K Services Textile Leasing System for Community Services and Parks Department personnel uniforms.

**RESOLUTION R-96-65**, authorizing acceptance of work under contract with Wiedenmann & Godfrey Construction, Inc. for 70<sup>th</sup> Terrace and N Troost storm drainage improvements, and authorizing final payment in the amount of \$5,727.01. Total Contract Amount: \$85,235.00. Fund: Capital Improvements Sales Tax (Project 9021)

**RESOLUTION R-96-66**, authorizing execution of a contract with Affordable Homes, Inc. and Haines Stowers Construction Company, Inc. for installation of water main, sanitary sewer and storm sewer serving development of Deer Park Subdivision, 2001 NE 72nd Street. (Improvements entirely at developer's expense.)

**BUILDING PERMIT APPROVAL** for remodeling of 1,688 sq. ft. office space at State Office Building, 310 NW Englewood Road. Applicant: Mancuso Construction (BP 96-020)

**APPROVAL OF FINANCIAL REPORTS** for June 1996.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  - a. Kingston Court Site Plan Interpretation.
  - b. Building Permit Condition Amendment Consideration for Antioch Bible Baptist Church reference parking lot separation.
9. **PUBLIC HEARING:** on a request to rezone from CP-2 to CP-3, and from C-2 to CP-2, property at 4949 Old Pike Road. Applicant: Home Depot, U.S.A., Inc. Owners: Vivion Associates and Jack N. and Pella Fingersh. (File #970)
- 9a. **FIRST READING BILL No. 96-62**, rezoning from CP-2 to CP-3, and from C-2 to CP-2, property at 4949 Old Pike Road. Applicant: Home Depot, USA, Inc. (File #970)
- 9b. **FIRST READING BILL No. 96-63**, approving a Site Plan in conjunction with a rezoning for property at 4949 Old Pike Road. (File #970) Applicant: Home Depot USA, Inc. (File #970)
10. **PUBLIC HEARING:** on a request for amendment to the Gladstone Subdivision Ordinance to revise Section 28-25(a) "Lot Dimensions" relating to R-2 Zoning Districts. Applicant: City of Gladstone
- 10a. **FIRST READING BILL No. 96-64**, amending Section 28-25(a) of the Gladstone Subdivision Ordinance relating to the dimensions of lots in R-2 Zoning Districts.
11. **PUBLIC HEARING:** on setting the Annual Tax Levy for the 1996 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100.00 valuation.
- 11a. **FIRST READING BILL No. 96-65**, fixing the Annual Rate of Levy for the 1996 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.
12. **FIRST READING BILL No. 96-66**, approving the Final Plat of the "Amended Plat of Claymont Pointe Eleventh Replat". Applicant/owner: J.D. Nelson Building Co.. (File #973)
13. **FIRST READING BILL No. 96-67**, accepting Temporary Construction Easements from property owners in conjunction with North Flora Street Maintenance, Project 9701-B.
14. **FIRST READING BILL No. 96-68**, accepting Standard Sewer Easements from Stonebrooke, LLC., in conjunction with development of Stonebrooke 2nd Plat Subdivision.
15. **MOTION TO AMEND** the scheduled dates in December 1996 for Planning Commission and City Council Meetings. The Planning Commission will have one meeting on Monday, December 2<sup>nd</sup> and the City Council will have one meeting on Monday, December 16<sup>th</sup>.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, AUGUST 26, 1996**

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman George Nodler, the City Council met in Closed Executive Session at 6:00 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1), (2) & (3) for Litigation and Privileged Communication from the City Counselor, Personnel and Land Acquisition discussions.

Mayor Art Hammen called the Regular August 26, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of the August 12, 1996 Minutes.**

Councilman Anita Newsom moved to approve the Regular August 12, 1996 City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: "Aye" - Nodler, Newsom, Reynolds, Hammen. "Abstain" - Norris (4-0-1)

**Item 4a. on the Agenda. Short Recess to Municipal Pool for Dr. Bill Cross Reception**

Mayor Art Hammen invited everyone present to recess for 15 minutes and walk across the street to the Gladstone Municipal Pool for a retirement reception honoring Dr. Bill Cross for his eighteen years of service as the Gladstone Municipal Pool Manager.

**Item 4b. on the Agenda. City Council Meeting Reconvened.**

Mayor Art Hammen reconvened the City Council Meeting at 7:50 pm.

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds stated he wanted to speak on the Approval of the Financial Report for June 1996. Mr. Reynolds stated that he has had the pleasure of serving on the Council for six years. This June Financial Report is for the end of the 1995/1996 Fiscal Year and the City has again ended up with more revenue than was budgeted, but more than that, the City was under budget in expenditures. Congratulations to the staff and all employees of the City. They all do a great job. It is great when the City Council sees another year in the black. Mayor Art Hammen removed **Resolution R-96-66** from the Consent Agenda and made it 5a. on the Agenda. Councilman George Nodler moved to approve the Amended Consent Agenda; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **RESOLUTION R-96-63**, authorizing execution of a contract with R.K. Breit Construction Services for the North Flora Street Maintenance Project for a total contract amount of \$123,419.50. Fund: Transportation Sales Tax (Project 9701-B); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-64**, authorizing the City Manager to execute a three year Rental Service Agreement with G&K Services Textile Leasing System for Community Services and Parks Department personnel uniforms; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-65**, authorizing acceptance of work under contract with Wiedenmann & Godfrey Construction, Inc. for 70<sup>th</sup> Terrace and N Troost storm drainage improvements, and authorizing final payment in the amount of \$5,727.01. Total Contract Amount: \$85,235.00. Fund: Capital Improvements Sales Tax (Project 9021); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve a **BUILDING PERMIT** for remodeling of 1,688 sq. ft. office space at State Office Building, 310 NW Englewood Road. Applicant: Mancuso Construction (BP 96-020); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to approve **FINANCIAL REPORTS** for June 1996; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom Reynolds, Hammen (5-0)

**Item 5a. on the Agenda.    RESOLUTION R-96-66**, authorizing execution of a contract with Affordable Homes, Inc. and Haines Stowers Construction Company, Inc. for installation of water main, sanitary sewer and storm sewer serving development of Deer Park Subdivision, 2001 NE 72nd Street. (Improvements entirely at developer's expense.)

Councilman Roger Norris moved to adopt **Resolution R-96-66**; Mayor Pro Tem seconded. The vote: "Aye" - Nodler, Norris, Newsom, Reynolds. "Abstain" - Hammen (4-0-1)

**Item 6. on the Agenda. Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Roger Norris stated that he wanted to echo what Mayor Pro Tem Bill Reynolds said about the City's financial results.

Mayor Pro Tem Bill Reynolds asked the status of Pleasant Valley Road at the eastern City Limits where the road bends and patching is occurring?

City Manager Jim Norris stated the City is doing some foldup patching because of the failure of the road.

Mayor Pro Tem Bill Reynolds asked if that road was going to be reconstructed?

City Manager Jim Norris stated he did not believe this road was on the five year plan. He will check and get a memo out to Council.

Councilman Anita Newsom stated that on Tuesday next week most of the students in this area will be returning to school. It is a time when everyone needs to be a little bit more careful. A lot of enthusiastic children will be out and just for their safety everyone needs to be aware and she asked that something be placed on Cable TV to remind people to look out for youngsters waiting at their bus stops to start school.

Councilman Anita Newsom noted for the Council's information, yesterday she went with some of the members of the Parks and Recreation Advisory Board to Marysville, Missouri to visit their aquatic center which was very interesting to look at. Maybe this is something the City can look at to expand our own center in the future.

Councilman Anita Newsom stated that in recognition of retiring Municipal Pool Manager Dr. Bill Cross this evening, he has been a very active and viable member of the community for years. He has trained a lot of outstanding young people working as life guards and working over at the pool. He has done a lot of uncompensated baby-sitting over there for a lot of our residents and patrons. He has done an outstanding job and she wanted it on the record that she really appreciates what Bill Cross has contributed to the City.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted that he had five items to address this evening.

**Item 8a. on the Agenda. Kingston Court Site Plan Interpretation.**

City Manager Jim Norris stated that Council had a memo in their packet regarding the Kingston Court Site Plan interpretation. Under the City Code, if there are minor Site Plan revisions they can be handled administratively. This is an instance where years ago a four-plex was sited on the Site Plan but the developer chose basically the same footprint and used it to put a triplex in, thus giving more square footage per unit. This has been reviewed with the Planning Commission and they felt it was a minor change and agreed that it could be done administratively. Staff is asking for Council concurrence.

Mayor Pro Tem Bill Reynolds moved to have staff handle the Kingston Court Site Plan administratively; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 8b. on the Agenda. Building Permit Condition Amendment Consideration for Antioch Bible Baptist Church reference parking lot separation.**

City Manager Jim Norris stated that Scott Wingerson, Director of Planning and Development, would explain Item 8b. for the Council.

Director Scott Wingerson stated that Item 8b. is a request for the Council to consider a Building Permit Condition that was placed on Antioch Bible Baptist Church on 72<sup>nd</sup> Street. Council may remember that there was some discussion about access from the large parking lot to the smaller parking lot to the west, which then exits on to Harrison Street. The ultimate condition was that there would be some sort of barrier placed between the large lot and the small lot to allow vehicles to enter and exit on Harrison from the small lot only. Since that condition was placed some of the improvements at the Church have been completed and the Church has experienced some difficulty in emptying the large parking lot onto 72<sup>nd</sup> Street, especially for Sunday services and special services. Two representatives from the Church are present this evening to answer any questions.

Staff is recommending a ninety day trial period in which, on Sundays and for special services the Church would be allowed to fill and empty the large parking lot via Harrison Street. That will allow staff time to evaluate the operation of that specific arrangement. If it doesn't work the original condition associated with the Building Permit will stay. If it does work and there are not substantiated complaints, staff will be back in front of the Council to consider a permanent amendment to the Building Permit.

Councilman Roger Norris asked, what is meant by if it doesn't work? If what doesn't work? What will staff be looking for?

Director Scott Wingerson answered, if the emptying of the large lot on to Harrison Street causes significant problems for the residents on Harrison Street, then staff will discuss with the Church that it is a problem. Staff will then come back to the Council and recommend that the Council enforce that provision of the Building Permit.

Mayor Pro Tem Bill Reynolds noted that when this was originally discussed there was a lot of conversation about the parking lot issue. Are the residents on Harrison aware of this potential change? Were they the ones that were against this initially?

Director Scott Wingerson answered, that the residents are not aware of this potential change and the discussion at the Board of Zoning Adjustments level had to do with loitering in the small parking lot and the lights from vehicles exiting the parking lot shining into the living rooms and kitchens of the residents on Harrison. The discussion on parking and separating the two parking lots was generated by staff.

City Manager Jim Norris explained, the Church is proposing barricades and/or a temporary gate than can be opened on Sunday or at special services. Staff will monitor that with them to see how it works. If there are complaints or problems in the surrounding neighborhood then the Church will have to install the permanent barriers that were talked about with the original building permit and install the walkway from the small lot to the large lot to the Church.

Councilman Anita Newsom asked what the benchmark for this working or not working will be? Accidents? Resident complaints?

City Manager Jim Norris answered, all of the above. Specifically resident complaints and if there were any accidents on Harrison. Right now people are trying to get out of the large lot onto 72<sup>nd</sup> Street and that is a more dangerous condition than potentially the exit onto Harrison. Staff will be monitoring all of that. The residents did not address this issue at the Building Permit stage nor with the Board of Zoning Adjustment. City Manager Norris stated that he and Director Wingerson had a conversation about having a lot that had access onto Harrison and whether it would be appropriate to funnel traffic through a solely residential street.

Councilman Roger Norris stated that he had no problem with giving this a ninety day trial.

### **Motion**

Mayor Pro Tem Bill Reynolds moved to give Antioch Bible Baptist Church a ninety day trial on exiting from their parking lot onto Harrison Street; Councilman Anita Newsom seconded.

Mayor Pro Tem Bill Reynolds asked if the Church was aware that this is a ninety day trial and there is the possibility of this being closed off again?

City Manager Jim Norris answered, they are here and they are aware.

Mayor Art Hammen asked how this was going to be monitored? Is Public Safety going to keep and eye on this area?

City Manager Jim Norris answered that Public Safety will be made aware so they can try to monitor this, but staff is also looking at interns monitoring the area and relying on residents in the area to contact the City. Code enforcement people work on the weekends and could be asked to watch this area on Sundays as well.



Mayor Art Hammen asked if there was any intention to contact the area residents to let them know about this?

City Manager Jim Norris answered that staff could do that, but he felt staff would rather see if this is something that is overtly noticed versus noticed and then overtly watched.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

\* \* \*

City Manager Jim Norris stated that Council will notice a memorandum at their place on a petition initiative referendum that will be placed on the November ballot dealing with the issue of minimum wage just for the State of Missouri. This is not the federal government wage law that was just signed into law. This is a Statewide referendum on minimum wage. It was done through petition. The petition was supported and promoted by ACORN. It would raise the minimum wage in Missouri almost two dollars past the federal minimum wage. It would raise it to \$6.25 an hour on January 1, 1997; to \$6.50 an hour on January 1, 1998; to \$6.75 an hour on January 1, 1999, and then \$.15 per year each additional each year starting on January 1, 2000. A coalition of businesses, industry, chambers, economic development authorities and the Missouri Municipal League have taken positions against this particular piece of legislation because it puts the State of Missouri at a competitive disadvantage with the eight states that surround Missouri. City Manager Jim Norris asked the Council to review the memorandum at their leisure and if the recommendations make sense Council can make a motion at the next meeting directing staff to continue along that line which would be to produce a report studying the effect upon our municipal government budget and also encouraging the Chamber and the Economic Development Council to look at the issue within the context of the City.

Councilman Roger Norris stated that he had had a couple of conversations about this issue in the last few days. This is an initiative that is being pushed by a group which is a good group, but this would put the state of Missouri, all its municipalities and all of its businesses at an absolutely huge disadvantage to surrounding states, whether it be Illinois on one side or Kansas on the other, where Missouri's minimum wage would be \$2.00 over what the federal government mandates as a minimum wage. Minimum wage is something that should be set on a federal level, is a national thing, so that it goes interstate, so that everybody continues to be on an even playing field. Looking at the contribution sheet provided it can be seen that the \$12,000 contributions are from New York; the \$3,000 contributions are from New York; \$10,000 from Washington, DC; and \$10,000 from New Orleans. It doesn't seem like there are a lot of Missouri people pushing this so he certainly would not be in favor of the City taking any type of stand.

City Manager Jim Norris noted it has been stated that the groups that are actually supporting this picked Missouri because of the traditionally skilled workforce at a relatively good price and also because of the high degree of labor. The interesting fact is that at this point in time the statewide labor groups have not endorsed this initiative. They may still choose too, but at least one has said that they will not endorse it and are staying out of the issue. At some point in time if Council would like to take a stance on this issue or see staff do more work on it to let him know.

Councilman Anita Newsom stated that her initial thoughts on this are that it would be very beneficial to look at exactly how this would impact the local community. It puts our businesses on an unfair playing field with other businesses across the state line. Everyone is real apt or prone to jump into their car and go hunt a bargain, even if it means crossing the state line. She believes the voters have a definite right to know exactly how this will impact them locally, therefore she suggests staff go forward on some sort of local analysis.

City Manager Jim Norris stated that he will take that as a consensus that the Council would like staff to proceed with producing a report and he will contact the Chamber and the Economic Development Council to work on some review on how it might impact businesses in the City as well.

Mayor Art Hammen stated he would also like to see that report.

\* \* \*

City Manager Jim Norris noted that the fourth item is also in front of the Council and that is an agenda addition from the City Clerk, **Resolution R-96-67** which approves a massage business permit to Karla Darnstaedt under the City's Massage Therapist License in the City's Ordinances. Background checks have been done by Public Safety and are in place. Rather than ask Ms. Darnstaedt to wait two weeks for the next City Council Meeting, staff asks Council's approval on this resolution.

Councilman Roger Norris moved to approve **Resolution R-96-67**, issuing a Massagist Business Permit to Karla Darnstaedt, Massage Therapist, for a period of one year all pursuant to Chapter 17.1 of the Gladstone City Code regulating massage; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

\* \* \*

City Manager Jim Norris stated that the last thing he had was to announce that Gladstone City Hall will be closed on Labor Day, Monday, September 2, 1996.

**Item 9. on the Agenda. PUBLIC HEARING:** on a request to rezone from CP-2 to CP-3, and from C-2 to CP-2, property at 4949 Old Pike Road. Applicant: Home Depot, U.S.A., Inc. Owners: Vivion Associates and Jack N. and Pella Fingersh. (File #970)

Mayor Art Hammen opened the Public Hearing and explained that for the hearing process this evening, since the Council has had the opportunity to read the Planning Commission minutes, he will begin with staff's report from Scott Wingerson, followed by the Applicant, then those in favor of the request will speak, followed by those opposed.

Director of Planning and Development, Scott Wingerson, stated that he wanted to lay a sound foundation on which the developer, representatives of the developer and residents can go forward. In terms of the general location, this is a pie shaped piece of property. It is generally north of and adjacent to Vivion Road and east of and adjacent to Old Pike Road. The current

zoning of the property is C-2 on the southern portion of the property and CP-2 on the northern portion of the property. Surrounding that, to the north is Old Pike County Club which is zoned R-1. It is actually Kansas City to the south, but has commercial zoning. Kansas City is also to the east which has commercial and multi-family zoning. To the northwest is R-1; that would be on the west side of Old Pike Road, with single family homes in place there. Further to the south on the west side of Old Pike Road is CP-3 zoning with an auto dealership.

In terms of the Comprehensive Plan this land is planned as an industrial use. Conditions have changed slightly in the area with the Oaks Subdivision, west of Old Pike with Old Pike access, and warrants a consideration of this request in light of the Comprehensive Plan. The request itself is two-fold. The first part has to do with underlying zoning. The developers are requesting changing the southern portion of the property from C-2 to CP-2. The effect of that is that the Planning Commission and City Council will have the opportunity to review any site plans that come forward in the future. The northern portion of the property is currently zoned CP-2 and the change is requested to go to CP-3. The reason for that CP-3 underlying zoning requirement is the provision of approximately an 18,000 square foot garden center. Without that outdoor garden center the zoning change portion of this request would not be necessary. The second thing Council is asked to consider is site plan approval for the northern portion of the property. That is what is referred to as the Home Depot parcel. The proposal itself involves the construction of 112,000 square foot home improvement store with approximately an 18,000 square foot outdoor garden center. The project contains 585 parking spaces and typical accessory improvements; cart corrals, dumpsters, lighting, etc. The building itself is precast concrete with a rubber roof. The garden center is a fencing material that representatives of the developer will discuss more tonight.

A very large portion of this project has to do with public improvements. There are three varieties of these public improvements. The first are on-site public improvements, the second is adjacent off-site public improvements and the third are just off-site improvements. For the on-site public improvements there are basically two phases. One is water main construction in which the developer will construct and develop a water main that serves not only the Home Depot parcel but also the out parcel to the south. The second item is public improvements on the site for stormwater. That is the construction and dedication of a 10' x 8' box culvert which basically serves to enclose a significant drainage channel that runs east and west across the property and basically splits it in half. There are also miscellaneous road crossings, under road culverts and those types of drainage improvements that are public on the site. The developer will discuss in more detail the private side of those types of improvements.

For the adjacent off-site improvements, there are several. In terms of the roadway, which is the biggest portion of this, there is a proposal to significantly improve Old Pike Road adjacent to the site. Old Pike Road from Vivion Road north to the entrance of the out-parcel and to the Courtesy Chevrolet entrance is proposed to be built to arterial standards with a five lane cross section. Of those 5 lanes, 3 will be southbound and 2 will be northbound. That is from the Courtesy Chevrolet drive and the drive to the out-parcel, south to the intersection with Vivion Road.

The second part of that roadway improvement is from the Courtesy Chevrolet drive to the north driveway, or the truck entrance, of the Home Depot project. What that involves is a 4

lane cross section, generally 2 lanes north and 2 lanes south; however there are protected left turns into the residences and into the development.

The third part of that improvement is from the north driveway, the truck entrance, of the Home Depot project to the intersection with 50<sup>th</sup> Street which will be a 3 lane cross section with 1 northbound lane, 1 southbound lane and 1 center turn lane. Sidewalks, curbs and gutter will be provided with landscaping as shown on the plans and recorded in the Staff Report. The basic goals of those adjacent off-site improvements are to channel the traffic south to the greatest extent possible. Council can see the widening at the intersection of Vivion Road and then transitioning to a narrower, narrower and narrower roadway. As one goes north past the development it serve to make it convenient and accessible for travelers to go south and use the state highway system. Vivion Road is a state road where people can access I-29 and 169 or take Vivion Road to Oak to I-35. Staff believes that this proposal encourages people that use this facility to go south and use the state highway system. The more convenience that transition can be made to the highway system, the better it is for the residents.

Another portion of the improvements that are adjacent to the site is signalization. The first part of the signal improvements would be at the Vivion Road/Old Pike Road intersection where that signal would be reconfigured to handle the 5 lane cross section and make the appropriate timing adjustments. The second signal is a new signal which is proposed to be located at the intersection of the main Home Depot entrance which is the southern most entrance on the Home Depot parcel. This signal would have priority timing for Old Pike Road, but would serve to make it convenient and accessible for people to go south to Vivion Road and then to their final destination. There would also be stormwater and cross road culverts and other types of miscellaneous improvements.

The last phase of the public improvements are termed as off-site public improvements. These are improvements specifically to Old Pike Road from the intersection of 50<sup>th</sup> Street, from the north property line of development, on north approximately 1,500 feet. During that 1,500 feet one passes the new entrance to the Oaks Subdivision, the Jehovah's Church and the Northside Christian Church. What is proposed for that section of roadway is a two-lane cross section with curb, gutter, sidewalks, and an improvement of the existing roadway. Stormwater is also involved in that portion of the project.

Director Scott Wingerson stated he wanted to make several brief points as it relates to the zoning and site plan. First of all, the current zoning is CP-2. In this case that means that if Home Depot chose not to build the outdoor garden center or chose to enclose that garden center, the underlying zoning would be correct for what they were attempting to do. They would not need a zoning classification change from C-2 to C-3. The "P" is required for a slight reduction in the number of parking spaces and a rear yard buffer. It is interesting to note that in 1965 this property was zoned commercially for the first time. The records are not as good in 1965 as we like to think we keep today, however staff has been able to determine that an indoor retail shopping mall was planned for a slightly differently configured parcel. As part of that approval, secondary thoroughfare classification would have been required on Old Pike Road had it been constructed. In 1965 the term secondary thoroughfare meant the same thing as primary collector means today.

A quick analogy. This is a very complicated case, with concerned residents, concerned developers and concerned staff, but it is somewhat similar to what the Council and staff went through in relation to Wal-Mart. Basically there was a rural type two-lane road, generally unimproved, with big pieces of property on either side. In the Wal-Mart/Hy-Vee case, the property was zoned residentially and they were changing the classification from residential to commercial in order to construct those two developments. In this particular case, the property is zoned commercially and it is a minor change from C-2 to C-3 to allow the provision of an outdoor garden center of 18,000 square feet. In terms of roadway improvements, Old Pike has been planned as a primary collector or secondary thoroughfare since 1964. That was carried over to the 1979 Comprehensive Plan and again carried to the 1993 Comprehensive Plan which carries the City past the year 2000.

Director Scott Wingerson noted that the site is located at the intersection of a primary collector and a state road, which is Vivion Road, and has adjacency to state highway access, I-29 and 169. He stressed to the Council that all improvements planned are to facilitate travelers south on Old Pike Road to access that state highway system. Old Pike Road will widen as it approaches the intersection and narrow going north. The improvement would reduce the vertical curves and hills, as well as horizontal curves in the roadway and should make Old Pike Road safer for all travelers of Old Pike Road, patrons of Home Depot, residents of the Old Pike area and residents that travel that roadway.

Director Scott Wingerson stated that it is his understanding that since before 1986 some of the residents in the area have requested improvements to Old Pike Road. This is a vehicle and an opportunity to have some of those improvements made. As a background note, if staff talks about what would be solely required of Home Depot to develop this property if all of the zonings and site plans were correct and there was no need for Home Depot to go through this process, Home Depot would only have to upgrade the east side of Old Pike Road adjacent to their site to primary collector status. Physically what that means, is minor pavement widening, with curb, gutter and sidewalk on the east side adjacent to their site. That is all that would be required of Home Depot if they chose to do that. Staff looks at this as an opportunity to upgrade the Old Pike Road corridor, because this particular developer is willing to partner with the City to achieve some of the goals and objectives that the City has identified for ten to fifteen years. The City may not have that opportunity in the future. Not all developers have the capacity or the ability to go forward and make these improvements in the way that this particular developer does.

There are several recommended conditions in the Ordinance before the Council. Landscaping along Old Pike Road with trees at typical standards of 35' on center; sod all the disturbed areas; dumpster and pallet areas screened from public view; rooftop equipment screened from public view; signs will be compliant with Code or a variance will be requested from the City Council; parking lot lighting shall be designed to reduce the overflow effects of the lighting; stormwater grates or similar type of devices will be used to reduce the debris in the stormwater system; the hours of operation will be 6:30 am to 10:00 pm; the area west of and adjacent to the garden center and adjacent to the Old Pike Road planting area will be landscaped to provide fire protection but prohibit vehicular traffic; the proposed intercom system will be designed and reviewed at time of permitting to reduce the impact of noise from the garden center and the intercom system; truck signs will be installed as appropriate on and off the site;

tractor trailers shall not be parked overnight in the parking lot and a Developers Agreement will be executed which facilitates the construction of improvements which were contained in the Council's packet and discussed here tonight.

Director Scott Wingerson stated he would like to conclude by saying that the Planning Commission recommended approval with these conditions in the ordinance unanimously 11-0 last Monday night. Director Wingerson noted he is available for questions.

Applicant:

**Samuel Polsky, Attorney with Polsky & Reardon, representing Home Depot.** Council has before them tonight a Home Depot project which involves a rezoning of the property. With him this evening, for purposes of this presentation, are: Mr. Steven Leonard who is the Midwest Real Estate Manager, Morris Fletcher architect, and Dennis Lindsey engineer. They will give the Council a more detailed description of the project and the site plan.

Building a Home Depot store involves a major economic investment. Well over 20 million will be invested in this site. Mr. Leonard will later tell you why this site was chosen. Over a 20 year period, over 20 million dollars in taxes will be generated in sales taxes and real estate taxes. More than 200 jobs will be created. More than 83 million dollars in payroll benefits and fringe benefits will be paid to Home Depot employees who are among the highest paid employees in this segment of home improvement stores. If the Council approves their petition tonight, Gladstone will have the preeminent and best managed home improvement store in their community. Home Depot is aware of the community concerns and it is Home Depot's highest priority to be a good neighbor. Home Depot does not go anywhere where it cannot be a good neighbor. They are confident that they have done everything to meet the concerns of the citizens, as they have been expressed to Home Depot, regarding development of this commercial parcel. Home Depot has agreed to build more than a half mile of roadway, 3,200 feet, which as Director Wingerson stated, is far beyond what would normally be required of any development of this type. Home Depot has agreed to the 13 conditions from the Planning Commission. Home Depot has met with staff and cooperated with virtually every request that has been made of them. Home Depot thanked staff for cooperating with them in such a professional manner through this process.

In addition, and this is not one of the conditions that is before the Council in the printed materials, Home Depot agreed in a meeting this afternoon to build more than 3,200 feet of sidewalk on both sides of Old Pike Road. In short, they are doing everything reasonably possible to be a good neighbor with this store. Home Depot believes this is good for the community and for Home Depot. They earnestly solicit the Council's approval this evening. Mr. Polsky introduced Steve Leonard, Home Depot's Midwest Real Estate Manager, to go through a detailed description of the project.

**Steve Leonard, Midwest Real Estate Manager for Home Depot.** His offices are outside of Chicago, Illinois. However, his company is based in Atlanta, Georgia. Mr. Leonard stated that this evening he wanted to talk about Home Depot, who they are, the business they run and in general about this project. He will then introduce several specific areas of discussion relating

to engineering and architecture. His resident experts are present this evening to go into those issues and are prepared to answer any level of detail questions that the Council may have.

Home Depot was founded eighteen years ago. The concept was, two gentlemen who had been fired from the Handy Dan Improvement chain in California, decided to start on a new concept called the "Big Box" approach. At that time, home improvement items were sold at specialty shops. There were lumber stores, electrical stores, plumbing supply stores and the neighborhood hardware store. The Big Box concept was coming up through Toy's R-U's and other types of 25,000 and 30,000 square foot formats. However, the founders of Home Depot wanted to take it a step further. They started out with stores that were approximately 60,000 square feet, which was the biggest thing that anyone had ever seen. Through the years, finding out what works and what didn't, the concept has grown. At one point in time Home Depot stores were as large as 160,000 square feet. Currently Home Depot is building stores that are 118,000 square feet, plus an 18,000 square foot garden center.

Home Depot's market is not without competition. The most frequently asked question is what makes Home Depot different? Why does Home Depot feel they can be successful among a market which already has retailers serving it? Mr. Leonard's consistent answer is one thing, Home Depot's people. Home Depot will create approximately 200 new jobs in Gladstone. These are not just jobs. People are the lifeblood of their company. Everyone has had the experience where they have walked into a retailer and found that there were people who were dissatisfied with what they were doing, people who were being paid a very low minimum wage, and people who, if you could get their attention, would grunt at you and point their finger and maybe tell you where you could find the product you were looking for.

What Home Depot has done is make customer service an art. They have become an extremely successful enterprise because they have created this art. They have accomplished this by attracting the very best people that they can. They do this through various means. The first, at this point, being their reputation. What they find when they come into a new market is that people come and solicit them. Home Depot has already received hundreds and hundreds of solicitations now that it is known they are going to be coming into the Kansas City area. Home Depot has found that the best people from area competitor stores come to them because Home Depot offers a very competitive wage scale, excellent benefits and a real future. Home Depot is proud to say that they have many associates who have been with them eighteen years, many for more than ten years and that they have created careers out of the jobs people came from. It really comes down to what Home Depot's loyal customers say and they say it is the Home Depot employees. Home Depot has created a market by giving people the confidence to become home improvement buffs. Home Depot holds clinics in their stores teaching people how to do things. These clinics are free and thereby they create business for their customers and themselves.

Mr. Leonard stated he could go on and on about Home Depot and that many of their employees have a passion for the company. It is a very passionate place to work. Home Depot is very excited about bringing that passion to Gladstone.

Mr. Leonard explained that when he first came to the Kansas City market he was asked to find some prospective locations for new stores. He was given a budget, a time frame and told to

go to work. Home Depot did all the traditional types of surveys, demographics, hired a helicopter to look at sites and checked out the competition. Home Depot identified this site as a property they felt had great merit and great potential for their company in the very early stages of their analysis of the Kansas City market. The reasons for that are many. They had heard about the benefits of being in the City of Gladstone. The way that business was treated in the City of Gladstone. They had heard from their friends at Wal-Mart and Venture and they gave rave reviews for the experiences that they had in their operations in the City.

Home Depot liked the central location of this site. It is their opinion that the trade area for this store will be largely north of the river, extending northwest and northeast. Home Depot has no plans at this time to place another store north of this one. Accordingly, Home Depot liked the idea that this site was very convenient to their customers. Being on the retail strip is not their way. Home Depot likes to see who their customers are and then find a location that is convenient to them. Home Depot feels that this site accomplishes that. The fact that the site was zoned commercial was attractive to them. Taking sites from residential into commercial is something they try to avoid. The prominent visibility of the site, with the major roadways, really sold the Atlanta senior managers. Home Depot got very serious early on and began having discussions with staff about feasibility and the issues that were important to staff and the neighbors to facilitate this development. Home Depot spent a lot of time working on their plans. This project is not their standard Home Depot. This project represents a major departure in many ways from the improvements that Home Depot puts into their site on an ongoing basis. Home Depot had 452 stores last week throughout the United States and Canada. Home Depot varied from their norm on this site because of the extensive adjacent public improvements and off-site public improvements that will be put here. Home Depot hopes to convenience the Council this evening to be as excited about the project as they are.

Mr. Leonard explained that the building is a pre-cast concrete building, however, it may also utilize tilt-up construction. The building will have their corporate identity orange band around it and their standing seam metal roof canopy's over the main entrance and exit points of the store. The site will be heavily landscaped. There will be access points to the south and to the north with one truck access point on the far north of the site. One of the issues that staff asked Home Depot to address was the separation of the truck access and the automobile access to the site. That is not something that Home Depot usually does, but it was important to staff and they agreed to do it. Mr. Lindsey will discuss in great detail the site work that is going to be done on this site. The rendering shows a retaining wall that will be very expensive to construct to facilitate this development.

Sam Polsky introduced Dennis Lindsey, the project manager. Mr. Lindsey has spent many hours in meetings with staff to figure out the engineering for this very difficult site.

**Dennis Lindsey, LHE, 1300 West 87<sup>th</sup>, Lenexa, KS**, stated that as the site engineer for this project he would be discussing the building, site improvements and the adjacent roadway improvements. When Home Depot first looked at this site they looked at why no one else had built there. The design issues will help clarify why. In looking at a site, one of the things that Home Depot gets into is what are the criteria. What are their guidelines going to be to design the improvements on-site, adjacent to the site and off-site. Scott Wingerson has talked about Old Pike Road and its existing conditions being a two-lane rural type standard road being used



beyond what it was designed for. During Home Depot's initial contact with staff, staff stressed that they wanted to go beyond what would be the minimum requirements of a developer of this site. Home Depot usually goes in and does what is required to get their store up and running. That has not been Home Depot's approach with this project. Staff and citizen concerns have tried to be molded into the improvements that Home Depot is proposing. Looking at the analysis of this site, it is a 13.1 acre first phase that they are doing with this project, 585 parking spaces, a 130,000 square foot building where 112,000 is building with a 18,000 in a garden center. Those are just site design issues they have gone into.

In discussing Old Pike Road and Vivion Road, an exhibit was prepared to help in discussing the improvements that Home Depot has proposed for the streets adjacent to the site. Mr. Lindsey stated he wanted to talk first about the Old Pike Road and Vivion Road intersection. It has already been talked about what is being proposed on Old Pike Road. One crucial element that hasn't really been stressed is that Home Depot is proposing to add a second left turn lane for eastbound traffic on Vivion Road. Along with the improvements that have been discussed on Old Pike Road at that intersection, these improvements have been estimated at \$175,000. As one goes north on Old Pike Road from the intersection, there will be two dual left turn lanes for southbound traffic, a right turn lane, and two through lanes that go north. These five lanes are carried through until one gets between the two Home Depot entrances and it will then transition to a four lane roadway segment. Those four lanes continue to Home Depot's north entrance which is proposed as the truck entrance. The middle entrance on the Home Depot's site is proposed to be signalized. As the four lanes continue north of the truck entrance, there will be two lanes going north, a protected left turn lane for traffic heading south and a through movement for southbound traffic. Home Depot is also providing left turn lanes into the driveways of the residential homes adjacent to Home Depot so those residents can safely maneuver into their homes. These improvements are all being designed to improve how people get in and out of Home Depot and go south to Vivion Road or they come north from Vivion Road to the project. These are the proposed Old Pike Road improvements.

All of these proposed improvements are beyond what would be the minimum Home Depot would be required to do. These improvements involve driveway reconstructions, sidewalks on both sides of the road, utilities that have to be relocated, striping, traffic control, keeping access to certain properties during this construction, storm sewer improvements underneath Old Pike Road that currently exist, the lengthening of storm sewers, the construction of curb inlets, the collection of curb inlets north and south of the main low point on the street, the raising of Old Pike Road in some areas and the lowering of Old Pike Road in others to get the vertical curb design improvements done to minimum collector/arterial standards. All this is being designed in this project. Home Depot is looking at \$680,000 just to do the adjacent street improvements.

Knowing that Home Depot has agreed to do this, Home Depot, in discussion with staff, also talked about what to do with Old Pike Road as it goes north. From Home Depot's north truck entrance, they are going to transition to three lanes to 50<sup>th</sup> Street so they can provide a protected left turn movement for northbound traffic to turn onto 50<sup>th</sup>. Home Depot realizes that 50<sup>th</sup> Street is not a through street at this point, but future development has been proposed in this area. It is Home Depot's understanding that their whole approach on Old Pike Road has been, this is the minimum it would take to just take care of Home Depot so what else do we do

to Old Pike Road to get through the next ten to fifteen years? This has been Home Depot's approach on everything they are doing at this site. Let's do it once. Let's do it right. Let's get Gladstone through the next ten to fifteen years with this improvement. As one goes north from the Home Depot property line, Old Pike Road is going to be widened to two lanes. Storm sewers, utility relocations, everything associated with a normal street improvement project. Sidewalks on both sides of the street. Today Home Depot agreed to construct a new sidewalk on the west side of the street, in addition to the sidewalk they had planned to put on the east side. Home Depot is trying to make it safe for people to walk in the area adjacent to the Old Pike Road improvements they are going to do.

Mr. Lindsey stated that the north section of Old Pike Road, the 1,500 feet talked about, has been estimated to cost around \$460,000. It is very unusual for Home Depot to work for any client and be willing to do these type of improvements that are beyond the minimum required. It is very important to Home Depot that there be a safe and easy to get in and out of their facility. These improvements have been designed to emphasize and encourage all of Home Depot's traffic to come from the Vivion Road and Old Pike Road intersection and then to also go back to this intersection.

Mr. Lindsey stated he wanted to next talk about the site design issues that Home Depot has looked at as part of the project. There will be a retaining wall along the north property line which, at its highest point, will be 45 feet. There is rock. There are grading issues. Site design issues regarding site specific designs, i.e., retaining walls and footings, where some will be in rock and some in fill. They have figured all of this into the design of this project. These are some of the reasons why no one has built here. There are a lot of unique specific problems for anyone as they look at developing this site.

Going into utility design. There is a low area that runs through this site. Home Depot has talked to staff about a 10' x 8' reinforced concrete box being part of the underground storm drainage system that will be constructed with this project. There are also underground storm sewers that will come from the buildings downspouts into this system. Underground drainage systems have been designed for the entire site to tie into this low point that criss-crosses the site in an east/west direction. It has been estimated that these improvements will cost at least \$450,000.

Home Depot has a sanitary sewer that crosses this site in the same area that the low area occurs. A public sewer extension needs to be done to get public sewer extended to the building. There will be public sanitary sewers for the out parcel design that will be improved in the future. There is a public water main that will be a looped system that goes around the Home Depot site and puts fire hydrants at necessary spacings to serve this building so it has the fire protection that it needs to have. Lastly, Home Depot has telephone, electric and gas improvements that need to be done in conjunction with this project. The uniqueness of this project, with the different design issues, does nothing but cause this project to cost more money and would drive certain people away. Home Depot has tackled them, looked at them, analyzed them, tried to find a very creative way to approach these issues and to satisfy staff's concerns. Mr. Lindsey stated he is here representing Home Depot tonight and would be happy to answer any questions.

Samuel Polsky stated that anyone present from Home Depot would be happy to answer any of the Council's questions.

Opposed:

**Faith Nelson, 4910 Old Pike Road**, stated she is a self appointed spokesperson. She does not claim to represent anybody present other than anyone who willingly says she represents them. Council has a big decision before them this evening that is going to affect the neighborhood that she lives in. She wants to be sure that the Council understands the impact of a retailer like Home Depot in her neighborhood. She will try and approach this as representing the neighborhood and not her own concerns. Old Pike Road is a rural road. It is a semi-country area. They have deer, foxes, hawks and owls. There are a lot of large lots with large yards. It is an older neighborhood. A lot of the residents in the neighborhood have lived in their homes for 20 years or more. She is one of the new residents. She has only lived there 3 years. People in this neighborhood value their peace and their quiet. They value their privacy. This is not a subdivision with cookie cutter houses. It is a highly desirable neighborhood to live in.

Old Pike Road is a two-lane road. It is hilly, curvy and is the main entrance and exit for most of the residents in that area. Williamsburg does have a road that goes through it, up to the other side to North Oak. Old Pike Road has a lot of traffic on it. There are people that use it because they live in the neighborhood. There are people who test drive their cars on it. There is construction going on at 169 and Englewood Road. About 4 o'clock every afternoon Old Pike Road gets the traffic from people getting off the highway and bypassing the 169 construction. A lot of the people who drive on that road don't respect the 25 mph speed limit. There are houses on that road with children and a lot of neighbors that try to get in and out of those driveways. Old Pike Road has blind hills. Coming out of Williamsburg one can't really see the traffic coming from either side unless you get right up to the top of the hill. Like many people along Old Pike Road, she experiences where she starts to back out of her driveway and then has to pull back in because she couldn't really tell if the traffic was there until she gets out into the road. It is a dangerous road right now. There are some people that like to drive on Old Pike Road just because it is so pretty. She is one of those people that when she goes to Metro North she just stays on Broadway because she enjoys the view.

Ms. Nelson stated she wanted to help the Council see how the neighborhood feels the change would impact the neighborhood. (She handed copies of photos to the Council.) The top two pictures are of 4949 Old Pike Road. (Where Home Depot is proposed.) One picture is looking north from her property as she sits directly across from it. The second picture is looking south at about where the parking lot would be. These pictures are to give the Council an idea of what the area looks like now. Old Pike is a rural type two-lane road. The bottom picture is a Home Depot store in Arvada, Colorado that she recently drove by. It doesn't look as pretty as the rendering the Council is looking at this evening. Ms. Nelson stated she felt her picture was a bit more realistic to what the site may look like. In Colorado there are a number of Home Depot's and they are all on main thoroughfares. There are none on residential roads. The bottom picture is on Englewood Road looking at Englewood Plaza from across the street. The picture shows the four lanes of traffic with a buffer zone that is landscaped with mature trees, which is how she anticipates from the site plan Home Depot will look. These

pictures are to give the Council an idea of the change they are being asked to make to Old Pike Road.

As far as the traffic, the City has developed a plan that they think will encourage traffic to exit to the south and use the highway system. She appreciates that they want to encourage traffic to go south, but it is not realistic because there is going to be traffic that goes to the north. If you are like her, when one goes to a store one tries to find the closest parking spot so they don't have too far to walk. One would then be up by the actual store building. When one comes out of the store the thought is about where one is going next. You want to get to where your going next as quickly as possible. So you would probably go out the north exit and head south to the light. If they don't want to wait at the light they will turn right going north on Old Pike Road. If you have come in from Liberty, Parkville or out by the airport and you are going to use the highway system you will go south and use the highways. If you live up in Smithville or north Gladstone you are only going to think, where am I going next and how can I quickly get there. She wouldn't go down to Vivion Road, go through two lights so she could get over to North Oak and go through another light to turn and go north. One will go north on Old Pike Road to Englewood Road and continue on. She thinks it is unrealistic to expect everyone to go south. There is going to be additional traffic on Old Pike Road including truck traffic. Steve Leonard has assured the residents that Home Depot trucks will not use Old Pike Road to the north and she believes him. But contractors coming to Home Depot will use Old Pike Road to the north. This is going to cause additional danger to the residents that live along this road. She does not think that anybody can tell how many cars, how many trucks, how many vehicles are going to use Old Pike Road until it happens. She feels everyone needs to say that there will be additional traffic on this road and it is going to hurt the neighborhood to have additional traffic.

Ms. Nelson stated that she has driven around Gladstone trying to find another similar situation and she could find no retailer, of anywhere near this size, that was on a two-lane residential road. She realizes that Old Pike Road will not remain two lanes, but it is primarily a residential road. Home Depot is going to be directly across from residences. The noise. One can't expect a retailer not to have noise. It is not their fault. It is a fact of life. There is going to be lighting. There's going to be noise. Home Depot will open at 6:30 am until 10 pm. She has children and she is not crazy about having a business across from her that is open that many hours a day. She was glad to see that staff changed their approval of a 24 hour a day operation, but it makes her wonder whose interests are really at heart here when they would approve a 24 hour operation in a residential neighborhood. With the lights and the noise she looks to have the property value of her home, and her neighbors homes, go down because it is not desirable for her to live in that situation and she doesn't think it will be desirable for a lot of people to want to live in that area. She is going to be faced at some point to decide to either stay or go and if they decide to go they will end up wondering how to get the money back they have spent on buying their home because they don't have much confidence that other people are going to want to live there.

Ms. Nelson stated she also was wondering what is going to happen to the piece of land south of Home Depot. Once there is a commercial establishment on this road it invites more commercial development. They are going to be faced with, in the next five to ten years, more

commercialization on this road. She thinks the property values of anyone who lives on Old Pike Road will be affected.

Ms. Nelson stated there are a lot of improvements that are planned with this project and she appreciates that. The improvements only go up about half way on Old Pike Road, so part of the road will still be in bad condition and have blind hills. She appreciated the fact, to finally hear tonight, that sidewalks are being proposed for the west side of the street because it was incongruous to her why they would put sidewalks on the east side of the road when nobody lives there. For the residents that live in this area they have a hard time believing that their interests and concerns are being taken seriously. Gladstone does indeed stand to gain a lot of financial benefit from this. A million dollars a year is something she has heard and she does not know if that is correct or not. Gladstone will win and Home Depot will win if they go in because they will have another center. They will be the first in the area and will gain a lot of business. The people who are selling the land can gain money, but the people who live in that neighborhood stand to lose the loss of their neighborhood as it deteriorates, as they anticipate it will, with the additional traffic and commercialization that they think will encroach on it. The residents would rather see something on this land under commercial zoning like a medical office building or something of that nature that would not impact the neighborhood. They are asking the Council to consider the neighborhood and consider how this is going to affect the neighborhood.

Ms. Nelson stated she had one other thing she would like to present. The residents realize it is not legally binding but they do have a petition of the neighborhood that reads: "We the undersigned residents of Gladstone, Missouri, residing north of Vivion Road and south of Englewood Road, east of Highway 169 and west of North Oak, do hereby state our opposition to the building of the Home Depot store at 4949 Old Pike Road for the following reasons: 1. The increase of traffic will negatively impact Old Pike Road/North Broadway causing added congestion and danger to this residential road and will transform it into a commercial thoroughfare. 2. The locating of a large commercial venture in this residential area will be detrimental to the safety, well-being and peace of our neighborhood. We therefore respectfully request that Gladstone City Council not approve the Home Depot site plan." By her count there are about 200 homes in Gladstone in this area. They have 198 signatures representing 129 properties. (Ms. Nelson handed the petition to Council.)

Ms. Nelson stated the last thing she would like to say is, she wants the Council to realize that they are committing themselves to making Old Pike Road a commercial thoroughfare because that is what is going to happen. It is going to become a commercial road if Home Depot goes in. Thank you for your consideration.

**Angelo Bongino, 5506 N. Wyandotte**, stated that he came to Gladstone in 1972 and has owned several parcels of property in Gladstone. He has seen the City shrink and grow at the same time. One thing that may have just been skirted around is the fact that there is a wedged shaped piece of land that he believes Home Depot has an option on. By Home Depot's own admission, at a neighborhood Church meeting, if they do use that land they can put in such things as a fast food restaurant, a liquor store, a tavern or anything, even a pet shop, whatever. Specifically the Council needs to be aware that Home Depot can exercise that option and if they do, Home Depot did say these are the things they could put in, even

though they did not say that they would. It is something the Council may want to consider. The fact that Old Pike Road can be improved is one thing, but if it is overly improved there will be a lot of speedsters making a speed road out of it. So at night time it will be one thing and in the daytime it will be commercial. The fact that in 1965 that particular parcel was zoned commercial, he would venture to say, that if those on the committee could foresee what was happening in growth and traffic now, would they have zoned it commercial at that particular time?

Mr. Bongino also stated that in terms of hiring down at Home Depot, one does not know how that will impact Gladstone's people whatsoever, because if Home Depot only hired everyone from Gladstone they would be guilty of discrimination. It is not known how much Home Depot will impact Gladstone directly. He urged the Council to consider the good things that their predecessors in the late 70's and early 80's did when they rebuilt Barry Road and they widened Antioch all the way up to 72<sup>nd</sup> Street. By the same token there were some pitfalls they got Gladstone into. For example, when they boxed in the nature preserve with the Wal-Mart. Gladstone seems to be shrinking. There is only so much of it. He urges the Council to consider that before this goes on and on. Gladstone is awfully finite. It is a nice little City. That is why he moved here in 1972 and he hopes to stay the rest of his life, but the Council ought to consider other generations and their quality of life. The Council also needs to consider that they might be a party to some sort of monopoly. Mr. Bongino stated he puts it that way loosely, because a good organization as well structured as Home Depot is, may have some impact on little stores like Sapps Hardware and also Payless Cashways. What Gladstone doesn't need is empty store rooms. There is a larger picture and ripples on the pond that need to be considered when these things are done.

Mr. Bongino noted that the City of Gladstone would eventually do something to Old Pike Road, but they ought to consider how fast they should do it. Remember, it will become a speedway at night time. Remember hamburger places can go in elsewhere and that is not going to add to the quality of life. In this day and age, the term "quality of life" means something and Gladstone, since 1983, has grown and grown in traffic, population and commercialization. He hopes it doesn't always look like it looks on North Oak from one end to the other because Gladstone still has North Oak to commercialize. Gladstone also has Antioch Road and Vivion Road and if we must grow commercially those are still ideal places; but as for places like Old Pike Road, and other side streets, he begs the Council's indulgence to weigh that with all considerations before they make other moves. Thank you.

**Anita Duncan, 5406 N. Wyandotte**, stated that she is a 34 year citizen of Gladstone and an active one. She has participated in most elections since 1962. She has served on Boards in Gladstone and feels connected to this community. The Brady Hills bunch lost out when Creekwood Commons went in and they lost their outlet to Englewood Road. This left North Wyandotte, 54<sup>th</sup> Terrace, 55<sup>th</sup> Street, Central and Old Englewood with 3 exits to civilization. 55<sup>th</sup> Street is marked with a sign that says, "Dangerous Intersection". 54<sup>th</sup> Terrace should be because you can't see incoming cars from the south unless it is dark and their lights are on. The other road, Old Englewood Road, after 5:30 pm you can't get in or out of it because cars are stacked up to new Englewood Road trying to get home. Williamsburg residents have a route out to North Oak. Without Old Pike Road they have none. This little road can't take

much more traffic. She urges the Council to think about all the people that live in that area, 200 of them. Thank you.

**David Funk, 5211 N. Baltimore**, stated he believes it has been expressed pretty well this evening, but he believed it can't be over emphasized how bad Old Pike Road is on north of what is proposed to be improved. Several of the entryways are very, very bad blind hills. The 54<sup>th</sup> or 55<sup>th</sup> Street road has got to be one of the worst blind hills anywhere in Gladstone. It is a very steep hill. If one wants to turn left there you literally have to turn into the road on the right hand side, peak over the road and then turn left. One takes their life in their hands otherwise. Probably most people who turn left there don't do that. It is just a matter of time before there are more and more accidents there. It is a very hazardous road. On the other hand, it is a very beautiful road. In some respects he hates to see it greatly modified and improved because it is a very beautiful road to drive in the spring with red buds lining the street up and down both sides with the trees overarchng. He loves the road and really hates to see it corrupted by making it into a commercial thoroughfare. He hopes the Council will consider that tonight. Thank you.

**Ed Thompson, 5404 N. Broadway**, stated he wanted to thank the Council for giving the residents this opportunity to express their feelings and their thoughts on this situation. It seems that the common person doesn't often have a way to influence what impacts one's own life. He hopes the Council will consider what commercialization of Old Pike Road will do to the residents that are there now. Thank you.

**Ken Cochran, 5209 N. Central**, wondered if he could ask a few questions of clarification either of the staff, architect or engineer?

Mayor Art Hammen explained that Mr. Cochran needed to address all his questions to the Council and they would try and get the answers.

Mr. Cochran asked, the 45 foot high wall that was mentioned that will separate the property from Old Pike Country Club, is there going to be a fence on top of that wall to protect children from falling? Then the 4 entrance points on Old Pike Road, which would be the first entrance to Courtesy Chevrolet, the second entrance or the one just to the north of that, then the proposed entrances to Home Depot, both the car entrance and the truck entrance, will those grades be higher or lower from what they are now? Is there going to be any kind of protection to the west between the parking lot and the building such as an earth berm or a permanent tree line requirement? In other words, along Old Pike Road between the site and the street?

Director Scott Wingerson stated that most of these questions would be best answered by the engineers of the development. The answer to the first question regarding a fence on top of the wall is, yes. Code will require that. Anything greater than 36" above grade requires some sort of barrier. The type and style has yet to be determined, but there will be a separation between the top of the retaining wall and the ground below. Grade levels can be answered by someone from Home Depot. Protection between the parking lot and the building and Old Pike Road? The engineers can address. Is there a significant grade change from proposed Old Pike Road to the parking lot? In places approaching 15 feet that is somewhat represented on the elevation drawings as a berm up to the parking lot that may address the grade changes

also. Screening and buffering? Close proximity of plants adjacent to the building to screen the garden center and that part of the building, and typical 35 foot on center tree planting and sod on the south.

Dennis Lindsey addressed the grade changes. As they design Old Pike Road and ultimately do the improvements, hopefully they can minimize and appreciate access from each side. As they address Courtesy Chevrolet and the other driveways, Home Depot has to maintain the access to be a safe access. The Old Pike Road grade elevation is going to remain very close to what it currently is, if not raised just a little bit because of the widening that is going to occur. Home Depot will work within the existing right-of-ways that are adjacent to this. As they go north along Old Pike Road there will be a raising of some of the sag curve and a chopping off of the hill as one goes across the crest at the north end of the site. There will be a balance of all that, along with where the resident driveways tie into Old Pike Road, to maintain safe access for the residents.

City Manager Jim Norris interjected, at the time of a rezoning and site plan, all cities require only preliminary engineering, so the developer does not have to go to the expense of final engineering for exact grades, exact elevations, and grades of the driveways until they get final approval from the City Council.

Mr. Cochran stated that he does not come before the Council opposed to progress or development. It is inevitable that the property will be developed. He thinks the question here is, what is the best thing for Gladstone? He does come concerned that Home Depot and the City of Gladstone have failed to address the concerns and issues surrounding the project. There are two items he sees. Number one is traffic. Council needs to keep in mind that Old Pike Road is the only north/south road between Highway 169 and North Oak. He appreciates the money that Home Depot has offered to spend. He thinks they are spending it in the wrong area. Home Depot spending it on the street encourages traffic, not discourages traffic. As an example, basically the farthest south point is undeveloped. In North Kansas City an entrance to Payless was redone. It is basically Payless' entrance off of Armour Road/210. An obvious layman's answer to this would be to have the entrance at the furthest south part of the parcel. Home Depot has put the truck entrance at the worst possible place for residents. One of the petitioners told him that they had argued the point that trucks are quiet. He is a supervisor at a trucking company and he can guarantee that trucks are not quiet. Not at 6:30 in the morning or 10 o'clock at night.

Mr. Cochran stated he lives in Williamsburg and he can hear the paging system from Jack Miller Chrysler-Plymouth. So, if Home Depot is going to have an outdoor paging system he will have that problem as well. He is not against Home Depot being there, but he does think that the staff of the City has failed to protect the citizens. He thought it interesting earlier tonight that the staff and Council was willing to go overboard to protect the residents on Harrison from light pollution and noise. He doesn't see any protection for the residents along Old Pike Road. Look at Wal-Mart at 72<sup>nd</sup> Street and Antioch Road. Look at the vast difference between a high profile lighted Hy-Vee store on the southeast corner there and the guarded protection that Wal-Mart has given its residents both on the east side with a fence and on the south side with a huge earth berm where they dug down into the property. His conclusion from that would be, would the City Council be willing to protect those who use Old



Pike Road in that area just as much as they were willing to protect those in the Wal-Mart area? One final suggestion that would possibly be a little more difficult, but would be a lot easier for those who have to live there, and that is, with a little engineering the dock could easily be moved on the east side of the building instead of the west side of the building. That would get the noise furthest away from the residents, not closest to them.

Mr. Cochran stated his biggest concern is that he does not think that going from 5 lanes to 4 lanes to 3 lanes encourages southbound traffic. He thinks it encourages northbound traffic and he does not believe Old Pike Road can handle that. Thank you.

**Geraldine Sauer, 5216 N. Wyandotte**, stated she has been a resident for 22 years. She stated that she represents no one but herself. She can hear the noise from the dealerships north of them. She can stand on her front stoop and hear Phar-Mor dropping crates when unloading. She can hear Walton's with their tires being burred off, changing tires. The noise. She believes this is just an added detriment to her neighborhood. She has driven Old Pike Road for 22 years. The light at the end of Vivion Road and Old Pike Road cannot handle the traffic now. One can sit and count the ways traffic goes. Seven ways, maybe more. This will highly impact Williamsburg. In her area there are two entrance out onto Old Pike Road. The traffic will go north. Thank you for your concern.

**Joe Nelson, 4910 Old Pike Road**, stated his home is located directly across the street from the proposed Home Depot site, between the two proposed entrances to Home Depot. He is married with 5 children. When his wife and he moved to Kansas City they spent several months looking for the perfect home in which to raise their family. They probably looked at 100 homes before finding this one, a beautiful Cape Cod with enough room in both the home and yard in which to raise their children as they choose. In Home Depot's words of tonight, his wife and he identified this site as a great place to buy a home and raise a family. Not only was the home perfect for them, but the location was exactly what they wanted. A home in an established neighborhood located on a residential street. A neighborhood filled with long time residents who took pride in their community.

Mr. Nelson stated he is opposed to the rezoning request and Home Depot's site plan for the following reasons. Number one, traffic. Being right across from Home Depot his driveway is going to become a very difficult and dangerous place for him to exit.

Second, stormwater runoff. There is a creek that runs through the middle of Home Depot's proposed site. The creek flows under Old Pike Road and through his property. Right now, during heavy rains, the creek floods over its banks and into the lower part of his yard. In addition, a lot of trash comes down that creek. Even worse they have had automobile oil from the car lots located up on Vivion Road in the creek. On three occasions they have had raw sewage that came from the apartments on North Oak in the creek. Many times they have to restrict their children from that area of their yard. If Home Depot is allowed to build on that site there is sure to be a significant increase in both stormwater runoff and pollution coming through his property which will be more dangerous and cause additional soil erosion. He has had no assurances that the increased runoff will not be dangerous to his home and his children's play area. Tonight he has heard Home Depot say that they have addressed all concerns, however, no one has approached him about this major problem.

Number three, lighting and noise. A huge store and parking lot, like the one proposed by Home Depot, will greatly increase the noise and night time lighting in his house and yard. Right now the car lots on Vivion Road are a nuisance, but at least he has the protection of a large barrier of trees between his home and the car lots. Home Depot proposes to completely tear down all the trees that could possible protect him and their site will be right across the street. In addition, Home Depot claims that their outside intercoms shouldn't be a problem, but he doesn't believe it because the car lot intercoms can be easily heard from his house, even through the trees. As his five year old daughter asked, how are children supposed to sleep with all those lights and business going on well after our bedtime? How was he supposed to answer her on that question? All he could think was, too bad you suffer because big business and the City wants more money? That is not the kind of answer he wants to give her.

Number four, Old Pike Road is a residential street. It is not a commercial road. Currently all commercial ventures in the area are located on commercial thoroughfares, not on residential roads. Home Depot's proposal is to locate a huge retail store in a residential neighborhood, on a residential street. He understands that the proposed property is already zoned commercial. Home Depot representatives and City employees have been reminding him of that and he understands that, but it is obvious to him that there was a major error in ever granting a commercial zoning for that parcel. But the fact is, the deal was done years ago. However, the City should only allow a commercial venture on that site that is compatible with the neighborhood. A large retail store such as Home Depot is not compatible with the neighborhood, nor with the residential street. The best use of that site is a commercial venture that can co-exist with the residential neighborhood on a residential street. He asks the Council not to allow Home Depot's lure of money and jobs to force Old Pike Road and the neighborhood into becoming commercialized. He respectfully appeals to the Council to oppose the rezoning and site plan. Thank you.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL No. 96-62**, rezoning from CP-2 to CP-3, and from C-2 to CP-2, property at 4949 Old Pike Road. Applicant: Home Depot, USA, Inc. (File #970)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 96-62** on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds stated that part of his remarks may also apply to the next Bill (Site Plan approval). He just wanted to say, and it has been mentioned before, that this site will be developed. It is just a matter of when and who. He thinks the City is very blessed to have a project such as the one that is before the Council this evening. What Home Depot has given the City, and what they have pledged to do, is a benefit. He has lived in Gladstone since 1962 and most of those years he lived on 72<sup>nd</sup> Street. He raised his family there. When he

first moved to 72<sup>nd</sup> Street it was a two lane street. When he left it was four lanes. Half the years he lived there it was two lane and the other half four lanes. He would venture that when he moved away the traffic was ten fold what it was when he first moved there. But, he can assure everyone that it was a much safer street when he moved away than when he had arrived. Because of the reconstruction of the street, even with more traffic, it was safer. He now works on North Oak and it is a major thoroughfare. Regardless of the time of day that he tries to get out onto North Oak there is a lot of traffic. It doesn't matter what day of the week it is or what time of day. He is sorry to say, but the traffic on Old Pike Road is going to continue to grow with or without this project.

Mayor Pro Tem Bill Reynolds stated that he had talked to a former Councilman the other day and this issue came up. The former Councilman stated that he had been one of the most vocal opponents of Wal-Mart and Hy-Vee and now he says they are one of the best things that has happened to Gladstone. Across the street from Wal-Mart is a new housing development of townhomes and cluster homes that range in the value of \$100,000 plus. Even though some of those townhomes backup to a state highway and are directly across the street from Wal-Mart, the developer had them sold before he could get them built. He thinks this is a good project. He thinks there is going to be a lot of traffic on Old Pike Road. He thinks this will enable the City to develop Old Pike Road and make it much safer for the citizens. Consequently Mayor Pro Tem Bill Reynolds said he will be voting in favor of this project.

Councilman Roger Norris stated that this is one of those times when he wished he was home watching television. He got on the Council because of a zoning issue and he certainly doesn't like looking out over a crowd of people who are either mad at him now or about to become mad at him. However, he wanted to take a couple minutes to respond to some of the things said this evening. First, the last speaker keep pointing out that in his opinion the Council had not done everything they should do to serve the best interests of the City of Gladstone. Leaving that property vacant doesn't serve anyone. Right now someone could come into City Hall and pull a Building Permit and never come in front of the Council and build on that site what was approved in 1965. Traffic would increase and there wouldn't be a dime in extra road improvements, water improvements, or anything else. The Council has addressed the issue of the Nelson's backyard and the creek. Under State Law, all regulated by DNR, water cannot leave a property any faster than it left while in its natural state. This means there will be water containment and water cannot leave that property any faster than it does now. It should improve over on the Nelson's side of the road. Regardless of what happens on this property, traffic on Old Pike Road is going to increase. He is one of those people that is popping off at Vivion Road and going up Old Pike Road to avoid the mess at Englewood. So is Councilman Nodler. So is anyone who lives on the west side of Gladstone.

What Gladstone has, is an opportunity to allow a national organization to come in and seriously impact Gladstone to the betterment of all the people of Gladstone. That is what really needs to be focused on. Yes, 53<sup>rd</sup> Street is a terrible intersection at Old Pike Road. 54<sup>th</sup> Terrace is a terrible intersection at Old Pike Road, very dangerous. 55<sup>th</sup> Street is a very dangerous intersection. It was yesterday. It will be tomorrow. There is not a thing the City can have Home Depot do half a mile down the road. He wishes that Home Depot would come in and build Old Pike Road all the way to Englewood Road so that it would all be nice, but then the other half of the residents would be upset with the City because they had made road

improvements that are going to encourage more traffic. He has sat for an hour and a half tonight listening to people tell him that on one hand they want improvements because Old Pike Road is dangerous and on the other hand they would like to go back to gravel. The City is going to improve Old Pike Road over the next five years, regardless of what goes in on that piece of property, because it is in the street plan. Gladstone residents voted to allow, the last time there was an election, to add another ½ cent on to Gladstone's sales tax to do street improvements and that is what the Council is trying to do. Home Depot only has to come in and put an eight foot overlay on the road and that is all. Eight feet on one side and that is it. Would that be the in the best interest of Gladstone? All Home Depot has to do is eliminate the garden center and they can build what they want. Is that in the best interest of Gladstone? He thinks what is in the best interest of Gladstone is the fact that there is a forty foot wall to be built behind Home Depot that will seriously limit the noise that heads towards the residential area; and that the Council addresses the way the lighting is on that property so it doesn't glare across the street. Everyone here has driven down that street at night and looked at how much light comes off Courtesy Chevrolet at the little house in the shadow of that hill. That is not what the Council wants to see.

The Council all lives in Gladstone, in residential areas, on residential streets. The Council has addressed this project until they are blue in the face. Everybody here came and talked to the Planning Commission and those things that residents said they wanted were addressed before it got to this level. The Council wants to control water off the site. They don't want traffic to go north and they understand that some will. They want the traffic to go to Vivion Road. The Council is looking at ways and encouraging people to come to Gladstone who will be good business owners, who will be here next year, who won't put up a vacant building, half do their stuff, half do the road and then leave. That has and does happen. The City then ends up with a huge mess that the residents end up paying for. At this point, Home Depot is willing to do it. The Council has to make road improvements to Old Pike Road. They can't keep allowing the Nelson's backyard to flow away. It is unfortunate that there is going to be something built across the street from the Nelson home, but what does anyone expect when on Vivion Road there is a car lot, another car lot, then Venture, and a four lane state road. He believes that Old Pike Country Club, where he spent many a summer day, will be a good buffer for any more encouraged commercial development north. On the other side of the street, it is a pretty rough area to be developing. Once you get to the two churches, what else can go past them?

Councilman Roger Norris stated that he understands where the audience is coming from, but take the other side for a moment. If Council says "no" today, Home Depot will file a court suit tomorrow. The City will spend residents money defending the City against Home Depot and Home Depot will win. Then the residents will have Home Depot, no street improvements, no road improvements; that is the way it works in this world. That is not what the Council wants. If we are going to have to swallow a huge development then let's get what we can out of it. That would be road improvements which make it safer for the folks who drive that road everyday; some direction on how lighting goes; some direction on how sound goes; some direction on how long they are open. That is what is important to everyone that lives in Gladstone. Some of you will be impacted more than others. Nobody on the Council will tell you any different. Some traffic will increase on Old Pike Road. But the fact of the matter is,

the Council must take and work with what they have. What they have probably isn't the best it could be, but it certainly is a lot better than it has been in the past.

Councilman Roger Norris stated that he understands those in the audience will be upset with him and that is okay. He has to make decisions based on what he knows to be factual and what he thinks are the best ways to handle things. The extra stuff that Home Depot has done just on suggestion taken from what the residents said at the Planning Commission Meeting to staff and through letters and phone calls to Council has all been, to the best of Council and staffs ability, incorporated into this plan so it impacts the residents the least and gives them the most benefit. That is what has come through all the phases and is now before the Council.

Councilman Anita Newsom stated that change is difficult. Change is difficult for all of us. In the 26 years that she has lived in Gladstone a lot of changes have taken place. She remembers when North Oak was two lanes, Jim Henry's Restaurant sst up on the hill and there was just a hole in back of that. Gladstone was a very rural setting. The first neighborhood she lived in there were scraps of an old barn setting in the yard to the side. Gladstone has changed and grown from a semi-rural community to a suburban community. With that comes pluses and minuses. The pluses have been increased City services, the efficiency of City services and the professionalism of City staff that works with the City Council to help them make the decisions. Change brings about fear of the unknown, concerns about what would be or could be. She has a great deal of confidence that the body of people working as the professional staff, and the five City Councilmen, continue to look at what is best for the entire community. The Council has been very prudent in their deliberations. She feels that the Council always has the best interests of the health, safety and the quality of life for the entire community at heart in everything they do. Sometimes the Council has to make decisions that are hard for them individually, but again they have to look at what is best for the community.

Councilman Anita Newsom stated she had never been in a Home Depot store and didn't know that much about them. While on vacation this summer she saw a Home Depot store and stopped to see what it was like. The store had been there for a number of years. It was tucked away in a neighborhood where there was some office area around it, residential homes on one side and apartments on another. It was near a very busy highway. She was pleased to go in and see that the store was very clean, very well maintained and the people in the store were very friendly and nice. She was pleased with what she saw. She has faith that a business of this magnitude will come in and be a good neighbor and not be a corporate bully, just by the way corporate has worked with the City's staff and wanting to be a member of the Gladstone community. She believes that with the technology that has come about with lighting, sound systems, structural engineering and stormwater engineering she feels the staff and Council have addressed the needs of the Gladstone community. She feels that within a few years, when Home Depot is established, one will wonder why it hadn't be built there years before. She is very pleased to see this project come to the Council, she hopes the Council gives it an affirmative vote. She will be voting for it.

Councilman George Nodler stated that this Council, along with members of the community, put a lot of effort into the City's Comprehensive Plan. They came to the conclusion, when

debating this issue, that this parcel of land would remain commercially zoned, the way it had been zoned approximately 30 years beforehand. Input was asked from the community as well. The Gladstone Area Chamber of Commerce was part of that, as well as the community in general. The Council unanimously came to the conclusion that this piece of land would remain commercial. The Council has an obligation to the citizens of Gladstone, not just to this neighborhood, but to all the citizens in Gladstone. One of Gladstone's pluses is its low property tax rate. That is a major selling point for citizens of Gladstone. One way the Council has maintained that is by having sales tax revenue. A business like Home Depot will generate a lot of sales tax revenue for Gladstone. This is a benefit for all the citizens in Gladstone and the Council also has to take that into consideration tonight. He will also be voting yes tonight.

Mayor Art Hammen thanked each citizen of Gladstone who came to the Council this evening to express their opinions. It is obvious that they are very sincere about how they feel about this project. The Council appreciates their demeanor. Ms. Nelson expressed a concern that she would not be taken seriously. Please believe that the Council took her, and everyone in this room tonight, seriously in their comments and their concerns. Even if this is approved this evening, there will still be issues that the Council will work closely with staff on so that they can see that Gladstone gets the best project. He came tonight not knowing for sure how he would vote on this issue. He feels that the Council has to weigh the petition against the benefit to the other 26,000 plus citizens. Mayor Hammen thanked everyone for being present this evening.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 96-62**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded.

#### Discussion:

City Manager Jim Norris noted that at some point in time the Council will need to add the issue of the Development Agreements to the Bill. That can be done at the time of the Site Plan or at the rezoning. He stated he would like to address some other issues from his notes this evening that he does not feel have totally been responded to.

The issue of the 24 hour operation of Home Depot. The City does not have the authority to deal with the hours of operation of a business unless it is through a "P" zone, which is one of the added attractions of the out-lot parcel. That is why staff encouraged Home Depot to add a "P" designation and why Home Depot refers to this zoning as being more restrictive. Both Wal-Mart and Hy-Vee have operated around the clock at various times during their existence. The analogy that Director Wingerson spoke of regarding 72<sup>nd</sup> Street and Route 1 is very true. Before Hy-Vee and Wal-Mart were developed, 72<sup>nd</sup> Street was a two-lane rural cross-section road. On the Hy-Vee site there were five homes that set in that vicinity, several were moved and several were demolished. On the Wal-Mart side there was one large two-story white house. The very first rezoning and site plan that was approved for the Wal-Mart site was to C-1 zone only. This was for a shopping center with at least seven separate tenants, with three separate buildings. The Tall Timbers neighborhood, the Christopher Heights neighborhood and the Northaven Gardens neighborhood all came out in opposition to it. When Wal-Mart

came in as a single property owner/tenant, only two families came to the meeting when it was rezoned from C-1 to C-3. Those two families actually encouraged the Council to approve the zoning because they knew Wal-Mart could be a good neighbor.

As a City staff, our experience is that owner occupied retail establishments are much better maintained. That is one of the reasons that Council has a positive recommendation from staff on Home Depot. The other reason is the unknown. There is a C-2 zoning on that site right now. As several have said, tomorrow another developer, whether it be Home Depot or not, could come in and apply for a Building Permit based upon that site plan. This City Council would have no legal authority to deny that Building Permit. Going a step further, even if another developer came in with a new site plan for CP-2, as long as it was similar in nature the Council would have no legal authority to deny the rezoning or the site plan. The issue becomes for City staff, City Council, the Planning Commission and for the residents, do you want a developer who is willing to pay for the road improvements up front, or do you want one that is coming in with a building permit and only doing the eight foot addition on their side of the road along with curb, gutter and sidewalk only on their side? That is the issue. When those same issues were discussed with the residents along 72<sup>nd</sup> Street they agreed and that is why there is the road improvement in-between Hy-Vee and Wal-Mart that you have today. If you look at the cross-section of 72<sup>nd</sup> Street it does transition down. Granted, the City has applied for and received a federal grant that is going to take that four lane cross-section all the way over to outside of Gladstone City Limits, but that is because on the metropolitan wide thoroughfare plan, 72<sup>nd</sup> Street is considered part of the Highway 435 corridor. Old Pike Road is only considered part of the Broadway corridor and really is only considered to be a primary collector between Vivion Road and Barry Road and the metropolitan wide thoroughfare plan.

The out parcel development issue. That parcel is zoned C-2 now. All of the uses that were referenced by a member of the audience about things that could be developed there could be developed there now. The pet center, the tavern, any of them. All any developer would have to do is come in and apply for the Building Permit. With the "P" zone that is being required tonight at least the site plan has to come in and be approved. That means the City then gets to govern ingress and egress off the street, we get to govern landscaping and, through the Building Permit process, the City gets to govern things like lighting and esthetics. Without the "P" that protection is not there.

City Manager Jim Norris noted that the City has a Five Year Capital Improvements Plan that was renewed this year for the next five years. This plan was approved prior to any knowledge of a potential Home Depot development. The plan only contains revenues that the City is currently receiving from known retail establishments. In the fifth year of that plan, the City has budgeted \$339,000 to redo the hill and intersection at 55<sup>th</sup> Terrace and Old Pike Road. Through revenues generated at this site, there is the potential that that improvement could be expanded. Since the Capital Improvement Plan is a five year plan, it is a plan that is a living, breathing, document, and that type of project could be looked at and potentially, with engineering, it could be moved forward in the future.

City Manager Jim Norris stated that traffic has been talked about many, many times. Again, what it comes down to, from a staff's standpoint, is do we want the road improvements to try and help facilitate the traffic? If a developer built there with the existing C-2 plan or any new

CP-2 plan, then again the Council would not have the authority to reject it. What has the City gained in terms of trying to move the traffic towards Vivion Road? If one looks at how the 5 lane intersection at Viven Road is configured, it is configured to facilitate turning movements to the state routes.

The outdoor paging system. What the car dealers have are amplified speaker systems on every building. Home Depot is proposing an intercom system that is part of a phone system. It is just like in Wal-Mart when you hear a manager paged to pick up a phone. That is the same type of system they are proposing. Home Depot has given staff assurances that at Building Permit time that they will do what is necessary to try and buffer that sound. That is a Building Permit issue.

Staff, as Home Depot goes through the process of development, will do everything they can to try and mitigate the concerns that the residents have. The issue really does come down to, does the City take the road improvements with the development or do they allow the potential of a developer coming into Gladstone and building something without the City getting any road improvements in place. That is why the Council has a positive staff recommendation because Old Pike Road serves as a primary collector street even though it is not built to that capacity. In every City, development paves the way for these type of major road improvements.

City Counselor Nancy Thompson noted that the site plan ordinance already lists the Developer's Agreement as a condition so it would just be the zoning ordinance that is subject to the Developer's Agreement.

Mayor Pro Tem Bill Reynolds noted that the Planning Commission did approve this Home Depot development eleven to zero.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 96-62**, subject to a Developer's Agreement and enact it as Ordinance 3.544. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 9b. on the Agenda.** **FIRST READING BILL No. 96-63**, approving a Site Plan in conjunction with a rezoning for property at 4949 Old Pike Road. (File #970) Applicant: Home Depot USA, Inc. (File #970)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 96-63** on First Reading: Councilman Roger Norris seconded.

Discussion:

Councilman Anita Newsom noted that a recent concern of hers, with some other developments, has been the islands in the parking lot; whether they are sodded or filled with some sort of mulch material which starts looking trashy later. When does Council address something like this?



City Manger Jim Norris stated that an additional condition can be added now that states the parking lot islands will be sodded as part of the site plan, because it is part of the landscape plan, or it can be done as part of the Building Permit, it is the Council's pleasure.

Councilman Anita Newsom stated it just makes the whole property look a whole nicer to have these islands sodded. She is not certain how much more difficult it is to maintain but it certainly doesn't collect the trash in the way that Cyprus mulch and other things do.

City Manger Jim Norris stated that the City Counselor is writing a 15<sup>th</sup> condition to the Ordinance now.

Councilman Anita Newsom asked when the Council should address the screening material that will be used on the garden center?

City Manger Jim Norris answered, that would be a Building Permit consideration.

Councilman Anita Newsom stated that at Building Permit time she would like to see something that shows more detail and a sample of the material.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Mayor Pro Tem moved to accept the First Reading of **Bill No. 96-63**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded.

Discussion:

City Counselor Nancy Thompson stated that she has drafted a 15<sup>th</sup> condition to the Developer's Agreement based on Councilman Anita Newsom's request. The requested amendment would be: Condition 15. "Parking lot islands shall be sodded after installation and maintained as a green landscaped area.

Mayor Pro Tem Bill Reynolds stated he would amend his motion to include that condition. Councilman Roger Norris stated that the second concurs.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 96-63** as amended, and enact it as Ordinance 3.545; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10. on the Agenda. PUBLIC HEARING:** on a request for amendment to the Gladstone Subdivision Ordinance to revise Section 28-25(a) "Lot Dimensions" relating to R-2 Zoning Districts. Applicant: City of Gladstone

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

Scott Wingerson, Director of Planning & Development, stated that the City is proposing a very simple amendment to the Subdivision Regulations. This issue came to the City's attention as a result of the development of Meadowbrook Manor North, which is located at 72<sup>nd</sup> Street and Antioch Road. The developer came to City Hall and asked what he needed to do to sell ½ of a duplex. Staff checked and found that under the City's current provisions he was not able to do that without a host of variances either being issued by the Board of Zoning Adjustment or a Site Plan revision through the Planning Commission and City Council. In response to that request, staff checked with other area cities to determine how they approached the issue of subdividing an existing duplex along the wall that is common between the two units. Staff has patterned an amendment that is fairly similar to the process they use in Liberty and not too different from the process they use in Kansas City. This amendment says that these lots can be split along the party wall and not be in violation of a side yard setback requirement. The problem with the way Gladstone's Ordinance reads now is, if you split a duplex in half there is no way to meet the side yard setback along the new property line of the party wall. Staff has created an exception in the Subdivision Regulations in R-2 zonings for duplexes which would then allow these lots to be subdivided and sold. It doesn't do much to clean up the rest of that paragraph and Director Wingerson understands there are some flaws in that paragraph, but many of those flaws are corrected in the current draft of ZAPO or LADO or both.

City Manager Jim Norris commented that people, developers and owners of duplexes have been subdividing and selling off those duplexes since time began in Gladstone. They have been doing it the same way staff is referencing here and recording it themselves at the Recorder of Deeds office.

Councilman Roger Norris noted he just wanted to make sure that this in no way allows for zero lot line development, even in an R-2 zone. No one can come in and build up to the lot line? He does not want an interpretation problem later.

City Manager Jim Norris stated staff is talking about a zero side wall along the party wall in a duplex. This allows a zero side wall where there is a common wall. Not a zero lot line.

Mayor Art Hammen asked Director Wingerson if he could tell the Council what duplex project under construction brought this to staff's attention?

Director Scott Wingerson answered, Meadowbrook Manor North at 72<sup>nd</sup> Street and Antioch Road.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL No. 96-64,** amending Section 28-25(a) of the Gladstone Subdivision Ordinance relating to the dimensions of lots in R-2 Zoning Districts.

Councilman Roger Norris moved to place **Bill No. 96-64** on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-64**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-64** and enact it as Ordinance No. 3.546; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda. PUBLIC HEARING:** on setting the Annual Tax Levy for the 1996 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100.00 valuation.

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request will speak first, followed by those opposed.

Applicant:

City Manager Jim Norris explained the calculation on Real Estate and Personal Property Tax was done by the State this year. The State is now involved in the process of establishing levy's for cities. This is one of those years where the evaluation of existing properties dropped to a point where another penny is needed to generate the same amount of revenue. This year's City budget was based on the amount of \$.61/\$100.00 valuation, even though in this calendar year the City has had very little new construction. That is why budget-to-budget staff is looking at this being a \$27,000 decrease over what is currently budgeted. The City cannot go beyond that unless the Council would like to increase the levy to deal with the general obligation debt that is already there. Staff is recommending the \$.60 cents; and that will result in a shortfall to the City of \$27,000. This is a one cent increase for the City. This is caused by assessed valuation dropping, not the City wanting to raise rates.

Councilman Anita Newsom asked how many years has it been since the City raised rates?

City Manager Jim Norris answered that he would have to go back and research it, but over the last six or seven years the City has had this go up a penny two or three different times. He believes that when he first came to Gladstone in 1988 the rate was \$.57 cents.

Councilman Anita Newsom asked how Gladstone's rate compares with area cities?

City Manager Jim Norris answered that Gladstone's rate is still 1/3 of Kansas City's developed property tax rate and 1/2 of Liberty's property tax rate. Kansas City has two property tax rates.

Councilman Anita Newsom asked, is Gladstone's lower rate off-set by the City's sales tax revenues?

City Manager Jim Norris answered, that and the City's gross receipt revenue. Those are the City's two other biggest sources.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL No. 96-65**, fixing the Annual Rate of Levy for the 1996 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.

Councilman George Nodler moved to place **Bill No. 96-65** on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill No. 96-65**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 96-65** and enact it as Ordinance 3.547; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL No. 96-66**, approving the Final Plat of the "Amended Plat of Claymont Pointe Eleventh Replat". Applicant/owner: J.D. Nelson Building Co. (File #973)

Councilman Roger Norris moved to place **Bill No. 96-66** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked if everything was in order?

City Manger Jim Norris responded yes it is.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-66** Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-66** and enact it as Ordinance No. 3.548; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda. FIRST READING BILL No. 96-67**, accepting Temporary Construction Easements from property owners in conjunction with North Flora Street Maintenance, Project 9701-B.

Councilman Roger Norris moved to place **Bill No. 96-67** on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-67**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-67** and enact it as Ordinance No. 3.549; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 14. on the Agenda. FIRST READING BILL No. 96-68**, accepting Standard Sewer Easements from Stonebrooke, LLC., in conjunction with development of Stonebrooke 2nd Plat Subdivision.

Councilman Roger Norris moved to place **Bill No. 96-68** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked if everything was in order.

City Manager Jim Norris answered, yes sir.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-68**, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-68** and enact it as Ordinance No. 3.550; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda. MOTION TO AMEND** the scheduled dates in December 1996 for Planning Commission and City Council Meetings. The Planning Commission will have one meeting on Monday, December 2<sup>nd</sup> and the City Council will have one meeting on Monday, December 16<sup>th</sup>.

Mayor Pro Tem Bill Reynolds made a motion to schedule one meeting in December for Planning Commission and City Council. The Planning Commission will meet on Monday, December 2<sup>nd</sup> and the City Council will meet on Monday, December 16<sup>th</sup>; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 16. on the Agenda. Other Business.**

None.

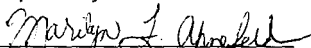
**Item 17. on the Agenda. Questions from the News Media.**


Keith King of Channel 41 said he just wanted to make sure that the Council did approve both Bills on Home Depot.

Mayor Art Hammen stated that both Bills received second readings and were ultimately enacted.

There being no further business to come before the Regular August 26, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 10:32 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: 

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



Mayor Art Hammen

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, SEPTEMBER 9, 1996**

**OPEN STUDY SESSION: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, August 26 , 1996 City Council Minutes.**
5. **PROCLAMATION** Designating Monday, September 16, 1996 as "**MRS. K DAY**" in the City of Gladstone, Missouri to honor the memory of Gladstone resident, Mrs. Ruth E. Klopfenstein and recognize her many contributions to northland community projects and organizations.
- 5a. **PROCLAMATION:** Designating September 22, 1996 as "**AMERICAN BUSINESS WOMEN'S DAY**" in the City of Gladstone, Missouri.  
Sponsor: Happy Rock Diamond ABWA

**6. CONSENT AGENDA**

**RESOLUTION R-96-68**, authorizing execution of a contract with Severeid and Associates for appraisal services for the NE 72nd Street Road Improvement Project (N Bellefontaine to east of N Antioch Road), subject to approval of the Missouri Highway and Transportation Department. Contract Amount: \$11,230.00

**RESOLUTION R-96-69**, authorizing execution of a contract with Noble H. Johnson for review appraisal services required in connection with the NE 72nd Street (N Bellefontaine to east of N Antioch Road) Road Improvement Project, subject to approval of the Missouri Highway and Transportation Commission. Contract Amount: \$6,600.00

**RESOLUTION R-96-70**, authorizing execution of a contract with Savior Roofing, Gladstone, Missouri, for roof and building repairs to various city-owned facilities for a total contract amount of \$75,835.85 . (\$13,565.00/Swimming Pool Fund; \$62,270.85/General Fund)

**RESOLUTION R-96-71**, authorizing the City Manager to execute a contract with Antioch Bible Baptist Church and RPM Plumbing Mechanical, Inc. for installation of a water line and 3 fire hydrants serving 800 NE 72nd Street. (Improvements entirely at developer's expense).

**RESOLUTION R-96-72**, authorizing acceptance of streets constructed in Stonebrook 1st Plat Subdivision for City Maintenance.

**APPROVAL OF PARK FESTIVAL USE PERMIT** for the 17th Annual GladFest event, Friday, Saturday and Sunday, October 4, 5, 6, 1996 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**NEXT ORDINANCE NO. 3.551**

**APPROVAL OF LIMITED 3-DAY BEER LICENSE** for the Gladstone Jaycees operation of a beer garden at the 17th Annual GladFest event, October 4-6, 1996 in Gladstone Central Park. Managing Officer: Les Smith

**APPROVAL OF 1996 ECONOMIC DEVELOPMENT PLAN ADDENDUM** to the City of Gladstone and Gladstone Economic Betterment Council (GEBC ) Contract of Services.

**REGULAR AGENDA**

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **APPROVAL OF BUILDING PERMIT** for construction of new 6,889 sq. ft. funeral home at 77 NE 72nd Street. Applicant/Owner: Charter Funeral Home (BP96-022)
11. **APPROVAL OF BUILDING PERMIT** for construction of new 5,038 sq.ft. office building at 201 NE 72nd Street. Applicant: Aylett Survey & Engineering. (BP96-018)
12. **PUBLIC HEARING:** on a request to rezone from R-1, R-1CH, and R-2 to CP-O, property at 101 NW Englewood Road. Applicant: T.M. Equities Owners: Reza & Sandra L. Naghshineh, Robert E. Day, Steven R. Deluca, and Stan and Debi Haddock. (File #972)
- 12a. **FIRST READING BILL 96-69,** rezoning property at 101 NW Englewood Road from R-1, R-1CH, and R-2 to CP-O. Applicant: T.M. Equities Owners: Reza & Sandra L. Naghshineh, Robert E. Day, Steven R. Deluca, and Stan and Debi Haddock. (File #972)
- 12b. **FIRST READING BILL 96-70,** approving a Site Plan in conjunction with rezoning of property at 101 NW Englewood Road. Applicant: T.M. Equities (File #972)
13. **FIRST READING BILL 96-71,** approving the Final Plat of "HOME DEPOT-GLADSTONE" at 4949 Old Pike Road and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Home Depot, U.S.A., Inc. Owners: Vivion Associates and Jack N. & Pella Fingersh. (File #975)
14. **FIRST READING BILL 96-72,** amending Chapter 17.2 of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 34, Article V relating to the Mechanical Code of the City of Gladstone, Missouri.
15. **FIRST READING BILL 96-73,** amending Ordinance No. 2.858 as amended which established the "Schedule of Licenses, Fees and Charges" for services and activities provided by the City of Gladstone, Missouri.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.



## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, SEPTEMBER 9, 1996**

Mayor Art Hammen called the Regular September 9, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

Acting City Manager, Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the August 26, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular August 26, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

#### **Item 5. on the Agenda. Proclamation.**

Mayor Art Hammen read a proclamation designating Monday, September 16, 1996 as "MRS. K. DAY" in the City of Gladstone, Missouri to honor the memory of Gladstone resident, Mrs. Ruth E. Klopfenstein and recognize her many contributions to Northland community projects and organizations.

Mayor Art Hammen presented the proclamation to Mr. Charles Klopfenstein and his son, Mr. Brian Klopfenstein.

Councilman Anita Newsom stated that she returned from vacation to find the Ruth Klopfenstein obituary in the paper and was distraught. Hopefully this is a lesson for everyone to not assume that some of our great and giving leaders in the community are always going to be around. Everyone needs to take time out, on a daily or at least on an annual basis, and recognize the people who do so much for the Gladstone community and say thank you to

them. The Council's sympathy to the family may be a little belated, but it is genuine. Councilman Anita Newsom stated that it bothers her that the City did not take the time to recognize Mrs. "K" while she was alive so she could receive congratulations and accolades from the community herself. Councilman Anita Newsom apologized for personally not thinking of that, but stated Mrs. "K" was always there. Mrs. "K" was at the Christmas store the entire time it was open and she was always very helpful. She will be terribly missed.

Mayor Pro Tem Bill Reynolds stated that as he looked out into the audience he could see a lot of key people who help with the Christmas Store and that is a tribute to Mrs. "K". The walk-a-thon for the Christmas store was held on July 20, 1996 and raised \$11,400.00 this year. Mrs. "K" was very influential in starting the Northland Christmas Store and the programs that are on going. Mayor Pro Tem Bill Reynolds stated that he knows that Mrs. "K" would be saying thank you tonight.

**Item 5a. on the Agenda. Proclamation.**

Mayor Art Hammen read a proclamation designating September 22, 1996 as "**AMERICAN BUSINESS WOMEN'S DAY**" in the City of Gladstone, Missouri. Sponsor: Happy Rock Diamond ABWA

Mayor Art Hammen presented the proclamation to Judith Linscott, President of ABWA.

Mayor Art Hammen stated that he would like to add another proclamation to tonight's agenda. The City of Gladstone has a young lady in their midst who has faithfully served the City of Gladstone for thirty-five years. On a regular basis she keeps the City Council out of trouble, does more than her fair share to see that things run smoothly and is present at the City Council meetings to do a great deal of work. Mayor Art Hammen stated that on behalf of all the City Council they would like to say thank you to City Clerk Marilyn Ahnefeld and he presented her with flowers from the City Council in honor of her thirty-five years with the City.

City Clerk Marilyn Ahnefeld thanked the Council for their thoughtfulness.

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom asked for clarification on the approval of a limited 3-Day Beer License to the Gladstone Jaycees. Is the 3-day beer license for the Gladstone Jaycees to operate the beer garden tent under the management of the Gladstone Chamber? Is that a different configuration than in the past?

City Clerk Marilyn Ahnefeld stated that when she inquired of the Gladstone Chamber how the request should be listed for their application, it was indicated that the Gladstone Jaycees would be operating the beer tent, but for liquor license responsibility purposes Mr. Les Smith would have oversight. Mr. Les Smith is present to answer any questions the Council may have.

**Mr. Les Smith** stated that the Gladstone Area Chamber of Commerce, as the sponsor of Gladfest, feels that all of the participants operate under the jurisdiction of the Chamber,

therefore it is felt that the Chamber is solely and ultimately responsible for any activities that happen in the City's park during Gladfest. Since the Gladstone Area Chamber of Commerce is going to be managing Gladfest it seemed reasonable that the Jaycees be accountable to the Gladstone Area Chamber of Commerce and therefore to the City for their activities.

Councilman Roger Norris moved to approve the Consent Agenda as listed; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to adopt **RESOLUTION R-96-68**, authorizing execution of a contract with Severeid and Associates for appraisal services for the NE 72<sup>nd</sup> Street Road Improvement Project (North Bellefontaine to east of North Antioch Road), subject to approval of the Missouri Highway and Transportation Department. Contract Amount: \$11,230.00; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to adopt **RESOLUTION R-96-69**, authorizing execution of a contract with Noble H. Johnson for review appraisal services required in connection with the NE 72<sup>nd</sup> Street (North Bellefontaine to east of North Antioch Road) Road Improvement Project, subject to approval of the Missouri Highway and Transportation Commission. Contract Amount: \$6,600.00; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to adopt **RESOLUTION R-96-70**, authorizing execution of a contract with Savior Roofing, Gladstone, Missouri, for roof and building repairs to various city-owned facilities for a total contract amount of \$75,835.85. (\$13,565.00/Swimming Pool Fund; \$62,270.85/General Fund); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to adopt **RESOLUTION R-96-71**, authorizing the City Manager to execute a contract with Antioch Bible Baptist Church and RPM Plumbing Mechanical, Inc. for installation of a water line and 3 fire hydrants serving 800 NE 72<sup>nd</sup> Street. (Improvements entirely at developer's expense); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to adopt **RESOLUTION R-96-72**, authorizing acceptance of streets constructed in Stonebrooke 1st Plat Subdivision for City Maintenance; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to approve a **PARK FESTIVAL USE PERMIT** for the 17<sup>th</sup> Annual Gladfest event, Friday, Saturday and Sunday, October 4, 5, & 6, 1996 in Gladstone Central Park under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to approve a **LIMITED 3-DAY BEER LICENSE** for the Gladstone Jaycees operation of a beer garden at the 17<sup>th</sup> Annual GladFest event, October

4-6, 1996 in Gladstone Central Park. Managing Officer: Les Smith; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Roger Norris moved to approve the **1996 ECONOMIC DEVELOPMENT PLAN ADDENDUM** to the City of Gladstone and Gladstone Economic Betterment Council (GEBC ) Contract of Services; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda. Communications from the Audience.**

**Charles "Chuck" Kells, 7500 N. Baltimore**, stated that as long at the Council is honoring Mrs. "K" this evening he had a comment to make. He worked with Mrs. "K" for five or six years. Being an Elk he has been responsible for the Christmas Tree Program at his Lodge for the last twenty-nine years. Since Mrs. "K" took over the Northland Christmas Store and shared the responsibility with the Elks and the community, it has been a great cause due to Mrs. "K's" involvement. The \$11,000 raised during this year's walk-a-thon will give a good start for the youngsters at Christmas. Thank you.

### **Item 8. on the Agenda. Communications from the City Council.**

Councilman George Nodler commended Marilyn Ahnefeld on all her efforts during her thirty-five years with the City of Gladstone, far and above her duties as City Clerk.

Councilman Roger Norris stated that he would like to echo what Councilman Nodler just said, and what the Mayor said earlier, regarding City Clerk Marilyn Ahnefeld.

Councilman Norris requested staff to look at the intersection of 55<sup>th</sup> Terrace and Old Pike Road. Also look at the intersection at 53<sup>rd</sup> and Old Pike Road. If one is traveling southbound on Old Pike Road and someone else is traveling northbound getting ready to turn left onto 55<sup>th</sup> Terrace, where they would then be crossing in front of the southbound car, the southbound car would not see them. He is aware that this intersection is on the five year Comprehensive Plan, but because of the change (references Home Depot development) that is going on at the end of Old Pike Road at Vivion it may justify looking at these other two intersections and reassessing the priorities and moving them ahead in that five year package.

Councilman Anita Newsom stated that she would again like to congratulate City Clerk Marilyn Ahnefeld on her thirty-five young years with the City. She not only wanted to recognize that the City has Marilyn Ahnefeld as a very competent and professional staff member, but that the City also has five other very competent ladies/women on the management team staff, along with four good guys. One thing she wanted to say about Marilyn and all of the women on the City's staff is that they are not just women on the management team, they are ladies and ladies that do their job with class. At one point in time in our history as a country, women in business may not have been considered to be ladies, but she thinks the staff members in

City Hall are not only women involved in a very professional pursuit, but they are also ladies that exude class. She appreciates working with all of them.

Councilman Anita Newsom stated that last Saturday there was a lovely performance from the Missouri Ballet at the Amphitheater in Oak Grove Park. She asked Director Steve Buschor what he estimated the crowd to be?

Steve Buschor, Director of Parks and Recreation, stated the crowd was somewhere between four hundred and five hundred. He noted that he has talked to the State School and they have unofficially consented to come back next year and allow Gladstone to have an evening performance. If the City had paid to stage this performance, the estimate would have been between \$8,000 and \$10,000. The ballet was well received by the folks that were there.

Councilman Anita Newsom commented that it adds a different dimension to Gladstone's cultural arts programming. It was a great deal.

Mayor Pro Tem Bill Reynolds stated it is good to see Gladstone streets getting asphalt. He offered his congratulations to Marilyn Ahnefeld and thanked her for personally being his friend.

**Item 9. on the Agenda. Communications from the City Manager.**

Laura Gay, Acting City Manager, noted that the Council had found Resolution 96-73 at their places this evening to be added to the agenda. City Counselor Nancy Thompson just informed her this Resolution will not be considered tonight as she is talking with the Sprint representative now. Council will probably see this Resolution on the next Council Agenda.

**Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT** for construction of new 6,889 square foot funeral home at 77 NE 72<sup>nd</sup> Street. Applicant/Owner: Charter Funeral Home (BP96-022)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit; Councilman Anita Newsom seconded.

Discussion:

Councilman Roger Norris said his diagram shows a dotted line where he believes the gabled roof is under the flat area. Is he correct in that the flat area is just a facade around so nobody from the street will be able to see anything on top of the roof?

Scott Wingerson, Director of Planning and Development, explained that the drawing shows a line-of-sight from about four feet over from 72<sup>nd</sup> Street back towards the building and shows that with the roof and parapet walls the HVAC equipment will be properly screened from 72<sup>nd</sup> Street.

Councilman Roger Norris asked what the resident on the street behind this building will see?

Scott Wingerson answered, the HVAC units. Council will remember that the people behind the project are on a hill and there is quite a grade change so there is no way to totally hide the equipment from their sight.

Councilman Roger Norris recalled there was a neighbor who was concerned about his children seeing hearses and he was told death is a part of life. Have there been changes made to the car canopy area. Are the vehicles now going to be inside?

Scott Wingerson answered, yes. The vehicles will be enclosed completely and there will be a very small likelihood that the gentlemen's children will see a hearse. What was previously just covered with a canopy will now be a garage with automatic roll-up doors where all the activities will occur inside with the door closed. All that will be seen is the cars coming and going.

Councilman Anita Newsom asked if the colors will be those as shown, the soft beige?

Scot Wingerson stated yes.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT** for construction of new 5,038 square foot office building at 201 NE 72nd Street. Applicant: Aylett Survey & Engineering. (BP96-018)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit; Councilman Roger Norris seconded.

Discussion:

Councilman Anita Newsom stated she had a question on the drawings she had in front of her. It appears that one place says a Composition Roof and about an inch and a half away there is an arrow that says Standing Seam Metal Roof.

Scott Wingerson noted that the architect is here tonight and can explain that for the Council. Council may remember that the Planning Commission heard a case for a zoning change to a "P" classification on this property. Mr. Elliott has since downsized the building just a little bit which makes it comply within the City's zoning ordinances and allows him to proceed straight to permitting. Conditions that would have been placed on the site plan ordinance are incorporated in the plans the Council sees tonight. The current plan is to have a composition shingle roof, however, alternate plan number one would be a standing seam metal roof according to specifications which the architect can explain.

**James Marshall, President and Architect at JRMA Architect's at 306 E. 21<sup>st</sup> Avenue in North Kansas City**, said the colors they plan to use on the building are earthtone colors. The body of the building will have split faced block in beige (he showed Council a sample). There are some little rectangles and squares in the split faced block on the face of the building and those are accent blocks that will be a smooth face in another beige color

(sample was shown). There are two rounded corners on the building and they will both be done with glass block (sample was shown). The shingle roof will be a brown tone 25 year composition heavy textured shingle. The alternate roof, that they would like to get if they can, would be a standing seam metal roof which would be a medium bronze color. (He showed the Council the color on a color chart and pictures of this type of roof on a building.)

Councilman Roger Norris asked if someone could answer Councilman Newsom's question? Is this roof composition shingle or standing seam metal? What is the preference going to be?

Mr. Marshall answered, the composition shingle roof is what is called for in the base bid in the project. If the bids come in sufficiently lower where Mr. Aylett feels that he can afford the cost of putting the standing seam metal roof on, that is his preference. The budget is established and they have to maintain that budget so they are going to take a base bid on the shingle roof first. The standing seam metal roof would be an upgrade from the composition shingle roof.

Councilman Roger Norris said, as he understands it, since they have downsized the building and they are coming in with plans that fit in the current zoning the Council has no say on this.

Scott Wingerson stated that he does not wish to speak for the City Counselor, however, the Council does have wide discretion as it relates to the approval of a building permit. If the Council would prefer one type of roof covering over another, Mr. Aylett would do everything to make sure that happens and be required to do so.

Mayor Art Hammen asked Councilman Norris if he had a preference on roof types?

Councilman Roger Norris stated that he is so adamantly opposed to metal facades of any kind that he really wants to be opposed, but he has seen a couple of metal roofs that look really good when they are first done, however, they are so new he hasn't seen one that is fifteen years old to see how it will weather so he would like to reserve his right to object until years later.

Mr. Marshall stated that the standing seam metal roof has a longer life span and durability than composition roofing.

Councilman Anita Newsom asked what happens to this roof in a hail storm?

Mr. Marshall answered that this roof is put down over a solid sheet of plywood so it is not like a roof that one sees on a pre-engineered steel building where the panels actually span. This is going to have trusses with plywood, a solid underlayment underneath it so if it gets dented it would have to be a big dent. In Colorado they use standing seam roofs everywhere. There are a lot of standing seam metal roofs over in Johnson County and they prefer composition roofs not be used. From an economic standpoint they need to see how the bids come in.

Mayor Art Hammen asked for a comparison of cost between a composition and standing seam roof? Is the metal roof 20% higher? 50% higher?

Mr. Marshall stated that a standing seam metal roof costs about three time more than a composition roof.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda. PUBLIC HEARING:** on a request to rezone from R-1, R-1CH, and R-2 to CP-O, property at 101 NW Englewood Road. Applicant: T.M.. Equities Owners: Reza & Sandra L. Naghshineh, Robert E. Day, Steven R. Deluca, and Stan and Debi Haddock. (File #972)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

Applicant:

**Bill Dorsey, 5833 N. Beaman, Kansas City, MO 64151**, is the President of T.M. Equities and represents the owners in the application of this rezoning. He is going to turn the presentation over to Jerry Buttrn, with George Butler and Associates. Mr. Buttrn will take Council through the Site Plan.

**Jerry Buttrn, 5707 Woodhaven Lane, Parkville, MO**, with George Butler and Associates, said they have been working with Mr. Dorsey on the planning for this property which is located at Englewood Road adjacent to North Broadway as it traverses over to the Kansas City city line where Creekwood Commons is located. North is up on the plan. Their proposal is to rezone the property so two office buildings can be constructed on this site. There are two different proposals. The first is for an office building which is a single story of approximately 25,000 square feet. The second is for a two-story office building of approximately 30,000 square feet. The grade at the first location is 925 feet and at the second location it is 975 feet. There is 50 foot of fall across this site and probably why the City of Gladstone purchased this right-of-way so they could traverse the entrance to Gladstone at this particular site. Right now the land is zoned for single family homes.

The proposal being presented this evening was presented before the Planning Commission. There were several issues that were of concern, particularly with the homeowners in this area. Number one was sight lines. Number two was any traffic that would be generated on their property. Number three was their hope to retain some of the existing trees on the property. Number four was location of trash enclosures and particularly when the trash was going to be picked up. Their plan is to construct two entrances into the site. One entrance would be directly off of North Main. This would provide the eastern most entrance at the top of the hill for the development. The other location is directly across from the office building which is already in existence on the corner of North Broadway and Englewood Trafficway. That would be a split entry driveway at this location. Both of these driveways provide access to the site and allows them to transverse through the site and take care of the fifty foot difference between the two elevations. Both of the buildings would be masonry construction, typical of the office buildings that are seen in Creekwood, with a bronze or a prefinished



metal surface and dark bronze glass. The entry way that will be constructed would also serve as an entrance into the development.

Mr. Buttron noted that in discussions with the Planning and Commission and during the walk-through of the site, several of the homeowners who live in this area were concerned about the original location of the trash enclosures. Originally the trash enclosures were located as close as they could be to the property line that is allowed by Gladstone's zoning. The owners have agreed to relocate the trash enclosures on an island away from the homeowners and have them match the construction of the office building. The second trash enclosure would also be on an island away from the property line and away from the setback, again matching the construction of the office building in that location.

Mr. Buttron noted there were a couple items of concern with regard to the heights of the buildings. He pointed out where the single story building would be located at the top of the hill, with a floor elevation of approximately 970 feet. Next he pointed out the single family homes which are located south of the property. Englewood Court, formerly Englewood Road, is next. He pointed out that the buildings are depressed down into the site and ample screens with plantings are provided along the Englewood Court Street. Next is the proposal for the two-story building which would occur lower on the site. The tops of the two buildings are approximately the same height and when looking at the site they would be non-obtrusive.

Mr. Buttron pointed out that the single story office building is of masonry construction with a prefinished aluminum window system with energy efficient glass. A couple of items came up in the walk through of the site. One discussion was in regards to sidewalks along Englewood Court. The desire of the homeowners was to not have the sidewalks. They asked the developer if he would be interested in providing concrete curbs along Englewood Court. He agreed to do that as opposed to putting sidewalks and curbs on just one side. The developer will be putting curbing on the street and taking care of some the storm drainage issues that they now have on the site.

Mr. Buttron stated that they feel they have addressed everything. The parking for the first office building is seven spaces per thousand feet, and for the second building is as required by Gladstone's code of five spaces per thousand feet.

In Favor:

None.

In Opposition:

None.

Staff:

Scott Wingerson, Director of Planning and Development, noted there are eleven conditions that are contained in Site Plan Approval Bill No. 96-70. Those eleven conditions are:

1. The easternmost Englewood Road entrance median shall incorporate a left turn bay for entrance to the site.

2. The eastern drive shall generally align with Main Street to the north. The western drive shall generally align with the entrance to the northern property.

Director Wingerson noted that this project will require joint access with the property owner west of and adjacent to the second of the two buildings. It is his understanding that the developers of the two projects will take care of all the details that are required to make that shared access a reality.

3. Existing street lights shall be relocated from median where necessary to complete improvements. One additional street light may be necessary in the vicinity of the western driveway.
4. Entrance and exit from the south is prohibited.
5. The developer is responsible for half-street, full-length improvements along Englewood Court, including pavement, to create 15' of roadway from the centerline, curb and gutter and sidewalk.

Director Wingerson noted that as Mr. Buttron mentioned, there will be curb and gutter on both sides of the street now which will give this a purely residential street look. The reason the sidewalks were swapped for curb and gutters are twofold. One is that the residents requested that that occur and two, utility of a sidewalk on the north side of Englewood Court is marginal at best.

6. All trees shall be a minimum 6' in height and 2/5" dbh caliper diameter. All disturbed areas shall be sodded prior to final occupancy.
7. All dumpsters enclosures shall be screened from public view using the materials of the primary building.
8. All exterior lighting shall be directional and designed to reduce the effect of overflow lighting from the site.
9. All rooftop and grade mechanical equipment shall be screened from public view.
10. Access easements and grading shall be provided to serve the property west of and adjacent to the site.
11. A final plat shall be approved prior to construction.

Director Wingerson stated that if approved tonight, three further actions may be necessary from the Council. One is consideration and approval of the final plat which may include a request to vacate slope easements that were obtained for the construction of Englewood Road. With proper engineering the slope easements have no further value. Third would be a building permit.

Councilman Roger Norris noted at the end of condition number five it still says, "and sidewalk". Should "and sidewalk" be deleted?

Director Wingerson answered, yes. Please delete that.

Mayor Pro Tem Bill Reynolds stated that Council had heard comments made about the trash containers this evening. He would like to know more about their construction. Is there going to be a roof on them? What are the doors going to be? Will this be added to the Site Plan approval?

Mr. Buttron stated that the trash enclosures will not have roofs on them, because of the nature of the way a trash truck will come in and pick them up, but the enclosures will be built of a masonry construction similar to office building. They will have a metal door on them. Nothing is indestructible when trash enclosures are concerned, but at least it is something that can be repaired readily and conceal the trash containers inside. One of the requirements is that all trash containers located within the masonry walls would have roofs on them so nothing can blow out of them.

Mayor Pro Tem Bill Reynolds asked how high the wall enclosures would be?

Mr. Buttron answered they would be higher than the trash containers themselves. Approximately five feet four inches.

Mayor Pro Tem Bill Reynolds asked which way the doors of the enclosure would face?

Mr. Buttron answered that the doors will face into the site away from the residences. Even though most people who build office buildings face them in another direction, what they have tried to do is face the trash enclosure so a trash truck can get in, access the containers and move away.

Mayor Pro Tem Bill Reynolds asked if they are going to limit the hours the trash can be picked up?

Mr. Buttron answered that there was discussion of that regarding during the Planning Commission hearings. It is the intent of the owner that trash be picked up during normal working hours. The reason for this concern by the residents is that in Creekwood Commons the trash is picked up early in the morning and they also have a lot of trash blowing around. Even though Creekwood Commons is not in the City of Gladstone the resident concerns are legitimate and the owner has agreed to that.

Mayor Pro Tem Bill Reynolds stated that if this is approved and the trash haulers pickup during the night, the City would probably get some complaints.

Councilman Anita Newsom stated she had a question for the developer. On the drawings all of the parking lot islands are shown in green. One could assume that is sod, but she has quit assuming. Is it their intent to sod the parking lot islands?

Mr. Dorsey answered that is very much the intent. They plan to sod the islands along with a landscaping plan. They have budgeted in Phase One construction, a minimum of \$25,000 worth of landscaping above and beyond sod and sprinklers. They have found that to enhance value and enhance the environment for the workforce, landscaping is just as important for offices as it is for homes.

Councilman Anita Newsom asked if there would be a problem if one of the Site Plan Conditions Council added was that the islands be sodded and kept in green landscape area?

Mr. Dorsey answered it would not be a problem.

Nancy Thompson, City Counselor, stated that she would draft an added condition #12 that all islands be sodded and/or landscaped with green plant material.

Councilman Roger Norris explained that the Council had heard in the past that islands would be sodded, then the building goes up and the islands are not sodded. They have then been told a variety of things such as: its too hot, the grounds not good enough, and that the sod won't take. The Council got to looking around and got tired of the excuses.

Mayor Art Hammen asked Director Wingerson about Condition 3, regarding street lights, where it says one additional street light maybe necessary; who is going to determine whether it is necessary or not?

Director Wingerson stated that Director of Engineering, Norman LeClerq, would make that determination.

Mayor Art Hammen asked, if Director LeClerq determines this street light is necessary does this condition imply, for the record, that the developer will put the street light in if the City asks?

Director Wingerson answered yes.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 96-69**, rezoning property at 101 NW Englewood Road from R-1, R-1CH, and R-2 to CP-O. Applicant: T.M. Equities Owners: Reza & Sandra L. Naghshineh, Robert E. Day, Steven R. Deluca, and Stan and Debi Haddock. (File #972)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 96-69** on First Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 96-69**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 96-69** and enact it as Ordinance No. 3.551; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12a. on the Agenda.** **FIRST READING BILL 96-70**, approving a Site Plan in conjunction with rezoning of property at 101 NW Englewood Road. Applicant: T.M. Equities (File #972)

City Counselor Nancy Thompson stated that she had drafted Condition 12. for Bill No. 96-70 and it reads: "All islands shall be sodded and/or landscaped with live green or flowering plant materials." Also there is the deletion of "and sidewalks" in Condition 5.

Councilman Roger Norris moved to place **Amended Bill No. 96-70** on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Amended Bill No. 96-70**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Amended Bill No. 96-70** and enact it as Ordinance No. 3.552; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda.** **FIRST READING BILL 96-71**, approving the Final Plat of "HOME DEPOT-GLADSTONE" at 4949 Old Pike Road and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Home Depot, U.S.A., Inc. Owners: Vivion Associates and Jack N. & Pella Fingersh. (File #975)

Councilman Roger Norris moved to place **Bill No. 96-71** on First Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-71**, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-71** and enact it as Ordinance No. 3.553; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 14. on the Agenda.** **FIRST READING BILL 96-72**, amending Chapter 17.2 of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 34, Article V relating to the Mechanical Code of the City of Gladstone, Missouri.

Councilman Roger Norris moved to place **Bill No. 96-72** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked if the Mechanical Code provisions are the same as Council has discussed before?

Scott Wingerson, Director of Planning and Development, answered, Council has discussed this at least two times.

Councilman Roger Norris asked when this would go into effect?

Nancy Thompson, City Counselor, answered that it goes into effect tomorrow, September 10, 1996, along with the remaining provisions of BACO which were also designated to go into effect tomorrow.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-72**, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-72** and enact it as Ordinance No. 3.554; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda.** **FIRST READING BILL 96-73**, amending Ordinance No. 2.858 as amended which established the "**Schedule of Licenses, Fees and Charges**" for services and activities provided by the City of Gladstone, Missouri.

Councilman Roger Norris moved to place **Bill No. 96-73** on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked how these permit fees compare with the building, electrical, mechanical and plumbing permit fees currently charged by the City?

Scott Wingerson, Director of Planning and Development, answered there are two things going on with permitting. The first is a regular increase having to do with the adoption of the new codes. The second is the City is going to a valuation based system which results in just a slight increase overall.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-73**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-73** and enact it as Ordinance No. 3.555; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 16. on the Agenda.**

**Other Business.**

None.

**Item 17. On the Agenda.**

**Questions from the News Media.**

None.

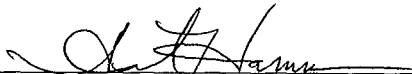
There being no further business to come before the Regular September 9, 1996 City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:30 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒

Approved as corrected/amended: ☐



Mayor Art Hammen

MFA/sak

GLADSTONE, MISSOURI

MONDAY, SEPTEMBER 23, 1996

**CLOSED EXECUTIVE SESSION 6:45 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION SECTION 610-021(1), (2) &(3)  
FOR LITIGATION AND PRIVILEGED COMMUNICATION FROM THE CITY COUNSELOR,  
PERSONNEL AND LAND ACQUISITION DISCUSSIONS**

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, September 9, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-73,** authorizing execution of an Antenna Site Lease at Antioch Water Tower with Sprint Spectrum, L.P.

**RESOLUTION R-96-74,** authorizing execution of contract with Stonebrook LLC and Construction, Inc. for installation of water main, sanitary sewer main and storm sewer main serving development of Stonebrooke 2nd Plat. (Improvements entirely at developer's expense)

**RESOLUTION R-96-75,** authorizing execution of a contract with Clayco Properties and Haines-Stowers Construction Company for installation of sanitary sewer main and storm sewer main serving Claybrook 1st Plat. (Improvements entirely at developer's expense)

**RESOLUTION R-96-76,** authorizing execution of a contract with Intra State Development and Holthouse Construction Company for installation of sanitary sewer main and storm sewer main serving the Oaks 1st Plat. (Improvements entirely at developer's expense).

**RESOLUTION R-96-77,** authorizing acceptance of a proposal from Bruner & Dahlstrom for City Hall Lobby Renovations. Contract Amount: \$397,331.00 Fund: Capital Improvement Sales Tax

**RESOLUTION R-96-78,** authorizing acceptance of a proposal from Victor L. Phillips Company for purchase of a Case 621 B Wheel Loader. Net Purchase Amount: \$69,559.00 (includes \$24,000 trade-in allowance for 1989 Case Wheel Loader). Fund: General

**RESOLUTION R-96-79,** authorizing execution of an agreement with Smart Solutions Utility Services for contractual water meter reading services for the City of Gladstone. Contract Amount: \$.45/meter per month. Fund: Combined Water and Sewerage System.



## **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  
9. **CONSIDERATION OF SIGN VARIANCE REQUEST: HOME DEPOT, 4949 N Old Pike Road.**  
Applicant: Collier Signs for The Home Depot
10. Other Business.
11. Questions from the News Media.
12. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, SEPTEMBER 23, 1996**

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman Roger Norris, the City Council met in Closed Executive Session at 6:45 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1), (2) and (3) for Litigation and Privileged Communications from the City Counselor, Personnel and Land Acquisition discussion.

Mayor Art Hammen called the Regular September 23, 1996 City Council Meeting to order in the City Council Chambers at 7:35 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager, James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the September 9, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular September 9, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approve the Consent Agenda; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

### CONSENT AGENDA DETAIL.

Councilman George Nodler moved to adopt **RESOLUTION R-96-73**, authorizing execution of an Antenna Site Lease at Antioch Water Tower with Sprint Spectrum, L.P.; Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-74**, authorizing execution of contract with Stonebrooke LLC and Construction, Inc. for installation of water main, sanitary sewer main and storm sewer main serving development of Stonebrooke 2nd Plat. (Improvements entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-75**, authorizing execution of a contract with Clayco Properties and Haines-Stowers Construction Company for installation of sanitary sewer main and storm sewer main serving Claybrook 1st Plat. (Improvements entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-76**, authorizing execution of a contract with Intra State Development and Holthouse Construction Company for installation of sanitary sewer main and storm sewer main serving the Oaks 1st Plat. (Improvements entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-77**, authorizing acceptance of a proposal from Bruner & Dahlstrom for City Hall Lobby Renovations. Contract Amount: \$397,331.00 Fund: Capital Improvement Sales Tax; Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-78**, authorizing acceptance of a proposal from Victor L. Phillips Company for purchase of a Case 621 B Wheel Loader. Net Purchase Amount: \$69,559.00 (includes \$24,000 trade-in allowance for 1989 Case Wheel Loader). Fund: General; Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-79**, authorizing execution of an agreement with Smart Solutions Utility Services for contractual water meter reading services for the City of Gladstone. Contract Amount: \$.45/meter per month. Fund: Combined Water and Sewerage System; Councilman Roger Norris seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Gary Livingston, 5962 N. Kansas**, stated his concern is on Kendallwood Parkway. He lives right across the street from the entrance of Kendallwood Nursing Home. Kendallwood Parkway is a four lane street with a tree line median. He noted that he has lived at this address for six years and feels there needs to be an opening across the median strip for people to turn east when exiting Kendallwood Nursing Home. People don't realize there are actually four lanes there and that the two lanes they are exiting onto are the west lanes. Also people don't know which way to go when they exit. People are always going east in the west bound lanes and sometimes people go west in the east bound lanes. When an ambulance comes going east they have to go all the way to the bottom of the hill to turn around and then come back up the hill to enter Kendallwood. Why not cut the island so people can make a left turn and so one can get in and out of the nursing home. A lot of people exiting the nursing home don't see that it is four lanes due to the tree line in the middle and they make a left turn to go down the hill so they are actually going east in the west bound lanes. This happens every day. He watches it from his patio. There is the potential for an accident and he felt this needed to be looked into. It wouldn't take much to have a street cut put across the median.

Jim Norris, City Manager, stated this is something that would ultimately have to go to the Capital Improvements Committee. City staff will look at it from a traffic and engineering standpoint and also look at the development history.

Mr. Livingston asked if anyone had ever said anything about this before?

Jim Norris, City Manager, responded no, but it is something that staff will look at.

Mayor Pro Tem Bill Reynolds suggested that staff consider putting up a "Right Turn Only" sign.

Jim Norris, City Manager, stated absolutely. That is one of the things staff will analyze to determine if there is enough signage to advise people what to do and "Right Turn Only" or "One Way" signs may be utilized.

Mayor Art Hammen asked if staff would have enough time to investigate this before the next Capital Improvements Meeting?

Jim Norris, City Manager, answered yes as there is almost two months before the next Capital Improvements Meeting.

Mayor Art Hammen noted the next Capital Improvements Meeting would be in November. He stated to Mr. Livingston that he could call City Hall around the 1<sup>st</sup> of November and get the exact date and time if he would care to attend that meeting as a follow-up on this issue.

Mr. Livingston stated that a "One Way" sign on Kendallwood, that can be seen when exiting the nursing home, would possibly do the job.

Mayor Art Hammen stated there will be a report on this at the next Capital Improvements Meeting to see what action is appropriate.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom stated that in Resolution 96-77 it states this is for City Hall Lobby Renovations and she wanted to be sure that residents were clear as to why this "renovation" is taking place. It is for energy savings, the usability of the facility for all the citizens and because it was mandated by federal law when the American's with Disabilities Act (ADA) was passed. Ms. Newsom just wanted to make sure the public was clear that this is being done for these reasons and is not self serving. If it were not for the ADA requirements this renovation would not be done.

Mayor Pro Tem Bill Reynolds noted that Gladfest will occur in Central Park October 4-6. Mayor Pro Tem Bill Reynolds also stated that he would not be present at the October 14<sup>th</sup> City Council Meeting.

**Item 8. on the Agenda. Communications from the City Manager.**

Jim Norris, City Manager, noted that due to Gladfest preparations Gladstone City Hall will be closed to the public at noon on Friday, October 4<sup>th</sup> as once the streets are closed in front of City Hall no one can get to the front of the building. The employees that would normally be handling walk-in customers will be doing records clean-up and retention as has annually been done on this afternoon.

Jim Norris, City Manager, noted that Council found at their places Building Permit #96-025. This is an Agenda add-on since there is three weeks before the next City Council Meeting. This Building Permit is for Artic Air who will be locating at 6706 North Oak as new owners of the property. Artic Air will be renovating the entire building. This is where Lawn & Order currently is located. Staff Conditions are in front of the Council and include facade improvements and awnings that will be put in place. Staff is recommending this for approval. The applicants are in the audience if the Council has any questions and they are agreeable to all the comments on the Staff Report.

Councilman Anita Newsom asked if Lawn & Order would be moving?

Jim Norris, City Manager, stated they may be moving when their lease runs out in several months. That is between Lawn & Order and the new property owners.

Councilman Roger Norris moved to approve the **Building Permit for Artic Air**; Mayor Pro Tem Bill Reynolds seconded.

**Discussion:**

Mayor Art Hammen commented that when this potential change in ownership came about, he received a call from Lawn & Order expressing a great deal of concern about being asked to vacate the property in one week. He stated that this is not an issue that the Council should address, but he would hope the new owners would take into consideration the fact that Lawn & Order is working on a Special Use Permit which has to be redone if they move and that is something that cannot be done in one weeks time.

The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 9. on the Agenda. CONSIDERATION OF SIGN VARIANCE REQUEST: HOME DEPOT, 4949 N Old Pike Road. Applicant: Collier Signs for The Home Depot**

Councilman Roger Norris moved to approve the **Sign Variance Request** for Home Depot, 4949 N. Old Pike Road; Mayor Pro Tem Bill Reynolds seconded.

Councilman Roger Norris commented that in the Staff Report it says the actual square footage will take up 6% of the wall space. Hy-Vee's sign takes up 8.7% of their wall space and Wal-Mart's is 10%. The Council has granted variances like this before. Given the size of the Home Depot building it would look strange to have a small sign on the face of the building. The second part of this variance is for an off-site sign that would be down at the intersection of Old Pike Road and Vivion Road. It would be located on Home Depot's out parcel that they own. Gladstone's codes don't allow that, however, United Missouri Bank and Old Chicago both have off-site signs on Antioch Road, so the Council has granted similar variances when it is in the best interest of both the City and the business.

Jim Norris, City Manager, noted that Home Depot was originally going to put the sign on part of their property that was in Kansas City, but Kansas City does not allow that to occur because the business is not in their City. Due to that decision Home Depot had to come back to their original option and this is it.

Mayor Art Hammen noted that the Council does have precedent for granting this variance.

The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda. Other Business.**

None.

**Item 11. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Regular September 23, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:47 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

GLADSTONE, MISSOURI

MONDAY, OCTOBER 14, 1996

CLOSED EXECUTIVE SESSION: 7:00 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION  
SECTION 610-021(1), (2) & (3) FOR LITIGATION AND PRIVILEGED  
COMMUNICATION FROM THE CITY COUNSELOR, PERSONNEL  
AND LAND ACQUISITION DISCUSSIONS

Regular Meeting: 7:30 PM

A G E N D A

1. Meeting Called To Order
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, September 23, 1996 City Council Meeting Minutes.**
5. **Presentation of Service Appreciation Award** to Sharon Lyons for services as a member of the Planning Commission, January 1994 to September 1996.
- 5a. **Presentation of Certificate of Achievement for Excellence in Financial Reporting** to Director of Finance, Sue Henning for the Fiscal Year Ended June 30, 1995. This is the eighteenth year in a row that the City of Gladstone has received this award for excellence in Financial Reporting.
- 5b. **PROCLAMATION:** Designating October 20-26, 1996 as "AMERICA'S SAFE SCHOOL WEEK" in the City of Gladstone and encouraging all citizens to join in this national observance and work together to make Gladstone schools safe, secure and peaceful places for learning, teaching and working, free of drugs, alcohol, weapons and fear. Local Sponsor: Gladstone Public Safety.
- 5c. **PROCLAMATION:** Designating October 20-31, 1996 as "RED RIBBON WEEK" in the City of Gladstone and encouraging all citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community. Local Sponsor: Teaching and Reaching Youth (TRY), Evelyn Matthys, President.
6. **CONSENT AGENDA**

**RESOLUTION R-96-80**, authorizing the City Manager to purchase seven 1997 Ford Crown Victoria Patrol Vehicles from Metro Ford for a total purchase amount of \$132,342.00.

**RESOLUTION R-96-81**, authorizing execution of a contract with Clayco Properties and Haines-Stowers Construction Company, Inc. for installation of a water line serving Claybrook 1<sup>st</sup> Plat. Amount: \$19,331.00. This water line is entirely at Developer's expense.

**RESOLUTION 96-82**, authorizing Change Order No. 3 in the amount of \$13,281.44 to the 1996 Street Maintenance Contract with Superior/Bowen Asphalt Company. Revised Total Contract Amount: \$1,190,385.83. Fund: Transportation Sales Tax.

**RESOLUTION 96-83**, authorizing issuance of a Massage Business Permit to James A. Shepard, Massage Therapist, for a period of one year all pursuant to Chapter 17.1 of the Gladstone City Code. Business address: 72nd Street Salon, 2000 NE 72nd Street.

**RESOLUTION 96-84**, authorizing execution of a contract with R. K. Breit Construction Services for 1994 Water Main Replacement Program - Southwest Area; Project 9413-D. Contract Amount not to exceed: \$357,649.80. Fund: 1994 Water Bond Fund.



## **NEXT ORDINANCE NO. 3.556**

**RESOLUTION 96-85**, authorizing the City Manager to accept the proposal of Romtec, Inc. for the purchase of materials for the construction of a restroom facility in Hobby Hill Park. Total Purchase Amount: \$41,840. Fund: Capital Improvements Sales Tax Fund.

**RESOLUTION 96-86**, authorizing the City Manager to enter into a Development Agreement with Home Depot, U.S.A., Inc., relating to the development of property at the intersection of Vivion Road and Old Pike Road.

**RESOLUTION 96-87**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with Sprint Spectrum L.P.

**RESOLUTION 96-88**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with CMT Partners, d/b/a Cellular One.

**RESOLUTION 96-89**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with APT Kansas City, Inc.

**APPROVAL OF BUILDING PERMIT** for **ARC of Clay and Platte County**, 7400 North Oak to replace screened in deck with 160 square foot addition. Applicant: Schloegel Construction Co., Inc. (BP File #96-026).

**APPROVAL OF NEW LIQUOR LICENSE** for **Dominic's Restaurant**, 6300 North Oak Trafficway. Class A&B Liquor License, Beer & Wine, 7 Day Restaurant Bar. Managing Officer: Dominic Cuccia.

**FINANCIAL REPORTS** for July and August, 1996.

### **REGULAR AGENDA**

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **APPROVAL OF BUILDING PERMIT**, for construction of drive thru window to existing building and minor interior modifications to Dominic's Pizza and Pasta, 6300 North Oak Trafficway.
11. **RESOLUTION R-96-90**, amending the 1996-97 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri, and authorizing expenditures of funds. Additional appropriations from the General Fund: \$130,335 and additional appropriations from the Combined Waterworks Sewerage System Fund: \$163,700.
12. **FIRST READING BILL 96-74**, accepting a Standard Utility Easement and a Temporary Construction Easement from Garold D. & Margaret M. Tingler in conjunction with development of Quality Vending at 6850 North Oak (File #965).
13. **FIRST READING BILL 96-75**, accepting Temporary Construction Easements and a Standard Easement from property owners in conjunction with the Shady Lane Reconstruction Project 9108.
14. **FIRST READING BILL 96-76**, accepting a Standard Easement from Robbin R. Zeigler-Wochner at 1402 NE 76<sup>th</sup> Terrace.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, OCTOBER 14, 1996**

Prior to the regular meeting, upon motion by Councilman Anita Newsom and second by Councilman George Nodler, the City Council met in Closed Executive Session at 7:00 PM in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1), (2) and (3) for Litigation and Privileged Communications from the City Counselor, Personnel and Land Acquisition discussion.

Mayor Art Hammen called the Regular October 14, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Art Hammen  
Councilman Anita Newsom  
Councilman George Nodler

City Manager, James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Laura Gay  
Assistant to the City Manager Dianna Wright  
City Clerk Marilyn F. Ahnefeld

**ABSENT:** Mayor Pro Tem Bill Reynolds  
Councilman Roger Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of the September 23, 1996 Minutes.**

Councilman Anita Newsom moved to approve the Regular September 23, 1996 City Council Minutes as written; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Hammen. (3-0)

**Item 5. on the Agenda Presentation of Service Appreciation Award**

Mayor Art Hammen presented a Certificate of Service to **Sharon Lyons** on behalf of the City Council as a token of the City's appreciation for her services as a member of the Gladstone Planning Commission from January 1994 through October 1996.

Councilman Anita Newsom said she was sorry that Ms. Lyons is leaving the Planning Commission and she is happy for Ms. Lyons that the reason is because her business is becoming so successful, but only wishes her business was in Gladstone.

**Item 5a. on the Agenda.** Presentation of Certificate of Achievement for Excellence in Financial Reporting

Mayor Art Hammen presented the Certificate of Achievement to Director of Finance, Sue Henning for the Fiscal Year Ended June 30, 1995. This is the eighteenth consecutive year that the City of Gladstone has received this award for excellence in Financial Reporting from the national organization of Government Finance Officers Association.

City Manager James Norris noted it was particularly fitting that Director Henning is present this evening to accept this award because Sue has announced her retirement from the City of Gladstone at the end of February, 1997. Sue Henning has been an employee in the Finance Department for many years and was the Accountant, Chief Accountant and then the Finance Director during the 18 years our City has been the recipient of this award. Ms. Henning will also be the Finance Director of record for the 19th year award which we expect to receive next year for the year ending June 30, 1996.

City Manager Norris said Gladstone has also received the Distinguished Budget Award for the last eleven consecutive years which is the highest award you can receive for budgeting. Mrs. Henning has been the Finance Director for the last eight years and he wanted this to be a little bit special this evening since she will be retired next year and may have something else to do in her retirement than return for next year's award.

**Item 5b. on the Agenda.** Mayor Art Hammen read a **PROCLAMATION** designating October 20-26, 1996 as "**AMERICA'S SAFE SCHOOL WEEK**" in the City of Gladstone and encouraging all citizens to join in this national observance and work together to make Gladstone schools safe, secure and peaceful places for learning, teaching and working, free of drugs, alcohol, weapons and fear. Local Sponsor: Gladstone Public Safety. Gladstone Public Safety Officer Ronn Shatswell was presented to accept the proclamation from Mayor Hammen.

**Item 5c. on the Agenda.** Mayor Art Hammen read a **PROCLAMATION** designating October 20-31, 1996 as "**RED RIBBON WEEK**" in the City of Gladstone and encouraging all citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community. Local Sponsor: Teaching and Reaching Youth (TRY), Evelyn Matthys, President. Mr. Pete Hall was present to represent the organization and accept the Mayor's Proclamation.

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

Following the Clerk's reading of the Consent Agenda, City Manager James Norris requested removal of Resolution 96-84 and asked that **Substitute Resolution 96-84** be introduced on the Regular Agenda.

Councilman George Nodler moved to approve the Consent Agenda as modified; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Newsom, Hammen (3-0)

#### **CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **RESOLUTION R-96-80**, authorizing the City Manager to purchase seven 1997 Ford Crown Victoria Patrol Vehicles from Metro Ford for a total purchase amount of \$132,342.00; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION R-96-81**, authorizing execution of a contract with Clayco Properties and Haines-Stowers Construction Company, Inc. for installation of a water line serving Claybrook 1<sup>st</sup> Plat entirely at the developer's expense. Amount: \$19,331.00. Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-82**, authorizing Change Order No. 3 in the amount of \$13,281.44 to the 1996 Street Maintenance Contract with Superior/Bowen Asphalt Company. Revised Total Contract Amount: \$1,190,385.83. Fund: Transportation Sales Tax; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-83**, authorizing issuance of a Massage Business Permit to James A. Shepard, Massage Therapist, for a period of one year all pursuant to Chapter 17.1 of the Gladstone City Code. Business address: 72nd Street Salon, 2000 NE 72nd Street; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-85**, authorizing the City Manager to accept the proposal of Romtec, Inc. for the purchase of materials for the construction of a restroom facility in Hobby Hill Park. Total Purchase Amount: \$41,840. Fund: Capital Improvements Sales Tax Fund; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-86**, authorizing the City Manager to enter into a Development Agreement with Home Depot, U.S.A., Inc., relating to the development of property at the intersection of Vivion Road and Old Pike Road; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-87**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with Sprint Spectrum L.P.; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-88**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with CMT Partners, d/b/a Cellular One; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to adopt **RESOLUTION 96-89**, authorizing the City Manager to execute an Antenna Site Lease at Linden Water Tower with APT Kansas City, Inc. ; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to approve a **BUILDING PERMIT** for **ARC of Clay and Platte County**, 7400 North Oak to replace screened in deck with 160 square foot addition. Applicant: Schloegel Construction Co., Inc. (BP File #96-026) ; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to approve a **NEW LIQUOR LICENSE** for **Dominic's Restaurant**, 6300 North Oak Trafficway. Class A&B Liquor License, Beer & Wine, 7 Day Restaurant Bar. Managing Officer: Dominic Cuccia ; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

Councilman George Nodler moved to approve **FINANCIAL REPORTS** for **July and August, 1996**; Councilman Anita Newsom seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

#### **REGULAR AGENDA**

**Item 6a. on the Agenda.** **SUBSTITUTE RESOLUTION R-96-84**, authorizing execution of a contract with Haines-Stowers Construction Company, Inc. for the 1994 Water Main Replacement Program, Southwest Area. In the amount of \$436,224.00 from the 1994 Water Bond Fund.

City Manager Norris explained that this is the bid award for the final phase of our water bond program in the southwest area. The original resolution on the Agenda tonight awarded the bid to the apparent low bidder, R.K. Breit Construction Services in the amount of \$357,649.80. Following submission of the bids, R.K. Breit recognized that they made a substantial mathematical error and requested that they be allowed to withdraw their bid. Manager Norris said staff analysis of the bids recognized a large discrepancy between this firm's bid and the others and we are recommending that R.K. Breit be allowed to withdraw their bid and are recommending acceptance of Haines Stower's bid in the amount of \$436,224.00 which is within budget.

Councilman George Nodler moved to adopt Substitute Resolution 96-84; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Hammen. (3-0)

**Item 7. on the Agenda.**    **Communications from the Audience.**  
None.

**Item 8. on the Agenda.**    **Communications from the City Council.**

Councilman George Nodler congratulated all who were involved in the 17th Annual GladFest event for a job well done.

Councilman Anita Newsom said she certainly concurs that GladFest was great success, the weather was wonderful and it was one of the best efforts she has seen since her involvement with GladFest activities. Everything seemed to mesh well and it was a wonderful weekend and is great PR for our City.

Ms. Newsom also complimented City Counselor Nancy Thompson, Intern Susan Sevier and City Manager Norris on the **Board and Commission Handbook** recently completed and included in Council's packet. It will be a most useful tool for our Boards and Commission and would have been helpful to her as a Planning Commissioner. She is also glad to see information on our cable channel regarding the City Hall's construction and temporary public entrance. She hopes we continue to have positive communications with our residents to facilitate their needs.

City Manager Norris noted that a small shelter has been constructed just east of the temporary public entrance to house a temporary night depository box and an information bulletin board for public notices because we will be under construction for the next 120 days. The former employee's breakroom is now serving as the switchboard/reception area. Eventually the counter personnel and the planning and zoning department as well as some park and recreation personnel will be temporarily moved to the east wall of the City Council Chambers to accommodate the public during construction. The desks will be placed in such a manner so that there should not be a problem for Municipal Court, Council and Board and Commission meetings.

Councilman Newsom suggested that we eliminate the number of notices and flyers taped on the back door because it has a cluttered look. A nice sign that welcomes residents our city hall under construction project would provide a more friendly and professional appearance. City Manager Norris agreed to look into the suggested added signage.

City Manager Norris pointed out that the **Board and Commission Handbook** is the first work product that the City Council has seen of Administration Intern Susan Sevier and he commends her efforts. We have received nothing but positive comments and the handbook is now ready for distribution to boards and commissions.

Mayor Art Hammen also complimented the **Board and Commission Handbook** and agrees with the comments made about GladFest. It was the nicest ever and he too extends his congratulations and appreciation to all involved. Commenting on Red

Ribbon Week, Mayor Hammen said the red ribbons tied on poles and posts throughout the city is a terrific display to bring community awareness to this drug free effort.

**Item 9. on the Agenda. Communications from the City Manager.**

City Manager James Norris requested several additions to tonight's City Council agenda:

**Request for a Sign Variance, Bob's IGA, 6453 N Oak Trafficway.**

City Manager Norris advised that the variance request was submitted following preparation of tonight's agenda packet and explained that the present **Checker's** grocery store name will be changed back to the original name of **Bob's IGA**. They are requesting the same wall facade sign variance similar to what was granted to Checker's, Walmart, and HyVee in the past. The signage proposed is smaller than the Checker's sign but it will still require a separate variance for the new sign.

Councilman Nodler moved to approve the Sign Variance as requested; Councilman Newsom seconded.

Discussion.

Ms. Newsom asked if anything will be done with the Gladstone Plaza Center signage. City Manager Norris said that issue has been raised to the property owner, Mrs. Edith Wolf. It has come full circle and is on Mrs. Wolf's desk. Ms. Newsom said although it has taken a while, the improvements being made to the center are taking shape and it would be a shame to leave the dated shopping center sign when a new one could convey a more positive image. City Manager Norris said that was exactly the conversation Planning and Zoning Director Scott Wingerson had with the owner's architect.

The vote: All "aye" - Nodler, Newsom, Hammen. (3-0)

**RESOLUTION R-96-91**, authorizing the City Manager to accept the proposal of Shafer, Kline & Warren, P.A. for design services for the development of Hamilton Heights Park for a total amount not to exceed \$7,200.00; Project. #9608.

Councilman Anita Newsom moved to adopt the Resolution; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Hammen. (3-0)

**RESOLUTION R-96-92**, urging Gladstone voters to consider the impact of passage of the Tuesday, November 5, 1996, State of Missouri Election Ballot Proposition "A" increasing the State Minimum Wage.

City Manager Norris advised that several Council meetings ago, he brought forward the issue of Proposition A which is on the November statewide election ballot and calls for a state wide minimum wage increase over the next three years. It would exceed the Federal minimum wage rate by \$1.50/hr. the first year which would put Missouri at a competitive disadvantage with surrounding states. The Missouri Chamber of

Commerce, the Gladstone Area Chamber of Commerce and the Northland Regional Chamber of Commerce as well as regional groups across the State have now come out in opposition to Proposition A and the resolution before the City Council encourages Gladstone voters to carefully consider the impact if this proposition passes and vote accordingly.

The resolution has been drafted for the Council's consideration and if they desire to go a step further and encourage voters to vote "no", the Council may desire to amend the resolution. It has been worded to encourage voters to study the issue and given the groups who oppose it, it is felt our voters will make an educated decision themselves.

Councilman Newsom asked where this proposition was initiated. City Manager Norris said it was initiated out of state and the group attempted to pick a state with strong union work force topics and attempted to come in with a state minimum wage that would supersede the federal rate. Even "labor" has remained basically quiet on this issue up to now.

Ms. Newsom said everyone would like to make more money but they don't want their jobs to move to another state. The City Manager discussed the impact on our part time positions for the swimming pool and other programs if this Proposition were to pass. Councilman George Nodler noted that Proposition A is opposed by both the Democratic and Republican candidates for Governor.

Councilman Anita Newsom moved to adopt Resolution 96-92; Councilman George Nodler seconded.

Discussion.

Councilman Anita Newsom said it is important that we send out press releases on this issue and City Manager Norris agreed to do so. Mayor Art Hammen pointed out that those impacted by a raise in our community might be in favor of this but if you look at the big picture, in his opinion it will have a negative impact on our community.

The vote: All "aye" - Nodler, Newsom, Hammen. (3-0).

\* \* \*

City Manager Norris announced the **City Council Candidate Filing Period** as requested by the City Clerk for the public's awareness. Candidates may file for the two City Council positions in the Office of the City Clerk. Filing opens October 22nd and closes November 19th.

**Item 10. on the Agenda.** Approval of **BUILDING PERMIT** for construction of drive through window to existing building and minor interior modifications to Dominic's Pizza and Pasta, 6300 North Oak Trafficway.

Councilman George Nodler moved to approve the **Building Permit**; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Hammen. (3-0)



**Item 11. on the Agenda.** **RESOLUTION R-96-90**, amending the 1996-97 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri, and authorizing expenditures of funds. Additional appropriations from the General Fund: \$130,335 and additional appropriations from the Combined Waterworks Sewerage System Fund: \$163,700.

Councilman Anita Newsom moved to adopt **Resolution R-96-90**; Councilman George Nodler seconded.

The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

**Item 12. on the Agenda.** **FIRST READING BILL 96-74**, accepting a Standard Utility Easement and a Temporary Construction Easement from Garold D. & Margaret M. Tinger in conjunction with development of Quality Vending at 6850 North Oak (File #965).

Councilman Anita Newsom moved to place **Bill No. 96-74** on First Reading; Councilman George Nodler seconded.

The vote: All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 96-74**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 96-74** and enact it as Ordinance No 3.556; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

**Item 13. on the Agenda.** **FIRST READING BILL 96-75**, accepting Temporary Construction Easements and a Standard Easement from property owners in conjunction with the Shady Lane Reconstruction Project 9108.

Councilman George Nodler moved to place **Bill No. 96-75** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Norris advised that with acceptance of these easements, we will have all but one easement needed for this construction project.

The vote: All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 96-75**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 96-75** and enact it as Ordinance No. 3.557; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

**Item 14. on the Agenda. FIRST READING BILL 96-76**, accepting a Standard Easement from Robin R. Zeigler-Wochner at 1402 NE 76<sup>th</sup> Terrace.

Councilman Anita Newsom moved to place **Bill No. 96-76** on First Reading; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 96-76**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded; All "Aye" - Nodler, Newsom, Hammen (3-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 96-76** and enact it as Ordinance No. 3.558; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (3-0)

**Item 15. on the Agenda. Other Business.**

Councilman Anita Newsom noted that in several neighborhoods they have replaced curb corners and sidewalks on streets which she assumed were going to be road projects this construction season and she asked if they will still be completed. City Manager Norris said the mill and overlay streets will be completed; but given the amount of rain we've had, some full depth reconstruction streets will not be done. We will be sending out letters where these delays will occur.

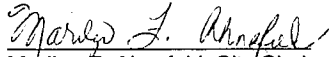
Ms. Newsom said what brought it to mind was that where they re-did some of these curbs, big chunks of asphalt were opened up and she asks if they will be patched because some of these areas have been bumpy for months and will worsen going into the winter. The City Manager said there will have to be some patching done because our Street Department needs to be able to plow those streets this winter.


**Item 16. on the Agenda. Questions from the News Media.**

No media was present.

There being no further business to come before the Regular October 14, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:20 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 

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

  
Mayor Art Hammen

**GLADSTONE, MISSOURI**

**MONDAY, OCTOBER 28, 1996**

**CLOSED EXECUTIVE SESSION: 7:00 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION  
SECTION 610-021(3) FOR PERSONNEL DISCUSSION**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

**AUDIENCE NOTE** -- 3201 NE ANTIOCH ROAD REZONING PUBLIC HEARING **IS CANCELLED.** Applicant, Talon Development, has withdrawn their application to rezone this property from CP-1 to RP-4, therefore no public hearing will be held.

1. Meeting Called To Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, October 14, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**APPROVAL OF ONE DAY LIMITED BEER & WINE LIQUOR LICENSE** for St. Charles Borromeo Church, 804 Shady Lane Drive, Harvest Moon Dance fund raising event on Saturday, November 16, 1996, 7:00 PM - 11:00 PM. Liquor License Managing Officer: Paul Danaher.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
  - a. **Appointment** of Mr. Mark Tankesley, 6820 N Jason Smith Ct. to fill unexpired vacancy on the Planning Commission for term ending December, 1997 and appointment as a Planning Commission Member of the Capital Improvements Program Committee.
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** On a Request to Renew a Special Use Permit for operation of a hair salon at 6109 N Michigan. Applicant/Owner: Linda Speiser (File #980).
- 9a. **FIRST READING BILL 96-77,** approving a Special Use Permit subject to certain conditions to Linda Speiser for operation of a Hair Salon on residential property at 6109 N Michigan. (File #980).

**NEXT ORDINANCE NO. 3.559**

10. **PUBLIC HEARING:** On a Request for a Site Plan Revision on property at 301 NW Englewood Road. Applicant: HBE Financial Services. Owner: Federal Employees Credit Union (File #978).
- 10a. **FIRST READING BILL 96-78**, approving a Site Plan Revision in a CP-O Zone for property at 301 NW Englewood Road. Applicant: HBE Financial Services. Owner: Federal Employees Credit Union. (File #978).
11. **FIRST READING BILL 96-79**, accepting a Quit Claim Deed from property owners in conjunction with the development at 7603 N Oak Trafficway and directing the City Clerk to record such deed with the Office of the Recorder of Deeds.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, OCTOBER 28, 1996**

Prior to the regular meeting, upon motion by Councilman Roger Norris and second by Councilman George Nodler, the City Council met in Closed Executive Session at 7:00 PM in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (3) for Personnel discussion.

Mayor Art Hammen called the Regular October 28, 1996 City Council Meeting to order in the City Council Chambers at 7:30 PM.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager, James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the October 14, 1996 Minutes.**

Councilman Anita Newsom moved to approve the Regular October 14, 1996 City Council Minutes as written; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Hammen. Councilman Roger Norris and Mayor Pro Tem Bill Reynolds "abstained" having been absent from the October 14, 1996 City Council Meeting. (3-0-2)

#### **Item 5. On the Agenda. CONSENT AGENDA.**

Following the Clerk's reading of the sole Consent Agenda item, Councilman Bill Reynolds moved to approve the **ONE DAY LIMITED BEER & WINE LIQUOR LICENSE** for St. Charles Borromeo Church, 804 Shady Lane Drive, Harvest Moon Dance fund raising event on Saturday, November 16, 1996, 7:00 PM - 11:00 PM.

Liquor License Managing Officer: Paul Danaher. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Mr. LeRoy Homer, 3605 NE 76th Terrace,** presented pictures to the City Council depicting a situation on his street and explained that 2 1/2 - 3 years ago, residents at 3608 NE 76th Terrace started pumping water across the sidewalk into the street. One Winter it froze and a gentleman slipped and broke his leg. The City then came out and piped the water underneath the sidewalk. It continued to run in the gutter and in the Summer as shown in the pictures it stands there and gets green and slimy and smelly and draws mosquitoes.

Mr. Homer said in July the construction company repaired some curbs in the area and they dug it up. For the cement to set they had to hook a big hose on that pipe to pump it by the area when they poured the new concrete. After that set for a month or so, the homeowner across the street finally disconnected the hose because he was having to drive across it but it is still there wrapped around the construction barrels and there are weeds and trash and leaves. All the other barrels in the area have been cleaned up and curbs have been fixed except this one. They have to look at it when they come out of their home everyday and it is unsightly. The kids play in it and it is not healthy. He has spoken to city departments three different times and been told the City is aware of the problem and it is being worked on and will be corrected. Mr. Homer said his only problem is he failed to ask when. He asks the Council to see if something can be done about it.

**City Manager James Norris** said he is very familiar with the situation as he used to live next door to Mr. Homer. He said 76th Terrace and around Bales to 77th Street in the Shoalbrook 1 Addition are areas scheduled for full depth reconstruction. The pavement does not meet the standards and needs to be pulled out and replaced. We are confident that when we pull it out we will find a fairly significant seam of springs and water and that we are going to have to put in some type of relief storm sewer system. We are fully confident that is the case given how the road has deteriorated in the length of time it has been there. We have these situations unfortunately because of how the City was developed years ago and the lack of storm sewers in this development. It is all overland flow and the topography is a north to south slant and water is going to have to be piped somehow. The Manager said Mr. Homer is correct this is a problem that needs to be addressed but the time to address it is long term when we pull the street out which now will be next year because of the weather we have had.

Councilman Roger Norris asked where that street is on the five year Capital Improvement Plan. City Manager Norris responded that this is a full depth reconstruction and was a part of this year's contract. It is too large a run to do this year given the weather we have had so the permanent solution will have to be next spring

when the street is torn out. For the short term, we will have to have the contractor fix the barricades and that will be done soon.

Mr. Homer said if he had the house across the street, he also would be upset and not want water in his basement. Responding to City Manager Norris' timetable, Mr. Homer said the construction planned for Spring is fine but asks if the contractor can fill the dirt in and remove the barrels and hose now so they won't have to live with it. City Manager Norris agreed that would be done.

Councilman Bill Reynolds told Mr. Homer that after he approached him on this matter, he had spoken with City Manager Norris about this issue and learned what the City would be doing. Councilman Reynolds apologizes to Mr. Homer for not getting back to him with the information.

**Item 7. on the Agenda.      Communications from the City Council.**

**Councilman Anita Newsom** said she was pleased that our crews had snow plows mounted and ready for the surprise snowstorm on Tuesday, October 22nd. She is also pleased that we have a plan in place to assist our residents with disposal of storm debris. She noted that Merriam, Kansas has enlisted off-duty firefighters to cut up trees and branches for the elderly and asks if this would be a project for students needing community service hours to assist the elderly and disabled.

The City Manager said we do have one church who has been cutting for three days with the disabled group and we are looking for other volunteers. As far as students, we have a major concern in using students in situations where power tools are in use such as saws in this instance but agrees the students could be used for loading the brush or other tasks connected with this effort.

City Manager Norris said one of the reasons we were waiting to move into areas is because some of our residents pay their hauler for yard waste pick up and the haulers will take a significant amount of the debris. In the last storm, it took us 12 weeks and we are hoping to only go through the neighborhoods once with some scattered return trips. We had 3,200 drop offs this past Sunday at the Public Works facility and had to move down to Happy Rock Park because of the volume. A normal Fall drop-off is about 360 loads. Our initial estimates for this clean up are in the low one hundred thousands for disposal alone. We were advised today that Damon Pursell Company wants the chips for some land reclamation in the Riverside bottoms resulting from the '93 flood and is willing to haul at a much reduced rate than Browning Ferris. That will assist us but we are still looking at a very significant expense.

The Manager reported that approximately 4,000 calls have been handled by City Hall and Community Services on disposal inquiries and some KCPL electrical outage calls. As of this morning, only a few residents were still without power and all restorations are projected for completion by 5:00PM today. He said most of the city had their power



restored by 5:00 PM on Saturday. Councilman Norris said his was restored at exactly 5:02 PM. on Saturday.

City Manager Norris noted that the older subdivisions where there are a lot of large trees and hills were hit the hardest and 30 additional power crews were brought in Friday afternoon from Western Resources in Wichita. He said the City Council's packet included a copy of the post card being sent to all residents providing information on the limb pickup effort.

**Councilman Anita Newsom** said last Monday night a very lengthy Planning Commission Meeting was held and she compliments Planning Commission Secretary Mary Walden for production of the lengthy minutes in such a short period of time.

Ms. Newsom said she also heard numerous compliments on Director Scott Wingerson's thorough staff reports compiled to provide the Planning Commission the information they need on issues before them.

Ms. Newsom said she also had the honor of volunteering at the National Recreation and Parks Association Conference held the past weekend and was very proud to work side by side with Parks & Recreation Director Steve Buschor and staff member Sheila Lillis. Their professionalism shows through. She said Steve's organizational and people skills were evident and attendees commented that the hosting was the best they had seen. There were 800 volunteers to get people to the right spot at the right time and she was very impressed with the respect he has from his peers throughout the United States and is proud that Mr. Buschor is part of our team in Gladstone. City Manager Norris noted that Mr. Buschor was President of his Ohio Association when they hosted the NRPA Conference so he does have some conference experience.

Ms. Newsom said National League of Cities will come to Kansas City in 1999 and suggested they could use assistance in hosting and registrations.

**Councilman Roger Norris** offered kudos to City Staff in their handling of the storm but admitted he was not too pleased with Kansas City Power and Light. He remarked it is amazing how popular a Councilman becomes in such situations but as soon as the power was restored, residents stopped calling him.

**Mayor Art Hammen** offered the name of **Mr. Mark Tankesley , 6820 N Jason Smith Ct.** to fill the unexpired vacancy on the Planning Commission for a term ending December, 1997 and appointment as a Planning Commission Member of the Capital Improvements Program Committee. Councilman Bill Reynolds moved to confirm the appointment, Councilman Roger Norris seconded.

Discussion.

Mayor Hammen said Mr. Tankesley has been an integral part of the Capital Improvement Committee as a citizen member and will now serve as a Planning

Commission member to that Committee and his citizen member position will be filled through our appointment process at year end. This appointment will bring us to the full membership of 12 on the Planning Commission.

Councilman Reynolds said he has served with Mr. Tankesley on the Capital Improvements committee and believes this appointment to the Planning Commission is a wise choice and that Mr. Tankesley will do a good job. Councilman Roger Norris said he would agree that Mr. Tankesley has been an outstanding member of the CIP Committee and he has been involved in the community and will be a welcome addition to the Planning Commission.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Councilman Anita Newsom** suggested a date be set for the December Board and Commission interviews. Mayor Hammen agreed that we need to get letters out to existing board and commission members with expiring terms to determine their interest in being considered for reappointment. The Council agreed on SATURDAY, DECEMBER 14, 1996 FOR THE BOARD AND COMMISSION INTERVIEW DATE.

**Item 8. On the Agenda. Communications from the City Manager.**

City Manager James Norris said his discussion items had been covered earlier.

**Item 9 on the Agenda. PUBLIC HEARING:** On a Request to Renew a Special Use Permit for operation of a hair salon at 6109 N Michigan. Applicant/Owner: Linda Speiser (File #980).

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant would make her presentation, followed by those in favor and opposition.

**Applicant Linda Speiser, 6109 N Michigan,** said she has operated her hair salon out of her residence for three years and it has allowed her to stay home with her three year old and 9 month old children. Business has gone well and she is not aware of any complaints. She spoke with a neighbor several months after she moved in and she mentioned she had a salon and the neighbor had no idea, so she was pleased to hear that. Ms. Speiser said she does request a ten year permit rather than three years because the \$200.00 renewal fee is an expense for her small business and an inconvenience as well.

Mayor Art Hammen noted there are nine conditions listed in the Special Use Permit approval bill and asked Ms. Speiser if she was agreeable to all. Ms. Speiser said she was and had assisted former Zoning Director Stuart Borders in compiling the conditions.

**IN FAVOR**

**Dorothy Bughlig, 6111 N Michigan,** said she lives immediately to the north of Ms. Speiser's residence and she would say that there has never been any problems.

People park in the driveway and are quiet and she is in favor of Ms. Speiser's application for renewal of her special use permit.

## **OPPOSITION**

None.

**Director of Planning & Development Scott Wingerson**, said staff has nothing to add but would reiterate that no complaints have been logged against this special use permit and would agree that the \$200.00 fee does have an impact on a small business and supports the request for a ten year permit. The conditions listed are the same as in the original application.

There were no further comments and Mayor Hammen closed the public hearing.

**Item 9. On the Agenda.** **FIRST READING BILL 96-77**, approving a Special Use Permit subject to certain conditions to Linda Speiser for operation of a Hair Salon on residential property at 6109 N Michigan. (File #980).

Councilman Bill Reynolds moved to place Bill 96-77 on First Reading; Councilman Roger Norris seconded.

Discussion.

Councilman Norris said the Council's policy has been to issue an initial special use permit for a shorter period of time more or less on a trial basis. When the applicant has demonstrated that they are a responsible special permit holder and as the staff report indicates there have been no complaints, a renewal for ten years is justified.

The City Manager noted that if there were future complaints on the special use permit, this approval would not preclude the Council from having a hearing on the permit at that time.

Mayor Hammen also noted the Planning Commission unanimously recommended approval by a 10-0 vote.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Bill Reynolds moved to accept the First Reading of **Bill 96-77**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman Bill Reynolds moved to accept the Second and Final Reading of **Bill 96-77**, and enact the Bill as **ORDINANCE NO. 3.559**; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10 on the Agenda.** **PUBLIC HEARING:** On a Request for a Site Plan Revision on property at 301 NW Englewood Road. Applicant: HBE Financial Services. Owner: Federal Employees Credit Union (File #978).

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicants would make their presentation followed by those in favor and opposition.

**Nancy Pierce, President of Federal Employees Credit Union, located at 9300 Troost, Kansas City, Missouri and Russ Hadke, representative of HBE Financial Services, St. Louis, Missouri** were present to represent this application.

Ms. Pierce, advised that the Federal Employees Credit Union has been in business since 1948. Credit unions are a little bit different from other financial institutions in that they are cooperatives and serve a defined field of membership which includes federal employees as well as people who live or work in the City of Lee's Summit or people who live or work in this area, primarily the zip codes of 64118, 64119 and 64151. Their main location is of Bannister Road and they have had a facility in the northland at the corner of North Oak & Englewood in an office complex that they outgrew about two years ago. They are anxious to get started on their new facility at North Englewood & Broadway. They think after the site plans have been viewed, all will agree that the proposed building will provide a very appealing entrance into the Gladstone area.

Russ Hadke thanked Mr. Scott Wingerson and his staff for their time and attention in assisting them to this point where they are now seeking approval. In summary, the proposed plans are for the development of a 4,600 sq. ft. financial facility that has three lanes of drive up type activity. That activity would be ATM activity only. As depicted, the primary ingress/egress would be through an access way off of Englewood Road and it would be developed through an easement to the adjoining property as shown on the scale. This zone has been identified with the easement property that would allow them to develop this four lane ingress/egress which would line up with the existing curb cut north of the property as well as the existing median cut. That being the primary ingress/egress. A secondary ingress/egress is being proposed off of Englewood Ct. He showed the circulation for the drives ups and the area that would be primarily for member parking and staff and employee parking to the rear.

The building has been positioned in such a way as well as the access drives and parking areas in attempt to preserve the natural topography and the natural landscape buffers to the greatest extent possible. The vegetation and tree lines that exist on the high side of the ground they would attempt to leave in place with little disturbance beyond the exact limits of the paved or building areas. The building itself suggests a rather striking facility that will have a very strong architectural presence on site and be somewhat contemporary in style with the introduction of a clear story element through the main portion of the facility. That will be roofed by a standing seam metal roof with perimeter lighting. The primary building materials would be brick and aluminum glazing

systems. The height through the clear story would be the equivalent of a 2-story so it is a building that will have great prominence on the site.

They have also developed a landscape plan which will be introduced for approval and it compliments the existing species of trees and other natural vegetation to comply with the appropriate ordinances as far as landscape development goes.

Mr. Hadke invited questions. There were no questions from the City Council.

There were no additional persons to speak in favor or opposition to this application, whereupon Mayor Art Hammen closed the Public Hearing.

**Planning & Zoning Director Scott Wingerson** said he would like to explain a change in conditions after the actual drafting of the analysis or narrative part of the staff report. The staff report states "The proposed Englewood Road drive shall be constructed to a minimum of two lanes. The remaining two lanes shall be constructed by the developer of the east and adjacent parcel. Shared access shall be provided between these parcels to facilitate effective traffic circulation and preserve the limited access nature of Englewood Road." Mr. Wingerson said in general that is still a very true statement in that the ability and actual physical likelihood of sharing ingress and egress is provided by the plans before you tonight. What is not correct is the very first sentence concerning the construction of a minimum of two lanes. This driveway will actually be constructed for a certain distance of four lanes with two lanes of entry traffic and two lanes of exit traffic.

Mr. Wingerson also drew the Council's attention to a couple of the 14 conditions contained in the staff report, one is that the Englewood Ct. drive to the south of the property be configured for right turn only upon exit. That will be done in a couple of ways, one with signage and another with the angle of that driveway to encourage people to make a right turn out of the exit and get on to Broadway.

One compliant monument sign and one compliant wall sign is allowed or a variance requested from the City Council. Finally he would note that the dumpster enclosure shall be fully enclosed and constructed with the same materials as the primary building and that the trash pickup shall be limited to the hours of 7:00 AM and 7:00 PM. These are very similar conditions to the Humana project to the east.

Councilman Anita Newsom said from the revised entrance plan presented tonight it is her understanding that the entrance will be shared with the adjacent development. Mr. Wingerson said that was a condition to the Humana development plan for the phase 2 that was furthest to the west of those two buildings to share access with this piece of property. Mr. Wingerson said the credit union has worked diligently to allow that to happen.

**Item 10a. on the Agenda.** **FIRST READING BILL 96-78**, approving a Site Plan Revision in a CP-O Zone for property at 301 NW Englewood Road. Applicant: HBE Financial Services. Owner: Federal Employees Credit Union. (File #978).

Councilman Roger Norris moved to place **Bill No. 96-78** on First Reading; Councilman George Nodler seconded.

Discussion.

Councilman Roger Norris noted that the Planning Commission voted unanimously to approve this application by a 10-0 vote.

Councilman Bill Reynolds said there are trash pickups which are made earlier than 7:00 AM in Kansas City to the south and east of this project and this practice is disturbing to our citizens some of whom are present this evening. He would encourage the applicant to advise all tenants that trash should not be picked up prior to 7:00 AM.

The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-78**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded.

Discussion.

City Manager Norris said he would credit the City Council with having the foresight to rezone this previously owned City property to CP-O and put it on the market. The State Office development was built several years ago and we had seen no true development activity on the Englewood corridor for some time until the City put this parcel on the market. Since then the City has approved the Realty Executive site plan for two office buildings, the Humana building and the site plan for two office buildings in this application. The shared access in this application still characterizes Englewood Road as the office corridor that the Council envisioned and the Comprehensive Plan suggested so it tells us that if you sit down and plan your community as the Council and Planning Commission did three years ago, it can happen as in this instance.

The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-78** and enact it as Ordinance No 3.560; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Newsom, Hammen (5-0)

**Item 11 on the Agenda.** **FIRST READING BILL 96-79**, accepting a Quit Claim Deed from property owners in conjunction with the development at 7603 N Oak Trafficway and directing the City Clerk to record such deed with the Office of the Recorder of Deeds.

Councilman Roger Norris moved to place **Bill No. 96-79** on First Reading; Councilman Bill Reynolds seconded.

The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-79**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Bill Reynolds Nodler seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-79** and enact it as Ordinance No 3.561; Councilman Bill Reynolds seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12 on the Agenda. Other Business.**

Mayor Hammen asked City Manager Norris to provide an update on the City Hall renovation project.


City Manager Norris said removal of the wings did take more time than anticipated and the project is proceeding nicely although the storm did slow things down. The contract is 120 working days and the hope is to complete the shell during the first 60 working days and that will be when the real disruption occurs. The temporary signage is being replaced that was destroyed by the storm and additional lighting will be erected for the rear parking lot.

\* \* \*

There being no further business to come before the Regular October 28, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:30 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 

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

  
Mayor Art Hammen

GLADSTONE, MISSOURI

MONDAY, NOVEMBER 11, 1996

CLOSED EXECUTIVE SESSION: 7:15 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION  
SECTION 610-021(1) FOR LITIGATION DISCUSSION AND  
610.021(3) FOR PERSONNEL DISCUSSION

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, October 28, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-93**, authorizing the City Manager to accept the portion of North Main Street built in conjunction with development at 100 NW Englewood Road for City maintenance.

**RESOLUTION R-96-94**, authorizing execution of a contract with Aldi Inc. and Rush Construction Services, L.C. for installation of a water line serving development at 7604 N. Oak Trafficway. (Construction entirely at developer's expense.)

**RESOLUTION R-96-95**, authorizing execution of a contract with Aldi, Inc. and Harris Construction Company, Inc. for installation of a storm sewer serving development at 7604 N. Oak Trafficway. (Construction entirely at developer's expense.)

**RESOLUTION R-96-96**, authorizing execution of a contract with Antioch Congregation of Jehovah's Witnesses and General Automatic Sprinkler Fire Protection Company, Inc. for the installation of a water line serving 1501 NE 65th Terrace. (Construction entirely at developer's expense.)

**RESOLUTION R-96-97**, authorizing the City Manager to accept the proposal of Midway Ford Truck Center Inc. for the purchase of one 1997 F350 Crew Cab Dual Wheel Ford Pickup. Purchase Amount: \$25,038 (includes \$1,010 trade-in allowance). General Fund

**RESOLUTION R-96-98**, authorizing the City Manager to accept a Bill of Sale from Antioch Bible Baptist Church and RPM Plumbing Mechanical Inc. conveying to the City for maintenance a water line and 3 fire hydrants constructed to serve 800 NE 72nd Street. (Construction entirely at developer's expense.)

**APPROVAL OF FINANCIAL REPORTS FOR SEPTEMBER, 1996**



**NEXT ORDINANCE NO. 3.562**

**REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
  - a. Analysis of Potential Leasehold Revenue Bond Financing for multiple projects related to City Hall.
- 9. RESOLUTION R-96-99**, stating the intent of the City to reimburse itself for expenditures in connection with the renovation of City Hall and related improvements with the proceeds of Bonds, Notes, or a Lease Purchase Agreement.
- 10. BUILDING PERMIT APPROVAL** for construction of new 111,847 square foot building for Home Depot at 4949 Old Pike Road. Applicant: Home Depot, U.S.A. (BP #96-030)
- 11. BUILDING PERMIT APPROVAL** for construction of 5,000 sq. ft. storage building for vending machine operation at 6850 North Oak. Applicant: Quality Vending. (BP #96-024)
- 12. FIRST READING BILL NO. 96-80**, amending Chapter 17, Article 3 of the City Code to repeal certain provisions and enacting new provisions relating to the sale and distribution of cigarettes within the City of Gladstone.
- 13. FIRST READING BILL NO. 96-81**, amending Sections 3-16 and 3-23 of the Gladstone City Code relating to the alcoholic beverage provisions of the City Code and providing for the issuance of a special permit to conduct wine, malt beverage and distilled spirit tastings, providing for a permit fee for the issuance of such license; enacting a new Section prohibiting the sale or serving of alcohol to persons in motor vehicles; and providing a penalty for violation.
- 14. Other Business.**
- 15. Questions from the News Media.**
- 16. Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, NOVEMBER 11, 1996**

Prior to the regular meeting, upon motion by Councilman Roger Norris and second by Councilman George Nodler, the City Council met in Closed Executive Session at 7:15 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) & (3) for Litigation and Privileged Communication from the City Counselor and Personnel discussions.

Mayor Art Hammen called the Regular November 11, 1996 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen noted that this evening in honor of Veteran's Day we have Leroy Gunselman present, who is Commander of American Legion Post 626. Mr. Gunselman led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the October 28, 1996 Minutes.**

Councilman Anita Newsom moved to approve the Regular October 28, 1996 City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **CONSENT AGENDA DETAIL.**

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-93**, authorizing the City Manager to accept the portion of North Main Street built in conjunction with development at 100 NW Englewood Road for City maintenance; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-94**, authorizing execution of a contract with Aldi Inc. and Rush Construction Services, L.C. for installation of a water line serving development at 7604 N. Oak Trafficway. (Construction entirely at developer's expense.) Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-95**, authorizing execution of a contract with Aldi, Inc. and Harris Construction Company, Inc. for installation of a storm sewer serving development at 7604 N. Oak Trafficway. (Construction entirely at developer's expense.) Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-96**, authorizing execution of a contract with Antioch Congregation of Jehovah's Witnesses and General Automatic Sprinkler Fire Protection Company, Inc. for the installation of a water line serving 1501 NE 65th Terrace. (Construction entirely at developer's expense.) Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-97**, authorizing the City Manager to accept the proposal of Midway Ford Truck Center Inc. for the purchase of one 1997 F350 Crew Cab Dual Wheel Ford Pickup. Purchase Amount: \$25,038 (includes \$1,010 trade-in allowance). General Fund; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-98**, authorizing the City Manager to accept a Bill of Sale from Antioch Bible Baptist Church and RPM Plumbing Mechanical Inc. conveying to the City for maintenance a water line and 3 fire hydrants constructed to serve 800 NE 72nd Street. (Construction entirely at developer's expense.) Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to approve **FINANCIAL REPORTS** for **SEPTEMBER, 1996**; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 6. on the Agenda.**      **Communications from the Audience.**

None.

**Item 7. on the Agenda.**      **Communications from the City Council.**

Councilman Roger Norris asked if lights will be installed in the north City Hall parking lot for the City Hall temporary public entrance because it is very dark. City Manager Norris said we have the lights that were removed when gas lights were put in across the street in storage at the Public Works building and they will be installed here. Also, as a part of the potential bond issue which will be discussed later on the agenda, permanent exterior lighting will be put in around the parking lot.

Councilman Norris asked when we expect to have temporary lights in. The Manager responded that we have a contract with K.C. Electric for this type of work but because of the recent storm they have been quite busy but indicate they will be here as quickly as they can. The City Manager noted they have to trench in some temporary electrical and also pour pedestals, so the lights may not be on for some time. He said we may have to do something temporary with lights off the building.

Councilman Bill Reynolds said he received a compliment from a citizen this week about the brush removal and from the map he saw this evening it appears that about a third of the brush has been picked up and if the weather cooperates it should be done this month.

Mayor Art Hammen reported that the southbound center hanging green light is out at 72<sup>nd</sup> & N Troost. City Manager Norris took note of the outage.

**Item 8. on the Agenda.      Communications from the City Manager.**

City Manager James Norris said his first item of business is to wish Mayor Art Hammen a very Happy Birthday on behalf of the staff.

**Item a.** Analysis of Potential Leasehold Revenue Bond Financing for multiple projects related to City Hall accessibility, lighting and office space.

The Manager referred Council to the memorandum provided which discusses the multiple projects that have been put in the City's Capital Improvements projects this year and next year. Right now, given the stability of the Municipal Bond Market and given current interest rates, the cost of borrowing to cities is extremely low. In other words, we can borrow due to the City's tax free ability to borrow and issue tax free bonds at a slightly lesser rate than we can invest funds. Because of this, it gives us the potential of taking projects that are future capital year projects knowing that we will have funding for those projects in future capital years and move them forward to potentially have them constructed all at one time through what is called a lease hold revenue bonds issue.

He explained that the way it works is very similar to a home equity loan for a homeowner. In essence, the City Hall is used as collateral against the bonds and the projects related to it can be financed through the issuance of those bonds.

He pointed out that Item 9 is Resolution 96-99 which basically states it is the City's intent to reimburse the City for the accessibility project involving the front lobby, the front rest rooms, the Council Chambers and the hallways and doors that are related to the Americans with Disabilities Act. That would be rolled into the potential future bond

issue. That is the only formal action we are requesting tonight. We will come back with firmer numbers and discuss the projects in more detail and potential of doing this financing and then if the Council gives us the go ahead then we will move forward with the City's financial advisor and bond counsel to have these documents prepared for bond issuance by the end of the fiscal year which we see as the window of opportunity to capture these optimum financing capabilities given current bonds rates and investment rate. In essence, what we are doing is utilizing the financial markets to the City's benefit given the current status.

Councilman Roger Norris said when the Manager brings this back to the Council in two weeks he would like to see not only the dollar figures and interest charges but also emphasis on the fact that the bonds would be low five percentage rates, what we are going to be doing with State funds at the 2% rate; and, what amount of time we will be knocking off those projects compared to where they sit now on the capital improvement schedule.

City Manager Norris said most of the projects would be in the window of the five year plan. He said in two weeks he will also be asking Council to look at the projects staff will be recommending be moved forward. For example, one of them would probably be the 55<sup>th</sup> Terrace & Old Pike Road intersection which is in the 4<sup>th</sup> or 5<sup>th</sup> year of the Capital Plan and we would move it up to next year for engineering with construction the year after. But we have to move those funds forward to this fiscal year in order to begin the engineering.

The Manager said we are looking at a 2% energy loan from the State of Missouri if we do the HVAC lighting projects because the State of Missouri will give us a loan if they know that over 7 years they can capture that amount of money back from energy savings. And we know from the energy study that was done on City Hall that these current lights are not energy efficient and by changing all of them out we will save \$10,000 - \$11,000 a year. The \$50,000 - \$70,000 low interest 2% loan that the State is going to throw in on top. The City Manager said more detail will be provided in two weeks.

City Manager Norris requested an Agenda addition for a **Building Permit for Cellular One at Linden Tower, 480 NE 71st Street. (BP96-021)** for the construction of a building underneath the City water tower to house their equipment and multiple other cellular communications companies, pagers companies. The building size is 672 sq. ft. and because we have entered into multiple leases with PCS and cellular providers for antennas at this site and instead of having multiple buildings we contracted with one who will build the building for all the providers and the building will immediately become City property in exchange for lease credits. Ultimately there will be one building at both Linden and Antioch water towers built by two different providers and you will see a contract for a company to build a cellular pole at the water plant to hold providers as well where the City will gain lease revenue.

Councilman Roger Norris said it appears to be similar to what we have had in the past except that they will build a building that becomes the City's property. The Manager

said that was correct and this building will have a residential style with pitch roof and face brick .

Councilman Anita Newsom pointed out that the memorandum refers to brick facade which means "front" to her although she assumes the brick is all four sides.

City Manager Norris confirmed that the brick will be on all four sides and also noted there will be doors on all four sides so that each tenant has their own separate door and entryway.

Councilman Roger Norris moved to approve **Building Permit 96-021**; Councilman Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

City Manager Norris also requested addition to the Agenda of **RESOLUTION R-96-100**, authorizing Change Order No. 4 for the 1996 Street Maintenance Program, Project 9612 in the amount of \$16,056.39 and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund.

City Manager Norris explained this is specifically for base stabilization for North Michigan and North Highland where subgrade was unsuitable because the soil conditions were extremely bad . Also on North Flora, where we looked at the segment to be done it was obvious that if we could correct the long standing drainage problem there by raising the elevation along one of the curb lines it would require more curb to be replaced to meet grades and the sidewalk would have to be changed out as well. We are well within budget on these projects and the change orders are in order.

Councilman Roger Norris moved to approve Resolution R-96-100; Councilman Bill Reynolds seconded.

Discussion.

Councilman Roger Norris asked how far under budget we are on street projects this year. The Manager answered about \$180,00.00 but we have to keep in mind that the City has \$1.2 million of City funds budgeted and the Road District has \$300,000, so the total is about \$1.5 million. A financial status will be provided for the next packet.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

City Manager Norris reported on the limb removal efforts which has been a partnership between the residents and City because we have had over 6,000 loads of limbs taken to either Public Works or Happy Rock Park whichever drop site was operating at that point in time. It is also obvious that those loads being taken up there has greatly reduced the number of loads sitting at the curb line. After working this weekend we estimate that we are half-done and with good weather we hope to be finished by the first week in December which is heartening when some cities are looking at March, April or May before limb removal is completed. Johnson County as example was hit a lot harder than we were.

Our crews are doing an excellent job and our residents have been fantastic at reducing the limbs to a size and quantity that our crews and equipment can handle.

Councilman Anita Newsom asked what projects these crews would be doing if they were not removing the storm debris and the impact on normal services at this time of the year.

City Manager Norris said the different crews would be doing crack sealing, meter line replacement and jetting sewers throughout the city as well as catch basin repairs and at least two small maintenance projects have been put on hold. The financial impact has been over \$65,000 thus far both in crew time and disposal and rental of equipment costs and we are only half way through the City and have not chipped the debris yet. Two years ago when we had the big ice storm we lost twelve weeks of crew time. We are looking at six weeks this time because of the efforts of our residents. In a city, you have to think that at least once a year or once every couple of years we will have something even if not this magnitude that will take crews away from their normal duties and we have to be flexible enough to do it because that is what we are here for.

The Manager stressed again that our residents have been wonderful in terms of understanding why we have required the limbs cut and placed at the curb. The comments have been overwhelmingly positive and if we know that the person is a senior in need of assistance or disabled we try to work through civic groups to get the limbs picked up for them.

**Item 9. on the Agenda.** **RESOLUTION R-96-99**, stating the intent of the City to reimburse itself for expenditures in connection with the renovation of City Hall and related improvements with the proceeds of Bonds, Notes, or a Lease Purchase Agreement.

Councilman Roger Norris moved to accept **Resolution R-96-99**; Councilman Anita Newsom seconded.

Discussion.

Councilman Roger Norris requested that the minutes reflect the City Manager's comments given under his report (see Agenda Item 8a.) on this subject matter.

City Manager Norris said he would just reiterate that this Resolution is on the Agenda only because should the Council decide to go with lease hold revenue bond financing the timing is correct now to capture this project since this project is in the works and we have not received a pay request yet from the contractor. If the Council decides not to go through a leasehold bond financing this resolution means nothing.

Councilman Bill Reynolds said our primary responsibility to our citizens is to do as much as we can with the least amount of tax dollars and we always tell everyone that we have one of the lowest tax rates in the area which is great. He compliments the City Staff and our Bond and Financial Advisors because this is another example of how they

have been able to lead us to get the most for our money and it will open up some other opportunities to do some things in our city where we will be able to maximize our money and not have to go to our citizens for additional funds. He does applaud our staff and our advisors for this effort.

Councilman Anita Newsom said this was compared to a home equity loan. All of us have credit limits and the City has bonded indebtedness limits. City Manager Norris said that technically only deals with a City's general obligation indebtedness and at this time our general obligation indebtedness is rapidly approaching zero and our net bonded allowance is over \$40 million dollars that the City could issue in general obligation debt and we are almost down to a million. It is such a small percentage of what our allowance is that we are not even close.

Councilman Newsom said so if we should move forward on this in the near future we are not putting our future Council's or residents in deep debt.

The City Manager said a million dollar debt is a very minor debt for a City whose annual budget in all funds is \$17 - 18 million dollars and where your net bonded indebtedness is \$40 million. He said this Council has been extremely cautious about long term debt. If this is a 20 year bond issue where we were looking at a crystal ball and saying what is going to be going on 20 years from now he would be a little more cautious but if you look at the amortization schedules provided in draft form we are looking at maybe 8 years where the first two years of the debt is front loaded and we retire over half of the debt the first two years. And the debt payments drop off to around a hundred thousand and some dollars a year which is little impact at all on the indebtedness side because we carry that much if not more now.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 10. on the Agenda.** **BUILDING PERMIT APPROVAL** for construction of new 111,847 square foot building for Home Depot at 4949 Old Pike Road. Applicant: Home Depot, U.S.A. (BP #96-030)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit; Councilman George Nodler seconded.

Discussion:

City Manager Norris noted that on a building project of this magnitude that it is important for staff to take a couple minutes and walk through the plans and the project. Mr. Darren Ditto, who is a consultant/contractor to Home Depot, is present this evening and Director Scott Wingerson will walk through the building permit as well as the facade treatments.

Director Scott Wingerson noted that he wanted to draw three items to the Council's attention. The first is the Staff Report contained in the Council packet. It is fairly sparse, meaning that there are not additional comments or questions concerning the technical aspects of this project. There is a simple reason behind that and it is that the



initial plan review was returned to the developer with a laundry list of some 25 to 30 technical comments to be addressed. Home Depot has addressed each and everyone of them and that allows staff to present to Council a very clean Staff Report from a technical perspective. The second item is the finish of the building. The original set of plans on this project showed a concrete wall with a raked finish. If you can imagine a newly poured driveway in front of your house and dragging a yard rake across it, that was the style and finish they proposed to use on the original submission. Staff did not believe that that was entirely appropriate for an entryway into that part of our City. What is proposed for Council consideration tonight is a stamped brick finish on the south and west elevations of the building. That is still a concrete wall, however it has a stamped in brick finish that would be painted similar to the rendering that was shown. The last item regards the fence around the garden center. The garden center is located adjacent to Old Pike Road. The original plans called for basically a plastic coated chain link fencing material to enclose this garden center. Staff did not feel that this was altogether appropriate given that would be the main point of visibility for both residents and customers to the store. Staff asked Home Depot to reconsider this and they provided several different alternatives. The latest proposal is a tubular steel fence that is very similar in style to wrought iron. It will be painted black with pilasters every so often to give the garden center a more upscale look. There is one point that continues not to be resolved and that is the use of mesh in this fencing material. What is proposed in this Building Permit is a metal mesh that would cover the wrought iron style tubular steel fencing, would be painted black to match and blend in with the pilasters. However, staff doesn't believe that is altogether appropriate. Home Depot's concern is one of security so that things from inside the store and from the garden center are not passed through, pulled through, whatever between the four inch space of the tubular steel bars. Mr. Ditto is present for Home Depot and he has been involved in many of the conversations on the technical side as well as the aesthetic side. Staff is proposing to the Council, that they approve the Building Permit without the mesh. In the event that security is a problem with Home Depot, and they can document that it is a problem, then staff will work with Home Depot to insure that they can correct that problem.

Councilman Anita Newsom asked is this black mesh like they put on the school windows in the inner city?

City Manager Norris answered it is not quite like that.

Councilman Roger Norris asked if they were talking about mesh that is a quarter inch square rabbit fence, chicken wire, what is being talked about?

Director Scott Wingerson stated that for the specifics on the mesh there is a sample in Council's packet on one of the first pages. Mr. Ditto may be more prepared to discuss the mesh.

**Mr. Ditto** stated that he wanted to give insight on Home Depot's thought processes with the security mesh. Home Depot does have a national standard and it is really not a part of the demographics as to a store's location. Mr. Ditto showed samples of unpainted mesh they would like the Council to consider. The mesh also comes in a flattened version versus the raised.

Mayor Art Hammen asked how this is attached?

Mr. Ditto stated that it is mechanically fastened to the inside of the tubular steel and is painted black to match.

Councilman Anita Newsom asked, what type of material are the pilasters?

Mr. Ditto stated they are masonry block painted to match the main building color, the tan.

Councilman Roger Norris asked Director Wingerson what his problem is with the mesh?

Director Scott Wingerson stated that the mesh design makes it look very, very industrial compared to the rest of the building. There is a new subdivision to the west, a country club to the north, and staff felt that a more classical style garden center, as it is adjacent to the main entrance to the facility itself, might make a better impression on the residents who drive that street everyday as well as the customers who come to shop at Home Depot.

City Manager Norris noted that staff is aware there will be a significant grade difference between where the fence is and where the street is, and also that if security is a problem the property owner obviously has a right to protect their product and property. Staff wants Home Depot's property to be secure, however at the same time staff wants something that is aesthetically proper for a major retail addition to the City and given standards that have been used with others in the City, one being Wal-Mart and their garden center.

Councilman Roger Norris asked what they use as their fencing?

City Manager Norris replied that on the very back it is chain link, but on front and sides it is more of a black wrought iron style fence.

Councilman Anita Newsom asked, if the mock wrought iron is going to be on four inch spacing.

Mr. Ditto stated that is correct. They are four inch on centers and they are one inch steel tubes so there is one-half inch off the four inch spacing for a three inch clear spacing.

City Manager Norris stated that is why staff felt not very much could clear through that three inch spacing.

Councilman Anita Newsom stated it is going to look like a jail with hotel straight bars.

Mr. Ditto noted that one would find it hard to believe that much could get through three inch spacing but there are photos in all back rooms of Home Depot of offenders pulling stuff through garden centers. Drills, saws, screwdrivers and this in no way reflects on

the demographics of Gladstone, this is seen almost everywhere. It is a major concern of Home Depot.

Mayor Art Hammen asked what the height of the enclosure would be?

Mr. Ditto noted that the front is approximately twelve foot eight inches. The rear is twenty feet. The security mesh that is proposed is at an elevation of only ten feet due to reaching levels.

Councilman Anita Newsom stated she did not recall and asked if there were any green spaces in front of this garden center?

Mr. Ditto stated not directly against the garden center, but there is some green space between Old Pike and the garden center area. Mr. Ditto stated that mesh opening is typically three inch, top of diamond to top of diamond.

Mayor Art Hammen asked if it is painted a flat black?

Mr. Ditto stated he is not sure.

Mayor Art Hammen stated it would be less obvious, in his opinion, if it were painted a flat black.

Mr. Ditto stated it probably could be either. But the actual steel posts are flat black.

Councilman Roger Norris stated that he does not have a problem with the expanded steel. It would offer a screen. Some places that do screening have big black screens that look like window screens that come down and flap in the breeze and he feels that looks tacky. He doesn't see a problem with this mesh being installed.

Councilman Anita Newsom stated she feels it will look like a jail.

Councilman Roger Norris stated it is going to look like a jail anyway as it has bars twenty feet tall.

Councilman Anita Newsom stated she hopes it would be mollified in some way with sort of plantings that would abut the streets.

Mr. Ditto noted that during the peak season of flowers there are some nice ornamental hanging features that are along the front and look very nice.

Director Scott Wingerson addressed Councilman Newsom's concern of landscaping, Home Depot has increased the planting area which is directly adjacent to the garden center in a north and south direction. During the planning process there was a narrow strip of landscaping at the front corner and that has been expanded quite a bit to the north to create more of a landscaped entrance to the facility. In addition to that there will be trees planted in that low profile area and trees planted along the Old Pike

entrance at a fairly heavy density to shield that from the adjacent residences as much as possible.

Mayor Pro Tem Bill Reynolds stated that he somewhat agrees with Councilman Norris, because with mesh being installed it would cover some of what is housed within the garden center. This will help cover some of the sacks of dirt and also help contain trash that might blow around.

City Manager Norris stated that is some of what staff argued. What are the external aesthetics worth versus the internal aesthetics when there are stacks of fertilizer and grass seed and things blowing around. Staff has gone both ways on it and given how other retailers are treated that is why staff is recommending that Home Depot be treated like the others. Staff definitely does not think that meshing is something that should hold up a Building Permit on a twenty-five million dollar building.

Councilman Anita Newsom stated that she does not have to like it to vote for it, but she wants to stay on the record that she does not like the mesh.

City Manager Jim Norris stated that staff is still recommending approval without the mesh, but it is the Council's decision.

Councilman Roger Norris noted that this is a very large project with serious impact financially to Gladstone. In the six years that he has been on the Council he does not remember anything even close to this size that staff has sent back a Building Permit Staff Report that at the bottom says "no additional comments". That has never happened. That speaks well of our staff, it certainly speaks well of the management and builders of Home Depot, and it speaks well for Gladstone in general that we can come this far and have no additional comments at Building Permit time.

Mayor Art Hammen asked if there is anyone in the audience that happens to live across from this project? (There was no one present.)

City Manager Jim Norris noted that there is a motion and a second to approve it, but there is no guidance on the Staff Report on the issue of mesh, so staff would ask that the motion maker and the second clarify with or without mesh on the fence and then Council finish their discussion.

Councilman George Nodler, the second on the motion, stated that he would back the staff on their recommendation of the issue.

Mayor Pro Tem Bill Reynolds noted that the Building Permit does not state with mesh, so the way his motion stands is with the mesh and he leaves his motion as it is, with mesh.

Councilman Roger Norris asked if Councilman Nodler's second still stands? If not he will second the motion.

Mayor Art Hammen clarified that the motion by Mayor Pro Tem Reynolds and second now by Councilman Roger Norris is to approve the Building Permit with the mesh. Mayor Hammen asked staff how strongly they feel about this?

City Manager Jim Norris stated that these are the Council aesthetics that are in the Comprehensive Plan. Staff is just bringing these aesthetic concerns to the Council's attention and it is a Council's decision and judgment as to the magnitude of the entire project. This is not something that staff feels is important enough to build a wall around a twenty-five million dollar project. Especially since staff is saying that if security does become a concern they would then feel mesh can be put in.

Mayor Pro Tem Bill Reynolds asked, if this sample is the mesh that will be installed?

Mr. Ditto answered yes. It comes in both a raised version and a flat.

Mayor Pro Tem Bill Reynolds stated for the record, he believes that the construction of this mesh would not become a problem within our lifetime. If it was flimsy it would then get uglier.

City Manager Jim Norris stated that Council will recall this mesh was discussed at the last City Council meeting and there was not an overwhelming one way or the other on it so now it is back. Staff would recommend that if Council is going with the mesh that it be the flattened version and in a flat black.

Mayor Art Hammen stated that two specifics are then being asked for, the flattened version of mesh with the paint to be flat black versus a satin or a gloss black.

Mayor Pro Tem Bill Reynolds stated he would make flat mesh with flat black paint part of the motion; Councilman Roger Norris seconded.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 11. on the Agenda.** **BUILDING PERMIT APPROVAL** for construction of 5,000 sq. ft. storage building for vending machine operation at 6850 North Oak. Applicant: Quality Vending. (BP #96-024)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the Staff Report; Councilman Roger Norris seconded.

Discussion:

City Manager Jim Norris stated that Director Wingerson had a short presentation on this Building Permit.

Director Scott Wingerson explained that this is a Building Permit for a plan for Quality Vending. The plan was approved sometime ago and they are back to have their Building Permit approved. It is very similar to the size and type of building that was proposed during the planning process. The front of the building that faces east is a true brick facade. The back of the building is a manufactured drivit and has a pitched roof of

about 1 in 12. The north side, which is adjacent to a ravine, is the typical metal building style. The south side, which is adjacent to the mini storage, is also a typical metal building style. There is an extreme elevation change from the mini storage to the north of about 12 to 15 feet, so this property will basically set at the floor level of the mini storage. Mr. Miceli is present this evening and has brought product samples to show the Council regarding the manufactured drivit on the backside of the building as well as color samples.

**Mr. Miceli** showed samples to the Council of the manufactured drivit and a color rendering of the building he is proposing.

Councilman Roger Norris asked if this is the color he is proposing?

Mr. Miceli responded the color is called adobe.

Councilman George Nodler asked what color the overhead door were going to be?

Mr. Miceli answered, painted the same adobe color as the building.

Mayor Art Hammen asked if the rendering was fairly accurate colorwise?

Mr. Miceli answered, exactly colorwise in all aspects of the building except the window trim which will be what is called a dusty brown.

Councilman Roger Norris told Director Wingerson, the Building Permit Staff Report lists fourteen different items and they are not all what he is used to seeing. This information seems to be things that staff should have gotten answers to before it comes to Building Permit time. Are there any of the listed items that staff can delete by having discussion with Mr. Miceli over time?

Mr. Miceli answered that he and Director Wingerson had had a meeting last Tuesday regarding what would happen tonight and Director Wingerson had pointed out the items listed on the Staff Report and Mr. Miceli noted that he had stated they would comply on all fourteen points.

Councilman Roger Norris noted that back during the Public Hearing on this project, the times of operation and noise were discussed as well as lighting, does Mr. Miceli have any problems with any of those items when they were discussed?

Mr. Miceli stated no. Everything has basically stayed the same. It is still a 7 am to 5 pm operation, Monday through Friday, with Saturday's being one-half a day. Very seldom on Sunday. They are not there at night. There is no noise. It is a very quiet operation run by himself, his wife, two sons and a son-in-law.

Director Scott Wingerson noted that Mr. Miceli is right, they did meet and he agreed to each of the fourteen comments. Part of the reason for the number of comments is the quick turnaround wanted by Mr. Miceli's architect and staff to ensure that they could get this to Council as quickly as possible to try and allow Mr. Miceli to start this building yet this year. Mr. Miceli has agreed to all the comments, staff just doesn't have revised plans that show that.

Mayor Art Hammen told Director Wingerson, item number seven talks about the size of the water service, it just says please clarify. In his opinion that doesn't require the 1" or the ¾" line. What is it that staff wants here?

Director Scott Wingerson explained that staff member, Mr. Kreg Cox, noted the 1" domestic service which is larger than what staff would anticipate for a use of this type. Basically this is just an effort to save Mr. Miceli a few dollars in construction costs when a ¾" would be adequate for basically a restroom facility and nothing else.

Mayor Art Hammen asked, so staff is agreeable to a ¾" service?

Director Scott Wingerson answered, absolutely.

Councilman George Nodler asked what the roofing material would be?

Mr. Miceli answered that the roofing material would be a colored standing seam metal roof from the Butler Roof System. (He showed Council the color swatch.)

Mayor Art Hammen asked what the pitch of the roof will be?

Mr. Miceli stated 1 to 12.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12. on the Agenda. FIRST READING BILL NO. 96-80**, amending Chapter 17, Article 3 of the City Code to repeal certain provisions and enacting new provisions relating to the sale and distribution of cigarettes within the City of Gladstone.

Councilman Roger Norris moved to place **Bill No. 96-80** on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris noted that it says in the memorandum sent to Council, that this change is prompted by the lack of availability and maintenance on the stamp and meter machines currently provided to distributors. Does this open the door for fraud? How does the City then track the number of cigarettes sold in this City if there is not a meter?

City Manager Jim Norris answered that is the entire reason for the Ordinance. It is not just this City it is the entire state of Missouri and ultimately the country. Pitney Bowes who is the only manufacturer and maintainer of cigarette stamp machines in the country announced two years ago that they would stop making them. There is no market for them. No one is using them. Everyone is automating the process. Missouri wake up. They were not going to make anymore after 1996. The Ordinance calls for all the wholesalers to report their sales to the retailers and the retailers will sell them and their sales will be reported back to the Department of Revenue. Between the two the City will ultimately be advised of what has been sold and tax will be rebated back to us based upon that amount.

Councilman Roger Norris asked, rebated by the Department of Revenue?

City Counselor Nancy Thompson explained that the wholesaler will provide the report to the City and then the City is able to verify that information through the Department of Revenue. The City does receive a report directly from the wholesaler who provides the cigarettes to the retailer.

Councilman Roger Norris noted, then this will be handled much like sales tax is even though it will still remain separate.

City Counselor Nancy Thompson stated that is correct. What the State actually did was amended a part of the State Law so the Department of Revenue could actually provide a copy of that cigarette tax information to municipalities directly under a confidentiality agreement much like the sales tax that was just talked about.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-80**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-80** and enact it as Ordinance No. 3.562; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 13. on the Agenda. FIRST READING BILL NO. 96-81**, amending Sections 3-16 and 3-23 of the Gladstone City Code relating to the alcoholic beverage provisions of the City Code and providing for the issuance of a special permit to conduct wine, malt beverage and distilled spirit tastings, providing for a permit fee for the issuance of such license; enacting a new Section prohibiting the sale or serving of alcohol to persons in motor vehicles; and providing a penalty for violation.

Councilman Roger Norris moved to place **Bill No. 96-81** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Councilman Roger Norris noted that one part of this Ordinance says, "the sale or serving of alcohol to persons in motor vehicles", how does this effect Texaco, Vickers, Phillips 66, etc.?

City Manager Jim Norris that this prevents the drive-thru sale of package liquor.

Councilman Roger Norris asked, so it affects the drive-up window at Aardvark's?

City Manager Jim Norris stated Aardvark's is no longer in business, but it is intended to reach that type of clientele.



City Counselor Nancy Thompson stated that it actually has been done at the recommendation and advice of Missouri liquor control who had a concern about the utilization of drive-thru windows and not being able to see the status of the individual who is in the vehicle, whether or not they happen to be 21 years of age, whether or not they are intoxicated when they purchase, a lot of issues they say arise with drive up service that makes enforcement difficult. They recommend that Gladstone have a similar provision as Kansas City has, regarding the drive-up window. That is why this provision was added to the wine tasting ordinance as another amendment to the liquor code.

Councilman Roger Norris asked if this would in any way change or effect the way Gladstone handles things like the beer bash night at the church, Kiwani's?

City Manager Jim Norris stated no. Those events are addressed through the temporary liquor license requests. This came about because Gladstone codes did not have any provisions for wine tasting applications. When reviewing state law it was found that since state law allows it, Gladstone cannot preclude it. The issue became if we can't preclude it and we are going to have to issue a permit that we might as well conform with state law. That is what this does, plus the addition of the drive-thru issue only.

Mayor Art Hammen asked, with the closing of Aardvark's are there currently any other establishments that would be effected by this?

City Manager Jim Norris stated not that he is aware of. Aardvark's is the only establishment that tried the drive-thru service.

Councilman Anita Newsom said businesses with retail liquor licenses are not allowed to give away any liquor products and are not allowed to serve them on premises as a general rule, so are we allowing this spirits tasting at will, to crack open a bottle of Chablis and pour glasses for whoever is purchasing, or does it have to be an advertised tasting event?

City Counselor Nancy Thompson stated that we do not have a copy of the State's regulations that apply to liquor tastings, there are no provisions in the State Code that regulate how, when, where those occur. If it becomes a problem she would suggest that we contact our state legislators and see if we can't get a statewide amendment to that provision to deal with those issues.

Councilman Anita Newsom stated she was discussing this item with someone who owns a retail establishment and the rules are so strict as to what one can and cannot do that she feels they may have opened a Pandora's box. It is nice to be able to have these events, but so often they are done off premises and used for a fund raising event or something for a charity. She understands that the City must give everyone and equal playing field and that we can't preclude it, but again she is wondering about the wisdom of the State legislature.

City Counselor Nancy Thompson noted that wine tasting is not new, it is the spirits portion with the wine tasting that is a new provision. It has been within the last three years that this came about and in 1995 when the distilled spirits came into effect.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-81**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris noted that as a staff we do have a concern that this amendment to the State Law, which we don't have any choice about, is a way around the liquor by the drink laws. With liquor laws we don't have the ability to be any more restrictive than they are, in fact we have to be in conformance with them.

Councilman Anita Newsom noted that in her discussion with a business owner they couldn't, as a proprietor or operator of a cash register, have an open bottle of beer setting on the counter as they were checking someone out or conducting business. That is in violation of the law. She does not know what lobby brought this to Jeff City but she would be curious to find out.

City Counselor Nancy Thompson stated that we can't preclude it in the area without being in violation of the state law.

Councilman Anita Newsom stated that this Council is not endorsing it other than to stick our hand out for another twenty-five dollars to make it legal in our town.

City Counselor Nancy Thompson noted that the City is then able to track and regulate who is going to be performing those functions within the City. In this way we have it on file to know who is and who is not eligible to hold a tasting. This permit is not a per event permit, it is an annual permit that must be paid and it will give us the ability to know who has ability to hold these type of tastings.

City Clerk Marilyn Ahnefeld noted that they must still hold both a state and a local liquor tasting permit.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-81** and enact it as Ordinance No. 3.563; Councilman Anita Newsom seconded.

Discussion:

Mayor Art Hammen stated that regardless how we feel about the first part of it he is glad to see the prohibition of selling to people through a drive-thru window. He believes that is very much needed.

Councilman Roger Norris noted it is a step in the right direction.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 14. on the Agenda. Other Business.**

None.

**Item 15. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Regular November 11, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:42 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: 

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

  
Mayor Art Hammen

MFA/sak

**NEXT ORDINANCE NO. 3.564**

**GLADSTONE, MISSOURI**

**MONDAY, NOVEMBER 25, 1996**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Monday, November 11, 1996 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-96-101**, authorizing the City Manager to execute a contract with Intra State Development Company and Holthouse Construction Company for installation of water main serving the "OAKS 1ST PLAT", at 52nd Terrace & N Washington. (Construction entirely at developer's expense.)

**RESOLUTION R-96-102**, accepting the work under contract with Pyramid Excavation & Construction, Inc. for the 72nd Street, east city limits, culvert replacement project. Total Contract Amount: \$56,048.83; Final Payment Due: \$4,093.33 (Project #9224)

**RESOLUTION R-96-103**, authorizing Change Order No.1 in the amount of \$15,880.00 to the contract with Haines-Stowers Construction Company for the 1994 Water Main Replacement Program - Southwest area. Project 94-13(D). Revised Total Contract Amount: \$452,104.00

**RESOLUTION R-96-104**, authorizing acceptance of proposal from Industrial Piping and Sheet Metal, Inc. for purchase and installation of an all electric heat pump system for the Gladstone City Hall in the contract amount of \$198,567.00. Fund: Capital Improvement Sales Tax Fund; and authorizing the City Manager to negotiate the purchase of an energy management system for an amount not to exceed \$43,896.00.

**RESOLUTION R-96-105**, authorizing the establishment of the Gladstone Local Law Enforcement Block Grant Advisory Board as required by Federal guidelines; and establishing the membership composition of such Board.

**APPROVAL OF FINANCIAL REPORTS FOR OCTOBER, 1996**

**NEXT ORDINANCE NO. 3.564**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
  - a. Appointment of Local Law Enforcement Block Grant Advisory Board Members.
8. **Communications from the City Manager.**
  - a. Report of City Council Candidate Filings for February 4, 1997 Primary Election.
9. **APPROVAL OF BUILDING PERMIT** for 25,380 sq. ft. Humana Medical Center, 101 NW Englewood Road. Applicant: Triad Construction Co. Inc. (BP #96-031)
10. **APPROVAL OF BUILDING PERMIT** for facia modification with decorative lighted awning for Public Storage Building at 7707 N Oak. Applicant: United Sign Corp. (BP #96-032).
11. **APPROVAL OF BUILDING PERMIT** for 4,760 sq. ft tenant finish of Suites A & B of Realty Executives Building at 100 NW Englewood Road. (BP #96-033)
12. **FIRST READING BILL NO. 96-82**, authorizing acceptance of a Temporary Construction Easement required for the Shady Lane Street Reconstruction Project. (Project #91-108)
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, NOVEMBER 25, 1996**

Mayor Art Hammen called the Regular November 25, 1996 City Council Meeting to order in the City Council Chambers at 7:31 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of the November 11, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular November 11, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-101**, authorizing the City Manager to execute a contract with Intra State Development Company and Holthouse Construction Company for installation of water main serving the "OAKS 1ST

PLAT", at 52nd Terrace & North Washington. (Construction entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-102**, accepting the work under contract with Pyramid Excavation & Construction, Inc. for the 72nd Street, east city limits, culvert replacement project. Total Contract Amount: \$56,048.83; Final Payment Due: \$4,093.33 (Project #9224); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-103**, authorizing Change Order No.1 in the amount of \$15,880.00 to the contract with Haines-Stowers Construction Company for the 1994 Water Main Replacement Program - Southwest area. Project 94-13(D). Revised Total Contract Amount: \$452,104.00; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-104**, authorizing acceptance of proposal from Industrial Piping and Sheet Metal, Inc. for purchase and installation of an all electric heat pump system for the Gladstone City Hall in the contract amount of \$198,567.00. Fund: Capital Improvement Sales Tax Fund; and authorizing the City Manager to negotiate the purchase of an energy management system for an amount not to exceed \$43,896.00; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-96-105**, authorizing the establishment of the Gladstone Local Law Enforcement Block Grant Advisory Board as required by Federal guidelines; and establishing the membership composition of such Board; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Councilman Anita Newsom moved to approve the **FINANCIAL REPORTS FOR OCTOBER, 1996**; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom wished everyone a Happy Thanksgiving Holiday. There is always something about the Thanksgiving Holiday that doesn't have the pressures of the Christmas Holidays and it is really nice to get together with family. She hopes everyone has a good holiday.

Councilman Anita Newsom asked about the progress on the front of City Hall. She has not been by during daylight hours to see what is going on.

City Manager Jim Norris noted that the foundations have been poured. The contractors are actually working more days than anyone thought they would given the weather we have had.

Director Steve Buschor noted that on the contractor's target deadline they are 24 days out from being indoors. They are right where they want to be.

Mayor Pro Tem Bill Reynolds wished Happy Holidays to everyone.

Councilman Roger Norris wished everyone a Happy Thanksgiving and trusts that it will be safe for everyone and their families. He noted that two weeks ago he had asked about lights in the north parking lot and when he drove up tonight he noticed they were on and he appreciates that. Thank you very much.

Councilman George Nodler asked the City Manager for an update on the brush removal.

City Manager Jim Norris stated that the brush pickup is proceeding right on schedule. The crews have one part of town that they are in now where they have done sporadic pickup. Calls are still coming in from residents asking if we have missed them. Those whose piles were not cut and bundled are being asked to do so and then crews are going back and picking them up. Staff hopes to basically be done by December 1<sup>st</sup>. Mr. Norris noted that he was around the metropolitan area last weekend and there are cities that have a lot of brush to get rid of and Gladstone owes a lot to the cooperation of our residents in helping get the brush cut-up and hauled off. Over 6,000 loads have been brought out to the Public Works facility and Happy Rock Park by our residents.

Councilman Anita Newsom suggested when the brush pickup is completed that a Press Release be done that is put in the newspaper and/or in the next resident newsletter, thanking the residents in a big way. Staff would not be as successful without the residents cooperation and assistance.

City Manager Jim Norris stated absolutely. We can also thank the different groups that have helped the disabled and seniors who have needed help.

Mayor Art Hammen wished a Happy Thanksgiving to everyone. Mayor Hammen also reminded everyone that this coming Sunday evening, December 1<sup>st</sup>, the Mayor's Christmas Tree Lighting Ceremony will be held across the street in Central Park. Everyone is invited to partake in homemade chili from 5 pm to 7 pm. Cost is \$5.00 per adult and \$3.00 for children 12 and under. At 7 pm the tree lighting ceremony will commence. Bill Grady and Bruce Jones will be the two MC's. Following the lighting ceremony, donuts and hot chocolate will be provided by the Gladstone Chamber. As part of this year's tree lighting activities, he reminded everyone that for a twenty-five dollar donation to the Mayor's Christmas Tree Fund one can get their name in a drawing for a new car which will be given away. Only 1,000 tickets will be sold. All the



money that is collected this year by the Mayor's Christmas Tree Fund will be donated to the Northland Christmas Store. Your support would be appreciated.

**Item 7a. on the Agenda. Appointment of Local Law Enforcement Block Grant Advisory Board Members.**

Mayor Art Hammen noted a recommendation was enclosed in Council's packet for appointment of Advisory Board Members to a Local Law Enforcement Block Grant Committee. This Committee was established earlier by Resolution R-96-105 and is a requirement of the Block Grant. As recommended he would like to submit for appointment Bill Adamo as a representative from the local law enforcement agency; from the prosecutor's office, Debbie Kaminski; representing the court system, Judge Richard Rose; representing a non-profit group, which is the Gladstone Economic Development Council (GEBC), Mr. Pete Hall; and from the North Kansas City School District, Mr. Dave Crockett.

City Manager Jim Norris commented that the first four agency representations are mandatory under federal guidelines. The names could change but they need to be local people involved in the first three institutions. The fourth one needs to be from a not-for-profit group that has been involved in youth issues and crime prevention and GEBC is involved with funding of the D.A.R.E. program and the Tri-Program, along with a variety of other programs. Mr. Hall is on the Tri-Board which is another tie in. Staff thought that because of the relationship with the school resource officer that their should be someone from the school district involved and the school district was elated to be considered. They suggested that if there is to be someone from the School District named to this Board they would like it to be Dr. Dave Crockett. A Council Liaison also needs to be named. This group will probably not meet more than once or twice a year. Their role is very specific and that is to hold a Public Hearing on what the Block Grant Funds are recommended to be used for from the Public Safety Department; take any testimony on that and then to make a recommendation to the Council who has the final authority on how those funds can be used. It is a very specific, very narrow role.

Councilman Roger Norris moved to approve the names submitted to serve as the Local Law Enforcement Block Grant Advisory Board Members; Councilman Anita Newsom seconded.

Discussion:

Mayor Art Hammen asked if there was a volunteer for Council Liaison?

Councilman Anita Newsom asked, how about the Mayor? Could it be noted that the Council Liaison would be the Mayor each year?

City Manager Jim Norris answered, yes that can be done.

Mayor Art Hammen asked if Mr. Hall and Mr. Crockett have been contacted on their willingness to serve?

City Manager Jim Norris responded that they both have been asked and that both responded yes, pending the Council's action.

Councilman Roger Norris stated that he felt that having Dr. Crockett, or a representative from the North Kansas School District, was an excellent idea.

City Manager Jim Norris noted that there is a natural hand and glove there. Given the goals of the Block Grant Program, it can't be effective without having the school district involved.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 8. on the Agenda. Communications from the City Manager.**

**Item 8a. on the Agenda. Report of City Council Candidate Filings for February 4, 1997 Primary Election.**

City Manager Jim Norris noted that given the change in the State Election Laws, instead of passing an Ordinance declaring who the candidates are at the end of the filing deadline, it now just has to be reported. The candidates who have filed for City Council election, coming in April 1997, with the Primary Election to be held on February 4, 1997, are: Art Hammen, 7001 N. Benton Court; Roger Norris, 6805 N. Walnut; Glenn J. Kesse, 7417 N. Wabash; Jeffrey Preece, 6008 N. Howard; David S. LaMaster, 2701 NE 70<sup>th</sup> Street; and John Worley, 2305 NE 73<sup>rd</sup> Terrace. There are two Council positions that will be voted upon. The final date for any Council candidate to withdraw is Tuesday, November 26<sup>th</sup> at 5:00 pm.

\* \* \* \*

City Manager Jim Norris noted that at the last Council meeting the Council asked for an update on the status of the funding for the street maintenance program. (Director Wingerson handed out the update to Council.) This year's Street Maintenance Funding comes from both the Transportation Sales Tax, which Gladstone voter's overwhelmingly approved in November of last year, and Gladstone Road District #3 funds. \$1,100,000 is coming from the Transportation Sales Tax and \$300,000 from the Road District. There is another whole project that is funded from the Capital Improvement Sales Tax that is not shown. This totals 1.4 million dollars available.

The contract for overlay, and full depth reconstruction, went to Superior Bowen in the amount of \$1,206,440. There are some miscellaneous items that are listed on the update that were costs associated with the bid letting: publishing in *The Star*, reproduction of plans and reproduction of engineering drawings; and then Council sees another program which was the Flora Street Maintenance Project which was bid separately because of the retaining wall that is a part of it. Total expenditures are estimated at \$1,335,749 leaving roughly \$64,250 unallocated at this point in this time. As Council is aware, given the fact that the winter like weather hit much earlier this year not all of the overlay projects have been completed and operations have been suspended for this year and will be picked up in the spring. At this point in time

Superior Bowen has indicated that they will honor their current prices for these projects until they are completed.

Councilman Roger Norris asked, does that mean that the \$64,250 just rolls over to next year?

City Manager Jim Norris answered that it will roll to fund balance. Since all the projects are not done, he is reluctant to say that that is exactly what the number will be. By the time all the projects are finished, next May or June, if a bad subgrade is found the City may have a Change Order that could eat part of that, but it does mean that the City is in good financial shape on this year's program. There will be a similar amount available next year.

Councilman Roger Norris asked, what kind of a jam will that leave us in next year when we are backed up from this year and have next years projects on the board?

City Manager Jim Norris noted that staff has already had several discussions on that and one meeting. The City will either end up with multiple contracts from multiple vendors or there will be a requirement in our main contract for mandatory multiple crews handling multiple different items. We are still biting off more than is typical. Kansas City has three major asphalt companies. When contractor are bidding on State and City of Kansas City contracts, it means that the rest of the municipalities get service third. We are trying to find a way that we can guarantee "x" number of crews working on "x" number of projects. Either through multiple contracts or multiple sections of one contract. There will be a difference in how the bids go out next year.

Councilman Anita Newsom noted that this fall she has driven up and down Flora a lot. They have done curb cut repairs and driveway aprons in preparation for the road work. She is dismayed about the state that some of the green space between the new curb and sidewalk has been left. In some places it has been backfilled and smoothed over. In others there are chunks just thrown back at it and in other places there are voids. Going into the winter like that is not treating our residents correctly.

City Manager Jim Norris stated that the contractor is aware of that. The contractor's subs have been put on notice that we expect those areas to be made safe for winter. They are looking for a break in the weather to get back out so they can work the dirt down to manageable levels. Right now the weather is just not cooperating. We have to remember, that once we turn over a contract to a contractor, that area of the contract is their work zone. Under the contract terms we have to allow them to work within the work zone. There are some mandatory steps that we have to go through before we can cause restoration to occur ourselves. Staff is in the process of those steps. Then they have to fail to perform, like any contract, before we can step in.

Councilman Anita Newsom stated that she felt it was bad to go into winter with, what will tonight be, frozen chunks of dirt. She realizes that we have had a weather situation.

City Manager Jim Norris stated that the parkways have been a problem. Staff has not wanted the contractor to put seed or sod in those areas until the weather improves.

Councilman Anita Newsom stated that they at least need to get the dirt back in there. With no dirt backfill, if a snow plow hits the curb it then will have to be redone all over again.

City Manager Jim Norris stated that he is more concerned about the person who is trying to get to their newspaper, mailbox or trying to shovel their driveway either falling into an area that hasn't been backfilled or tripping over an area where there is a mound.

Mayor Pro Tem Bill Reynolds noted that he had shared with the City Manager the other day, that over on 73<sup>rd</sup> and Euclid one of our citizens was getting out of a car and there was a place that hadn't been backfilled and he stepped in it, fell, broke his glasses and skinned himself up. That might be one area where staff could go to the contractor and say it is a safety issue.

City Manager Jim Norris stated that those things have been done. If the contractor fails to perform then staff will go in and do it and the contractor will be charged according to the contract.

City Manager Jim Norris noted that Council should have found a pamphlet at their places this evening. This pamphlet is now available to people who come into City Hall and are concerned about dangerous buildings in the City, and for those people who staff might have to deal with regarding a dangerous building. This comes out of BACO which the Council adopted. Staff felt that putting this in a pamphlet form might make it more usable and more readable. Staff will be doing this on various specific sections. Once the Land Development Ordinance and Zoning Development Ordinance is approved other specific sections will be pulled out and put into pamphlet form.

City Counselor Nancy Thompson clarified that what Council has as part of BACO is actually an adoption of a Uniform Code Book. The actual provisions are not spelled out in their copy of BACO (Building And Construction Ordinance). This pamphlet is in addition to the Building And Construction Ordinance, so that in the event staff has to proceed to a hearing on a dangerous building, Council will have a copy that they can refer to and know what the procedures are. When we just adopt the "Uniform Codes" Council does not receive a copy of each of them spelled out.

Lastly, City Manager Jim Norris noted that City Hall will be closed this Thursday and Friday for the Thanksgiving holidays.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for 25,380 sq. ft. Humana Medical Center, 101 NW Englewood Road. Applicant: Triad Construction Co. Inc. (BP #96-031)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris noted that under additional information on the Building Permit Staff Report, there are 29 listed conditions. Are these just general information items or are these orders? Have these been carried out? Is staff comfortable with Council issuing a Building Permit with 29 conditions?

Director Scott Wingerson answered, they are both general information and requirements. Unfortunately at the time that staff completed their review and went over the conditions with Triad Construction there was not time to revise the plans to provide the Council with a "clean" Staff Report. Staff is extremely comfortable with this Building Permit.

Councilman Roger Norris said, so if staff were to rewrite this Staff Report today there would be no conditions?

Director Scott Wingerson answered, that is correct.

Councilman Anita Newsom noted that along this corridor there have been concerns about the screening of the mechanical equipment. How is it proposed to be handled with this building to make it more aesthetically pleasing than some of the others down there might be?

Director Scott Wingerson answered that Doug Voss from Triad Construction is present this evening and can answer some of the architectural styling and color questions. But to specifically answer Councilman Anita Newsom's question, basically staff has negotiated a compromise with the developer to paint the equipment compatible with the background on the due point on Englewood Road. If that is not satisfactory with staff and Council then the applicant has agreed to come back and screen the equipment.

Councilman Roger Norris asked, screen it after construction is completed?

Director Scott Wingerson stated yes. Council will notice that on the Realty Executive Building right across the street, it kind of sets up on a hill. There are not many vantage points where that equipment is actually visible, except to the North from the Sharhag property. Even at that point it is not real visible. Staff believes Humana to be very similarly situated in that it will be on a hill. On this particular case, to the south, there is a drop in elevation, as there is a drop in elevation to the north on Englewood Road. Staff does not believe that this equipment will be visible. In the event that it is and the paint is not satisfactory, Triad Construction has agreed to come back and screen it with either wood or sheet metal to screen the equipment.

Councilman Anita Newsom asked, what is the definition of satisfactory?

Director Scott Wingerson answered that staff usually measures those things from the centerline of the right-of-way looking up towards the building. If it is visible from that point, using the property corners as a boundary, then staff usually asks for it to be screened. If it is not visible, then we don't ask that it be screened. Like Realty

Executives, there will just be a single unit on top of the building, not three or four as might be seen in other commercial locations, so it streamlines the overall mechanical appearance of the building.

Councilman Anita Newsom asked what the face treatment will be?

Director Scott Wingerson stated that Mr. Voss, with Triad Construction, is present and has renderings from the planning process and brick samples.

**Mr. Doug Voss, Triad Construction**, showed the brick samples to the Council. The red brick will be the main part of the building and the accent color will be the blond brick. Mr. Voss noted that they have flipped the color scheme from what they originally proposed and the entryway now has a more gabled look.

City Manager Jim Norris noted that they have also added accent keystone above the windows and they have added more windows. It is very much in keeping with what the Council envisioned for the Englewood corridor.

Councilman Anita Newsom noted that a reversing of the brick colors makes it fit in with some of the other buildings in the area.

Mayor Pro Tem Bill Reynolds stated that the entryway looks nice.

City Manager Jim Norris commented that Humana is going to be a big, big addition. Having a nice medical building like that in Gladstone is a wonderful addition to the community.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT** for facia modification with decorative lighted awning for Public Storage Building at 7707 North Oak. Applicant: United Sign Corp. (BP #96-032).

Councilman Roger Norris moved to approve the Building Permit; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked if the two items on the Staff Report had been discussed with the applicant?

Director Scott Wingerson answered, yes they have and there is no problem with them.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for 4,760 square foot tenant finish of Suites A & B of Realty Executives Building at 100 NW Englewood Road. (BP #96-033)

Councilman Roger Norris moved to approve the Building Permit; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

City Manager Jim Norris commented that this is just a tenant finish on the Realty Executives Building on Englewood Road for a mortgage company.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL NO. 96-82**, authorizing acceptance of a Temporary Construction Easement required for the Shady Lane Street Reconstruction Project. (Project #91-108)

Councilman Roger Norris moved to place **Bill No. 96-82** on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris stated that everything is in order with this easement and staff is getting an appraisal on the one remaining piece of property that they will most likely have to take to condemnation.

Councilman Roger Norris asked what kind of delay will the condemnation will cause?

City Manager Jim Norris answered that given the time of year none. Other than if the legal part of it would be protracted, but typically that is not done. There comes a point where you escrow the funds and you have a right to enter the property to do that even if the legal process extends. Given the time of year that it is, and the fact that the appraisal is pending, we should have it fairly soon and negotiations can ensue. There will be an ordinance that the Council will have to pass authorizing the City Manager and City Counselor to begin negotiations and if they are unsuccessful to then institute with legal proceedings. Staff knows that is the direction this one will likely be heading.

Mayor Pro Tem Bill Reynolds asked, due to the creek that runs underneath the road, there is no construction work that can be done on the north side of the road until we have been given right-of-way on that piece of property?

City Manager Jim Norris answered that you could proceed with some of the work but the economy of scale for doing the project would be lost.

Councilman Anita Newsom asked if staff will be notifying residents in the area what is going to take place? She noted that she has had two residents from this proximity say they have heard that the City is going to come in and bulldoze all the trees down, etc., etc. She has had to do damage control because one resident is upset and has things blown out of proportion.

City Manager Jim Norris stated that the plans are complete and have been sitting for at least a year. Staff would welcome any resident to come in and see the plans for themselves. The road will be significantly widened. The amount of trees that are involved are very few.

Councilman Anita Newsom stated that one resident was hearing from another resident that was misinformed or had misunderstood. They stated that everything was going to go into the creek and they were going to tear stuff up in the creek that had nothing to do with the road.

City Manager Jim Norris commented that at one-point-in-time that was what one of the adjacent property owners wanted. They wanted to see some major things done with the creek, that in staff's opinion, don't need to be done for the road improvements. That may have been how that rumor or misinformation got started. Staff has the plans and would welcome the opportunity to show them.

Councilman Anita Newsom noted that the story was getting quite a bit of publicity in that neighborhood that if this street was allowed to be worked on that this would take place and ruin backyards and take away the trees.

Councilman Roger Norris stated that he had heard that the City was going to put in one of the concrete culverts with a fence on both sides straight down through that creek bed. That is what that rumor has now grown into.

City Manager Jim Norris noted that at one-point-in-time, under the GBA study, that property in question was to be the site of a detention basin. Staff did some engineering on that and the downstream effects do not warrant the installation of a basin. Unless there would be a major change in the development pattern in that area, staff doesn't see it, so there is not really a reason to do those things and go onto the private property and do that type of disruptive work. The road needs to go in. The road will meet the width that is coming from Oakview. We will do different curbs than what Oakview has, but that is their standard and our standards are more traditional, suburban style standards.

Mayor Pro Tem Bill Reynolds stated that since the GBA study was done, the homes to the west have been built and that has taken care of some of the drainage problems and alleviated the need for a catch basin.

City Manager Jim Norris commented that the work the City has done on Flora downstream has actually slowed some of the water from getting to the creek.



The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-82**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "Aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-82** and enact it as Ordinance No. 3.564; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda. Other Business.**

Councilman Anita Newsom asked for a clarification on the Realty Executives Building. Is she correct, that during the course of the planning and building permit process, part of the plan was no additional exterior signage?

City Manager Jim Norris answered, yes that is correct.

Councilman Anita Newsom stated that when she heard a mortgage company was going to go in she recalls instances where other signs had been put up on the side of a building that don't lend themselves to the building.

Director Scott Wingerson commented that under the plan approved for Realty Executives, there is some more signage allowable for Realty Executives on the building. They have not done that yet as it is a budgetary concern.

Councilman Anita Newsom asked if that signage is for Realty Executives and not other tenants such as "Joe's Barbershop" and "Sams Mortgage"?

Director Scott Wingerson responded that is correct. In keeping with the professional standard of that office building they have built-in "store front windows" on either side of the door that will enter into this area. The tenants will be allowed to use clear, size specific, vinyl lettering to identify the name of their business and possibly a phone number.

Councilman Anita Newsom asked, so it will maintain that professional look and not look like a strip center?

Director Scott Wingerson responded, yes that is correct.

City Clerk Marilyn Ahnefeld acknowledged that two boy scouts have joined us this evening while the meeting was in progress. They are here in fulfillment of their Communication Badge.

Mayor Art Hammen had them introduce themselves and welcomed them to the Council Meeting this evening.

**Item 14. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Regular November 25, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:12 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

**NEXT ORDINANCE NO. 3.565**

**GLADSTONE, MISSOURI**

**MONDAY, DECEMBER 16, 1996**

**Closed Executive Session: 6:45 PM**

**Pursuant to Missouri Open Meeting Act Exemption  
Section 610-021(1) for Litigation Discussion and Privileged Communications,  
Section 610.021(2) for Land Acquisition and 610.021(3) for Personnel Discussion**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

**4. Approval of Monday, November 25, 1996 City Council Meeting Minutes.**

- 4a. **PROCLAMATION:** Designating December 1996 as "Drunk and Drugged Driving Prevention Month" and December 20, 1996 as "Lights on For Life Day" in the City of Gladstone, Missouri." Sponsor: Missouri Division of Highway Safety
- 4b. **PROCLAMATION:** Congratulating the Oak Park High School Football Team on their Second Place Honor at the Missouri State High School Activities Association Class 5A Show-Me Bowl game in St. Louis, Missouri on November 30, 1996.

**5. CONSENT AGENDA**

**RESOLUTION R-96-106,** adopting the International City Management Association Retirement Corporation (ICMA-RC) 457 Plan and Trust Document dated November 1996 for the City of Gladstone, Missouri.

**RESOLUTION R-96-107,** authorizing final payment and acceptance of work under the North Walnut Street Reconstruction Contract with Tasco Construction Company. Grand Total Contract Amount: \$85,808.00 (Project #9405)

**RESOLUTION R-96-108,** authorizing final payment and acceptance of work under the NE 76th Terrace Street (East of Oak) Reconstruction Contract with Gery Construction, Inc. Grand Total Contract Amount: \$163,109.30 (Project #9225)

**RESOLUTION R-96-109,** authorizing execution of a contract with Home Depot U.S.A., Inc. and Walton Construction, Inc. for installation of a storm sewer serving development at 4949 Old Pike Road. (Construction entirely at developer's expense.)

**RESOLUTION R-96-110,** authorizing execution of a contract with Home Depot U.S. A., Inc. and Walton Construction Company, Inc. for installation of a water line and fire hydrants serving 4949 Old Pike Road. (Construction entirely at developer's expense.)

**NEXT ORDINANCE NO. 3.565**

**RESOLUTION R-96-111**, authorizing execution of an Agreement with K.C. North Umpire Association to provide softball game and tournament umpire services for the City of Gladstone, Missouri for one year with two optional renewals.

**RESOLUTION R-96-113**, authorizing acceptance of a proposal from Corporate Express for the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture units for City Hall offices. Contract Amount: \$31,949.00. Fund: General Fund and Capital Improvement Sales Tax Fund

**REGULAR AGENDA**

- Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
- 9. RESOLUTION 96-112**, authorizing the City Manager to execute an Intergovernmental Agreement with Mid America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services.
- 10. APPROVAL OF BUILDING PERMIT** for 19,000 sq. ft. exterior modification to existing structure at 2900 NE 60th Street. Applicant: CCDR Rodriguez, Inc. (BP#96-035)
- 11. APPROVAL OF BUILDING PERMIT** for interior remodeling of kitchen and rehabilitation center for Woodbine Healthcare Center, 2900 Kendallwood Parkway. Applicant: CDFM Architecture, Inc. (BP #96-034)
- 12. FIRST READING BILL 96-83**, approving the Final Plat of "Englewood Business Park" at 101 NW Englewood Road and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Dorsey Equities, Inc. (Project #982)
- 13. FIRST READING BILL 96-84**, approving the Final Plat of "Charter Heights" Subdivision at 77 NE 72nd Street and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Charter Funeral Home (Project # 983)
- 14. FIRST READING BILL 96-85**, repealing a portion of Article IV, Chapter 25 of the City Code relating to prohibited signs within the City and enacting in lieu thereof a new article regulating off premises outdoor advertising and billboards.
- 15. Questions from the News Media.**
- 16. Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, DECEMBER 16, 1996**

Mayor Art Hammen called the Regular December 16, 1996 City Council Meeting to order in the City Council Chambers at 7:33 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of the November 25, 1996 Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the Regular November 25, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 4a. on the Agenda. PROCLAMATION:** Designating December 1996 as "Drunk and Drugged Driving Prevention Month" and December 20, 1996 as "Lights on For Life Day" in the City of Gladstone, Missouri." Sponsor: Missouri Division of Highway Safety.

**Item 4b. on the Agenda. PROCLAMATION:** Congratulating the Oak Park High School Football Team on their Second Place Honor at the Missouri State High School Activities Association Class 5A Show-Me Bowl game in St. Louis, Missouri on November 30, 1996.

Head Coach Keith Ross accepted the Proclamation from Mayor Art Hammen.

Mayor Pro Tem Bill Reynolds noted that his older son had played in Oak Park's first championship game and they lost that one also. That game was not as close as this year's score of 21-20 but he was proud of that team and he is proud of Coach Ross' team.

Coach Keith Ross stated that the team played hard and he thanked the Council on behalf of the Oak Park High School administration, coaches and players. He said there were sixty players representing Oak Park at the game and two are present this evening: He introduced Brad Clark who was honored to be named All-State Linebacker and Jason Evans who was one of the wide receivers and who caught over 40 balls this season. He again thanked the City Council for the proclamation.

Mayor Pro Tem Bill Reynolds noted that Jason Evans' dad played on that first team and was also a great player.

Councilman Anita Newsom stated that there were a number of these young men on the team that she taught when they were in elementary school and they were outstanding kids then and appear to be now.

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the Consent Agenda as listed; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

#### **CONSENT AGENDA DETAIL.**

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-106**, adopting the International City Management Association Retirement Corporation (ICMA-RC) 457 Plan and Trust Document dated November 1996 for the City of Gladstone, Missouri; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-107**, authorizing final payment and acceptance of work under the North Walnut Street Reconstruction Contract with Tasco Construction Company. Grand Total Contract Amount: \$85,808.00 (Project #9405); Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-108**, authorizing final payment and acceptance of work under the NE 76th Terrace Street (East of Oak) Reconstruction Contract with Gervy Construction, Inc. Grand Total Contract Amount: \$163,109.30 (Project #9225); Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0) (Mayor Pro Tem Reynolds noted that a business owner along this project contributed funds towards the improvements and suggested we acknowledge his contribution with a letter of thanks.

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-109**, authorizing execution of a contract with Home Depot U.S.A., Inc. and Walton Construction, Inc. for installation of a storm sewer serving development at 4949 Old Pike Road. (Construction entirely at developer's expense.); Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-110**, authorizing execution of a contract with Home Depot U.S.A., Inc. and Walton Construction Company, Inc. for installation of a water line and fire hydrants serving 4949 Old Pike Road. (Construction entirely at developer's expense.); Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-111**, authorizing execution of an Agreement with K.C. North Umpire Association to provide softball game and tournament umpire services for the City of Gladstone, Missouri for one year with two optional renewals; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-96-113**, authorizing acceptance of a proposal from Corporate Express for the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture units for City Hall offices. Contract Amount: \$31,949.00. Fund: General Fund and Capital Improvement Sales Tax Fund; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Dave LeMaster, 2701 NE 70<sup>th</sup> Street**, stated that he came here this evening to make a proposal which he read. "I propose the formation of a group, called the Citizens Patrol, whose intent is the community policing of both handicapped spaces and fire lanes within Gladstone.

The Citizens Patrol would be comprised primarily of, but not limited to, volunteer senior citizens within our community. A committee should be formed in order to institute specific measure to address the implementation, training and coordination with City staff and/or Public Safety of the Citizens Patrol. After training has been completed, teams of two people from the Citizens Patrol would be assigned specific days and times for which they would police the City and recorded violations of either handicapped spaces or fire lanes. These records would then be turned over to City staff and/or Public Safety for appropriate action. These teams would be equipped with a Polaroid camera, or something similar, and a logbook for a recording of violations to be signed off at the end of their duty period by both members of the team. It is of course imperative, as with any citizens patrol, that extensive training in methods to avoid risk or confrontation be provided to the team members. The Citizen Patrol teams should not ever be considered interactive with enforcement of such violations. Citizen Patrol teams are simply there to record the violations and will be discouraged from any sort of confrontation with alleged violators.

In summary, I believe the Citizens Patrol would be a means to empower those persons within our community most effected by these violations, and in so doing, bring an important group of citizens closer to a goal which I am sure we all share, which is the betterment of

Gladstone. I would, therefore, like to volunteer my time and services to the City Council, City Staff and Public Safety in the coordination, implementation and supervision of the Citizens Patrol. I would also like to add at the end of this, that similar programs have been done in other cities and the one that he is familiar with is Orlando, Florida where my mother lives. I think they have had great success in keeping people out of the handicapped spots when they are not suppose to be there because once the word goes out it seems to be effective in and of itself. Thank you for your consideration of this proposal."

City Manager Jim Norris stated that the program that Mr. LeMaster talked about is not uncommon in larger jurisdictions, not only just in Orlando but even across the Midwest. Wichita, Kansas has a program of this type as well as other cities.

The Manager said the way to begin is to get the Public Safety Department to start retrieving information to see how other cities do it. The biggest thing these programs do is offer risk avoidance for the seniors involved, as Mr. LeMaster stated. One thing that has to be remembered is laws may vary from state to state as to what is admissible and whether or not these can be even quasi enforcement groups. In Texas they allowed video cameras to be used as evidence that people were speeding when they attached a video camera to a radar gun and they recorded a license plate, the car and speed all in one clip. Then a ticket was issued and sent to that offenders house. In Missouri, when Kansas City attempted to do the same thing, it was ruled illegal and the argument was that one doesn't know who the driver is and if they have loaned the car or not.

City Manager Norris said Mr. LeMaster is not looking for this citizens patrol to actually do the enforcement, so some type of notice would have to be sent that lets the owner know their vehicle was parked in a space on such and such a date and at such and such a time. There is research that needs to be done and training that would need to be done. We all have seen people parked in fire lanes and handicapped spots that shouldn't be there. We need to get the research started and see what Missouri law will allow this type of volunteer group to do and the training that then needs to be done. Once this has been completed staff can come back to the Council with recommendations.

Mayor Art Hammen asked if this was something that needed to be taken to the Senior Citizens Advisory Board and get their input?

City Manager Jim Norris stated he would rather look at the process for this Citizen Patrol first. That might include the senior's group but that group may or may not be interested in participating in this type of patrol. This may be an issue where we want to involve Public Safety, Mr. LeMaster, the City Counselor and potentially the City Prosecutor's office. The next step would then be to solicit people from the community to be involved. He believes that we need to outline both a process and program.

Mayor Art Hammen stated that the Council appreciates the information and believes it is a good idea. He also appreciates Mr. LeMaster volunteering to head this up if this is something that we can get accomplished.



**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom stated that to dove-tail into what Mr. LeMaster just said, we have City employees and vehicles that consistently violate what Mr. LeMaster was talking about. Not in the handicapped spots, but in the fire lanes and in places where "No Parking" spots are marked. She said she sat at lunch today and saw three City vehicles with employees violate the fire lanes/no parking to go get dry cleaning. She sees them parked at Hy-Vee in the fire lane going into get lunch.

City Manager Jim Norris stated he will deal with the dry cleaning issue. On Hy-Vee, many times when police are there they are responding to shoplifting calls and to park there is okay.

Councilman Anita Newsom stated that when they come out carrying a bag of food they are not there on shoplifting calls.

City Manager Jim Norris asked if it was an ambulance or squad car? Councilman Anita Newsom answered it was a squad car.

City Manager Jim Norris stated then that is not proper.

Councilman Anita Newsom noted it is also the same thing at Wal-Mart. She has observed personnel go in and come out with photographs or something else.

City Manager Jim Norris stated that at Wal-Mart it may be evidence that they are getting.

Councilman Anita Newsom commented that it does not look good.

Councilman Anita Newsom noted that the Council just finished their Board and Commission interviews and they had quite a wealth of citizens interested in being involved in the City. She would like to see staff look at is the possibility of having a volunteer core of citizens so when the City does have a problem, such as the snow disaster, people are on line that are willing to volunteer and do things where they are not just adopting a park and doing clean up once a month. Maybe there are times where we can utilize a volunteer corps on a consistent community wide basis.

Councilman Anita Newsom wished everyone a very happy holiday season.

Mayor Pro Tem Bill Reynolds also extended holiday greetings.

Councilman Roger Norris added his holiday wishes as well. He said at the Board and Commission interviews this past Saturday, Council discussed the need for a Board and Commission appreciation banquet? There are approximately 70 people who volunteer and get little or no thanks, An appreciation dinner is a small price to pay for their time and effort and he suggests this should be done on an annual basis.

City Manager Jim Norris asked if Council would like to have one between now and spring time?

Councilman Roger Norris answered yes as he feels one should have already been held.

Following discussion it was agreed that the month of February would be a good choice and City Manager Jim Norris said staff would try and put one together for February,

Councilman George Nodler said he joins the rest of the Council in wishing everyone a happy holiday.

Mayor Art Hammen noted that Eric Wells, Jonathan Lowe and Jimmy Northcutt from Troop #271 are present this evening to work towards their Citizenship in the Community merit badge. The Mayor told the Scouts the Council was pleased to have them present this evening and indicated any Council Member will be glad to answer any questions after the meeting.

Mayor Art Hammen congratulated City staff on putting together an excellent Employees Recognition Dinner last Saturday night. Food was great and there were a lot of good door prizes. Hopefully all the employees enjoyed it as much as the five Council members did.

Mayor Art Hammen reminded everyone that there is still a week left to make a donation to the Gladstone Mayor's Christmas Tree Fund. If you haven't done so or just feel extra generous and want to do it again, a twenty-five dollar donation to the Gladstone Mayor's Christmas Tree Fund gets your name in the drawing for the car. It does not appear that they will come very close to selling out the 1,000 ticket set as a limit, so the odds are going to be very good for people in the in the drawing. The drawing will held Monday, December 23<sup>rd</sup> at Courtesy Chevrolet beginning at 5:30 PM. He would invite not only the Council, but everyone present to be there for the drawing and see who the lucky person is that will have a brand new car this Christmas.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris announced that Gladstone City Hall will be closed Christmas Day and News Years Day. He also noted that this is the only scheduled City Council Meeting for the month of December 1996. He wished everyone Happy Holidays.

**Item 9. on the Agenda. RESOLUTION 96-112,** authorizing the City Manager to execute an Intergovernmental Agreement with Mid America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services.

Councilman Roger Norris moved to accept **Resolution 96-112**; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Mayor Pro Tem Bill Reynolds commented that on the brochure they received regarding this program it indicates that the cost can go as high as \$2.70 per person and the price of .47 cents per person for Gladstone's cost is a great value and will enable all of our citizens to get rid of household hazardous wastes at anytime they desire. He believes this a good move and is happy that we can get this service at this price.

City Manager Jim Norris noted that the great thing about this is that at least three times this Council has passed resolutions dealing with solid waste that have supported regional solutions and this is definitely a regional solution to a major environmental issue.

Councilman Roger Norris stated in news reports, as recently as three or four months ago, in Boston a trash collector was seriously injured by an explosion that came from materials that were illegally being thrown away in with regular trash. They had hidden the material inside a trash bag that was stuffed with other items because there was no place to take this hazardous material in Boston. It was just thrown away and the trash collector paid the price. He said the program we are participating in is something that is good for Gladstone residents.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 10. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for 19,000 sq. ft. exterior modification to existing structure at 2900 NE 60th Street. Applicant: CCCR Rodriguez, Inc. (BP#96-035)

Councilman George Nodler moved to approve the Building Permit; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

City Manager Jim Norris noted that staff would like to give the Council the opportunity to see the facade improvements that are going to be done. They are extremely attractive. They are definitely in keeping with the other businesses in that vicinity. (Scott Wingerson displayed brick work samples for the Council.)

Councilman Anita Newsom asked what type of business the building will house?

Director Scott Wingerson replied it will be general office space and advised this building is known as the old Surgicenter building on 60<sup>th</sup> Street in the Kendallwood area, not far from the library, the animal clinic, car wash and Burger King .

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 11. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for interior remodeling of kitchen and rehabilitation center for Woodbine Healthcare Center, 2900 Kendallwood Parkway. Applicant: CDFM Architecture, Inc. (BP #96-034)

Councilman Roger Norris moved to approve the Building Permit; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris noted that under Additional Comments on the Staff Report there are seven items listed by the fire division. Have those been shown to the applicant?

Director Scott Wingerson stated that all concerns have been shared with the applicant and they are completely agreeable to all conditions.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

**Item 12. on the Agenda. FIRST READING BILL NO. 96-83**, approving the Final Plat of "Englewood Business Park" at 101 NW Englewood Road and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Dorsey Equities, Inc. (Project #982)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 96-83** on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked if everything was in order?

Director Scott Wingerson said yes and noted the Planning Commission unanimously recommended approval.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 96-83**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 96-83** and enact it as Ordinance No. 3.565; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 13. on the Agenda. FIRST READING BILL NO. 96-84**, approving the Final Plat of "Charter Heights" Subdivision at 77 NE 72nd Street and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Charter Funeral Home (Project #983)

Councilman Roger Norris moved to place **Bill No. 96-84** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris noted that when he read through the last Planning Commission meeting minutes he could not justify why there were eight "yes" votes and three "no" votes. No Commissioner who voted "no" stated why they did so. He asked staff if they know.

City Manager Jim Norris answered it was primarily because of the Council's approval of a building permit with a flat roof, when the Planning Commission wanted more of a peaked roof. Council will remember that the applicant came before them with a modification to the plans to change to a flat roof and they put a different facade on the building. Council agreed with that on the Building Permit. The Manager told the Council the Planning Commission's "No" votes were not related to platting issues.

Councilman Anita Newsom asked what the Planning Commission's vote was when they worked through the issue on the roof design?

City Manager Jim Norris replied that it was a split vote then too.

Director Scott Wingerson said his memory is that the Planning Commission saw the original planning documents and he believes the vote was either unanimous or very close to that. When the application came forward to the Building Permit stage the Council approved a pitched roof design. The applicant then came back for an amendment to that Building Permit for the reasons they described to the Council to allow a flat roof.

Councilman Roger Norris noted that he remembers there was a trade-off of the gabled roof for some closure space of the hearses and entryway in the back.

Director Scott Wingerson stated there were a lot of trade-offs. The building is a little bit smaller and a significant feature change was construction of the enclosed area for the hearses so that activity cannot be viewed by adjacent residents to the south.

Mayor Art Hammen asked if the primary purpose for this is to provide for platting of the easements?

Director Scott Wingerson stated yes, and the right-of-way along 72<sup>nd</sup> Street.

Mayor Pro Tem Bill Reynolds asked if the applicant is okay with what has been presented?

Director Scott Wingerson answered yes and that the revision has already been made.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-84**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-84** and enact it as Ordinance No. 3.566; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0).

**Item 14. On the Agenda. FIRST READING BILL NO. 96-85**, repealing a portion of Article IV, Chapter 25 of the City Code relating to prohibited signs within the City and enacting in lieu thereof a new article regulating off premises outdoor advertising and billboards.

Councilman Roger Norris moved to table **Bill No. 96-85** to the first City Council Meeting in January on January 13, 1997 based on some information that will be received from the State of Missouri; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda. Questions from the News Media.**

None.

Mayor Art Hammen took this opportunity to wish everyone Happy Holidays.

There being no further business to come before the Regular December 16, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:08 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

*Attachment to  
1/16/96 AC Minutes*

## PROPOSAL TO CITY OF GLADSTONE CITY COUNCIL

December 16, 1996

I propose the formation of a group, called the Citizens Patrol, whose intent is the community policing of both handicapped spaces and fire lanes within Gladstone.

The Citizens Patrol would be comprised primarily of, but not limited to, volunteer senior citizens within our community.

A committee should be formed in order to institute specific measures to address the implementation, training and coordination with City staff and/or Public Safety of the Citizens Patrol.

After training has been completed, teams of two people from the Citizens Patrol would be assigned specific days and times for which they would police the City and record violations of either handicapped spaces or fire lanes. These records would then be turned over to City staff and/or Public Safety for appropriate action.

These teams would be equipped with a Polaroid camera and a logbook for the recording of violations to be signed off at the end of their duty period by both members of the team.

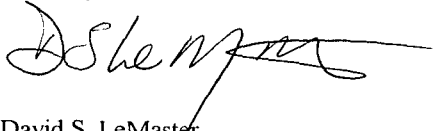
It is of course imperative, as with **any** citizens patrol, that extensive training in methods to avoid risk or confrontation be provided to the team members. The Citizens Patrol teams should not ever be considered interactive with enforcement of such violations. Citizens Patrol teams are simply there to record the violations and will be discouraged from any sort of confrontation with alleged violators.

In summary, I believe the Citizens Patrol would be a means to empower those persons within our community most effected by these violations, and in so doing, bring an important group of citizens closer to a goal which I am sure we all share, which is the betterment of Gladstone.

I would, therefore, like to volunteer my time and services to the City Council, City Staff and Public Safety in the coordination, implementation and supervision of the Citizens Patrol.

Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "D. LeMaster", with a long horizontal flourish extending to the right.

David S. LeMaster  
2701 NE 70th St.  
Gladstone, MO 64119  
454-4684



**NEXT ORDINANCE NO. 3.567**

**GLADSTONE, MISSOURI**

**TUESDAY, DECEMBER 31, 1996**

**Special City Council Meeting: 11:00 AM**

**A G E N D A**

1. **Meeting Called to Order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**

**REGULAR AGENDA**

4. **RESOLUTION R-96-114**, affirming and ratifying the actions of the City Manager and City Counselor of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone; accepting the gift of a portion of the cost of such real estate from the Grantors; accepting the deed transferring such property to the City; and directing the City Clerk to file such deed with the Recorder of Deeds in Clay County, Missouri.
5. **Communications from the Audience.**
6. **Communications from the City Council.**
7. **Communications from the City Manager.**
8. **Questions from the News Media.**
9. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

**TUESDAY, DECEMBER 31, 1996**

Mayor Art Hammen called the Special Tuesday, December 31, 1996 City Council Meeting to order at the Gladstone Community Building at 11:10 am. (Although this meeting was originally posted to be held in the City Manager's Office of the Gladstone City Hall, construction concerns at City Hall on Tuesday, December 31, 1996 necessitated moving this meeting to the Community Building.)

**PRESENT:** Mayor Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

Acting City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**ABSENT** Mayor Pro Tem Bill Reynolds

**Item 4. on the Agenda.** **RESOLUTION R-96-114**, affirming and ratifying the actions of the City Manager and City Counselor of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone; accepting the gift of a portion of the cost of such real estate from the Grantors; accepting the deed transferring such property to the City; and directing the City Clerk to file such deed with the Recorder of Deeds in Clay County, Missouri.

Councilman Roger Norris moved to adopt Resolution R-96-114; Councilman George Nodler seconded.

#### Discussion.

City Counselor Nancy Thompson reviewed the terms of this purchase and advised that the appraised value of the property was \$110,000 and Mr. And Mrs. McDowell desire to make a partial gift of the value of this property in the amount of \$90,000. The City will pay the McDowell's \$20,000 and any taxes due will be withheld. As specified in the Resolution, this property is being acquired for general municipal purposes with no restrictions on the use of the property. The Special Warranty Deed conveying the

property to the City will be recorded in the County Recorder of Deeds today following this meeting.

City Counselor Thompson noted that an environmental assessment was conducted on this property which recommended clean up as soon as possible of some 20 tires, water heater., washer and other debris which presently exists on the property. Councilman Roger Norris is familiar with the property and the debris that has been dumped over the years because of access to the creek bed.

Mayor Art Hammen stated it is his understanding that this special meeting was necessary to close on City of Gladstone's acquisition of property in the vicinity of 6950 N Oak from Allen and Lorene McDowell before year end.

Councilman Roger Norris commented that acquisition of this approximate 21 acre tract for \$20,000 is certainly a good deal for the City and all Councilmembers agreed.

City Counselor Thompson explained that a condition of the gift from Mr. & Mrs. McDowell was that the transaction be completed in calendar year 1996 so that they could take advantage of the gift as a tax deduction in 1996. The possible acquisition was discussed by the City Council at its Closed Session on December 18 and an agreement with the McDowell's was reached after that meeting. Due to the need to close the transaction in 1996, this special meeting was necessary.

The vote on Resolution 96-114: All "aye"- Councilman George Nodler, Councilman Roger Norris, Councilman Anita Newsom, Mayor Art Hammen. (4-0)

**Item 5. On the Agenda. Communications from the Audience.**

None.

**Item 6. On the Agenda. Communications from the City Council.**

Mayor Art Hammen and all Councilmembers extended their wishes for a Happy New Year.

Councilman Roger Norris said he was very pleased to see the article reporting that Gladstone is in the top ten percent of governments in use of its financial resources. Not all Councilmembers had seen the article and Councilman Nodler agreed to provide a copy for staff's distribution.

Mayor Art Hammen reported that Mr. Ed Kamler was the winner of the 1996 Geo Metro car in the December 23rd Mayor's Christmas Tree car raffle benefiting the Northland Christmas Tree Store. Mr. Kamler does not live in Gladstone but purchased his ticket when the Mayor made a presentation at the Optimist Club. Mr. Kamler thought the

Mayor was kidding when he phoned him to advise that he had the winning ticket. Mayor Hammen said he appreciated the participation in this good cause but was disappointed in the minimal press coverage this fund raiser received and the fact that more tickets were not sold.

**Item 7. On the Agenda. Communications from the City Manager.**

Acting City Manager Dianna Wright advised that the City will be making its first offer in connection with right of way acquisition for the 72nd Street east of Bellefontaine street improvement project in early January and she also reported on the status of the City Hall improvements construction project.

Ms. Wright also reported that the City's condolences have been sent to State Representative Scott Lakin whose father recently passed away. The City Clerk also acknowledged that she will send the City's condolences to the family of former Gladstone City Councilman Ken Walker who died this past weekend.

**Item 8. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Special December 31, 1996, City Council Meeting, Mayor Art Hammen adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

**NEXT ORDINANCE NO. 3.567**

**GLADSTONE, MISSOURI**

**MONDAY, JANUARY 13, 1997**

**CLOSED EXECUTIVE SESSION: 7:00 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION SECTION 610-021(2)  
FOR PRIVILEGED COMMUNICATION FROM THE CITY COUNSELOR**

**OPEN STUDY SESSION: 7:15 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular Monday, December 16, 1996 and Special Tuesday, December 31, 1996 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating January as "Always Buckle Children in the Backseat" month in the City of Gladstone, Missouri. Sponsor: Optimist Club of Northland Kansas City #36315.
- 4b. **SPECIAL PRESENTATION TO FREDDIE M. NICHOLS.**
- 4c. **PRESENTATION OF MISSOURI MUNICIPAL LEAGUE PUBLIC SERVICE AWARDS TO CITY OF GLADSTONE EMPLOYEES.**

Beverly Biegel, Municipal Court Clerk, 20 years service

Tim Bailey, Community Services Department, 10 years service

Jeff Bolin, Public Safety Officer, 10 years service

Pat Crooks, Finance Department Administrative Assistant, 10 years service

**5. CONSENT AGENDA**

**RESOLUTION R-97-1**, authorizing execution of contract with Quality Vending Company, Inc. and Clay County Sanitary and Ditching Service, Inc. for installation of a water line and fire hydrant serving 6850 N Oak Trafficway. (Construction entirely at developer's expense).

**RESOLUTION R-97-3**, authorizing execution of a contract with Miles Excavating, Inc. for the N Troost Water Main Replacement Project. Contract Amount: \$153,308.00; Fund: 1994 Water Bond

**APPROVAL OF FINANCIAL REPORTS** for November 1996.

**ACCEPTANCE OF 1995-1996 CITY OF GLADSTONE ANNUAL AUDIT AND MANAGEMENT LETTER** for year ended June 30, 1996.

**NEXT ORDINANCE NO. 3.567**

**REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
  - a. Board and Commission Appointment/Reappointments.
- 8. Communications from the City Manager.**
- 9. RESOLUTION R-97-2,** authorizing acceptance of a Bill of Sale from Affordable Homes and Haines Stowers Construction conveying water main, sanitary sewer main and storm sewer constructed to serve Deer Park Subdivision at 2001 NE 72nd Street to the City for maintenance. (Improvements constructed entirely at developer's expense.
- 10. APPROVAL OF BUILDING PERMIT** for 3,500 sq. ft. remodeling of existing structure at 7015 N. Oak. Applicant: Cash America. (BP #96-037)
- 11. APPROVAL OF BUILDING PERMIT** for 1,946 sq. ft. construction of new building at 301 NW Englewood Road for Federal Employees Credit Union. Applicant: HBE Corporation. (File #96-038)
- 12. PUBLIC HEARING:** On application for renewal of Special Use Permit for operation of a child care business on property described as 3000 NE 64th Street, Heritage Village. Applicant: Sylvia and Lowell McGinnis for A Child's Garden, Inc. (File #984)
- 12a. FIRST READING BILL NO. 97-1,** granting a Special Use Permit subject to certain conditions to Sylvia and Lowell McGinnis as owners of a "Child's Garden, Inc." for operation of a Child Day Care Center on property at 3000 NE 64th Street. (File #984)
- 13. FIRST READING BILL NO. 96-85,** repealing a portion of Article IV, Chapter 25 of the City Code relating to prohibited signs within the City and enacting in lieu thereof a new article regulating off premises outdoor advertising and billboards. (Tabled from 12/16/96 City Council Meeting).
- 14. FIRST READING BILL NO. 97-2,** amending Section 21-8 of the City Code by repealing said section and enacting in lieu thereof new City Code provisions designated as Section 21-8 relating to open burning within the City of Gladstone, Missouri.
- 15. Other Business.**
- 16. Questions from the News Media.**
- 17. Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JANUARY 13, 1997**

Prior to the regular meeting, upon motion by Mayor Pro Tem Bill Reynolds and second by Councilman Roger Norris, the City Council met in Closed Executive Session at 7:00 pm in the City Manager's office pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(2) for Privileged Communication from the City Counselor.

Mayor Art Hammen called the Regular January 13, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Roger Norris

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

**ABSENT:** Councilman Anita Newsom  
Councilman George Nodler

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of the Regular, Monday December 16, 1996 Minutes and Special Tuesday, December 31, 1996 City Council Meeting Minutes.**

Councilman Roger Norris moved to approve the Regular December 16, 1996 City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

Councilman Roger Norris moved to approve the Special Tuesday, December 31, 1996 City Council Minutes; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Mayor Pro Tem Bill Reynolds noted that since he was not in attendance at the December 31<sup>st</sup> Special City Council Meeting he would be abstaining and therefore they would lack three votes for approval.

Councilman Roger Norris moved to Table the approval of the Special Tuesday, December 31, 1996 City Council Minutes until the January 27, 1997 City Council Meeting; Mayor Pro Tem Bill Reynolds seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 4a. on the Agenda.** **PROCLAMATION:** Designating January as "Always Buckle Children in the Backseat" month in the City of Gladstone, Missouri. Sponsor: Optimist Club of Northland Kansas City #36315.

Mayor Art Hammen read the Proclamation and presented it to Joe Gaul, District Governor of Western Missouri District of Optimist International and Kent Blackman, Northland Optimist Club President.

**Item 4b. on the Agenda.** **SPECIAL PRESENTATION TO FREDDIE M. NICHOLS.**

Mayor Art Hammen presented a plaque with a Key to the City to Freddie M. Nichols recognizing and extending the City Council's appreciation of outstanding representation and service to the residents of Gladstone extending over a 15 year period during her tenure as North Kansas City School Board Member, North Kansas City School Board President, and Western Commissioner of Clay County.

Freddie Nichols expressed her appreciation for the Key to the City and Recognition Plaque. Referring to the City of Gladstone Annual Audit presentation made earlier this evening in Study Session, Mrs. Nichols said the City of Gladstone is to be congratulated for getting through an audit without a Management Letter. She sat through a number of audits during her tenure with the School District and there was always some small thing that prevented them from getting by without a Management Letter. She said she is proud of our City and we are to be commended.

Councilman Roger Norris and Mayor Pro Tem Bill Reynolds told Freddie Nichols they were very proud of her.

**Item 4c. on the Agenda.** **PRESENTATION OF MISSOURI MUNICIPAL LEAGUE PUBLIC SERVICE AWARDS TO CITY OF GLADSTONE EMPLOYEES.**

Mayor Art Hammen noted that annually the Missouri Municipal League recognizes public employees throughout the State of Missouri with ten or more years of public service. Four City of Gladstone employees are recipients of MML Public Service Awards this year: Beverly Biegel, Municipal Court Clerk, 20 years of service; Tim Bailey, Community Services Department, 10 years of service; Jeff Bolin, Public Safety Officer, 10 years of service; and Pat Crooks, Finance Department Administrative Assistant, 10 years of service.

The Mayor said these employees are to be commended for their service to the City of Gladstone. City Manager Jim Norris advised these awards will be presented to the employees at work by their Department Head and himself.

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



Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

#### **CONSENT AGENDA DETAIL.**

Mayor Pro Tem Bill Reynolds moved to accept **RESOLUTION R-97-1**, authorizing execution of contract with Quality Vending Company, Inc. and Clay County Sanitary and Ditching Service, Inc. for installation of a water line and fire hydrant serving 6850 North Oak Trafficway. (Construction entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

Mayor Pro Tem Bill Reynolds moved to accept **RESOLUTION R-97-3**, authorizing execution of a contract with Miles Excavating, Inc. for the North Troost Water Main Replacement Project. Contract Amount: \$153,308.00; Fund: 1994 Water Bond; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

Mayor Pro Tem Bill Reynolds moved to approve **FINANCIAL REPORTS** for November 1996; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

Mayor Pro Tem Bill Reynolds moved to accept the **1995-1996 CITY OF GLADSTONE ANNUAL AUDIT AND MANAGEMENT LETTER** for year ended June 30, 1996; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda. Communications from the Audience.**

None.

##### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Roger Norris stated he wanted to read an article into the minutes that goes along with the audit presented earlier in study session. This article appeared in the *Dispatch* newspaper:

**"Gladstone gets good report.** Gladstone is a high-performance government, according to Governments in Missouri 1996. The city is in the top 10 percent of governments in use of its financial resources. This is an accomplishment because, of the 8,331 cities and counties studied, only 840 in the United States achieved this level of performance, the report states. 'We did this study to find cities and counties that use their financial resources more than others,' said Greg Michels, president, Municipal Analysis Services Inc., Austin, Texas. 'Gladstone city managers are doing one of the best jobs with the resources they have.'"

Councilman Norris said while that article is small, it is huge. When one is sitting on the City Council and 28,000 people have your phone number, it is very huge. He is very proud of City Manager Norris, his staff, the assistants and everyone that works for the City all the way

down to the guy that mows the grass, because everyone is minding their P's and Q's and keeping the City on track which makes this City Council's job very simple.

City Manager Jim Norris thanked Councilman Roger Norris for his comments. They are appreciated.

Mayor Pro Tem Bill Reynolds extended a welcome to the guests, scouts and leaders that were present in the audience this evening. He was pleased to see everyone out on such a cold night.

Mayor Art Hammen asked what Troop the scouts were representing and if they were present for a particular purpose?

A Scout Leader stated they were Troop #417 and were working on their *Citizenship in the Community* merit badges.

Mayor Art Hammen echoed Councilman Roger Norris comments about the newspaper article on Gladstone. He felt it says a tremendous amount about the ability of the City of Gladstone's staff and employees.

**Item 7a. on the Agenda. Board and Commission Appointment/Reappointments.**

Mayor Art Hammen stated that after a lot of deliberation on the part of the entire Council they were ready to make appointments to the City's Boards and Commissions. Some are reappointments and some are new appointments. Boards and Commissions serve a vital function in the City of Gladstone and there were a large number of applicants this year who were all very well qualified. The Council had the enviable job of sifting through many, many applicants to fill the vacancies. The Boards and Commissions are a very important part of the City's management team and he is privileged to recommend the appointments as listed. Councilman Roger Norris moved for approval; Mayor Pro Tem Bill Reynolds seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) \*\*See Appointment Listing attached to these minutes.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted that he had two items this evening. The first was to advise that the second Hamilton Heights Park Workshop, which was postponed last week due to the bad weather, has been rescheduled for Thursday, January 23<sup>rd</sup>. This Workshop will still be held at St. Charles Catholic Church, Borromeo Hall from 7 pm to 9 pm.

The Manager also advised that the new construction, renovation and replacement of the HVAC system in City Hall are all on schedule. Structural steel is to be delivered Tuesday and then one will be able to see the actual structure outside start to come up.

**Item 9. on the Agenda. RESOLUTION R-97-2,** authorizing acceptance of a Bill of Sale from Affordable Homes and Haines Stowers Construction conveying water main, sanitary sewer main and storm sewer constructed to serve Deer Park Subdivision at 2001 NE 72nd Street to the City for maintenance. (Improvements constructed entirely at developer's expense.)

Mayor Art Hammen noted that because there are only three Councilmembers present this evening, and because he will need to abstain from voting on this Resolution, he would ask for a motion to Table this Resolution to the next City Council Meeting.

Mayor Pro Tem Bill Reynolds moved to Table **Resolution R-97-2** to the January 27, 1997 City Council Meeting; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT** for 3,500 square foot remodeling of existing structure at 7015 North Oak. Applicant: Cash America. (BP #96-037)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the conditions on the Staff Report; Councilman Roger Norris seconded.

Discussion:

Mayor Art Hammen asked if there was anything that staff needed to advise the Council on regarding this Building Permit?

City Manager Jim Norris said no, that the Staff Report says it all.

Mayor Pro Tem Bill Reynolds asked if there was enough parking there to meet City Codes? Director Wingerson said yes.

**Troy Meinhart** stated that he was the general contractor on this project and was present this evening to answer any questions that the Council might have.

Manager Jim Norris asked the Council to look at page two of the Staff Report. Staff faxed this Report to the Applicant last Thursday, January 9, 1997 and drew their attention to item 2. which states that the applicant shall provide: "Color of building, structures and appurtenances shall be compatible with developed properties within one hundred eighty-five (185) feet. To that end, applicant shall provide color photographs of existing structures within one hundred eighty-five (185) feet together with a color elevation of the proposed building colors and demonstrate to the City Council such compatibility. In the event that no consistent pattern of color compatibility emerges the following shall be used..."

City Manager Norris said this is to deal with the new design requirements and the new Development Codes that have been adopted by the City Council. Staff does not have those pictures tonight. Since there are no color photographs here the Council has two options. One, is to request them from the Applicant or two, go ahead and approve the colors that have been submitted by Cash America.

Mr. Meinhart stated that he did have the pictures with him and displayed them to the City Council.

Mayor Art Hammen asked if the Cash America colors were standardized colors for the company?

Mr. Meinhart answered yes. Cash America uses the same logo. It is blue, along with the cumulus gray.

Councilman Roger Norris stated that if these are Cash America's standard colors he has no problem with them.

Manager Jim Norris explained that what staff is trying to get to with all future applicants given the new design standards, is that one of the strong points that was made in the Comprehensive Plan, that is now reflected in the Development Code, deals with aesthetic quality and aesthetic nature in area compatibility. He heard someone say that this area has no strong, overriding aesthetic tones or colors. Long John Silver's is yellow and blue; Jiffy Lube is red and white; and Margarita's is burgundy and brown. Aesthetic quality is something that the Council will have the ability and authority to deal with in the future and to direct colors.

Mayor Art Hammen asked if Long John Silver's building is a greenish gray?

Manager Jim Norris noted, it is gray, blue and yellow.

Mayor Art Hammen suggested that Cash America would be similar then with the blue and the gray.

Mayor Pro Tem Bill Reynolds asked if everything else was in order?

Manager Jim Norris responded, yes.

Councilman Roger Norris asked Director Wingerson if he agreed with the colors?

Scott Wingerson, Director of Planning and Development, answered yes.

The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT** for 1,946 square foot construction of new building at 301 NW Englewood Road for Federal Employees Credit Union. Applicant: HBE Corporation. (File #96-038)

Mayor Pro Tem Bill Reynolds moved to approve the Building Permit subject to the conditions on the Staff Report; Councilman Roger Norris seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked if everything was in order.

Jim Norris, City Manager, answered yes and noted that the applicant agrees with the comments on the Staff Report.

The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 12. on the Agenda. PUBLIC HEARING:** On application for renewal of Special Use Permit for operation of a child care business on property described as 3000 NE 64th Street, Heritage Village. Applicant: Sylvia and Lowell McGinnis for A Child's Garden, Inc. (File #984)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed.

Applicant:

Scott Wingerson, Director of Planning and Development, noted that Mr. and Mrs. McGinnis were both present this evening. He advised that during the Planning Commission hearing the Applicant requested to increase the number of children from 52 to 61. Staff performed an inspection, along with the Public Safety Department, and found some minor corrections that needed to be made and these are reflected in Council's packet. Staff has requested those items be corrected immediately prior to the City issuing an Occupational License.

Director Wingerson said the other point of contention at the Commission Hearing was the length of the Special Use Permit. The Commission voted unanimously for a Five Year Special Use Permit, however there was a good bit of discussion concerning seven and even a ten year issuance. Staff has no opinion one way or the other. They are comfortable with the longest term requested, which is ten years, however they would clearly support a shorter term if the Council would desire to look at this Permit sooner than ten years from now.

Mayor Pro Tem Bill Reynolds noted that the Staff Report lists five items that need to be addressed and asked Director Wingerson if he discussed them with the Applicant?

Director Scott Wingerson stated that he had not personally discussed them with the Applicant but he would be glad to provide a copy. The items are relatively minor having to do with storage in an electrical room, light bulbs, and emergency exits. Staff will work with the Applicant to ensure that those things are corrected immediately if they haven't been done already.

Councilman Roger Norris asked Director Wingerson if he had any indication why the Planning Commission wanted to go with five years and not something longer?

Director Scott Wingerson replied that there were general comments made concerning new businesses. This is a new owner. In one way it is a renewal of the Special Use Permit because "*A Child's Garden*" as a facility has been at that location for some time. However, the current owner is selling to Mr. & Mrs. McGinnis which requires them to reapply as a new application. The general discussion was that this is a brand new Special Use Permit and should have the same limitation that is applied on a brand new business of any category that requires a Special Use Permit. That was the motion of the Commission. There was significant discussion afterwards about the Council possibly looking at extending the length of the permit.

City Manager James Norris noted that part of the reason for the Planning Commission's discussion was that there was knowledge even though the McGinnis' are now purchasing "*A Child's Garden*", that Mrs. McGinnis has managed this day care for over eight years. So it is not a change in operator, it is just a change in ownership. That might be a mitigating factor and Council may want that on the record should they issue the Special Use Permit for longer than five years.

Councilman Roger Norris asked Mrs. McGinnis to give the Council her name and address for the record and answer if what City Manager Norris stated is true.

Sylvia McGinnis, 3000 NE 64<sup>th</sup> Street, stated she has been running the day care since it was opened and has managed it for two and half years already. It is a change of ownership but she has been there since the existing day care opened.

Councilman Roger Norris said nothing else will change.

Sylvia McGinnis answered, that is correct.

Councilman Roger Norris asked Mrs. McGinnis if she will be able to handle from 52 to 61 children?

Sylvia McGinnis stated that the license shows the capacity as 61 children.

Councilman Roger Norris stated that staff came out and did an inspection and asked Mrs. McGinnis if she had seen the five items they had problems with because it is requested that these be fixed within seven days.

Sylvia McGinnis answered she is aware of the five items and they have already been fixed. The electrical room had paint stored in there because they were going to paint last weekend and they did. The paint is now out of there. As far as the light bulbs, that is the Heritage Village maintenance man's responsibility and he has taken care of that.

Councilman Roger Norris asked if she would have a problem if the Council only granted the Special Use Permit for five years? Sylvia McGinnis answered no.

Mayor Pro Tem Bill Reynolds noted that when Heritage Village was first built and the day care center went in, one of the plans was that there would be an in-house relationship between the children and the older adults in residence and asked if they are doing that now.

Sylvia McGinnis answered they are.

Mayor Pro Tem Bill Reynolds asked how it was working?

Sylvia McGinnis said it is great. They do a lot of activities together and just had a program at Christmas for the residents. She said she works with the Heritage Village staff member who plans all the activities for the residents and they plan activities together.

Mayor Art Hammen noted that the Staff Report contained seven recommended conditions and asked if she agrees to them.

Sylvia McGinnis said yes.

There were no other persons to speak in favor of the application.

#### **OPPOSITION**

None.

Councilman Roger Norris noted the Staff Report states that the maximum number of children to be cared for at any one time shall be limited to 52?

City Manager Jim Norris noted that the Ordinance reflects the proper number (61) which is the actual permitted.

There being no additional questions or comments, Mayor Art Hammen closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL NO. 97-1**, granting a Special Use Permit subject to certain conditions to Sylvia and Lowell McGinnis as owners of a "Child's Garden, Inc." for operation of a Child Day Care Center on property at 3000 NE 64th Street. (File #984)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-1** on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked the Council if they were going to consider this as a "new" Special Use Permit and go for five years and remain consistent or alter the length of the permit?

Mayor Pro Tem Bill Reynolds stated that Mrs. McGinnis indicated she was fine with five years. Personally he is okay with ten years because it is a proven place. If Mrs. McGinnis is okay with five, then he is not going to argue.

Mayor Art Hammen suggested, since he was sitting between the two gentlemen why not split the difference and go for seven years? He noted that he understands the comments that normally the Council does not go beyond five years for a "new" permit, but Mrs. McGinnis has been running this day care and the only change in operation is that she will now be the owner and manager instead of just the manager.

Mayor Pro Tem Bill Reynolds stated that he agrees with the Mayor.

Councilman Roger Norris asked, then this Special Use Permit will be for seven years?

Manager Jim Norris stated that needs to be stated in the enacting motion, once Council gets to enactment.

The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-1**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-1 granting a Special Use Permit subject to certain conditions to Sylvia and Lowell McGinnis as owners of a "Child's Garden, Inc. for operation of a Child Day Care Center on property at 3000 NE 64th Street for a period of seven years; and enact the Bill as Ordinance No. 3.567**; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 13. on the Agenda. FIRST READING BILL NO. 96-85,** repealing a portion of Article IV, Chapter 25 of the City Code relating to prohibited signs within the City and enacting in lieu thereof a new article regulating off premises outdoor advertising and billboards. (Tabled from 12/16/96 City Council Meeting).

Councilman Roger Norris moved to place **Bill No. 96-85** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris noted there is only one change that was made from the draft ordinance that they had been given.

Jim Norris, City Manager, explained that this ordinance is in response to changes in the State Law and legal precedents.

Nancy Thompson, City Counselor, noted that the portion of Gladstone's City Code that is being repealed currently prohibits billboards within the City at any location. Ordinances of that type have been interrupted to be unconstitutional as over restrictive to Freedom of Speech. Staff is trying to address some of these concerns by placing some reasonable regulations on billboards which are set forth in the ordinance. These would include: spacing, lighting, size, location, etc. If there are any questions regarding specific issues she would be happy to answer them.

The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 96-85**, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 96-85** and enact it as 3.568; Mayor Pro Tem Bill Reynolds seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 14. on the Agenda. FIRST READING BILL NO. 97-2,** amending Section 21-8 of the City Code by repealing said section and enacting in lieu thereof new City Code provisions designated as Section 21-8 relating to open burning within the City of Gladstone, Missouri.

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-2** on First Reading; Councilman Roger Norris seconded.

Discussion:

Jim Norris, City Manager, explained that this is a housekeeping ordinance that clarifies what the City will and will not allow in terms of open burning. It takes care of a conflict that appeared between our existing code and the Uniform Fire Code and makes things more understandable for everyone involved, including Public Safety, as well as the construction industry as a whole. It is very straight forward.

Mayor Pro Tem Bill Reynolds noted that in the event of a very dry season this will allow the City Manager to ban any outside burning.



The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-2**, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-2** and enact it as 3.569; Councilman Roger Norris seconded. The vote: All "Aye" - Norris, Reynolds, Hammen. (3-0)

**Item 15. on the Agenda. Other Business.**

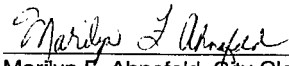
Jim Norris, City Manager, noted that earlier in the evening when the financial achievements and success of the City were discussed, there was one group that was overlooked. This City Council was the Council that set the 20% fund balance policy for the City. Staff merely works within the policies that are set by the Council. So while Mr. Bob Spence of the audit firm of KPMG Peat Marwick was extolling the virtues of how well the City's financial statements read, and how well they were accounted for, it is not appropriate for staff to take all the credit for that. As an ending note to the meeting, he feels it is important for people to understand that policies are set by the Council and staff carries out the policy. It is Council's policy that the City have 20% fund balance in reserve.

**Item 16. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Regular January 13, 1997, City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:16 pm.

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

AGENDA ITEM # 7a.

**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS  
FOR CITY COUNCIL ACTION JANUARY 13, 1997**

**PLANNING COMMISSION**

**TERM EXPIRATION**

Reappointment	Brian J. Hill	December 2000
New Appointment	David K. Reynolds Wendell Kiser	December 2000 December 2000

**CAPITAL IMPROVEMENTS PROGRAM COMMITTEE**

Reappointment	<b>Citizen Member</b> Charles Byrd	December 1999
Reappointment	<b>Citizen Member</b> Pete Hall	December 1999
New Appointment	<b>Citizen Member</b> Patti LeMaster	December 1997(unexpired term)
Reappointment	Planning Comm. Member Edward O'Neill	December 1997
	Planning Comm. Member Les Smith	December 1997
	Parks & Rec. Member David Stanley	December 1997
	Parks & Rec. Member Bobby Thompson	December 1997
	Road District Member Charles Carmack	December 1997
New Appointment	Planning Comm. Member Bill Duncan	December 1997
<b>Chairman</b>	<b>Pete Hall</b>	

**PARKS AND RECREATION ADVISORY BOARD**

Reappointment	Robert (Bobby) Thompson	December 1999
Reappointment	Joyce Wilde	December 1999
New Appointment	Freddie Nichols	December 1997
	Teresa Farley	December 1999
New Appointment	Freshman Student Member Jeff Mendon, Winnetonka High School	

**BOARD OF ZONING ADJUSTMENT**

New Appointment	Joe Evans	June 2001
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**UNIFORM CODES BOARD OF APPEALS**

Reappointment	Rick Washer	December 1999
<b>Chairman</b>	<b>Charles Logan</b>	

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment	Richard Conn	December 2002
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**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS  
FOR CITY COUNCIL ACTION JANUARY 13, 1997**

**CABLE TV ADVISORY COMMITTEE**

**TERM EXPIRATION**

New Appointment      Paul Degenhardt

December 1999

**GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE**

Reappointment      Norman Gould  
David LeMaster

December 1999  
December 1999

New Appointment      Jim Groves  
Peter Corte

December 1999  
December 1998

**Chairman**              David LeMaster

**NEXT ORDINANCE NO. 3.570**

**GLADSTONE, MISSOURI**

**MONDAY, JANUARY 27, 1997**

**OPEN STUDY SESSION: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Special Tuesday, December 31, 1996 and Regular January 13, 1997 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating February as "YouthFriends Month" in the City of Gladstone, Missouri. Sponsor: North Kansas City School District
5. **CONSENT AGENDA**

**RESOLUTION R-97-4,** accepting Bill of Sale from K.C.R.E. Land, LLC and Bowden Contracting Company, Inc. conveying storm sewer constructed to serve development at 100 NW Englewood Road to the City for maintenance. (Improvements constructed entirely at developer's expense.)

**RESOLUTION R-97-5,** accepting Bill of Sale from K.C.R.E. Land, LLC and Havens Construction Company conveying water line, fire hydrants and sanitary sewer serving development at 100 NW Englewood Road to the City for maintenance. (Improvements constructed entirely at developer's expense.)

**RESOLUTION R-97-6,** authorizing acceptance of work under the Beemer Construction Company South Central Water Line construction contract. Grand Total Contract Amount: \$415,586.32; Final Payment Due: \$41,812.99 (Project #9413C)

**RESOLUTION R-97-7,** authorizing the City Manager to execute an Antenna Site Lease at the Water Treatment Plant with CMT Partners dba Cellular One.

**APPROVAL OF LIQUOR LICENSE:** 6 day Liquor By Drink License for New Owner of Uncle Nebo's, 7104 N Oak. New Owner/Managing Officer: David P. Tipton.

**APPROVAL OF BUILDING PERMIT** for antenna installation at the Linden Water Tower, 480 NE 71st Street. Applicant: Communications Equipment Specialists, Inc. for Sprint Spectrum L.P. (BP #96-027)

**APPROVAL OF BUILDING PERMIT** for antenna installation at Linden Water Tower, 480 NE 71st Street. Applicant: Fluor Daniel Telecom for APT. (BP #96-036)

**NEXT ORDINANCE NO. 3.570**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for construction of new monopole antenna to replace existing monopole antenna at Gladstone Water Treatment Plant, 913 W 44th Terrace. Applicant: Fluor Daniel Telecom for APT (BP# 028)
10. **RESOLUTION R-97-2**, authorizing acceptance of a Bill of Sale from Affordable Homes and Haines Stowers Construction conveying water main, sanitary sewer main and storm sewer constructed to serve Deer Park Subdivision at 2001 NE 72nd Street to the City for maintenance. (Improvements constructed entirely at developer's expense.
11. **PUBLIC HEARING:** On a request for a Special Use Permit to operate a child care business from residential property at 6310 N Agnes Circle. Applicant/owner: Kathy Bracken (File #985) **AUDIENCE NOTE: ALTHOUGH ADVERTISED FOR THE JANUARY 27, 1997 CITY COUNCIL MEETING, THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, FEBRUARY 10, 1997 CITY COUNCIL MEETING AT WHICH TIME THE PLANNING COMMISSION'S RECOMMENDATION WILL BE AVAILABLE.**
12. **FIRST READING BILL 97-3**, accepting a Temporary Construction Easement and Standard Easements from property owners in conjunction with 1209 NE 65th Street. Drainage Improvements. (Project #9614)
13. **FIRST READING BILL 97-4**, accepting Temporary Construction Easement from property owners for the North Grand Street Improvement Project. (Project #9115)
14. **FIRST READING BILL 97-5**, accepting Temporary Construction Easements from property owners in conjunction with Shady Lane Street Reconstruction Project. (Project #9108)
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JANUARY 27, 1997**

Mayor Art Hammen called the Regular January 27, 1997 City Council Meeting to order in the City Council Chambers at 7:32 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Special Tuesday, December 31, 1996 and Regular January 13, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Special Tuesday, December 31, 1996 City Council Minutes as written; Councilman Roger Norris seconded. The vote: "Aye" - Nodler, Norris, Newsom, Reynolds. "Abstain" - Reynolds. (4-0-1)

Mayor Pro Tem Bill Reynolds moved to approve the regular January 13, 1997 City Council Minutes as written; Councilman Roger Norris seconded. The vote: "Aye" - Norris, Reynolds, Hammen. "Abstain" - Nodler, Newsom. (3-0-2)

#### **Item 4a. on the Agenda. PROCLAMATION.**

Mayor Art Hammen read a proclamation designating February as "YouthFriends Month" in the City of Gladstone, Missouri. Sponsor: North Kansas City School District.

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **CONSENT AGENDA DETAIL.**

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-4**, accepting Bill of Sale from K.C.R.E. Land, LLC and Bowden Contracting Company, Inc. conveying storm sewer constructed to serve development at 100 NW Englewood Road to the City for maintenance. (Improvements constructed entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-5**, accepting Bill of Sale from K.C.R.E. Land, LLC and Havens Construction Company conveying water line, fire hydrants and sanitary sewer serving development at 100 NW Englewood Road to the City for maintenance. (Improvements constructed entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-6**, authorizing acceptance of work under the Beemer Construction Company South Central Water Line construction contract. Grand Total Contract Amount: \$415,586.32; Final Payment Due: \$41,812.99 (Project #9413C); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-7**, authorizing the City Manager to execute an Antenna Site Lease at the Water Treatment Plant with CMT Partners dba Cellular One; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to approve a **LIQUOR LICENSE** for a Six Day Liquor By Drink License for New Owner of Uncle Nebo's, 7104 North Oak. New Owner/Managing Officer: David P. Tipton; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to approve a **BUILDING PERMIT** for antenna installation at the Linden Water Tower, 480 NE 71st Street. Applicant: Communications Equipment Specialists, Inc. for Sprint Spectrum L.P. (BP #96-027); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to approve **BUILDING PERMIT** for antenna installation at Linden Water Tower, 480 NE 71st Street. Applicant: Fluor Daniel Telecom for APT. (BP #96-036); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **REGULAR AGENDA**

**Item 6. on the Agenda.** Communications from the Audience.

None.

**Item 7. on the Agenda.**    **Communications from the City Council.**

Mayor Pro Tem Bill Reynolds noted that Mr. David Tipton, the new owner of Uncle Nebo's, was in the audience and that everyone wished him well and good luck.

Councilman Anita Newsom asked, since City Hall is being renovated, can money be found in the budget to purchase new flags for the City Council Chambers that exhibit more pride in our country? The current ones have bent poles and mismatched bases.

City Manager Jim Norris stated that staff agrees. A committee has been put together to look at those things along with wall hangings and other types of nuances to finalize the project. The carpet and tile in the Council Chambers will all be replaced and it can be done at that time.

Mayor Art Hammen welcomed boy scout David Meyer and his dad who were present in the audience this evening. David is from Troop #247 and is working on his *Citizenship In The Community* Merit Badge.

**Item 8. on the Agenda.**    **Communications from the City Manager.**

City Manager Jim Norris noted that City crews were working hard on snow removal. A ten men crew has been working since 5:00 am and will stop at midnight when a fresh crew of nine will come in and should have Gladstone streets in good shape before the morning rush hour traffic begins. The policy has always been that street will be cleared 24 hours after the snow stops, which was about 1:15 pm this afternoon.

**Item 9. on the Agenda.**    **APPROVAL OF BUILDING PERMIT** for construction of new monopole antenna to replace existing monopole antenna at Gladstone Water Treatment Plant, 913 West 44th Terrace.    Applicant: Fluor Daniel Telecom for APT (BP# 028)

Councilman Roger Norris moved to approve the Building Permit; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris stated he understands that an old pole is coming down and a new pole is going up. Has this been pending for awhile?

City Manager Jim Norris answered yes. This is a part of the lease that was on the Council's Consent Agenda tonight. What has happened is Cellular One and APT have reached an agreement whereby Cellular One's existing pole will come down. It was only structurally built to handle one carrier and they are going to put one up that is structurally designed to carry more than one carrier.

City Counselor Nancy Thompson noted that the City will also be entitled to put up some whip antennas on the tower being built by APT so that tower will also serve municipal purposes as well as the commercial purposes for APT and Cellular One so there is some benefit to the City as well.



Councilman Roger Norris asked if this will end the "dead spots" the City has?

City Manager Jim Norris answered, probably not, it would have to be looked at further. On all these leases the City has tried to get the provision that municipal facilities can be erected on the poles and they can't be in conflict with any municipal facility that might be at some future time; such as the Countywide Radio System that is being worked on. Even during the Countywide Radio System evaluation, when the consultant report came in, it was noted that the Old Pike area is still one of the "dead spots" that they saw when they did their analysis. It is something that can only be dealt with by putting something right in that area with a repeater. If this is an 800 megahertz trunk system or 800 megahertz conventional, it may not deal with that dead spot through plain whip antennas. It may have to be a full repeater and then we would have to see if the technology would fit on the pole and so forth. The City wants to have the opportunity to place antennas on the pole should we need to do so.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10. on the Agenda. RESOLUTION R-97-2**, authorizing acceptance of a Bill of Sale from Affordable Homes and Haines Stowers Construction conveying water main, sanitary sewer main and storm sewer constructed to serve Deer Park Subdivision at 2001 NE 72nd Street to the City for maintenance. (Improvements constructed entirely at developer's expense.

Councilman George Nodler moved to adopt **RESOLUTION R-97-2**, Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes, everything is in order.

Mayor Art Hammen noted that since he has a financial interest in one of these companies he will be abstaining from this vote.

The vote: "Aye" - Nodler, Norris, Newsom, Reynolds. "Abstain" - Hammen. (4-0-1)

**Item 11. on the Agenda. PUBLIC HEARING:** On a request for a Special Use Permit to operate a child care business from residential property at 6310 North Agnes Circle. Applicant/owner: Kathy Bracken (File #985)

Mayor Art Hammen opened the Public Hearing and immediately continued it to the Monday, February 10, 1997 City Council meeting at which time the Planning Commission recommendation will be available.

**Item 12. on the Agenda. FIRST READING BILL NO. 97-3**, accepting a Temporary Construction Easement and Standard Easements from property owners in conjunction with 1209 NE 65th Street Drainage Improvements. (Project #9614)

Councilman Roger Norris moved to place **Bill No. 97-3** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes. The City still needs one more easement for this particular project.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-3**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-3** and enact it as Ordinance No. 3.570; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13, on the Agenda. FIRST READING BILL NO. 97-4**, accepting Temporary Construction Easement from property owners for the North Grand Street Improvement Project. (Project #9115)

Councilman Roger Norris moved to place **Bill No. 97-4** on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked if everything was okay?

City Manager Jim Norris noted that this easement is for the 57<sup>th</sup> Street, Grand and Walnut project. The City now only needs three more easements which are all from one property owner.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-4**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-4** and enact it as Ordinance No. 3.571; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 14, on the Agenda. FIRST READING BILL NO. 97-5**, accepting Temporary Construction Easements from property owners in conjunction with Shady Lane Street Reconstruction Project. (Project #9108)

Councilman Roger Norris moved to place **Bill No. 97-5** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked how many easements does the City now has on this project?

City Manager Jim Norris explained that the City had gotten this easement before, but before it was recorded the property had been sold so this is the easement from the new property owner. The City is still minus the easement at Shady Lane and Flora where the City is pretty certain they will need to go into condemnation.

Councilman Roger Norris asked what the construction time table is?

City Manager Jim Norris answered that if the courts work with the City we are still looking at this spring for construction.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-5**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-5** and enact it as Ordinance No. 3.572; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 15. on the Agenda. Other Business.**

Director Steve Buschor cordially invited the City Council to take a tour through the new City Hall addition now under construction and said he would be happy to answer any questions.

City Manager Jim Norris also invited the City Council to drop by the Community Building and view that renovation. All the work has been done, with the exception of the final window work, by City employees. It is fantastic and has made a world of difference.

City Clerk Marilyn Ahnefeld reminded everyone to vote on Tuesday, February 4<sup>th</sup>.

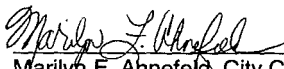
City Manager Jim Norris announced that the Board and Commission dinner which has been set for Friday, March 7<sup>th</sup> will be held at the Embassy Suites at KCI. Formal invitations will be going out shortly.

**Item 16. on the Agenda. Questions from the News Media.**

None.

There being no further business to come before the Regular January 27, 1997 City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 7:51 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

**NEXT ORDINANCE NO. 3.573**

**GLADSTONE, MISSOURI**

**MONDAY, FEBRUARY 10, 1997**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow  
adjournment of Regular Meeting pursuant to  
Missouri Open Meeting Act Exemption Section 610-021(2)  
for Land Acquisition and 610.021(3) for Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular January 27, 1997 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF BOARD AND COMMISSION SERVICE AWARDS:**

Linda Banes, Planning Commission, January 1993 - December 1996

Bob McClellan, Planning Commission, May 1994 - December 1996

Donald McLaughlin, Board of Zoning Adjustment, July 1989 - December 1996

Tom Clayton, Parks & Recreation Advisory Committee, January 1992 - December 1996

Larry Johnson, Parks & Recreation Advisory Committee, January 1991 - December 1996

Thomas Howell, Cable TV Advisory Board, January 1996 - December 1996

Carolyn Cummins, Recycling & Solid Waste Committee, January 1993 - December 1996

Susan Piburn, Recycling & Solid Waste Committee, January 1990 - December 1996

**5. CONSENT AGENDA**

**RESOLUTION R-97-8,** authorizing execution of a contract with Charter Funerals of Missouri L.L.C. and Central Plumbing Heating and A/C, Inc. for installation of water line and fire hydrants serving 77 NE 72nd Street. (Construction entirely at developer's expense.)

**RESOLUTION R-97-9,** authorizing execution of a contract with R.J.F Contracting, Inc. for painting the Gladstone Municipal Pools and adjacent mechanical room areas. Total Contract Amount: \$23,652.00; Fund: Municipal Swimming Pool

## **NEXT ORDINANCE 3.573**

### **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** On a request for a Special Use Permit to operate a child care business from residential property at 6310 N Agnes Circle. Applicant/owner: Kathy Bracken (File #985).
- 9a. **FIRST READING BILL 97-6,** approving a Special Use Permit subject to certain conditions to Kathy Bracken for operation of a Child Care Center on residential property at 6310 N Agnes Circle. (File #985)
10. **FIRST READING BILL 97-7,** amending Section 25-44(B) of the Gladstone Municipal Code to prohibit Political Ground Signs on Public Property and providing for certain exceptions.
11. **FIRST READING BILL 97-8,** declaring the results of the Gladstone Primary Election held on Tuesday, February 4, 1997, as certified by the Clay County Board of Election Commissioners; and declaring the names of the candidates to appear on the Tuesday, April 1, 1997 General Election Ballot. Primary Election Results: Candidates Art Hammen (2,019); Roger Norris (2,691); Glenn J. Kesse (695); Jeffery Preece (701); John Worley (1,108).
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 10, 1997**

Mayor Art Hammen called the Regular February 10, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk Sondra A. Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen noted they were privileged to have two groups present at tonight's City Council Meeting. There are several members from Boy Scout Troop 247 who are working on their *Citizenship & Community Badge* and three members from Girl Scout Troop 1447 who are working on their *Interest Project Patch*. Mayor Hammen invited all of the Troop members to come forward and lead the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular February 10, 1997 City Council Meeting Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the regular January 27, 1997 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

#### **Item 4a. on the Agenda. PRESENTATION OF BOARD AND COMMISSION SERVICE AWARDS:**

Mayor Art Hammen noted it was his privilege on behalf of the entire City Council to recognize eight outstanding citizens from our community who have been serving on various boards and commissions.

Linda Banes, Planning Commission, January 1993 - December 1996

Bob McClellan, Planning Commission, May 1994 - December 1996

Donald McLaughlin, Board of Zoning Adjustment, July 1989 - December 1996

Tom Clayton, Parks & Recreation Advisory Committee, January 1992 - December 1996

Larry Johnson, Parks & Recreation Advisory Committee, January 1991 - December 1996

Thomas Howell, Cable TV Advisory Board, January 1996 - December 1996

Carolyn Cummins, Recycling & Solid Waste Committee, January 1993 - December 1996

Susan Piburn, Recycling & Solid Waste Committee, January 1990 - December 1996

Mayor Art Hammen read one of the plaques so the audience would know what these individuals would be receiving. These are certificates of services. *"Presented to Linda Banes in recognition of her service and achievements in the betterment of our City and her outstanding contribution as a member of the Planning Commission January 1993 through December 1996. Presented by the Mayor and City Council of the City of Gladstone."* If anyone knows any of these individuals please congratulate them and thank them for their service to our City.

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

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. Councilman Anita Newsom asked if there was some sort of penalty in case the work was not completed in time for the pool to open? Director Steve Buschor stated it would be included in the contract document. Mayor Pro Tem Bill Reynolds noted that this project came in five percent under bid, so congratulations. City Manager Jim Norris stated that this was bid last fall and the bid was \$62,000 and it was rebid in the winter and the bid dropped to \$23,000. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)



## **CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **RESOLUTION R-97-8**, authorizing execution of a contract with Charter Funerals of Missouri L.L.C. and Central Plumbing Heating and A/C, Inc. for installation of water line and fire hydrants serving 77 NE 72nd Street. (Construction entirely at developer's expense); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-9**, authorizing execution of a contract with RJF Contracting, Inc. for painting the Gladstone Municipal Pools and adjacent mechanical room areas. Total Contract Amount: \$23,652.00; Fund: Municipal Swimming Pool; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom noted that traveling about the school district this last week she has received accolades for snow removal. She also stated that she has received comments from two residents in the Old Pike area who are very concerned about mud being tracked on the roads from the Home Depot site. Considering the freezing and thawing the City has experienced this mud can make the roads treacherous.

City Manager Jim Norris stated that staff is checking this on a daily basis. It is a constant battle. Not that the contractor isn't being responsible, it is the sheer volume and the amount of what they are doing that may cause this to be a problem. The contractor has agreed to clean the roads twice a day and they started that today.

\* \* \* \* \*

Mayor Art Hammen noted that he had talked to Deputy City Clerk, Sondra Kasserman, late last week about what looked like maybe a water leak in 72<sup>nd</sup> Street, about a half block east of Euclid. Staff decided that it was a vault that belonged to Kansas City Power and Light that was full of water, what is the status?

Deputy City Clerk Sondra Kasserman stated that KCP&L was called again today by Street Foreman John McConachie who again asked them to come and remove the water from their vault. KCP&L has not responded to that request as of yet.

City Manager Jim Norris stated that staff has tested the water for chlorine and it does not show any chlorine residual in it, but that doesn't mean that the water might not

ultimately be ours from a break. In the past staff has found springs on the other side of the hill that could be contributing to the water. KCP&L does have a vault in the area and if that vault has water in it that can be where the water is coming from.

Mayor Art Hammen stated his reason for bringing it up is that every morning the water on the road freezes over and it is a slick spot where someone could have an accident.

City Manager Jim Norris stated that our crews are salting it each day. There is not much staff can do until KCP&L comes out and checks their vault.

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris stated he had six very short items. The first is to announce that the Assessment Center for a new Director of Finance has been set for Tuesday, March 4<sup>th</sup> and he asked for a Council representative to be involved that day in the selection process. It looks like only four people will be brought in and the Councilmember should only be needed a half day. There will be an evening reception for Council to get to know the candidates.

Mayor Art Hammen stated Council would get together and let the City Manager know their decision.

City Manager Jim Norris announced that the Annual Report of City Services has been completed and is at the Council's place this evening. This represents highlights of all the departments efforts this past year. None of which would be complete without discussing the October snow storm and the ensuing limb removal that occurred. There was over 2,000 hours of overtime and over \$60,000 in disposal costs. This storm cost the City well over \$110,000. It was nice to know that Gladstone had their clean up done by Christmas, seeing that some communities are still working on their cleanup. It makes for interesting reading and copies are available for interested persons.

City Manager Jim Norris announced that Gladstone City Hall would be closed on Monday, February 17, 1997 for President's Day.

City Manager Jim Norris noted that every couple of years, the University Extension Council of Clay County requests a nomination from the Mayor and City Council for a Gladstone resident to serve on that body. If the Council has potential nominees please talk to the Mayor about who might be a good representative for the City for that position and staff will put it on a future agenda.

City Manager Jim Norris stated that he was requesting a motion from the City Council to direct staff to proceed with drafting of the Preliminary Official Statement for a Leasehold Revenue Bond issue as discussed in Study Session.

Councilman Roger Norris moved to proceed with the preliminary official statement for a Leasehold Revenue Bond issue in the approximate amount of \$1,101,000.00 related to City Hall improvements; Mayor Pro Tem Bill Reynolds seconded.

**Discussion:**

Mayor Pro Tem Bill Reynolds commended the total staff and the work they have done on this issue. He believes it is a good move for the City.

Councilman Anita Newsom stated that anytime they can respond to the citizens wishes, desires, needs and do it in a fiscally prudent fashion she thinks it is that much better for everybody and the taxpayers dollars.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

City Manager Jim Norris stated that the previously publicized Closed Session scheduled for after this evenings Council Meeting is no longer necessary and is canceled.

**Item 9. on the Agenda.** **PUBLIC HEARING:** On a request for a Special Use Permit to operate a child care business from residential property at 6310 North Agnes Circle. Applicant/owner: Kathy Bracken (File #985).

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

**Applicant:**

**Kathy Bracken, 6310 N. Agnes Circle,** stated she is trying to get a licensed Day Care for her home for ten children. Two children will be under the age of two and the rest will be above the age of two. She has had a Day Care in her home now since May 1996. She now cares for three children that are all part-time children. She has had a request from the Planning Commission to have a six foot privacy fence installed. Right now the ground is frozen so they can't dig the holes for the posts to put the fence in, but as soon as they are able to do that they will. The State has been out and inspected her home and it has passed their inspection. The Gladstone Fire Marshall has also been out and she passed their inspection. She has sent to the State of Missouri for her child abuse and neglect screening and all members of her household have passed. She is certified in infant and child CPR. She has taken nine hours of child care classes through the YMCA. She is willing to do anything that is recommended of her to be able to get this Special Use Permit. She would be happy to answer any of Council's questions.

Mayor Pro Tem Bill Reynolds asked if she had received her license from the State?

Mrs. Bracken answered she has been approved by the State pending the City's Special Use Permit. Her agent is Debbie Harris. Before the State will give her the license she has to have the Special Use Permit through the City of Gladstone.

Mayor Pro Tem Bill Reynolds asked if there were any items other than the Special Use Permit that the State required?

Mrs. Bracken answered that the State was requiring the fencing around the trough area. The State realizes that due to the frozen ground the fencing cannot be put up now.

Mayor Pro Tem Bill Reynolds asked, two different fences are then being talked about, one around the yard and one around the trough area?

Mrs. Bracken stated yes. Off the back of the house there is a room addition that was built before they purchased the house. The backyard was dug into and they now have water sitting in that ditch laying right up on the house, so they have built a two to three foot retaining wall around that, laid a French drain, filled it in with gravel and dirt and put in grass so now they have a backyard instead of swamp land. They have been asked by the State to put fencing around that trough area. Since they did not know what the State would require they waited for the State inspection and the State wants them to put up a fence that is at least 32" high to keep the children out. They have agreed to do that as soon as the ground allows. She would be happy to answer any Council questions.

**In Favor:**

**Dave Bracken, 6310 N. Agnes Circle**, stated he is Kathy Bracken's husband. He supports her thoroughly in what she is trying to do. He is doing the construction in the home, landscaping in the backyard and fence work to meet State requirements so he can help his wife obtain this business the best that he can. He would be happy to answer any questions the Council has.

Councilman Roger Norris asked Mr. Bracken if he had any problems doing what the State required?

Mr. Bracken answered that he has had no problem at all. Kathy relays whatever the State requires and he complies with it by getting it done.

Mayor Pro Tem Bill Reynolds asked if they have any animals at this time?

Mr. Bracken answered they have one cat.

Councilman Anita Newsom wanted to clarify that the children would be dropped off at the driveway and the child care facility is in the basement area of the home.

Mrs. Bracken replied yes.

Councilman Anita Newsom asked if they had a walk-out basement? Is the area accessible from an outside entrance or does one have to go through the main part of the house?

Mrs. Bracken answered they can go directly into the room where the day care facility is located.

Councilman Anita Newsom asked if this was a walk-out basement or a buried basement?

Mr. Bracken answered it was a walk-out basement.

**In Opposition:**

**Tom Coffee, 6311 N. Kansas**, stated he lives right next door to David and Kathy and he has nothing against them at all, but he doesn't think he needs a day care center next door to his home or even in the neighborhood. There is one right across the street west of him and he doesn't feel they need another one.

**Marjorie Barnes, 6314 N. Agnes Circle**, stated she lives right next door to these people. She stated she did not understand what was said about a privacy fence. Could someone tell her what was said?

Mayor Art Hammen stated they indicated they were going to erect a six foot privacy fence along the north property line.

Ms. Barnes asked if that was only along the north property line?

Mayor Art Hammen stated that was his understanding.

Ms. Barnes stated that they were also talking about the drainage problem. What Mr. Bracken did was put in a pipe and run it toward her lot. The other day after the big snow she saw Mrs. Bracken digging around so that the water would come on over to her property. The water does not seep out into the ground it runs on down onto her property. She is up here tonight to try and protect the value of her property. Anyone she has talked to who lived next door to a day care center said when trying to sell their home, the potential buyers will "run like a turkey". It is ten children. Are they going to play in this little fenced off back yard? Is that the play area? Someone came out and did an inspection the other night.

Mayor Art Hammen stated that City staff will answer that question when they make their presentation.

Ms. Barnes stated it is a very small area for ten children. There will be a lot of noise and confusion. She has a petition that some of people she has known for years have

signed who were not able to be here tonight and they would like to oppose the day care.

Mayor Art Hammen asked Ms. Barnes to bring the petition up to the Council table, which she did.

Ms. Barnes asked if the Bracken's would actually put up a privacy fence? Is this a promise or is this written in blood or what?

Mayor Art Hammen explained it would be a requirement of the Special Use Permit.

Ms. Barnes stated, it would then be a requirement. The play area is about ten feet away from her back door. There is going to be a lot of noise. That is mainly what she is objecting to. She understands that the children do not have to play in a fenced area, that they are free to roam around, is that true?

Mayor Art Hammen stated he would defer that question to staff comments as he was not sure he knew the correct answer.

Ms. Barnes stated she has not been able to find out either.

Mayor Art Hammen stated staff would get an answer for her.

**Staff:**

Scott Wingerson, Director of Planning and Development, stated he would first respond to the questions asked by Ms. Barnes. "Is the fence required by the State?" 99% of the time the fence is required by the State. There is a provision to allow the actual inspectors for the State to waive that requirement in very specific and certain circumstances. Item number nine in the draft ordinance states, "All play areas shall be enclosed by a fence not less than 36 inches in height, equipped with latching devices and maintained at all times." The second sentence in item nine states, "Along the north property line, a six foot wood privacy fence shall be installed."

The second question was would the children have to be confined to the fenced in area to play?

Mr. Wingerson stated that item nine of the conditions of the ordinance answered both of those questions. The first sentence requires a completely enclosed play area and the second sentence requires a six foot privacy fence on the north property line.

Mayor Art Hammen asked if that implies that the children being cared for would have to be confined to that area?

Mr. Wingerson answered, yes sir. The generalities are: Mrs. Bracken has requested a home based day care for ten children at 6310 North Agnes. To advise the Council, the Planning Commission made a motion to recommend approval and that motion was voted three "yes" and seven "no". That motion failed.

Mr. Wingerson explained a little bit about the area. It is surrounded by single family homes as the Council has heard tonight. The Fire Division had no comments on this particular application. Ingress and egress, as was alluded to, is via a driveway on 63<sup>rd</sup> Terrace. The Traffic Division had no objection to the request. As can be seen in the draft ordinance and the Staff Report, some thirteen conditions were reflected. Most of those are typical conditions other than number nine which has been talked about already. The ordinance sets out the number of children as ten. The hours of operation are from 6:00 am to 6:00 pm and the prohibition of transferability of the Special Use Permit. Staff is recommending approval of the request and he would be glad to try and answer any questions.

Councilman Roger Norris noted that Mr. Coffee alluded to another day care center being across the street. Are they referring to Heritage Village or is there one on that street already?

Mr. Wingerson answered that he is not aware of one on the same street as this request. Heritage Village came before the Council for a Special Use Permit a very short time ago. If there is one across the street from Mr. Coffee and they are caring for more than four children staff would like to know about it and they would check it out.

City Manager Jim Norris stated that definitionally it is important for both the audience and Council to remember that four children or less does not require a Special Use Permit or licensing from the State. It is when you get over four to ten that it then becomes a Day Care Home. A Day Care Center is a category of over ten children. Council's policy on Day Care Center is that it would typically require a rezoning unless it was already a commercially zoned location.

Mayor Art Hammen asked, so ten children can be cared for in the Home License and over ten is the Center License?

City Manager Jim Norris answered, right.

Mayor Art Hammen asked if this was the six to ten category?

City Manager Jim Norris explained this request is the over four to ten category. Notwithstanding children of the provider. It is up to ten plus the applicant's children.

Councilman Anita Newsom noted there are two areas of the yard that appear to be fenced in. One she would imagine is designated as the play area, the other is an area which surrounds what appears to be a shed on a concrete pad.

Director Scott Wingerson replied that the area that is enclosed by chain link fence around the shed on concrete was formerly used as a dog run. The other fenced in area, to the east, is the play area for the children.

Councilman Anita Newsom asked if the play area for the children meets the State requirements for square footage for that number of children?

Director Scott Wingerson answered, yes it does.

Councilman Roger Norris asked if staff knows if the State is just waiting for the City to make the Special Use Permit available?

Director Scott Wingerson answered that he does not know specifically if that is a true statement from the applicant tonight, however that is extremely typical from the State when a Special Use comes through. The Bracken's have already met or exceeded the requirements of the State and the last thing they have to do is come visit with staff and go through the commissioning process.

Councilman Roger Norris noted that it seems like each time the Council looks at one of these Special Use Permits the applicant is saying that their State License is contingent upon the Special Use Permit and the City is saying that the Special Use Permit is contingent upon whether or not the applicant remains and stays licensed by the State. If anything happens with the State License does it automatically null and void our Special Use Permit and any violations of the eleven conditions automatically violates our Special Use Permit?

City Manager Jim Norris explained it doesn't automatically revoke, there would have to be a re-hearing before the Council. It is just like any other Special Use, based upon the length the Council puts on the permit. For any causal violation, the Council can re-hear it and revoke the Special Use Permit at any time if there is a complaint, and it is founded, the Council can conduct a hearing and consider revocation or not.

City Counselor Nancy Thompson concurred except with respect of the requirement for the License from the State. If Mrs. Bracken fails to maintain a License from the State suspension is automatic pursuant to item number one.

Councilman Roger Norris asked, if the City were to receive a complaint during the probationary period of a year, two, three or whatever; or at any time during that Special Use Permit, and if the City's investigators found there to be grounds for that problem, then can the Council can hold another hearing?

City Manager Jim Norris explained that if the Council receives a complaint and the Council wants to conduct a hearing on the complaint that can be done. The complaint needs to relate to the conditions on the Special Use Permit for it to be the Council's purview. And any other thing that would be the general health, safety, welfare under the zoning ordinance. Noise, traffic safety, those type of things. Those are typical



conditions that are not listed specifically in the ordinance because those are always within the Council's legislative authority to deal with.

Mayor Pro Tem Bill Reynolds stated it appears that in the last two or three years the Council has had six to eight Special Use Permits of this category. He asked if the City recalled receiving any complaints on this type of permit?

City Manager Jim Norris stated that the City has not had any complaints on any existing Special Use Permit locations for Day Cares that he can remember. He asked Director Wingerson if he knew of any complaints received by the City?

Director Scott Wingerson replied that he had not received any complaints in the two years that he has been here.

City Manager Jim Norris stated that the City has more than twelve to thirteen Day Cares in operation now, and the Council has not revoked any and has only denied two. Those two were denied for very specific land use reasons, traffic safety and others.

Councilman Roger Norris asked City Manager Norris, based on the Planning Commission minutes, Staff Report and what Council has heard this evening, do you see any reason to deny this Special Use Permit?

City Manager Jim Norris stated that was a question he would be happy to respond to, but would better be answered under the ordinance discussion.

There being no further comments Mayor Art Hammen closed the Public Hearing.

**Item 9a. on the Agenda.** FIRST READING BILL NO. 97-6, approving a Special Use Permit subject to certain conditions to Kathy Bracken for operation of a Child Care Center on residential property at 6310 North Agnes Circle. (File #985)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-6** on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked Mr. Coffee if the Day Care Center that he mentioned is the one across from him on Antioch Road?

Mr. Coffee stated it was right across the street from him on Kansas.

Mayor Pro Tem Bill Reynolds asked if they watched four or less children?

Mr. Coffee stated he did not know.

City Manager Jim Norris stated that he is aware of a person that operates a baby-sitting service in that vicinity, but the house is right on the corner. He asked Mr. Coffee if it was the corner house?

Mr. Coffee stated yes.

City Manager Jim Norris stated he believes they watch under four children, but staff will check it out to make sure they watch no more than four children.

City Manager Jim Norris stated he would now answer Councilman Roger Norris' question by giving the Council background history. Back in 1993 when the Council considered the Comprehensive Plan there was a large discussion and debate including Public Hearing's on the issue of Day Care and Child Care and how this community was going to react to it. It was apparent and obvious that the demand for Day Care and Child Care in this community and others, was rapidly growing. Society today is not just a single wage earner society it's transformed in many instances to a two wage earner family. At that time the Council saw a variety of options: commercial day care centers, church provided centers, home day care centers and all sorts of derivatives in-between. All of them have a place in the Comprehensive Plan. There was a very conscious decision at that time to allow home day care, with provisions of State Licensing met, with the issue of fencing met, through a Special Use Permit. The Council also made a decision at that time that two years would be the preliminary length of the license and they would be denied if there were specific land use reasons such as traffic. In his recollection he can remember two being turned down. One was on Englewood Road, close to Flora, where there is extremely high traffic volume and they did not have any room in their driveway to park anything other than one single car stacked so that meant people dropping children on or off would actually be trying to park on Englewood Road or on Flora. That Special Use Permit was denied. The other one was in the vicinity of 67<sup>th</sup>/68<sup>th</sup> and Broadway, right at the peak of the Broadway hill. Again, it became a volume of traffic/traffic safety concern. That one was initially denied. They came back later and had added a driveway and a turnaround in their driveway to deal with that land use safety issue.

The Council, on a Special Use Permit, has extremely broad legislative prerogative. There is not a precedent in terms of Special Use as to what the Council has done. The Council may have a policy they have articulated in some manner, but they really have broad legislative discretion. Based on neighbors concern and based upon land use issues the Council does have the prerogative to turn a Special Use Permit down. At the same time, if the Council is asking him, based upon the ones the Council has dealt with in the past whether or not he would recommend them to turn this one down or not, the answer is no. He would recommend that Council approve it even though that flies in the face of the Planning Commission. There are many new Planning Commissioners who were not here during the time of the Comprehensive Plan and may have not even had the chance to read it, review it and look at it to see that is the City's and Council's policy on Home Day Care and Day Care in general. He would say that the two year Special Use Permit is appropriate. As the Council may recall, we had eight or nine

come through in the matter of two or three months, and Council was very good at saying to the applicant right then, do not void any of these conditions or have any problems or we will be back to visit you and we would have no problem revoking your Special Use Permit. There was one request where there was a packed house. It comes down to: do you want your children in a commercialized center on a highly traveled street or do you want them in a home in a neighborhood for that care. Assuming that the applicant has done everything that the applicant needs to do to satisfy the State's concerns. The State's concerns don't deal as much with the land use, they deal with the safety of the child, the qualifications of the applicant and the safety of the structure itself.

He hopes that gives the Council more information on the history and thought process that City staff has used, the Comprehensive Plan holds, and that the Council has used in making decisions in the past. As the Council, you have the broad legislative authority to say "no" if you desire or add conditions to this ordinance to make it even more strict, more severe as far as hours, number of children, any regulations that Council feels are necessary or appropriate in the circumstances to address any concerns that have been raised.

Councilman Anita Newsom stated that a person is requesting a Special Use Permit and it is "Special" because this is a residential neighborhood. Any time we have had a Special Use Permit come before the Council, in most recent past history, we have had little or no opposition from the neighbors for a Special Use Permit. A person buys a home. There home is their castle. That is where you go to get away from things. If you have no problem with children, pets and so on that is fine, but when you have an existing neighborhood of residences and the residents, especially on both sides, state opposition with the land use situation she has concerns. There is a limited ingress and egress to the neighborhood. There is a possibility of the extra noise of that many extra children playing in the neighborhood. She has some concerns if this is the proper land use for a Special Use Permit at this particular location. She is in no way impugning the creditability of the applicant or her facility, but her personal opinion at this point is that this is not the best location considering the residential neighborhood to place a Day Care. She will be voting "no".

Mayor Pro Tem Bill Reynolds stated that he and Councilman Anita Newsom were both on the Council when several of these Special Use Permits were brought to the City. There was a lot of decision making that went into the basic criteria that would be met to allow a Special Use Permit. There has been exceptions that have been noted. As he looks at this from the standpoint of a Day Care Center he sees no problems in the criteria. He would say to the residents that live close by, there have been no complaints from existing home day cares and to the applicant, that should this be approved you have heard that it can also be removed with cause. Since he can see nothing that goes against the criteria he will be voting in favor of this request.

Councilman Roger Norris stated that he has been on the Council a long time too. One time in particular he remembers when a person came before the Council for a Special

Use Permit to run a Day Care Center and the house was packed. Council heard all kinds of stuff that night. The last the Council heard is now the neighbors are playing with the kids.

He has a real problem with land use in residential areas, but he has gone on record so many times looking at these things over the last six years that it would be next to impossible to deny this without something more than it is a quiet neighborhood. If he were looking for a place to put his children he would certainly like them in a quiet neighborhood with a limited access location where there is not access to every Tom, Dick and Harry that could come down the road and snag his kid. However he is troubled by the Planning Commission's vote so there is not a lot of words to tell him why they voted the way they voted. He doesn't like going against the Planning Commission. It bothers him to have a recommending body and then not take their recommendations, so he will probably vote in favor, but is not sure that he is comfortable with that. He will add to what Mayor Pro Tem Bill Reynolds said, and that is if his phone rings off the hook they will come talk to the Brackens. If this is approved he would like the Council to look at the two year preliminary time frame on this Special Use Permit.

Councilman George Nodler asked Director Wingerson, how many Planning Commission members went on the site visit?

Director Scott Wingerson answered, three Commissioners and himself.

Councilman George Nodler asked, did those three members vote on this issue?

Director Scott Wingerson answered, if his memory serves him correctly all three voted in favor of the recommendation.

Councilman George Nodler asked, and they were the three that visited the site?

Director Scott Wingerson answered, two of the three for sure.

Mayor Art Hammen asked Director Wingerson, on previous Special Use Permits that have been approved, has it been a common occurrence to have a single care provider for ten children?

Director Scott Wingerson answered, yes sir.

City Manager Jim Norris explained that is State allowed.

Councilman Roger Norris said in the Planning Commission minutes, after the Subcommittee Report and a motion was made, another Planning Commission member stated he had to pass along a conversation he had had with a couple of neighbors. He asked Director Wingerson how that sets with him as a staff member?

Director Scott Wingerson answered that they had gone to the site as a small site committee. Mr. O'Neill, Ms. Rudi, Mr. Duncan and himself and met with the applicants there on the site on a cold evening. They walked and looked at the site. They understood the retaining wall issue. They understood the fencing issue. At the same time, those site visits in certain circumstances provide the ability for the Commissioners that attend to understand and address some of the issues raised by adjacent property owners. In this particular case, item number nine in the draft ordinance, requires the installation of a six foot wood privacy fence. That was brought up and decided on and recommended from the site visit specifically to address the concerns of the neighbors who spoke at the Planning Commission Public Hearing.

City Manager Jim Norris explained that the Council can go further to try and address the neighborhood concerns. If the concern is noise caused by the number of children the Council could very easily direct staff to add a provision to the ordinance that would limit the number of children to something less than ten. If there was an issue dealing with even more privacy or more screening Council could look at landscaping issues, however we would want to make sure what the State's concern are about landscaping in the play area. Obviously the issue about drainage, while it is important, it is not an issue for this Special Use Permit. It is an issue that the City needs to get out and look at anyway. Staff does not allow one landowner putting water onto another landowner anyway, but the issues he has heard primarily are noise related from a land use standpoint. There are only a couple of ways one can mitigate the concern about noise. One is experience on whether it truly is noise or not; and two, fence, buffer or limit where the noise is coming from and how. That would be either by the number of children or a physical barrier.

City Manager Jim Norris stated that to answer the question that Council Nodler raised, those attending Planning Commission site visit were Mr. O'Neill, Mr. Duncan and Ms. Rudi. Ms. Rudi voted yes, Mr. O'Neill voted yes and Mr. Duncan was absent that night.

Councilman Anita Newsom stated that they might be able to mitigate the noise situation. She hates to see children cooped up inside anymore than they have to be when the weather is good, but she does not know how they can mitigate the traffic situation when there is basically only one or two ingress or egress from the neighborhood. Basically one in and one out to the whole neighborhood which exit out within a block to a major arterial street in our City. It is a lot of extra traffic. It is twenty trips a day added to a neighborhood that is a very very calm quiet neighborhood.

City Manager Jim Norris stated that the Planning Commission had the luxury of an extra meeting to make their decision. If the Council is having difficulty with this issue they might want to consider tabling it until the next City Council meeting on February 24, 1997, or voting on it through First Reading and bringing it back for Second Reading at the next meeting.

The vote: "Aye" - Nodler, Norris, Reynolds, Hammen. "Nay" Newsom (4-1)

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-6**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds stated that he has no problem with delaying this vote until the next Council Meeting, but he is ready to proceed.

Councilman Roger Norris stated that he has no problem proceeding with this ordinance this evening. He is uncomfortable anytime that he is voting in opposition to some residents and he is also uncomfortable anytime he is voting against the recommendation of the Planning Commission. Sometimes he does not like the position of being a Councilman because he has to make decision based on us as a City and our responsibilities to everybody including individuals.

Councilman Anita Newsom stated that her drive through of the neighborhood at two different times is what has reinforced her position to remain a no vote on this. When you have neighbors on both sides of you who are opposing something she can't say that it is going to benefit the whole flavor of the neighborhood to put something in the neighborhood that the immediate neighbors do not wish to have in their neighborhood. They purchase a house in a residential single family neighborhood, not to have a business inset within their neighborhood. She thinks they have to listen to the desires of the neighbors.

The vote: "Aye" - Nodler, Norris, Reynolds, Hammen. "Nay" Newsom. (4-1)

**Note:** A unanimous vote is required to advance the Bill to Second and Final Reading, therefore this Bill will be placed on the February 24, 1997 City Council Agenda for a Second Reading.

**Item 10. on the Agenda.** **FIRST READING BILL NO. 97-7**, amending Section 25-44(B) of the Gladstone Municipal Code to prohibit Political Ground Signs on Public Property and providing for certain exceptions.

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-7** on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Roger Norris stated that a meeting was held and it was discussed whether he and the Mayor should be voting on this issue since they had a problem last Tuesday at the election. He wanted it noted in the record as to why he would be voting. Think about Congress and their Franking Privilege where they can spend two years of your money sending you mail telling you how neat they are and then come election day everybody is on the same rules. He thinks one, while the rights of two political candidates and a district were violated in the way things were handled that day,

because the letter of our law was one thing and the spirit of the law was another, it is probably a good thing that he and Art were the two involved as they don't have attorneys. He remembers being sued four years ago for signs that didn't even exist and weren't even going to be put up and were never printed. He believes that it gave he and Art an unfair advantage when the signs were removed as their opponents had no name recognition anyway and one little handout. If we are not going to allow signs at one location just because it happens to be public property on the day of an election where it is being used a public voting place, then those that have been in office and are still in office, have name recognition far and above the candidates who do not and he thinks that did give he and Art an unfair advantage to winning in that poll so that is why he is going to be voting for this. Not because he wants to have signs at the Community Center on Election Day but because he wants Jeffrey Preece and John Worley and the School District and anybody else who is running for any election for any time to have the same right and privilege that they have at any other voting location. We should not keep the voters of Precinct Ten from seeing the voting materials that are passed out or displayed at a voting precinct simply because they have the unfortunate luxury of voting at a public location that day. That is why he will be voting on this issue.

Councilman Anita Newsom stated she had several questions that had come to mind as she read the proposed ordinance revision and she brought them up to Counselor Thompson. They are talking about allowing certain signs within certain size and parameters twelve hours prior to the opening and closing of the polls and during the polling time, which is fine, but it still limits the public speech for the signs that are pro/con for a specific candidate at any other time. What takes places when a group or Club such as the *Young Democrats* rent the Community Center and they want to post signs on or about the property to support candidates that they may be having a rally for at that time? Those are political signs, stating a political opinion supporting a candidate or an issue and they would be posted on public property. That is not allowed according to the ordinance as it is specifically written here. Also on public property during Gladfest, we have booths that political candidates rent and allow to put out public propaganda signs. By the same token, we have previously allowed during election times political signs there within the parameters being proposed tonight. We have also allowed political signage on the grounds for the Gladfest booths, for things that have taken place at the Community Center where it is specifically rented for those issues. How does that play into what is written here? Does that now eliminate it or are we having a provision where that is incorporated?

City Counselor Nancy Thompson answered that in both of those situations you have entities that are renting property from the City so that property is then under their control, such as the Community Building when it is rented by the Democratic Committee. The property would be under their control. The election board has authority for the interior of the building as well as twenty-five feet surrounding the building. Outside twenty-five feet they will not regulate or enforce any campaign electioneering or whatever. That is where their authority stops and she thinks that a reasonable interpretation is written. Once someone rents a portion of the public property its taken out of the strict public use and they are able to use it for their private

purposes for that limited period of time under that agreement, such as the booths at Gladfest. What won't be allowed, and what is prohibited, are ground signs. Those are grounds signs only as a form of political speech. Other types of political speech is not prohibited. The person carrying the sign is still appropriate anytime on any public property. A person wearing a sign is still appropriate. A bumper sticker or a sign taped to a car is still appropriate. So there are other avenues of political speech which remain open. It is just the erecting of the sign, in the ground, which is prohibited on public property.

City Manager Jim Norris noted that what drove it home to staff is that the last time this ordinance was raised, only one person, the City Clerk, was here. Around nine years ago that ordinance was used to keep people from putting signs up in front of City Hall during times that City Hall was being picketed that many years ago. Those being political signs as well as signs about a recall. That ordinance was used then to keep those signs from being placed in front of City Hall. For the last eight years, every candidate that wanted to put a sign outside the twenty-five foot barrier that the election board has. Thus we are just like any other polling place including those public polling places that are schools. Where the schools allow that to happen. This solely deals with public polling places that are under the City's ownership and control. We were out of the norm and therefore we were in essence, treating these residents differently in allowing them less political information than any other voter would have. That is not proper so Council has this ordinance in front of them tonight to correct that.

Councilman Roger Norris stated that all this ordinance is doing is allowing what's always been done anyway.

City Manager Jim Norris stated, at least in the last eight years. Staff has always interpreted that ordinance to be anytime except when the Election Board took over City property as a polling place. What drove it home was when the Election Board said they can't do anything outside the twenty-five feet.

Mayor Pro Tem Bill Reynolds explained for audience information, that during the last public election staff found out that our ordinance stated no one could put political signs around the Community Center on election day as is done at all other polling places. All the Council would be doing tonight is allowing the Community Center to be treated equally with all other polling places in town.

City Manager Jim Norris added, whether it is a Council candidate, State Representative candidate, School Board candidate, County Commission candidate, any County Office holder, any State Office holder, Federal Office holder, or any issue.

Councilman Roger Norris stated it is really good that this happened this time and not during a Governor's race where it would have been some front page news story.

Mayor Art Hammen stated for this record, this was a request that was generated by staff because of a First Amendment concern.



City Counselor Nancy Thompson stated that when she took a look at the ordinances written, the actual language in the existing ordinance says that "political signs on public property or within the public right-of-way is strictly prohibited". That prohibition is overbroad in her opinion. The way it is written would relate to any political signage whether or not it is being carried or on a vehicle. A bumper sticker on a car, under the existing ordinance, could be construed to be a political sign. From past experience they know that a restriction of political speech can get the City into a whole lot of constitutional trouble under the First Amendment. Political speech is protected speech and has to be given deference in that situation so with that freedom of expression staff tried to draft up an alternative that would allow for what has gone on in the past at the polling places to occur while still maintaining the City Council's goals of traffic safety and esthetics and allowing other avenues for political speech to occur. Where signage of some sort would be allowed because under the existing ordinance no signs are allowed regardless. Bumper sticker, etc.

Mayor Art Hammen noted that the City Counselor memorandum to Council dated February 6, 1997 stated that signs which are carried or worn are an acceptable method of speech at any time. Should that be stated specifically in this amendment to the sign ordinance or is it going to be there by implication. Is somebody going to potentially challenge the City on it?

City Counselor Nancy Thompson explained that in drafting an ordinance what they try to do is, instead of listing all the things that can be done, if there are specific items that we want to prohibit we try to leave it to those narrow items and then it leaves the field wide open for other forms of expressions. She did not feel that there would be anyway that she could draft an ordinance which would allow different types of expression that would be acceptable, so what they try and do is find what is unacceptable and narrow it down.

City Manager Jim Norris stated that the original ordinance was so broad and included everything that when you look at it from what you should have from a Freedom of Speech standpoint, you should allow almost everything with the exception of ground signs, but then again those ground signs should be available on or around the time that polling is going on. So in essence what is being said is that political speech is okay on public property all the time with the exception of ground signs and they can occur on or around the polling date.

Mayor Art Hammen asked if there was any magic to the twelve hour time period that was proposed? For a candidate that means that when the polls close at 7 pm it means all the signs would have to be removed by 7 am the next morning. He just wonders if twelve hours is a little restrictive and wouldn't fifteen hours after the polling closes to give someone until 10 am to get their signs down be reasonable?

City Counselor Nancy Thompson answered that would be fine. Staff just picked the twelve hours trying to keep in mind Council's goals when they enacted the Sign Code of

the esthetics and traffic safety. Trying to make sure that they would not infringe upon those goals. Fifteen hours would be appropriate as well.

City Manager Jim Norris stated that staff really paid more attention to the time in advance than the time after.

Mayor Art Hammen stated he agrees with that. Twelve hours in advance is 7 pm at night.

City Manager Jim Norris stated the Community Building is usually rented the night before. Usually when a candidate has someone working the polling place for them, the worker usually pulls the sign when they leave. But everyone does not always have that luxury so whatever time the Council wants to put afterwards up to a maximum of 24 hours is fine.

City Counselor Nancy Thompson stated that from an enforcement standpoint it is helpful to have the two hour time frames the same so that staff knows how long the signs can be there without having to go back and decide was it 24 before or 24 after. As a practical matter from an enforcement standpoint, she would imagine that come 7 am Code Enforcement would go out and start pulling those signs.

Councilman Roger Norris stated that when a candidate comes into City Hall and signs up with City Clerk Marilyn Ahnefeld she gives the candidate a good synopsis of the rules and regulations and that might be something that she would want to point out that because it is a public location there is a special addendum here that the signs not be up before 7 pm the night before and really need to be down that night or at least by 7 am the next morning.

Councilman George Nodler stated that being a political activist, going back to 1978 a former Congressman always had signs at that location from 1978 to 1992. There has been a long history of political signs being placed at the precinct.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-7**, Waive the Rule and place the Bill on Second and Final Reading with the following change that will show signs to be removed fifteen hours after the polls closed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Amended Bill No. 97-7** and enact it as Ordinance No. 3.573; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda.** FIRST READING BILL NO. 97-8, declaring the results of the Gladstone Primary Election held on Tuesday, February 4, 1997, as certified by the

Clay County Board of Election Commissioners; and declaring the names of the candidates to appear on the Tuesday, April 1, 1997 General Election Ballot. Primary Election Results: Candidates Art Hammen (2,019); Roger Norris (2,691); Glenn J. Kesse (695); Jeffery Preece (701); John Worley (1,108).

Councilman George Nodler moved to place **Bill No. 97-8** on First Reading; Councilman Roger Norris Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to accept the First Reading of **Bill No. 97-8**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 97-8** and enact it as Ordinance No. 3.574; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda. Other Business.**

None.

**Item 13. on the Agenda. Questions from the News Media.**

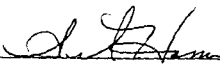
None.

There being no further business to come before the Regular February 10, 1997 City Council Meeting, Mayor Art Hammen adjourned the meeting. Time: 8:48 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

NEXT ORDINANCE NO. 3.575

GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 24, 1997

Open Study Session: 7:00 PM

Regular Meeting: 7:30 PM

Closed Executive Session will immediately follow  
adjournment of Regular Meeting pursuant to  
Missouri Open Meeting Act Exemption Section 610-021(2)  
for Land Acquisition and 610.021(3) for Personnel Discussion

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 10, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-10**, authorizing the City Manager to accept the proposal of Turf Technology for the purchase of a brush chipper under a Cooperative Purchase Agreement with the cities of Kearney and Smithville, Missouri. Total Purchase Amount: \$22,733.00. Mid America Regional Council Grant: \$19,150.00; Gladstone share: \$1,791.00

**RESOLUTION R-97-11**, amending the 1996-97 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds. **Revised General Fund Budget:** (Revenue; \$9,898,805; Expenditures; \$9,884,025) **Revised Combined Water & Sewer Fund Budget:** (Revenue; \$4,325,025; Expenditures; \$4,185,715) **Revised Municipal Pool Fund Budget:** (Revenue; \$135,950; Expenditures; \$133,350).

**RESOLUTION R-97-12**, authorizing the City Manager to execute an Easement Release Agreement with John and Debra Chamberlin relating to property located in Claymont Estates.

**APPROVAL OF FINANCIAL REPORTS FOR DECEMBER 1996.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE NO. 3.575**

**GLADSTONE, MISSOURI**

**MONDAY, FEBRUARY 24, 1997**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow  
adjournment of Regular Meeting pursuant to  
Missouri Open Meeting Act Exemption Section 610.021(2)  
for Land Acquisition and 610.021(3) for Personnel Discussion**

**A G E N D A**

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2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 10, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

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**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE NO. 3.575**

9. **BUILDING PERMIT APPROVAL** for construction of new 18,520 sq. ft. Worth Harley Motorcycle Dealership at 6609 N Oak Trafficway. Applicant: A. Ray Worth (BP #97001)
10. **SECOND READING BILL 97-6**, approving a Special Use Permit subject to certain conditions to Kathy Bracken for operation of a Child Care Home on residential property at 6310 N Agnes Circle. (File #985)
11. **PUBLIC HEARING:** on a request to rezone from CP-1 (**Planned Local Business**) to RCHP-1, (**Planned Residential Cluster Housing**), property at 3201 NE Antioch Road. Applicant: Larry Mitchell. Owner: Lewis Springer. (File #987)
- 11a. **FIRST READING BILL 97-7**, rezoning from CP-1, (**Planned Local Business District**) to RCHP-1, (**Planned Residential Cluster Housing District**), property at 3201 NE Antioch Road. Applicant: Larry Mitchell Owner: Lewis Springer. (File #987)
- 11b. **FIRST READING BILL 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell; Owner: Lewis Springer (File #987)
12. **FIRST READING BILL 97-9**, accepting a Standard Easement from property owners in conjunction with drainage improvements at 1209 NE 65th Street. (Project #9614)
13. **FIRST READING BILL 97-10**, repealing Ordinance No. 3.566 relating to an easement from Garold D. & Margaret M. Tingler in conjunction with development of Quality Vending at 6850 N Oak.
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**
17. **Motion to Adjourn to Closed Executive Session for Land Acquisition Discussion and Personnel Discussion pursuant to the Missouri Open Meeting Act Exemptions.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 24, 1997**

Mayor Art Hammen called the Regular February 24, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld

**Item 3. on the Agenda.      Pledge of Allegiance.**

Boy Scout Troop 137 members led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda.      Approval of Regular February 10, 1997 City Council Meeting Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the regular February 10, 1997 City Council Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approve the Consent Agenda as listed; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **RESOLUTION R-97-10**, authorizing the City Manager to accept the proposal of Turf Technology for the purchase of a brush chipper under a Cooperative Purchase Agreement with the cities of Kearney and

Smithville, Missouri. Total Purchase Amount: \$22,733.00. Mid America Regional Council Solid Waste Management District Grant: \$19,150.00; Gladstone share: \$1,791.00; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-11**, amending the 1996-97 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds. **Revised General Fund Budget:** (Revenue; \$9,898,805; Expenditures; \$9,884,025) **Revised Combined Water & Sewer Fund Budget:** (Revenue; \$4,325,025; Expenditures; \$4,185,715) **Revised Municipal Pool Fund Budget:** (Revenue; \$135,950; Expenditures; \$133,350); Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-12**, authorizing the City Manager to execute an Easement Release Agreement with John and Debra Chamberlin relating to property located in Claymont Estates; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Councilman George Nodler moved to approve the **FINANCIAL REPORTS FOR DECEMBER 1996**; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.      Communications from the Audience.**

None.

### **Item 7. on the Agenda.      Communications from the City Council.**

Councilman Anita Newsom stated that the front of Gladstone City Hall is taking shape and looking good.

City Manager Jim Norris noted that the contractor is on schedule and looking toward the third week in March when a majority of the building will be done. The actual improvements in the Council Chambers should also occur about that time.

Mayor Pro Tem Bill Reynolds applauded the staff for their Mid-Year Budget review and commended staff for being on top of things.

Councilman Roger Norris stated that he agreed with Mayor Pro Tem Bill Reynolds that staff has done an outstanding job.



Councilman George Nodler thanked all the Hamilton Heights residents for their input on the proposed development of Hamilton Heights Park.

Mayor Art Hammen extended a welcome to the Scouts present in the audience this evening, both Boy Scouts and Girl Scouts.

**Item 8. on the Agenda.      Communications from the City Manager.**

City Manager Jim Norris noted that the Capital Improvements Committee had endorsed the proposed issuance of Leasehold Revenue Bonds. The next step will be to come before the Council with formal documents.

\* \* \* \* \*

City Manager Jim Norris asked the Council to make a motion to authorize the Request for Proposal for Design Services for the Master Plan for Hamilton Heights Park as presented in Study Session earlier this evening.

Councilman Roger Norris moved to authorize the Request for Proposal for Design Services for the Master Plan for Hamilton Heights Park; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 9. on the Agenda.      BUILDING PERMIT APPROVAL** for construction of new 18,520 square foot Worth Harley Motorcycle Dealership at 6609 North Oak Trafficway. Applicant: A. Ray Worth (BP #97001)

Councilman Roger Norris moved to approve the **Building Permit** subject to the conditions on the Staff Report; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Councilman Roger Norris stated that in looking at the plans he feels it is an outstanding project.

Councilman Anita Newsom noted that the architects rendering has a series of four to five large front windows, the schematic Council has only has two. Which would be correct?

Director of Planning & Development, Scott Wingerson, answered that the drawing in the Council's packet would be most accurate. That elevation was used in the planning process and that is just translation from architectural planning to architectural plotting.

Councilman Anita Newsom noted that she really liked those tank shaped windows.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10. on the Agenda. SECOND READING BILL NO. 97-6**, approving a Special Use Permit subject to certain conditions to Kathy Bracken for operation of a Child Care Home on residential property at 6310 North Agnes Circle. (File #985)

Mayor Pro Tem Bill Reynolds moved to approve the Second Reading of **Bill No. 97-6** with two changes: 1) that it be for a period of one year and 2) that it be for a maximum of seven children; Councilman George Nodler seconded.

Discussion:

Councilman Anita Newsom stated that she will probably be in the minority but she wanted to state that conducting a business in a single family residence is not an inherent right, i.e., that is the reason we call it a "Special" Use Permit. Part of our governmental process is that of the notification and posting of these kinds of property use changes and giving those who desire, at that point in time, a chance to come forward and speak either to endorse or object to the permit.

In this particular instance neighbors came forward, they voiced their objections concerning the impact of added vehicular traffic and their concerns on outdoor noise. Considering that and considering the prior existence of these neighbors in the neighborhood and the quiet demeanor of this neighborhood, it is her opinion that Council has the obligation to protect the sanctity of the residents homes. In other Special Use Permit requests which have come forward before this body over the past few years, neighbors have come forward and endorsed and encouraged the applicants to hold the child care because of the nature of the neighborhood and what they wish to have there. That is not so in this case. The immediate residents on either side of the this property are telling us that they do not want that in their residential community. In no way does this have anything to do with Ms. Bracken's ability to hold the day care or her qualifications to do that; that is all left up to the state. What the Council is dealing with is land use.

As a residential home owner herself, she would have objections to a day care coming in next to her home. She feels it is her responsibility to go with those residents wishes. Yes, it is only two residents, but it is the immediate neighbors; plus there are others that have signed a petition. The Council are all elected to sit here as representatives of our fellow citizens and to look at the big picture and make policy decisions in the best interest of our community. She feels that at this point in time she must vote "no" because she does not feel that they are protecting the rights of the residential community. The Council has to make sure that they are listening and do what is right. She feels that putting a day care into a neighborhood that does not want it is not right.

Mayor Pro Tem Bill Reynolds noted that at the City Council Meeting held on February 10, 1997 when the Public Hearing on this Special Use Permit was held, there were some concerns by Councilman Anita Newsom and other Councilmembers about the fact that neighbors were present who opposed this day care center. Staff reported that of the ten or twelve day care homes that are in Gladstone there have not been any objections or problems with any of those. His reasons for recommending that a change

be made to a one year license and only seven children is to let the citizens know that even before this change the Council would have the right to remove this Special Use Permit at any time for violations to the conditions of the Permit. Going with a one year permit he feels would lessen the worry that the citizens have and limiting it to seven children would give the applicant an opportunity to do this in her home and then come back before the Council next year. He will be voting in favor.

Councilman Roger Norris stated that at the last City Council meeting he had a lot of concerns about this issue. After careful thought and consideration of what he has been a part of while being a Councilmember the last six years, he has come to the conclusion that Council has in the past conducted Special Use Public Hearings on two occasions where immediate residents did not want children in the neighborhood, didn't want extra noise, didn't want the extra stuff, and this is specifically why the question was asked at the last Council Meeting as to what problems the City has had from those. It turns out that they (Day Care Special Use holders) have been good neighbors. In falling back to his part of being a parent, if he was going to take his children somewhere he wouldn't want them on a busy street. He'd want them in a quiet neighborhood. He would want them around neighbors that were older that could lend some supervisory advice. Sometimes that is needed. Based upon what the Council has done in the past he could not find any reason to justify a "no" vote so he will be voting in favor. He is glad that the change is being made for a one year permit. If there is a problem the permit won't be renewed.

Councilman George Nodler stated that he agreed that putting a one year limit on this permit will give the neighbor a chance to come back in one year and if there are problems the Council can then review their decision at renewal.

Mayor Art Hammen noted that Councilman Anita Newsom had stated in her comments that she might be in the minority. As this Special Use Permit was originally proposed, he also was not in favor of it. With the changes that Mayor Pro Tem Bill Reynolds has suggested he will reconsider and now believes that he will support this for a one year trial.

Councilman Anita Newsom stated that she has some closing comments. Council is now asking the residents for one year, twelve months, to live with a situation that they specifically said they did not want. She believes in quality child care. She works with families and students everyday that are looking for quality child care. We have residents, home owners, citizens in our community that are saying no they don't want it next door to them. The Council is ignoring their desires. Maybe you can ignore two or three residents when you are putting in a Home Depot that is going to benefit the whole community, but when you are looking at a day care that is in a residential area, that is a business set in a residential neighborhood, that is not an inherent right of that property owner. It is an inherent right to request a Special Use Permit but not to grant it. Council has not had residents opposing a Special Use Permit that were directly next door neighbors like this in a number of years. She does not think the Council is doing their duty shoving it down the neighbors throat for a year to see if they like it. It is taking

be made to a one year license and only seven children is to let the citizens know that even before this change the Council would have the right to remove this Special Use Permit at any time for violations to the conditions of the Permit. Going with a one year permit he feels would lessen the worry that the citizens have and limiting it to seven children would give the applicant an opportunity to do this in her home and then come back before the Council next year. He will be voting in favor.

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a year out of their lives to have to learn to live with something that the Council has put down their throats. She does not think they are being prudent Councilmen, nor are they doing the right thing.

Mayor Art Hammen noted that Councilman Anita Newsom's point was well taken, but he would take exception to the comment about ignoring people on Home Depot. The Council listened to what they had to say but that is not the issue tonight. That was a poor phrase to use.

Councilman Anita Newsom stated that she wouldn't say it is poor, but Home Depot has been thrown in the Council's face recently over the discussion of this day care. It had been stated that a few people had come forward and objected to some minor things about Home Depot. Those could be corrected, remediated. She does not know how to remediate this other than to not put a day care in the neighborhood. When there are neighborhoods that do not mind having a day care that is fine. We need quality child care. She does not disagree with that, but this particular land use she does not feel is appropriate at this point in time.

Mayor Pro Tem Bill Reynolds commented that the Council does have a letter of support from a woman that currently has a child being cared for by Ms. Bracken.

Councilman Anita Newsom noted that the letter says nothing about land use. It talks about the quality of the care, which is not within the Council's purview. That's State licensing.

City Manager Jim Norris noted that the motion made by Mayor Pro Tem Bill Reynolds, and seconded by Councilman George Nodler, needs to be made as an amendment to the First Reading and then move onto Second Reading of the amended Bill.

Mayor Pro Tem Bill Reynolds changed his motion to amend the First Reading of **Bill No. 97-6** with two changes: 1) that it be for a period of one year and 2) that it be for a maximum of seven children; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Mayor Pro Tem Bill Reynolds moved to place amended **Bill No. 97-6** on Second and Final Reading; Councilman George Nodler seconded. The vote: "Aye": Nodler, Norris, Reynolds, Hammen. "Nay": Newsom. (4-0-1) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the amended Second and Final Reading of **Bill No. 97-6** and enact it as Ordinance 3.575; Councilman George Nodler seconded. The vote: "Aye" - Nodler, Norris, Reynolds, Hammen. "Nay" - Newsom (4-0-1)

**Item 11. on the Agenda. PUBLIC HEARING:** on a request to rezone from CP-1 (**Planned Local Business**) to RCHP-1, (**Planned Residential Cluster Housing**), property at 3201 NE Antioch Road. Applicant: Larry Mitchell. Owner: Lewis Springer. (File #987)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

**Applicant:**

**Lee Bussinger, 3031 NE 73<sup>rd</sup> Terrace**, stated he is representing Mr. Larry Mitchell regarding this down zoning and provided the Council with pictures of the proposed development. What is being proposed is zoning for twenty-six townhomes to go on 3.9 acres at this location. They are asking for some variances because of the nature of the property, the nature of the drainage and there are many factors involved. He is sure that the Council has read the recommendations from staff to the Planning Commission. There were thirteen in all and they have agreed to abide by them. There was some concern from the Planning Commission on lighting, density and water. Water is their biggest concern down there. They have the elevations of 882 which has been recommended by the City and they are willing to abide and stay by that. What they would like to do is ask that the Council approve the variance of setbacks to the buildings. That was a primary concern of the Planning Commission. That along with the water. He believes the Council is familiar with Mr. Mitchell's project west of Wal-Mart on M-1 Highway and this project would primarily be the same. They would have one ingress/egress. The Planning Commission recommended a wood fence. Quite frankly, they would rather see shrubbery, but he could see a wood fence being appropriate. They would put up whatever the Council desires. They were thinking about the long range aesthetic view. They plan on redoing the street; widening it and putting drainage, curbs and gutter in. If Council has any questions he would be happy to answer them.

Mayor Pro Tem Bill Reynolds noted that Mr. Bussinger had indicated there were 13 conditions. That has now been increased to sixteen.

Mr. Bussinger stated yes, the Planning Commission had come up with three more.

Director Scott Wingerson stated that the Planning Commission had added a couple of conditions. The front yard setback on Lots 2 & 3, which are on the eastern side of the proposed cul de sac, shall be a minimum of twenty feet rather than the proposed fifteen feet. Condition eighteen which is adequate lighting, either in the form of street lights or yard lights, is to be installed and maintained. Between the Planning Commission Public Hearing and their recommendation to the Council, staff worked with Mr. Mitchell and Mr. Bussinger to discuss item number 10, which includes the privacy fence, planting of trees in the rear yards of each unit and planting of trees in the front yard of each unit.

Mayor Pro Tem Bill Reynolds said, and also the change in the wording in condition number one?

Mr. Bussinger stated, the fifty year storm. Yes, they are willing to abide by that. At a minimum that is what the Planning Commission desired. There was some concern on the density. To be economically feasible they need to put in twenty-six units. They feel

that this is better than something else that could go in there. It is compatible to the residents nearby. They have a little problem with a setback of twenty feet on Lots 2 & 3, but they can work that out. Technically there is going to be about ten more feet than what really shows on the plans so the Planning Commission had concerns about cars that wouldn't fit all the way onto the driveway and would be back on the sidewalk part. That won't be the case. They will abide by whatever the Council wants. If Council wants to put in twenty foot setbacks they will do that. It will not be as aesthetically pleasing as they would like to have had it, but they can work that in another way. As Council is aware, the ordinance says that they have to provide 1,200 square feet per unit. That makes it tighten up a little bit, but they don't have any problem with that. They can do it.

Councilman Roger Norris asked Mr. Bussinger, what you are saying is that Mr. Mitchell has no problem making that a twenty foot setback as the Planning Commission recommends?

Mr. Bussinger answered yes, they can do that, but they prefer not to from an aesthetic view. Another factor is the back of the units that would face Antioch Road. They are going to try and design them so they don't just look like the back of a house. They want to make them look aesthetically pleasing and are willing to put that in their comments.

Councilman Roger Norris stated his reason for that question is that he has a Planning Commissioner who lives close to him. When she came home after the first Planning Commission meeting, where this issue was tabled and they had gone on a site visit, she came to his house, got out her tape measure and measured the length of his van. She asked him how he was going to live there and park there if he drove an Aerostar. It drove the point home to him. He is glad to hear that they agree with the twenty foot setback.

Mr. Bussinger stated that they are willing to work with a 20 foot setback. Another factor that the Council might want to consider is that they estimate that approximately fifty percent of those purchasing these units will be retired people. They figure another thirty to forty percent will be single people. The units that are west of Wal-Mart only have one fourteen year old child, so there would be no burden to the school district from the units they will be adding.

Councilman Roger Norris asked Mr. Bussinger, from his knowledge of the development across from Wal-Mart that sits behind Councilman Anita Newsom's house, what is the breakdown there of retired people, kids in the area, etc?

Mr. Bussinger answered that there is fifty percent retired there. There is one family with a fourteen year old that lives there. There are forty-three units in that area. That makes them feel that this new development will primarily be retired people. They have already had three calls asking if they can reserve a unit if this is approved. These units are pretty popular. They are quite pleased that the interest is there.

Councilman George Nodler asked Mr. Bussinger if they know what the price range of these units will be?

Mr. Bussinger answered they will run between \$110,000 to \$120, 000. They may have one or two that could run as high as \$140,000.

Councilman Anita Newsom asked Mr. Bussinger, with the setback line going back a little further, what was Mr. Mitchell's plan on gaining the extra space that he needed without overly downsizing the unit itself?

Mr. Bussinger answered they would just have to make it a straight line unit rather than utilizing the setback of one unit. He stated that he hopes Council can see fit to approve this rezoning. He believes it would be a good compatible development for that particular area which has been cussed and discussed many times.

**In Favor:**

None.

**In Opposition:**

**Bobby Poteet, 6401 N. Walrond**, stated that as far as this development itself is concerned he would have no objection to having this development in his neighborhood. But he is deeply concerned about the water runoff. He has lived on this corner for thirty-five years. Five times during this thirty-five years he has seen this area completely underwater and as deep as three and four feet. He hopes everyone has seen this area at the time of high water. Walrond itself will not contain the water in heavy rains. The street will overflow. It backs up into his yard twelve to sixteen feet. Same way on the other side of the street. This is an enormous amount of water. He has some problems realizing how this water is going to be taken care of and controlled. He also had a question about the elevation of this ground. If the elevation is going to be higher than Antioch Road he feels they are going to have a real problem as far as backup water is concerned. He can visualize an underground water drainage system that would carry this water, but he can't visualize drain openings along the north side of Antioch Road that will allow this water to get into the drainage system. Water has backed up to within eight to ten feet from the foundation of his home previously. At that time this whole area was open. The drainage system does not begin to handle the water. The water builds up and flows over Antioch Road. At that time it had this whole area to take and overcome. He is afraid that with the existing buildings there is not going to be any place for this water to go. He is afraid they are going to have a backup here. He has never had water in his home. There is an enormous amount of water here. People down in Brooktree can verify that. They have been flooded out many times. He is afraid the same thing is going to happen here because, all the work, with the holding area and everything being done is certainly not going to give any benefit to them on the north side of this development. If the water can be controlled to where they have no backup then they have his blessing. But he has a deep concern about how this will be handled or if it will be handled.



Councilman Anita Newsom asked Mr. Poteet if the water runoff has been in any way different since the completion of the basin across the street?

Mr. Poteet answered that fortunately we have not had a serious flood here since this has been completed. It has been seven or eight years since this area has flooded.

Councilman Anita Newsom asked, in 1993 when we had all the water were there any problems?

Mr. Poteet answered, there were no problems there at that time.

Mayor Art Hammen stated Council will ask staff to address those two concerns during their comments at the end of the Public Hearing.

**Stephanie Whisler, 6306 N. Indiana**, stated that her backyard will be in conjunction with this property on the eastern side. Her main concern is with the water. Right now there is a berm that goes behind their houses and then there is a little swell that goes behind her house. At times the water, at the point that Ms. Newsom is talking about, in 1993 that did come close to her patio and water sits in there after every rain. Since the last heavy snowfall there is still water in that swell. She is concerned about the amount of townhomes that are going to be built and where the water runoff will be.

Her other concern is with the aesthetics that Mr. Bussinger kept talking about. He said that financially they cannot reduce the amount of townhomes. That is a concern to her because aesthetically if it is not going to look good because they are cramming to many townhomes into that 3.9 acres, then that is a concern of what will happen to her property value and she will look at them out the back of her home. She would approve of this plan if there was a reduced amount of townhomes back there. Maybe that would help the water runoff and aesthetic appeal. It just bothers her when they say financially they cannot reduce the number of townhomes and then turn around and say that it won't look aesthetically appealing because they have to do these setbacks. She would also like to have some type of buffer put in there. Some type of shrubbery or soft pine trees that would help block her back view from these townhomes because as of right now she does not believe there is anything in there about some type of buffer that would help the aesthetic appeal from their backyards. Ms. Whisler noted that a letter had been sent to Mr. Wingerson from her neighbor who is in Florida and she asked if she could read that letter to the Council?

Mayor Art Hammen stated that the Council had received a copy of that letter in their packets.

Ms. Whisler stated that her neighbor had called her last night from Florida and had wanted to make sure that the Council had received his concerns. He wanted the Council to know of the trouble he had had last summer putting in a patio with the ground being so soggy from the water that settles in that area.

Councilman Roger Norris asked that letter from **Bob and Anita Swann, 6308 N. Indiana**, be placed in the record. (Letter attached to the minutes.)

**Billy White, 3206 NE 64<sup>th</sup> Terrace**, stated he lives one block from the property. Does Council know they were told when they bought their property that this piece of property belonged to the City? Have you heard that? Mr. White stated that he had a salesperson, Ms. Flo Martin who sold a lot of property in the area, tell him and others that the City owned this land thirty-five/thirty-six years ago. They were lied to. At that time there was a water treatment plant there. It hasn't been gone all that long. There was a place for kids to play baseball. That is gone. They now have extended Indiana down there and there are some really nice homes. It looks like something has been done with the flood control area. Some ditches have been dug where the water drains a little better, but is not the whole area a flood control area? Mr. Poteet did not mention the depth of the water running down Walrond. It has been about eight years ago when he was coming home, driving in the middle of the street, and his car drowned out. Later that night it got worse than that. The whole area has a water problem. He doesn't understand why someone wants to put homes in there, where they have this problem. The people who live there have had water here. Why would they not have a water problem? Why doesn't the City buy this land? There are residents on that land now. Does anybody know what they are? There are about seventy geese that use that area out there. You can see them out there. Does it not look like a flood control area now? Look at it. Look over at the place by the pond that has no dam. The dam is open for it to backup. It ought to work. But is it going to work with what they have planned here? Crowd all these units into 3.9 acres? He, like Mr. Poteet and all his neighbors, question this. Why do we have to have so many townhomes? Why is it so feasible here to have 26 units and they are crowding everything in there? How can it look nice if you crowd that much in there?

**Marcy Holwick, 6303 N. Indiana**, stated her family and a number of the neighbors have been concerned about this plan, as well as the last plan, which got as far as the Planning Commission for sixty-six units. They generally oppose this project for two reasons. First, along Antioch Road Mr. Bussinger mentioned that there will be a six foot fence. They don't view that as being visually compatible with the rest of the area, because that is just shy of being a quarter of a mile long. She thinks Council would agree that no where in a residential neighborhood does a quarter mile long wood fence look really residential or appealing. That is not something they want to see put in. If it were a masonry fence, in combination with shrubbery that could probably be appropriate. So there are some ways to make that look better, but one continuous wooden fence just simply isn't appropriate.

Secondly, she would add Stephanie Whisler's request that a visual barrier of pine trees or something be planted along the eastern edge of this property between the single family homes along North Indiana. She believes that would be appropriate as well. She is repeating a little of what has been said so far, that this property just isn't suitable for building much of anything on. Twenty-six units is certainly less than the sixty-six units that came before the Planning Commission the last time that was turned down,

yet they have to have so many modifications to this plan to get it to fit. Perhaps, this plan is not appropriate as designed for this location either. It is unfortunate that the developer feels he cannot make money with any less than twenty-six units, but that is not her responsibility nor is it the Council's to see that this individual is in a position to make a profit that he desires. We're simply to say it is appropriate, change in land use or not. Her neighbors and the people she represents would like to see, if this project goes forward, that there is sometime more like twenty units in place rather than twenty-six, and that it is buffered differently than as currently designed.

**Bill Appleby, 3206 NE 64<sup>th</sup> Street**, stated that he believes cluster housing has been brought up before and it was disapproved. He would like to know the date of that meeting and why it was disapproved?

City Manager Jim Norris stated that in recent history he can't remember cluster housing. There was another development planned which came forward in 1988 or early 1989 that dealt with housing and had a number of curb cuts along Antioch Road. It was basically disapproved because the Council sitting at that time thought that there were too many curb cuts and that there was a higher and better use for the land. That is ultimately when the second plan came back to zone this land to commercial, which it is currently zoned. The most recent zoning request on this was to R-4, which is Gladstone's apartment classification, not cluster housing, which was the sixty units that other people have referred to.

Mr. Appleby stated he was interested in the cluster housing.

City Manager Jim Norris commented he did not remember one in the last eight years.

Mr. Appleby stated he believed it was before the commercial zoning.

City Manager Jim Norris stated that if it was they talked about them being patio homes, but they all had curb cuts along Antioch Road.

Mr. Appleby stated that if the City does something he wants to see curb cuts. The reason is he deals with the traffic now. He would like to see other people deal with the same problem. There is too much traffic now. He doesn't know what is going to happen in the future. The road right now is crowned way too much. This is part of the reason that they flood. The City runs their snow plow down through there and he can't get out of his driveway. He has a twenty-foot RV and he can't get out of his driveway without destroying it because when the City repaved the street the crown became too high. Now we are talking that it is okay to put in cluster housing with the back of the homes facing the street with a fence. That is going to knock out a lot of noise, plus it is going to hide them. Let them be subjected to the same problem that he has. He doesn't think that is too much to ask.

**Don Seals, 3207 NE 64<sup>th</sup> Terrace**, stated that his property is higher. He is not effected by the water, but he wanted to bring to the Council's attention that when he bought his house he bought it with a GI Loan. At that time, nobody on Bellefontaine or any of the

lower areas on Walrond could get a GI Loan because it was a flood plain. It is still a flood plain and he has lived there for thirty-six years.

**Mr. Appleby**, asked if soil samples had been done across the street? Have they been done at 3201 NE Antioch Road? There was a sewer treatment plant there once, correct?

**Staff:**

**Director of Planning & Development, Scott Wingerson**, stated that he would make some remarks and in the process try and address some of the residents concerns. First he would like to start by saying this is a request for a zoning change from the current zoning of CP-1 to that of RCHP-1. At the last Planning Commission meeting, they voted to approve the Preliminary Plat conditioned upon action taken tonight on the zoning change. In addition, the ordinance in front of the Council now has several conditions on it. These are specific to the Planning Commission, based on their Public Hearing, and their recommendation is: Change Item #1. to read: "a minimum, all storm water shall be designed for the drainage basin and be sized to convey a 50 year storm. Stormwater structures entering the detention basin shall be designed to reduce erosion." To speak to a residents concern, staff had originally proposed, after the Public Hearing and prior to the Commissions recommendation, that a hedge row be planted the length of Antioch Road. That hedge row would have an initial height of three feet, with shrubs planted about three feet on center the entire length. The idea behind that was to provide screening for the residents of this development, as well as provide screening for travelers on Antioch Road. The Planning Commission requested that that be changed to a six foot wood privacy fence with dowels maintained finished side out.

Mr. Wingerson noted that a new condition is the further set backs on Lots 2 & 3 which shall be a minimum of twenty feet which Mr. Bussinger and some of the residents have addressed. They also added Item #18. to read: "...adequate lighting in the form of street lights or yard lights is to be installed and maintained." There is an "or" in that specific provision. Unfortunately Mr. Mitchell has been out of town and he would like to discuss with Mr. Mitchell which is best from the City's perspective as well as which is best from the developer's perspective.

Turning to the recommendation itself, basically there are some eighteen conditions. He would like to touch on four or five of those. The first has to do with storm water. Normally a project would be designed for the underground water flow at a 25 year storm rate. Staff has requested, on the surface, that a 50 year storm be planned for carrying the stormwater underground. That doesn't change the overland flows which would still be designed for a 100 year flow. That recommendation is based on no engineering at all. If this request is approved and a final plat is submitted to the Planning Commission and approved by the City Council, final engineering will be performed with a full drainage analysis and study to ensure that this development does not have any adverse impact on property owners to the north or down stream to the south. Item #3. is Antioch Road improvements. Basically the developer has chosen to build these

improvements. Install them as part of the development rather than escrow for them. He would like to remind the Council that when this property was zoned commercially, that Prospect as they know it today did not exist. That has significantly changed the development on patterns along Antioch Road, as witnessed by this request, the previous request on this piece of property, Stonebrooke, Meadowbrook, duplexes and the expansion of Kingston Court. Item number nine staff feels is important because vehicular access from Antioch Road from Lots 1, 2 & 5 shall be prohibited. This speaks to a resident concern about curb cuts. As City Manager Norris stated earlier, the main reason why that request for single family homes was denied years ago was because of the extensive curb cuts on Antioch Road. Antioch Road is classified as a primary collector roadway and the Comprehensive Plan would stress continually that the reduction and limitation of curb cuts along Antioch Road be recommended. Ms. Holwick brought up the idea of an evergreen buffer to the east. Staff would support that suggestion and he is sure that the developer would not have any objection to that.

Generally a "P" classification is designed to allow some variation in development and create a neighborhood and create a district all its own under the terms and conditions of the zoning ordinance. In this particular case, one of the "P" considerations concern density. General information for the Council, the density of this project is about 6.5 or 6.7 units per acre. A differently configured piece of property, that wasn't so uniquely situated with a drainage basin to the south and a channel to the west, might be different, but a single family home development would be about five units per acre, so that is a comparison he would like Council to consider. Overall the Comprehensive Plan would support this request. Its medium density cluster housing provides a buffer, not in the physical sense but in the land use planning sense, between the single family homes and public improvements in the area. Secondly, the Comprehensive Plan suggests that developments should become neighborhoods through discouraging fast traffic. This request does that because it proposes a dead end cul de sac that allows these people to become a neighborhood and hopefully fit into the larger neighborhood of Gladstone.

Basically all of the remaining conditions in the Staff Report serve to implement the Comprehensive Plan or address the concerns of the residents of the Planning Commission Public Hearing.

City Manager Jim Norris added, referring back to the storm water issue, most of the residents that came up and talked about storm water talked about storm water occurrences and flooding occurrences which occurred, in their words, eight years ago or more. In those eight years a significant amount of work has been done on Rock Creek. Not just at the Brooktree basin, not just the Shady Lane basin, but the culverts under Antioch Road in this vicinity have been widened and enlarged. Agnes/Bellefontaine Phase I was built. The 67<sup>th</sup> Terrace/Indiana project was done which also includes a basin. The City is not having the same amount of water inundate this area that used to. Even during the great flood of 1993, when we did at that time have torrential rainfalls in excess of a 100 year storm capacity, this area did not see the same effect that it had in the past. Having been here in 1988 and 1989 and seeing

those homes flooded, those same things did not happen in 1993. This development is no different than any other development in terms of the City's development process. Maybe we need to take a step back and explain the development process.

All the City Council is looking at tonight is a proposed land use plan. This still has to undergo final engineering and final platting before any building permit or anything can actually be constructed. The question before the Council is: Is a RCHP-1 project with this number of units better than a commercial zoning; is it as good as the Council thinks it can be; and does it meet the intent of the Comprehensive Plan? If you will look at the Comprehensive Plan and the Land Use Map, the Land Use Map shows this as a zone that can have two possible uses: Office by commercial or medium density single family. This plan would meet that. The question of whether it needs to be twenty-six units or less is a matter left to the Council, not a matter left to staff. The amount of work that has been done on storm water and with that basin being put there, obviously, one of the reasons that staff thinks a 50 year underground storm is so important is because of the proximity to the basin. With the developer doing the improvements on Antioch Road, right at the time of development versus escrowing it, we, the City, by regulating the developer and how they do those improvements are going to have to be able to deal with issues such as how the storm water runoff actually moves into the road to where the basins are and how those work.

Going back into history a little bit, and City Clerk Marilyn Ahnefeld went back to research this, where the old sewage treatment lift station sat this property was under the City's ownership only when it was used for that purpose. When it quit being used, when the City connected to Kansas City's interceptor sewers and went onto Kansas City's system for treatment, that sewage treatment plant was disassembled according to EPA standards, was abandoned and the property reverted back to the previous property owner, and was not under City ownership and has not been under City ownership since that time. Upon my coming here in 1988 there were an awful lot of people who thought that baseball diamond was the City's. It was not. What staff is faced at looking at is: Is this a good plan for this area, from a land use standpoint, given the fact that we have a current CP-1 commercial zoning in place, and given the fact that the development patterns that allowed that CP-1 zoning to be approved by the Council in 1989/1990 are different now. It is staff's opinion that development patterns are significantly different now and a commercial structure does not belong at this location for two reasons: that Prospect/Route 1 has been extended north to 72<sup>nd</sup> Street and there is the development of Carriage Court, neither of which were in existence at the time the commercial zoning was approved. He is not sure if that helps or hurts but he has tried to answer more of the questions that came from the residents.

Councilman George Nodler asked, on the history of the project, when it was rezoned commercial what was the project that was proposed for that site?

City Manager Jim Norris answered that it was a mixture of offices and light retail. One potential tenant was a financial institution, but the other was insurance offices. They talked potentially about a bakery of some kind. With a C-1 use a variety of things could

go in there. Again, the Council cannot legislate the actual commercial use. So when we are told that it is probably going to be a bank in a C-1 zone all staff can see is what the shell of that would look like and if it turns out to be a bank that's great but if its not, it still meets the zoning.

Councilman Roger Norris stated it could be an adult business. The City has also dealt with two pawn shops recently on North Oak that all meet the zoning requirements in place.

Mayor Art Hammen asked Director Wingerson if he could give a comparison of if a commercial project were to be put on this piece of property, in all probability would there be more or less ground paved over to allow for parking than for the residential proposed?

Director Wingerson answered, in all probability and based on the existing use planned for the property it would be relatively equal, if not slightly more paved under the commercial use because of the wide-open flat parking areas. Generally there are different drainage characteristics of a commercial building rather than a residential building, there would be more impervious surface.

Mayor Art Hammen noted that water runoff is an obvious concern to the residents. What he hears Director Wingerson saying is that there is probably a greater potential for problems with a commercial project here than residential?

Director Wingerson answered that he thinks it could be adequately designed for either commercial or residential use. Residential certainly provides more flexibility in how to accommodate the drainage because you do have some open areas in which to work. An adequate storm water plan could be designed for either situation.

City Manager Jim Norris stated, one more thought while talking about the staff recommendation, Council has at its discretion the ability tonight, or at any time, to approve the rezoning. Council can go ahead and approve the RCHP-1 and if there are still questions on the site plan or whether or not the developer is willing to put in the eastern buffer that can be held over to a subsequent meeting with the City Council or until a plan comes in that Council agrees with. Council does have the authority to deal with the RCHP-1 zoning and leave the site plan pending should Council desire.

Director Wingerson noted that the developer just agreed to an evergreen buffer on the east side.

**Mr. Seals** stated that this property is not a 100 year flood here. It doesn't take 50 years, none of us lived there 50 years, only 35 years. This same property has flooded a lot of times. We are not just talking about eight years ago, that was just the last one. It is common to see that area in a flood position there now. He noted that he had a question that bothered him, that these buildings they are putting in here for over \$100,000, does anybody know of buildings in a flood area that cost that much? What

have you seen in flood areas here that have quality buildings? Do they have quality buildings?

City Manager Jim Norris stated that when this property is developed, whatever it is developed as, whether it be this project or any other project that is proposed, since the elevation of the ground will be at 882 it will not be in a flood plain. Under federal law it will not be in a flood plain. He noted also that before flood regulations were in existence, significant parts of this entire metropolitan area were in flood plains.

There being no further comments Mayor Art Hammen closed the Public Hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL NO. 97-7**, rezoning from CP-1, **(Planned Local Business District)** to RCHP-1, **(Planned Residential Cluster Housing District)**, property at 3801 NE Antioch Road. Applicant: Larry Mitchell Owner: Lewis Springer. (File #987)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-7** on First Reading; Councilman Roger Norris seconded.

Discussion:

Mayor Pro Tem Reynolds said he will be voting in favor of this because he believes that the change to this residential zoning is appropriate due to the current surrounding uses.

Councilman Roger Norris agreed that he supports this proposal for town homes because it is much more compatible to the surrounding neighborhoods than what could be built under the existing CP-1 zoning.

Councilman Anita Newsom said she does not have a problem with the townhome proposal but she is concerned about the density of the plan. With 26 units proposed, in her opinion this property will be overbuilt but she will discuss those issues further under the site plan bill. She is in favor of the zoning change.

Councilman George Nodler and Mayor Art Hammen both stated that they each felt that the rezoning from CP-1 to RCHP-1 was appropriate and accordingly would be voting in favor of this bill.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-7**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-7** and enact the Bill as Ordinance No. 3.576; Councilman Roger Norris seconded. The vote: All "aye" - Norris, Nodler, Newsom, Reynolds, Hammen. (5-0)



**Item 11b. on the Agenda. FIRST READING BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell; Owner: Lewis Springer (File #987)

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-8** on First Reading; Councilman Roger Norris seconded.

Discussion:

Councilman Norris stated that the lack of any landscape buffer between the planned development and the single family homes to the east of the planned development was a concern. Due to the change in density it was suggested that additional landscaping be installed on the east side to shield the single family development.

Councilman Anita Newsom discussed her concerns over the density of the townhomes shown on the plan. While it is not 10 lbs. of potatoes in a 5 lb. bag, it is still like putting 7 lbs. of potatoes in a 5 lb. bag. This plan is more favorable than the 60 units proposed by another developer recently; however, she feels that more should be done to reduce the density in this proposal. It is just too much on this small parcel.

Councilman Roger Norris responded that this is a good plan in light of what could previously have been placed on the property. He understands the desire of the neighbors to keep the property vacant, but development must be allowed to occur, particularly when a plan to keep this property residential is presented. He did not like the 60 unit plan, he did not like the possibility of commercial zoning, but he supports the proposed plan which calls for 26 units. If it can be done with fewer units, he would be in favor of that but it was his understanding that this was the minimum amount needed for the development.

Considerable discussion was held on Condition #10 of the Site Plan calling for a 6' tall wood privacy fence with finish side out. It was noted that the Planning Commission recommended fence over hedge due to the length of time it would take for the hedge to grow to a height to provide the desired screening.

In discussion of fencing in other developments, City Councilman Anita Newsom suggested that shadow box style fencing would have the most the most visual appeal. However, Council noted that some residents who spoke during the public hearing do not feel the fence is as aesthetically pleasing as trees and shrubs and strongly object to fence as a buffer to their residential neighborhood. Several residents however do prefer fencing over shrubs and one resident particularly pointed out that the shrubbery is green for only part of the year and also expressed concern that shrubs just are not as effective as a noise barrier as fencing would be.

Spokesman, Lee Bussinger said developer Larry Mitchell will install whichever the City Council wants. When questioned about the preference of the actual residents buying these units, Mr. Bussinger said most will want fencing even if a hedge is planted. How to ensure a uniform fence installation was discussed and City Counselor Nancy

Thompson suggested this could be addressed by the homeowners association covenants recorded with the plat.

Councilman Newsom was concerned with the language of item number eight relating to the installation of lighting. Director Wingerson responded that the developer has been out of town and that he has been unable to discuss this issue with him prior to tonight's City Council meeting.

**MOTION TO AMEND:** Following additional discussion on the issue of fencing versus shrubbery, Mayor Pro Tem Bill Reynolds moved to amend Condition #10 of Bill 97-8 and add Condition #19 to read as follows:

**10. A 6' tall shadow box wood privacy fence shall be installed and maintained along Antioch Road east of proposed intersection of NE 63<sup>rd</sup> Terrace and Antioch Road. This fence shall begin at the northwest corner of the westernmost building on Lot 1. From that point the fence shall proceed north to the property line adjacent to Antioch Road. The fence shall then run parallel to Antioch Road along the north property line of Lot 1 and Lot 2. An evergreen shrub hedgerow shall be planted and maintained on the north and west sides of said fence. The hedgerow shall consist of evergreen shrub materials planted 6' on center with a mature growth of 3' in height.**

**19. Evergreen trees shall be planted and maintained along the east property line 6' on center with a minimum size of 2" d.b.h. and 6' in height.**

Councilman Roger Norris seconded the amendment. The vote on the amendment: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

The vote on First Reading: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill as amended.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Amended Bill No. 97-8**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

City Manager James Norris requested that the City Council defer any further action on the Bill until the next regularly scheduled meeting of the City Council in order for staff to discuss the amendments to the Site Plan with the developer prior to final enactment. The City Council agreed to defer further action on the Bill to its next meeting.

**Item 12. on the Agenda.** **FIRST READING BILL NO. 97-9**, accepting a Standard Easement from property owners in conjunction with drainage improvements at 1209 NE 65th Street. (Project #9614)

Councilman Roger Norris moved to place **Bill No. 97-9** on First Reading; Councilman George Nodler seconded.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-9**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-9** and enact the Bill as Ordinance No. 3.577; Councilman George Nodler seconded. The vote: All "aye" - Norris, Nodler, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda.** **FIRST READING BILL NO. 97-10**, repealing Ordinance No. 3.566 relating to an easement from Garold D. & Margaret M. Tingle in conjunction with development of Quality Vending at 6850 North Oak.

Councilman Roger Norris moved to place **Bill No. 97-10** on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager James Norris advised that this ordinance repeals a previously enacted ordinance which accepted an easement for construction of a water main to serve Quality Vending. The water main was relocated onto the recently acquired McDowell property so this easement is no longer needed.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-10**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-10** and enact the Bill as Ordinance No. 3.578; Councilman George Nodler seconded. The vote: All "aye" - Norris, Nodler, Newsom, Reynolds, Hammen. (5-0)

**Item 14. on the Agenda.** **Other Business.**


**Item 15. on the Agenda.** **Questions from the News Media.**

None.

There being no further business to come before the Regular February 24, 1997 City Council Meeting, Mayor Art Hammen adjourned the meeting.

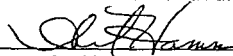
Mayor Pro Tem Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office as publicly posted for Land Acquisition Discussion and Personnel Discussion pursuant to the Missouri Open Meeting Act Exemptions. Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Art Hammen

MFA/sak

## ***CEREAL INGREDIENTS INC.***

10920 Ambassador Drive  
Suite 418  
Kansas City, Missouri 64153  
Phone 816 891-1055  
FAX 816 891-7606

February 12, 1997

**RE: KATHY BRACKEN**

To Whom It May Concern,

I am writing this letter in support of Mrs. Kathy Bracken's application to operate a daycare in her home. My son Garrett, who is 3, has been in Kathy's care since July of 1996. This is the first experience we have had with daycare, as Garrett has been at home until this time. I have been extremely pleased with not only the care she has given, but also the sensitivity and help with Garrett's adjustment into a daycare setting.

Kathy's children, Daniel and David, have always been polite and friendly with me and are like "older brothers" to Garrett. Every evening at story time, he starts out with "Once upon a time there was Garrett, Daniel and David and they....", telling us what the boys have done with him that day. Garrett cons David Sr., Kathy's husband, out of a piece of gum and a hug on a regular basis.

This entire family is dedicated to the children that are in Kathy's care, and I would highly recommend her/them to anyone needing a caring, nurturing environment for their child.

Please feel free to contact me if you need to further information.

Sincerely,



Jenny M. Skrbina

**Food Ingredients Division  
Research Center**  
10835 Ambassador Drive  
Kansas City, Missouri 64153  
Phone 816 891-7331  
FAX 816 891-7450

**NEXT ORDINANCE # 3.579**

**GLADSTONE, MISSOURI  
MONDAY, MARCH 10, 1997**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow  
adjournment of Regular Meeting pursuant to  
Missouri Open Meeting Act Exemption Section 610-021(2)  
for Land Acquisition Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 24, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-13**, authorizing the City Manager to accept the proposal of Browning-Ferris Industries, Inc. (BFI) to provide waste hauling services at City facilities, office paper recycling at City Hall, and services for the annual Beautification Event.

**RESOLUTION R-97-14**, authorizing Change Order #1 in the amount of \$25,377.50 to the N Troost Water Main Replacement Contract with Miles Excavating. Revised Total Contract Amount: \$178,685.50. Fund: 1994 Water Bonds. (Project 9413-E)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **BUILDING PERMIT APPROVAL** for exterior remodeling of Antioch Plaza Professional Building, 5601 N Antioch Road. Applicant/owner: North Kansas City Hospital (File #97-0123)
10. **SECOND READING AMENDED BILL 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell; Owner: Lewis Springer (File #987)
11. **FIRST READING BILL 97-11**, approving the Final Plat of the **"Amended Plat of Claymont Pointe Twelfth Replat"** and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/owner: J.D. Nelson Building Co.

**NEXT ORDINANCE # 3.579**

12. **FIRST READING BILL 97-12**, accepting Standard and Temporary Construction Easements required from property owners in conjunction with 1402 NE Englewood Road Drainage Improvement Project. (Project #9716)
13. **FIRST READING BILL 97-13**, accepting Standard and Temporary Construction Easements required from property owners in conjunction with the North Grand Street Improvement Project. (Project #9115)
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**
17. **Motion to Adjourn to Closed Executive Session for Land Acquisition Discussion pursuant to the Missouri Open Meeting Act Exemptions.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, MARCH 10, 1997**

Mayor Art Hammen called the Regular March 10, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk Marilyn F. Ahnefeld  
Deputy City Clerk, Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Girl Scout Troop #1447 led the Pledge of Allegiance in which all joined. After the pledge the Girl Scouts of Troop #1447 recited the Girl Scout Promise for the audience.

**Item 4. on the Agenda. Approval of Regular February 24, 1997 City Council Meeting Minutes.**

Councilman Roger Norris moved to approve the regular February 24, 1997 City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Bill Reynolds moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)



### **CONSENT AGENDA DETAIL.**

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-13**, authorizing the City Manager to accept the proposal of Browning-Ferris Industries, Inc. (BFI) to provide waste hauling services at City facilities, office paper recycling at City Hall, and services for the annual Beautification Event; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

Mayor Pro Tem Bill Reynolds moved to adopt **RESOLUTION R-97-14**, authorizing Change Order #1 in the amount of \$25,377.50 to the North Troost Water Main Replacement Contract with Miles Excavating. Revised Total Contract Amount: \$178,685.50. Fund: 1994 Water Bonds. (Project 9413-E); Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen (5-0)

### **REGULAR AGENDA**

Mayor Art Hammen noted for members of the audience that might be present this evening in conjunction with **Item 10. on the Agenda** which is the second reading of a rezoning on property at 3201 Northeast Antioch Road, that the developer has requested that this particular item be tabled and it is the Council's normal policy to honor those requests. He invited audience members to stay for the entire meeting if they desire but noted that if they were only present for the Antioch Road item, in all probability the only action taken will be to table it until the March 24, 1997 City Council meeting.

#### **Item 6. on the Agenda. Communications from the Audience.**

**Joe Parnicott, 106 NW 65<sup>th</sup> Terrace**, Hamilton Heights, stated he is here before the City Council this evening to let them know how pleased he is with Director Buschor and Councilman Norris and all the other participants who worked on the Hamilton Heights Park plan. He thought it was a unique process that was used and he is very happy to see that degree of citizen involvement in a City project like this.

#### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom complimented staff on the assemblage and production of the current Parks Brochure. It speaks of the professionalism and the very, very busy department that the City has in parks and recreation. It is a fine professional publication. Kudos to Director Buschor and his staff.

\* \* \* \*

Councilman Anita Newsom noted that in reflecting on last Friday nights Board and Commission Recognition Banquet, all the Boards and Commissions were recognized but she is not sure if they were ever formally told "Thank You". She wanted it on the record that that was the purpose of the dinner. Most definitely there is no way the Council could function as a body representative of all Gladstone citizens without the input of the Board

and Commission members. She wanted to thank them for all the time, effort, reading and research that they put in on the different Boards and Commissions in our City.

Mayor Pro Tem Bill Reynolds thanked Joe Parnicott for his kind comments on the Hamilton Heights Park Plan and stated that he agrees with Mr. Parnicott's comments. He is very pleased with the staff that Gladstone has in place. The City is looking for a Finance Director and he had the opportunity to be on the search committee and was very pleased with the process that the City goes through to find the right people to work together for the City of Gladstone. He is very proud of all Gladstone's staff.

Councilman Roger Norris noted that he wanted to comment on Hamilton Heights on two issues. One, maybe sometime before summer starts the water lines will all be done and there will be fire hydrants that work.

Secondly, to reiterate, he has talked a lot about that park. Councilman George Nodler and he both live in Hamilton Heights. When they took a tour of the pool when this property was up for sale, they looked at this property in the beginning for maybe a senior center, or refurbish the pool and have a second City pool. He lived at that pool his entire life. He dove on the team, swam on the team and everything. It broke his heart to see the pool in the shape it was in. He is thrilled that the City has come to a point that the people in Hamilton Heights, even the ones that did not want the City to buy the property and destroy the pool, did participate in the process and are happy with what they are seeing. If the last couple of meetings are any indication the City will probably do two or three years of work down there the first year. Residents won't have to wait as long as they thought to get that park on board.

Councilman George Nodler said he concurs with Councilman Anita Newsom's remarks in recognizing all the hard work and time spent by the Boards and Commissions in Gladstone.

Mayor Art Hammen commented that he was stopped by several people who attended the dinner last Friday evening and they asked that their appreciation be passed along for that dinner. They felt staff had done a very good job of putting the dinner together and wanted everyone to know how grateful they were.

City Manager Jim Norris noted that primary kudos should go to City Clerk Marilyn Ahnefeld for the work she put in and Deputy City Clerk Sondra Kasserman who assisted.

Councilman Roger Norris added his compliments for an outstanding job.

City Clerk Marilyn Ahnefeld stated that it was a team effort and thanked City Manager Jim Norris for his comments but stressed that without Sondra Kasserman's help the event could not have been held.

Mayor Art Hammen agreed it was a very nice event.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris stated that he had several items this evening. The first is one of regret to announce that former Municipal Court Judge Bob Duncan passed away this weekend. Visitation for Mr. Duncan will be Tuesday evening from 6 pm to 8 pm at White Chapel Funeral Home. Funeral services will be held Wednesday at 3 pm. Bob Duncan served our City for many years as Municipal Court Judge and was an institution. It is with regret that his passing is announced.

\* \* \* \*

The second announcement is that it is time for the City's annual Beautification Program. April 11<sup>th</sup>-13<sup>th</sup> will be the Brush Disposal weekend at the Community Services garage area. As it was done last year, it worked very well for people to be able to drive up and drive through the horseshoe drive to drop their brush off. As of today, all the remaining debris from the October snow storm has been chipped and is now gone.

April 25<sup>th</sup>-27<sup>th</sup> will be the regular Beautification Event that is annually held in Central Park. No yard waste or brush will be accepted at this event, nor will we be able to take appliances, but there are several other items that have been added to this year's event which will be announced in the *Gladstone Reporter* coming out in the next week or so. Residents should be pleased to see that the Salvation Army will have a truck on site to take goods that shouldn't be trashed because they could be reused. That will help decrease the amount of things that will actually go into the dumpsters and end up in the landfills.

\* \* \* \*

His last announcement is to Mr. Parnicott (reference Hamilton Height's Park) since he is present this evening and he can update the neighbors, and that is that the Council and the Capital Improvements Committee both agreed with the Leasehold Bond financing and that is moving along. Director Buschor is probably 50% to 60% through drafting a Request for Proposals for Engineering Design Services for Hamilton Heights Park. Everything is tracking on schedule and hopefully everyone will see some work begin there before the end of this year's construction season.

**Item 9. on the Agenda. BUILDING PERMIT APPROVAL** for exterior remodeling of Antioch Plaza Professional Building, 5601 North Antioch Road. Applicant/owner: North Kansas City Hospital (File #97-0123).

Mayor Pro Tem Bill Reynolds moved to approve the **Building Permit** for exterior remodeling of Antioch Plaza Professional Building; Councilman Roger Norris seconded.

Discussion:

Councilman Anita Newsom commented that this has always been a nice professional building and this will upgrade it and make it fit into the flow of that Antioch strip center even better.

Mayor Art Hammen noted that the copy of the blueprints he received for this project is a poor copy and difficult to read. The City Manager acknowledged that what the City was given wasn't a very good quality to begin with. Plans call for arched windows and repaint in an earthtone design scheme for the frontage.

The vote: All "Aye" Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 10. on the Agenda.** **SECOND READING AMENDED BILL 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell; Owner: Lewis Springer (File #987)

Councilman Roger Norris moved to table **Bill No. 97-8** until the March 24, 1997 City Council Meeting per the developers request; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 11. on the Agenda.** **FIRST READING BILL NO. 97-11**, approving the Final Plat of the "**Amended Plat of Claymont Pointe Twelfth Replat**" and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/owner: J.D. Nelson Building Company.

Councilman Roger Norris moved to place **Bill No. 97-11** on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Roger Norris asked if everything was in order; the City Manager said, yes.

Councilman Anita Newsom asked how many more replats they would have.

City Manager Jim Norris explained that every time they finish a building they have to go through this process. There are approximately four more.

Councilman Anita Newsom asked if that was some sort of record?

City Manager Jim Norris stated no. A large number of replats is not unusual when you are building this type of development as each property has to be replatted when completed and they go under ownership.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-11**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-11** and enact is a Ordinance No. 3.579; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL NO. 97-12**, accepting Standard and Temporary Construction Easements required from property owners in conjunction with 1402 NE Englewood Road Drainage Improvement Project. (Project #9716)

Councilman Roger Norris moved to place **Bill No. 97-12** on First Reading; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

City Manager Jim Norris noted, as the memo stated these are all the easements necessary to proceed with this Project and it will be out to bid this coming weekend.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-12**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-12** and enact is a Ordinance No. 3.580; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 13. on the Agenda.** **FIRST READING BILL NO. 97-13**, accepting Standard and Temporary Construction Easements required from property owners in conjunction with the North Grand Street Improvement Project. (Project #9115)

Councilman Roger Norris moved to place **Bill No. 97-13** on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Bill Reynolds asked staff if this will complete this project?

City Manager Jim Norris answered, as the memo stated this completes all the easements necessary to bid this project. It is budgeted July 1<sup>st</sup> of the coming fiscal year and unless the Capital Budget is changed staff plans to go out to bid on this so it can be awarded very shortly.

Mayor Pro Tem Bill Reynolds asked if it can still be completed during this years construction season?

City Manager Jim Norris answered technically it is not budgeted right now. It is in the five year plan but is not in the current fiscal year. Staff will proceed to bid but won't be awarding the bid until we have been through the budget sessions and feel comfortable that the funds will not be moved from year to year.

Councilman Roger Norris asked how long the City been working on getting just the easements so this project can proceed. Wasn't this project budgeted to be done a year and a half or two years ago?

City Manager Jim Norris explained that it actually is a 1991 project. If the history is tracked it was deleted as a project a year and a half after that and no efforts were made to obtain the easements. It was then brought back as a project in late 1993 or early 1994 and that was when staff started working on obtaining the easements. It has taken that long to get all of them.

Mayor Art Hammen stated that this is an example where the City is really trying to help the adjoining property owners in spite of themselves. He commends staff for their perseverance in getting these easements that have taken several years.

City Manager Jim Norris explained that the biggest help was when the easements were all obtained for the 57<sup>th</sup> Street segment and the City was able to construct that street. The remaining property owners that had not granted the City easements were then able to see how the finished product would look. When they saw 57th Street completed, it became easier for them to give the City the easements needed. After that it was just dealing with specific concerns on individual properties.

The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of **Bill No. 97-13**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-13** and enact is a Ordinance No. 3.581; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 14. on the Agenda. Other Business.**

None.

**Item 15. on the Agenda. Questions from the News Media.**

None.

\* \* \*

There being no further business to come before the Regular March 10, 1997 City Council Meeting, Mayor Art Hammen adjourned the regular meeting at 7:50 pm.

\* \* \*

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.** Mayor Pro Tem Bill Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office as publicly posted for Land Acquisition Discussion pursuant to the Missouri Open Meeting Act Exemptions; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

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

  
Mayor Art Hammen

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, MARCH 24, 1997**

**Regular Meeting: 7:30 PM**

**Open Study Session: 7:15 PM**

**Closed Executive Session will immediately follow adjournment of Regular Meeting  
pursuant to Missouri Open Meeting Act Exemption**

**Section 610.021(1) for Litigation Discussion and Privileged Communications;  
Section 610.021(2) for Land Acquisition; and 610.021(3) for Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 10, 1997 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** designating the week of April 7-13, 1997 as "**PUBLIC HEALTH WEEK**" in the City of Gladstone, Missouri. Sponsor: Clay County Health Department
- 4b. **PROCLAMATION** designating the week of April 6-12, 1997 as "**INTERNATIONAL BUILDING SAFETY WEEK**" in the City Of Gladstone, Missouri. Sponsor: International Conference of Building Officials
5. **CONSENT AGENDA**

**RESOLUTION R-97-15**, authorizing execution of a contract with Elek-Tek, Inc. for the purchase of computer equipment. Contract Amount: Not to exceed \$52,000; General Fund.

**RESOLUTION R-97-16**, authorizing execution of an amendment to "Memorandum of Understanding Regarding Brush Chipper Cooperative Project" and attachments thereto, by and between the MARC Solid Waste Management District and the Cities of Gladstone, Kearney, and Smithville, Missouri.

**RESOLUTION R-97-17**, accepting a Bill of Sale from Intra-State Development Company and Holthouse Construction Company conveying water line, sanitary sewer line and storm drainage improvements constructed in The Oaks Revised First Plat Subdivision to the City for maintenance. (Improvements constructed entirely at developer's expense.)

**RESOLUTION R-97-18**, authorizing the City Manager to accept a proposal from Steffen Equipment Sales, Gladstone, Missouri, for the purchase of a Tractor Mount Cut Seeder and Aerator. Total Purchase Amount: \$4,350.00 General Fund

**RESOLUTION R-97-19**, authorizing acceptance of proposal from H.H. Halferty and Sons, Smithville, Missouri, for the purchase of a Ford New Holland, 655-E Backhoe Loader. Net Purchase Amount: \$34,372.00 (includes \$17,000.00 trade in allowance for 1987 Ford 655A Backhoe). Fund: Combined Water and Sanitary Sewer

**RESOLUTION R-97-20**, authorizing execution of a contract with Asphalt Plant Sales for Happy Rock Park parking lot paving. Contract Amount: \$96,456.10. Fund: Capital Improvements Sales Tax Fund (9705)



**NEXT ORDINANCE #3.582**

**RESOLUTION R-97-21**, authorizing the City Manager of the City of Gladstone to execute an Antenna Site Lease at Antioch Water Tower with Nextel Communications.

**APPROVAL OF ONE DAY LIMITED BEER & WINE LIQUOR LICENSE** for St. Charles Borromeo Church, 804 Shady Lane Drive, Annual Auction/Fund Raising Event on Saturday, April 26, 1997. Hours: 6:00 PM - 11:00 PM. Managing Officer for Liquor Responsibility: Paul G. Danaher

**APPROVAL OF JANUARY 1997 FINANCIAL REPORTS.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING AMENDED BILL 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell; Owner: Lewis Springre (File #987)
10. **PUBLIC HEARING** on a request for a Site Plan Revision on property at 100 NW Vivion Road. Applicant/Owner: Courtesy Chevrolet/Cadillac (File #995)
- 10a. **FIRST READING BILL 97-14**, approving a Revised Site Plan on property at 100 NW Vivion Road subject to certain conditions. Applicant/Owner: Courtesy Chevrolet/Cadillac. (File #995)
- 10b. **APPROVAL OF A BUILDING PERMIT** for construction of 7,200 sq. ft. building at 100 NW Vivion Road. Applicant/Contractor: Omaac, Inc.; Owner: Courtesy Chevrolet (BP #97-0090)
11. **FIRST READING BILL 97-15**, approving the Final Plat of "**RESURVEY OF LOTS 53 THRU 65 AND TRACT "A", THE OAKS REVISED FIRST PLAT**" and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/owner: Intra-State Development Co. (File #996)
12. **FIRST READING BILL 97-16**, approving the Final Plat of "**RESURVEY OF LOTS 33 THRU 47 INCLUSIVE AND TRACT B, THE OAKS REVISED FIRST PLAT**" and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/owner: Intra-State Development Co. (File #997)
13. **FIRST READING BILL 97-17**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with drainage improvements between 100 and 102 NE 74th Terrace.
14. **FIRST READING BILL 97-18**, accepting Temporary Construction Easements and Standard Easements from property owners for the 72nd Street Improvement Project (Bellefontaine - Antioch Road).
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**
18. **Motion to Adjourn to Closed Executive Session for Litigation and Privileged Communications, Land Acquisition and Personnel Discussions pursuant to the Missouri Open Meeting Act Exemptions.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 24, 1997

Mayor Art Hammen called the Regular March 24, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Anita Newsom  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Deputy City Clerk, Sondra Kasserman

ABSENT: Councilman Roger Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Rachel Kuntz, Girl Scout Troop 1447, led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular March 10, 1997 City Council Meeting Minutes.**

Mayor Pro Tem Bill Reynolds moved to approve the regular March 10, 1997 City Council Minutes as written; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 4a. on the Agenda. PROCLAMATION** designating the week of April 7-13, 1997 as "PUBLIC HEALTH WEEK" in the City of Gladstone, Missouri. Sponsor: Clay County Health Department.

Mayor Art Hammen read the Proclamation.

**Item 4b. on the Agenda. PROCLAMATION** designating the week of April 6-12, 1997 as "INTERNATIONAL BUILDING SAFETY WEEK" in the City Of Gladstone, Missouri. Sponsor: International Conference of Building Officials

Mayor Art Hammen read the Proclamation and presented it to Alan Napoli, City of Gladstone Construction Coordinator.

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

Following the Deputy City Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**CONSENT AGENDA DETAIL.**

Councilman Anita Newsom moved to approve **RESOLUTION R-97-15**, authorizing execution of a contract with Elek-Tek, Inc. for the purchase of computer equipment. Contract Amount: Not to exceed \$52,000; General Fund; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-16**, authorizing execution of an amendment to "Memorandum of Understanding Regarding Brush Chipper Cooperative Project" and attachments thereto, by and between the MARC Solid Waste Management District and the Cities of Gladstone, Kearney, and Smithville, Missouri; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-17**, accepting a Bill of Sale from Intra-State Development Company and Holthouse Construction Company conveying water line, sanitary sewer line and storm drainage improvements constructed in The Oaks Revised First Plat Subdivision to the City for maintenance. (Improvements constructed entirely at developer's expense); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-18**, authorizing the City Manager to accept a proposal from Steffen Equipment Sales, Gladstone, Missouri, for the purchase of a Tractor Mount Cut Seeder and Aerator. Total Purchase Amount: \$4,350.00 General Fund; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-19**, authorizing acceptance of proposal from H.H. Halferty and Sons, Smithville, Missouri, for the purchase of a Ford New Holland, 655-E Backhoe Loader. Net Purchase Amount: \$34,372.00 (includes \$17,000.00 trade in allowance for 1987 Ford 655A Backhoe). Fund: Combined Water and Sanitary Sewer; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-20**, authorizing execution of a contract with Asphalt Plant Sales for Happy Rock Park parking lot paving. Contract Amount: \$96,456.10. Fund: Capital Improvements Sales Tax Fund (9705); Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-21**, authorizing the City Manager of the City of Gladstone to execute an Antenna Site Lease at Antioch Water Tower with Nextel Communications; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve a **ONE DAY LIMITED BEER & WINE LIQUOR LICENSE** for St. Charles Borromeo Church, 804 Shady Lane Drive, Annual Auction/Fund Raising Event on Saturday, April 26, 1997. Hours: 6:00 PM - 11:00 PM. Managing Officer for Liquor Responsibility: Paul G. Danaher; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Councilman Anita Newsom moved to approve **JANUARY 1997 FINANCIAL REPORTS**; Mayor Pro Tem Bill Reynolds seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda. Communications from the Audience.**

None.

##### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom noted the asphalt bid brought something to mind. Concerning Happy Rock Park, at one time there was discussion about widening the trail or something. Is that still being considered or is it not being dealt with at this time?

City Manager Jim Norris answered that it makes sense to address this issue at a time when the existing trail needs maintenance. Matching ages and grades of used versus unused asphalt does not make a lot of sense. Widening the trail is something that the City would ultimately like to do. The industry has learned that the old specs on bike trails that used to be five to six feet are inadequate and now the guidelines reflect bike trails to be from eight to ten feet. Given the modes and different types of uses on the trails with walkers, runners, bicyclist, in-line skaters, etc., and trying to give paths for each, the industry has learned that the trails need to be wider than first believed.

Councilman Anita Newsom stated that on a couple of warm days she has had lunch up at Oak Grove Park and the trail up there at lunch time is full.

City Manager Jim Norris noted that is why the State of Missouri, on their outdoor recreation programs scoring list, trails are still the highest ranked items to get points on grant applications because people want them and use them.

Councilman Anita Newsom commented that the trail is definitely used at Oak Grove Park and the playground equipment that the City and Rotary Club put up there, she has never seen so many kids using it. One can stop there any halfway warm day and the parents, grandparents and young kids are always up there.

Mayor Art Hammen congratulated City staff and the employees responsible for remodeling the City's Community Building in Central Park. A Ribbon Cutting was held a week ago and if anyone has not had the opportunity to see the remodeled Community Building he encourages them to do so. The building does not even look like the same place on the inside. It has had a one hundred percent improvement.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted his first item of business would be to request a motion supporting changing the Leasehold Bond Issue amount from \$1,100,000 million to \$1,386,000 as presented to the City Council in Open Study Session this evening.

Mayor Pro Tem Bill Reynolds moved to support changing the Leasehold Bond Issue amount from \$1,100,000 million to \$1,386,000 million; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

\* \* \* \*

City Manager Jim Norris stated his second item this evening was placed in front of the City Council and is **Resolution R-97-22** expressing the City of Gladstone's support for the Highway Trust Fund Integrity Act of 1997. As the Council is aware, the City of Gladstone is a recipient of funding through the Federal Government for the City's 72<sup>nd</sup> Street Project through the Intermodal Surface Transportation Efficiency Act (ISTEA) funding. With this Act the integrity of the ISTEA funding becomes much less threatened. This resolution is highly recommended from the Mid America Regional Council and the Total Transportation Policy Committee. Mayor Pro Tem Bill Reynolds sits on the MARC Committee involved with ISTEA funding for the City along with Director of Community Services, Gerald Meneffee. This resolution came from their most recent meeting and he would urge Council's.

Mayor Pro Tem Bill Reynolds moved to approve **RESOLUTION NO. R-97-22**, expressing the City of Gladstone's support for the Highway Trust Fund Integrity Act of 1997; Councilman George Nodler seconded.

**Discussion:**

Mayor Pro Tem Bill Reynolds noted that sitting on that committee, there are a lot of projects that are presented and they are all worthy. The only reason that they are all not funded is that there is not enough money. He feels that with the grading schedule used the people on the committee are doing a good job of distributing the money that is available.

Councilman Anita Newsom asked why the Council just received this resolution at their place tonight when one of the faxes came through on March 19, 1997?

City Manager Jim Norris answered that the March 19<sup>th</sup> fax was a fax sent to MARC, not to the City of Gladstone. Staff received it late Friday afternoon. He noted that Mayor

Pro Tem Bill Reynolds was at the meeting held on Tuesday, March 18, 1997. He and Mayor Pro Tem Bill Reynolds talked on the phone on Thursday and nothing had yet been received from MARC by the City. MARC had promised the City a draft resolution that was never received. Staff finally got MARC to send us the information that they had and staff wrote our own resolution today. MARC told staff they need this resolution for Senator Bond who is going to be in town this week and they are going to present it to him.

Mayor Pro Tem Bill Reynolds noted that there are going to be two Senator's in town this week on Wednesday, March 26<sup>th</sup>, down at the Federal Courthouse at 11:30 am. MARC indicated at the last meeting that they were going to get resolutions out to all the area cities. He received a fax after the Tuesday meeting, but nothing in the way of a resolution, so he contacted City Manager Jim Norris.

City Manager Jim Norris explained that is why staff wrote the resolution themselves. Staff kept thinking MARC was going to send a template that was worded more like the way they preferred to see the resolution worded, but they didn't.

Councilman Anita Newsom stated that she does not like voting on something that she has not had time to read, but she trusts staff and Mayor Pro Tem Bill Reynolds so she will vote on this tonight.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

\* \* \* \*

City Manager Jim Norris noted that the last item under his report this evening is to announce that the Brush and Limb Disposal, which is a part of Gladstone's Beautification, will occur before the Council's next regularly scheduled City Council Meeting. Gladstone's Brush and Limb Disposal will occur on Friday, Saturday and Sunday, April 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>, at the Community Services Garage on 76<sup>th</sup> Street. The *Gladstone Reporter* newsletter is going out and residents should be receiving it. Staff started getting phone calls today so the newsletter has hit parts of the City.

Councilman Anita Newsom reminded staff that in some areas of the City the last City newsletter regarding Gladfest didn't arrive until two weeks after Gladfest occurred.

City Manager Jim Norris stated that staff had this newsletter to the mailing house three and a half weeks before the event. The newsletters are marked "Time Sensitive Material". Staff will see what happens with the Postal Service as the newsletter has been downtown a long time already.

**Item 9. on the Agenda.** SECOND READING AMENDED BILL NO. 97-8, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell: Owner: Lewis Springer (File #987)

Mayor Art Hammen stated for the benefit of those in the audience this evening that may have an interest in **Bill No. 97-8**, Council has at their place this evening a letter from the applicant, Larry Mitchell, addressed to not only the City Council but also the Director Scott Wingerson and City Manager Jim Norris. Mr. Mitchell is requesting that any action be postponed until the City Council Meeting to be held on April 28, 1997, because the applicant has received information from his engineer concerning existing storm sewers to the north of the property which is of concern to him and he is asking for more time to resolve the situation.

Mayor Pro Tem Bill Reynolds moved to postpone the **Second Reading Amended Bill No. 97-8** until the April 28, 1997 City Council Meeting; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

City Manager Jim Norris stated for the Council's awareness that staff has phoned the residents that appeared at the Council's Public Hearing on this issue and will be delivering notices to those people of the Council's action tonight.

**Item 10. on the Agenda. PUBLIC HEARING** on a request for a Site Plan Revision on property at 100 NW Vivion Road. Applicant/Owner: Courtesy Chevrolet/Cadillac (File #995)

Mayor Art Hammen opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

**Applicant:**

**Gary Lundgren, architect with the firm DeVine, DeFlon, Yeager at 4610 J. C. Nichols Parkway in Kansas City, Missouri.** Mr. Lundgren explained that the project is a small 100 foot by 60 foot addition onto the existing facility. It is an attachment onto a building that is essentially a double-T concrete building. This building will be about 19 feet tall and should be fairly insignificant as far as the existing structure that is already there. This building will be fairly well dwarfed by the existing concrete building that is there at this time. The addition is essentially a facade. The 19 ft. walls will be covered by a single sloping roof. There is a small shed with a roof on the front that will accent it more towards a residential feel. Council should have drawings on this.

Councilman Anita Newsom asked for clarification on the exterior finish of the building?

Mr. Lundgren answered that it will be a better metal panel building than what is there and will be very similar to the existing building in appearance.

Councilman Anita Newsom asked if the building will have the same color as the current building so as to look like one whole unit?

Lundgren answered, yes.

Mayor Art Hammen stated for the benefit of those in the audience this evening that may have an interest in **Bill No. 97-8**, Council has at their place this evening a letter from the applicant, Larry Mitchell, addressed to not only the City Council but also the Director Scott Wingerson and City Manager Jim Norris. Mr. Mitchell is requesting that any action be postponed until the City Council Meeting to be held on April 28, 1997, because the applicant has received information from his engineer concerning existing storm sewers to the north of the property which is of concern to him and he is asking for more time to resolve the situation.

Mayor Pro Tem Bill Reynolds moved to postpone the **Second Reading Amended Bill No. 97-8** until the April 28, 1997 City Council Meeting; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen (4-0)

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Mr. Lundgren answered that it will be a better metal panel building than what is there and will be very similar to the existing building in appearance.

Councilman Anita Newsom asked if the building will have the same color as the current building so as to look like one whole unit?

Mr. Lundgren answered, yes.



**In Favor:**

None.

**In Opposition:**

None.

**Staff:**

Director Scott Wingerson stated that the applicant is requesting a site plan revision for the addition of two buildings. In the Council's packet there are actually two site plans, one that shows the addition of two buildings with some hand written notations on it.

The first building he would like to talk about is the one he calls "the paint booth". This building is an addition to the largest building on the property. That is the metal clad building that Mr. Lundgren just addressed. That building itself will be entirely screened from any public view except for those customers that go back for service on their automobiles. As Council can see from the three conditions contained in the Staff Report, staff has requested some additional screening on the north side of that property to supplement the screening that was required by the Council several years ago on a previous addition. To his knowledge the applicant is fully in support of the conditions requested by staff. This building will be completely non-visible except for internal customers to the facility.

The second of the two buildings is a vehicle prep area; basically an automobile wash type of operation. It is actually a fluted concrete building to match the existing building. That building will be visible from Old Pike Road looking west. That is a much more aesthetically pleasing design because of its fluted concrete nature and pitched roof. It will be designed to match exactly what exists on the property today. He would be glad to answer any Council questions.

Director Scott Wingerson made one final note, that Item 10b. on the Agenda, is the approval of the Building Permit for the paint booth building only, not the secondary building.

There being no further comments Mayor Art Hammen closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL NO. 97-14**, approving a Revised Site Plan on property at 100 NW Vivion Road subject to certain conditions. Applicant/Owner: Courtesy Chevrolet/Cadillac. (File #995)

Mayor Pro Tem Bill Reynolds moved to approve First Reading **Bill No. 97-14**; Councilman Anita Newsom seconded.

Discussion:

Mayor Art Hammen stated that this building application seems pretty straight forward. Council will note there was a unanimous vote from the Planning Commission recommending approval.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept First Reading of **Bill No. 97-14**, Waive the Rule and place the Bill on Second and Final reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-14** and enact it as Ordinance No. 3.582; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 10b. on the Agenda. APPROVAL OF A BUILDING PERMIT** for construction of 7,200 square foot building at 100 NW Vivion Road. Applicant/Contractor: Omaac, Inc.; Owner: Courtesy Chevrolet (BP #97-0090)

Councilman George Nodler moved to approve the **Building Permit** for construction of a 7,200 square foot building at 100 NW Vivion Road; Mayor Pro Tem Bill Reynolds seconded.

Discussion:

Mayor Pro Tem Bill Reynolds noted that at the Planning Commission Meeting there was a gentleman who spoke about concerns for water run-off and what the water might contain. Will that be addressed before the building permit is issued?

City Manager Jim Norris answered that the information the gentleman was given at the Planning Commission Meeting is the most accurate. It is something that staff can go and look at, but it is something for the Department of Natural Resources to check out.

Mayor Pro Tem Bill Reynolds asked, then it shouldn't be something that will hold up the building permit?

City Manager Jim Norris stated, absolutely not.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

City Manager Jim Norris stated that staff is going to go out and look at the area, but at this point it is staffs collective opinion that they are probably dealing with surface run-offs from the roads. When you have as many cars travel Old Pike Road as we do, things drop onto the roads from cars and trucks, then it rains and the storm sewers run to tributaries that run into the creeks. The gentleman who raised the issue at the Planning Commission was given the correct information. The Department of Natural

Resources is the one who handles those types of water concerns, but staff will look at it as well.

**Item 11. on the Agenda.** **FIRST READING BILL NO. 97-15**, approving the Final Plat of "RESURVEY OF LOTS 53 THRU 65 AND TRACT "A", THE OAKS REVISED FIRST PLAT" and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/owner: Intra-State Development Co. (File #996)

Councilman Anita Newsom moved to place **Bill No. 97-15** on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris noted that this Bill also came forward with the unanimous approval of the Planning Commission.

Mayor Pro Tem Bill Reynolds asked if everything was in order?

City Manager Jim Norris responded, yes.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-15**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-15** and enact it as Ordinance No. 3.583; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 12. on the Agenda.** **FIRST READING BILL NO. 97-16**, approving the Final Plat of "RESURVEY OF LOTS 33 THRU 47 INCLUSIVE AND TRACT B, THE OAKS REVISED FIRST PLAT" and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/owner: Intra-State Development Co. (File #997)

Councilman George Nodler moved to place **Bill No. 97-16** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris commented that everything is in order. This is the same as the ordinance above except it is for different lots and tract B versus tract A. It was approved by a 9-0 vote of the Planning Commission.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill No. 97-16**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 97-16** and enact it as Ordinance No. 3.584; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 13. on the Agenda. FIRST READING BILL NO. 97-17**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with drainage improvements between 100 and 102 NE 74th Terrace.

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-17** on First Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris noted that this is an area that has been visited by the Capital Improvements Committee in the past. Mayor Pro Tem Bill Reynolds and Mayor Art Hammen have visited there with the Committee and the Committee has determined that this is more of a maintenance project than a Capital Improvements project. City crews are ready to move forward once these easements are accepted by the City Council. Everything is in order.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-17**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-17** and enact it as Ordinance No. 3.585; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 14. on the Agenda. FIRST READING BILL NO. 97-18**, accepting Temporary Construction Easements and Standard Easements from property owners for the 72nd Street Improvement Project (Bellefontaine - Antioch Road).

Councilman George Nodler moved to place **Bill No. 97-18** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris noted that everything is in order. These easements are related to the 72<sup>nd</sup> Street ISTE A Project and the Stonebrooke Subdivision. These were no charge to the City in getting these acquisitions.

Councilman Anita Newsom asked about the Kansas City end of 72<sup>nd</sup> Street over by North Brighton; Kansas City is replacing culverts or something over there, is Kansas City continuing on with the widening of 72<sup>nd</sup> Street in their city limits?

City Manager Jim Norris answered that Kansas City has on its long range plan to widen that section of 72<sup>nd</sup> Street between where Gladstone's improvements end and North Brighton begins. In talking with Kansas City, they have indicated that their preference is that this road be built thorough development. As far as he knows it is not funded on Kansas City's five year plan, but it is shown on Kansas City's twenty year plan.

Mayor Pro Tem Bill Reynolds asked how Kansas City get a street like that built by developers?

City Manager Jim Norris answered, the same way that Gladstone got their portion built by Stonebrooke. That whole area on the other side of the bridge is already in the process of being platted and the developers of Stonebrooke have holdings on the other side of the bridge. The same way that most of the streets in Gladstone have gotten built and in other cities will probably be the way that 72<sup>nd</sup> Street gets built.

Councilman Anita Newsom stated that she was talking about road on the other side of the house that has the lake on the north side, just west of Brighton?

City Manager Jim Norris stated he did not know how Kansas City was going to continue 72<sup>nd</sup> Street through there. He asked Councilman Anita Newsom if she was talking about between Gladstone's project and North Brighton or between North Brighton on east?

Councilman Anita Newsom answered, on 72<sup>nd</sup> Street between Gladstone's project and North Brighton.

City Manager Jim Norris stated that Kansas City still has that shown on a long range plan. He has no idea now, given the fact that that house is located right there in the middle, how Kansas City would do that.

Councilman Anita Newsom noted that those people have been there forever.

City Manager Jim Norris stated that the way Kansas City shows North Brighton on their long range thoroughfare plan, to get people to and from North Brighton, is just a fork because at that location it is not far from what Kansas City shows as another new east/west street which is Pleasant Valley Road. That is where Kansas City is going to concentrate their money. Part of the reasoning of their thought process is that there are

two major creek crossing from the east side of North Brighton on east over to where it would actually connect with Interstate I-435. Bridges, structures and creek crossings are much more expensive than having people turn off 72<sup>nd</sup> Street and go south on North Brighton and then turn to go east on Pleasant Valley Road. Pleasant Valley Road is also shown on the Mid America Regional Council's long range plan as a project.

Councilman Anita Newsom stated that it scares her if Kansas City is just replacing the culvert on 72<sup>nd</sup> Street and not widening it.

City Manager Jim Norris stated that he will try and get a copy of Kansas City's thoroughfare plan for the City Council. Kansas City's plan also shows the Maple Woods Parkway which is partially being developed in the subdivision just north of Gladstone's Public Works Facility. Maple Woods Parkway is to cut northwest to southeast diagonally and tie into this whole issue as a collector street.

Mayor Pro Tem Bill Reynolds asked, if the bridge over I-435 at 76<sup>th</sup> Street is still there?

City Manager Jim Norris answered, it is still there.

Mayor Pro Tem Bill Reynolds noted that it hasn't been used much lately.

The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill No. 97-18**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0) The Deputy City Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 97-18** and enact it as Ordinance No. 3.586; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

#### **Item 15. on the Agenda. Other Business.**

City Manager Jim Norris indicated that with the Council's indulgence he had one more item. The City Council is aware that there are three weeks before the next City Council's meeting. Late last Friday afternoon staff received the last remaining lease that the City is working on with a telecommunications provider to put antennas on one of the City's water towers. The lease is from Paging Network of Kansas City, Inc. for three antennas to be placed on the Linden Tower with a 40 square foot ground lease. He would like the Council to entertain this resolution authorizing this lease this evening. It is the City's standard lease, no changes, deletions or additions from what the Council has seen on other antenna leases. Staff received Paging Network's executed copies late Friday afternoon, March 21, 1997. This resolution can either sit for three weeks until the first Council Meeting in April or if Council chooses to deal with it this evening

they may. If Council wants to consider the resolution this evening it will be **Resolution R-97-23** authorizing the City Manager of the City of Gladstone to execute an Antenna Site Lease at Linden Water Tower with Paging Network of Kansas City, Inc.

Mayor Art Hammen asked the City Manager if the Council enacts this resolution this evening if it go into effect any sooner?

City Manager Jim Norris answered that the resolution goes into effect as soon as the Council authorizes him to sign it and Paging Network begins moving forward.

Mayor Pro Tem Bill Reynolds moved to approve **Resolution R-97-23**; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

**Item 16. on the Agenda. Questions from the News Media.**

None.

\* \* \*

There being no further business to come before the Regular March 24, 1997 City Council Meeting, Mayor Art Hammen adjourned the regular meeting at 8:10 pm.

\* \* \*

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.** Mayor Pro Tem Bill Reynolds moved to adjourn to Closed Executive Session in the City Manager's Office as publicly posted for Litigation Discussion and Privileged Communications; for Land Acquisition and Personnel Discussion pursuant to the Missouri Open Meeting Act Exemptions; Councilman George Nodler seconded. The vote: All "aye" - Nodler, Newsom, Reynolds, Hammen. (4-0)

Respectfully submitted:

\_\_\_\_\_  
Sondra A. Kasserman, Deputy City Clerk

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

\_\_\_\_\_  
Mayor Art Hammen

SAK/sak

**GLADSTONE, MISSOURI**  
**MONDAY, APRIL 14, 1997**  
**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 24, 1997 City Council Meeting Minutes.**
5. **FIRST READING BILL NO. 97-19**, declare the results of the Tuesday, April 1, 1997 Gladstone General Councilmanic Election and declaring that candidates Roger Norris and Art Hammen have been elected to three year terms on the Gladstone City Council. (Final Votes: Roger Norris: 1,321; Art Hammen: 1,248; John Worley: 512; Jeffery Preece: 416).
6. City Council Oath of Office: Roger Norris and Art Hammen.
7. Election of Mayor and Oath of Office.
8. Election of Mayor Pro-Tem.
9. Recess for Lobby Reception.

***YOU ARE CORDIALLY INVITED TO THE LOBBY RECEPTION***

***HONORING THE CITY COUNCIL***

***CO-HOSTED BY CITY OF GLADSTONE & GLADSTONE AREA CHAMBER OF COMMERCE***

10. City Council Meeting Reconvened.

**11. CONSENT AGENDA**

**RESOLUTION R-97-24**, affirming and ratifying the actions of the City Manager of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone for the 72nd Street Widening Project (9417); and accepting the Deed transferring such property to the City.

**RESOLUTION R-97-25**, authorizing execution of a contract with Environmental Systems Research Institute for purchase of a Unix GIS Workstation and ARC/Info Software (\$20,200); and contract with Interchange Technologies, Inc. for purchase and installation of computer software (\$900). Total contracts: \$21,100.00 Fund: Capital Improvement Program Fund

**RESOLUTION R-97-26**, authorizing acceptance of work under contract with Penniston Construction for the North Central 1994 Water Main Replacement Project (#9413-B); and authorizing final payment. Grand Total Contract: \$541,920.08 Final Payment: \$19,379.01

**RESOLUTION R-97-27**, authorizing execution of a contract with Pyramid Excavating & Construction, Inc. for 1209 NE 65th Street - 1402 Englewood Road Drainage Improvements. (Projects #9614 & #9716). Contract Amount: \$38,000.00 Fund: Capital Improvements Sales Tax Fund



## **NEXT ORDINANCE #3.587**

**RESOLUTION R-97-28**, authorizing the City Manager of the City of Gladstone, Missouri to enter into a Cooperative Agreement with J.A. Peterson Enterprises, Inc. to realign North Euclid Avenue at NE 72nd Street.

**RESOLUTION R-97-29**, authorizing execution of a contract with Bob's Lawn Care and Big Roots Landscaping for the contractual mowing of certain City of Gladstone parks, facilities and right-of-ways for the 1997 mowing season.

**RESOLUTION R-97-30**, rescinding Resolution R-97-9 which authorized the City Manager to enter into a contract with RJF Contracting, Inc. for painting of the Gladstone Municipal Swimming Pools and Mechanical Room Areas; and authorizing in lieu thereof execution of a contract with Commercial Waterproofing for such project. Total Contract Amount: \$32,360.00. Fund: Municipal Swimming Pool

**RESOLUTION R-97-32**, authorizing acceptance of proposal from Brian J. Borg Company for purchase of (2) Colt Competition HBAR Rifles for Gladstone Public Safety less trade-in of (3) weapons and (4) magazines. Total Purchase Amount: \$1500.00 less \$1225.00 trade-in allowance. Net Purchase Amount: \$275.00 General Fund

**RESOLUTION R-97-33**, authorizing Change Order No. 3 in the amount of \$13,607.00 to the contract with Miles Construction for the North Troost Water Main Replacement Project. (Project #9413-E) Total Revised Contract Amount: \$195,549.59 Fund: 1994 Water Bonds

### **APPROVAL OF FINANCIAL REPORTS FOR FEBRUARY 1997.**

#### **REGULAR AGENDA**

12. **Communications from the Audience.**
13. **Communications from the City Council.**
14. **Communications from the City Manager.**
15. **PUBLIC HEARING:** on a request for a Special Use Permit to operate a lawn care business from property at 7114 North Oak. Applicant: Malone Lawn & Landscape. Owner: Linden Plaza Partnership (File #994)
- 15a. **FIRST READING BILL NO. 97-20**, granting a Special Use Permit to Malone Lawn & Landscape for operation of a lawn care business from property at 7114 North Oak. Applicant: Malone Lawn & Landscape. (File #994)
16. **FIRST READING BILL NO. 97-21**, accepting Standard Easements from property owners in conjunction with The Woodlands Homes Association water main extensions.
17. **RESOLUTION R-97-31**, authorizing the offering for sale of an issue of not to exceed \$1,590,000 Certificates of Participation, series 1997, evidencing a proportionate interest in basic rent payments to be made by the City of Gladstone, Missouri pursuant to an annually renewable Lease Purchase Agreement in connection with acquiring, furnishing, equipping and installing improvements to the City Hall.
18. **Other Business.**
19. **Questions from the News Media.**
20. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, APRIL 14, 1997**

Mayor Art Hammen called the Regular April 14, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Tem Bill Reynolds  
Councilman Roger Norris  
Councilman Anita Newsom  
Councilman George Nodler

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
City Clerk, Marilyn F. Ahnefeld  
Deputy City Clerk, Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular March 24, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular March 24, 1997 City Council Minutes as written; Mayor Pro Tem Bill Reynolds seconded. The vote: "Aye" - Nodler, Newsom, Reynolds, Hammen, "Abstain" - Norris (4-0-1)

**Item 4a. on the Agenda.**

Mayor Art Hammen noted that at this point on the agenda if there is a Proclamation to read it is done at this time. Tonight we have the return of a Proclamation that was sent halfway around the world. A former Gladstone resident, Petty Officer Donna Fields, was kind enough to let us know that she would be visiting Gladstone, Australia leaving on the 2<sup>nd</sup> of March and returning on March 22<sup>nd</sup>, so we armed her with a Proclamation and other items from our City to take to Gladstone, Australia. She is here this evening to tell us a little bit about that trip and to present some things she brought back.

**Petty Officer Donna Fields** told the City Council and audience that the Mayor of Gladstone, Australia is Mr. Peter Cronan who is of Greek nationality and she found him extremely witty. He asked that she present on his behalf a set of cuff links bearing the City of Gladstone, Australia Coat of Arms to Gladstone, Missouri Mayor Art Hammen.

Mayor Cronan also sent along a T-shirt from Queensland, Australia and a copy of a book they had published on their city entitled, *"The City That Waited"*. The City of Gladstone, Australia was not incorporated until 1986; before that it was just a town. Ms. Fields noted that Gladstone, Australia also shares the same number of friendly residents as Gladstone, Missouri: 26,000 residents. The residents were extremely friendly and wonderful people and she made many, many friends on the trip.

Ms. Fields said Gladstone, Missouri made it into the Gladstone, Australia newspaper. They ran a picture of Petty Officer Fields and her group presenting all the mementos from Gladstone, Missouri. Mayor Cronan sent back a frameable Proclamation Letter to Mayor Hammen along with a Gladstone Bag that they hand out to all the tourists who come to Gladstone, Australia. The bag has all kinds of pamphlets about the city of Gladstone, Australia and she pointed out that they have the world's largest aluminum refinery and produce 51% of the world's aluminum. She noted that persons who read the Proclamation letter may think there are mis-spellings but that is not the case, they just use a different spelling for some words.

Ms. Fields also noted that they call their city "Gladston" and don't pronounce the "e". She also noted they have a bar called "Happy Rock Pub"; and because one of the T-shirts that we sent was one of our *"Happy Rock Park Gladstone, Missouri"* shirts they are going to name their newest park *"Happy Rock Park"*.

Mayor Peter Cronan was very overwhelmed with what we sent to him. He was unopposed in his recent election, so he will be Mayor for a few more years. Mayor Cronan extends his welcome and would be happy to meet with any Gladstone, Missouri resident who would like to come to his city. Ms. Fields said just contact his City Council as he has an open door policy and he would be happy to have anyone come visit.

Mayor Art Hammen thanked Petty Officer Fields for being Gladstone's ambassador on her recent trip to Gladstone, Australia.

**Item 5. on the Agenda.** **FIRST READING BILL NO. 97-19**, declaring the results of the Tuesday, April 1, 1997 Gladstone General Councilmanic Election and declaring that candidates Roger Norris and Art Hammen have been elected to three year terms on the Gladstone City Council. (Final Votes: Roger Norris: 1,321; Art Hammen: 1,248; John Worley: 512; Jeffery Preece: 416).

Mayor Pro Tem Bill Reynolds moved to place **Bill No. 97-19** on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the First Reading of **Bill No. 97-19**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Reynolds moved to accept the Second and Final Reading of **Bill No. 97-19** and enact it as Ordinance No. 3.587; Councilman Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 6. on the Agenda. City Council Oath of Office: Roger Norris and Art Hammen.**

City Clerk Marilyn F. Ahnefeld, gave the City Council Oath of Office to both Roger Norris and Art Hammen.

Councilman Roger Norris commented that this is first day of his third term. He has never been happier. This Council is great, the staff here in Gladstone is wonderful, and the citizens could not be better. He appreciates the support that he gets as a Councilman and as a dad. He owes each and everyone a debt of thanks that he will never be able to repay, but he will certainly do his best in the next three years to make everyone proud of voting for him.

Mayor Art Hammen said he would echo Councilman Norris' sentiments except he is starting his second term. Thank you all very much.

**Item 7. on the Agenda. Election of Mayor and Oath of Office.**

Councilman Roger Norris moved to elect Bill Reynolds as Mayor for the next year; Councilman Anita Newsom seconded.

Mayor Art Hammen noted that the name of Bill Reynolds had been placed in nomination for the position of Mayor and seconded. He asked if there were any other nominations?

Councilman Anita Newsom moved that nominations cease and the Council elect Bill Reynolds to the office of Mayor by acclamation; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

City Clerk Marilyn Ahnefeld gave the Mayoral Oath of Office to Bill Reynolds.

Mayor Bill Reynolds expressed his appreciation to the City Council for electing him Mayor. He said that Art Hammen had done a great job as Mayor this past year. He noted that when Mr. Hammen took the Mayor's Oath of Office a year ago, he told Mr. Hammen's family they might not see as much of him during the year and he is sure that was true.

Mayor Reynolds noted that two of Art and Johanna's three daughters were present this evening and invited them to join their mother at the podium where he presented a floral arrangement as a token of the City Council's appreciation for the gift of their father and dad this past last year.

Mayor Bill Reynolds said he appreciates the opportunity to serve again as Mayor of Gladstone and he knows the one thing he can depend on each night from this Council are comments about his age.

**Item 8. on the Agenda. Election of Mayor Pro-Tem.**

Councilman Anita Newsom moved to elect Roger Norris as Mayor Pro Tem for the next year; Councilman Art Hammen seconded.

Mayor Bill Reynolds stated that the name of Roger Norris had been placed in nomination and seconded; and asked if there were any other nominations? (None were heard). The vote: All "aye" - Nodler, Norris, Newsom, Reynolds, Hammen. (5-0)

**Item 9. on the Agenda. Recess for Lobby Reception.**

Mayor Bill Reynolds announced that at this time the Gladstone Area Chamber of Commerce and the City of Gladstone invite everyone to the lobby for a reception honoring the City Council. He advised that the City Council Meeting will recess for a short time and will reconvene at approximately 8:05 PM.

**Item 10. on the Agenda. City Council Meeting Reconvened.**

Mayor Bill Reynolds reconvened the City Council Meeting in the City Council Chambers at 8:12 pm.

**Item 11. on the Agenda. CONSENT AGENDA**

Following the City Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-24**, affirming and ratifying the actions of the City Manager of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone for the 72nd Street Widening Project (9417); and accepting the Deed transferring such property to the City; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-25**, authorizing execution of a contract with Environmental Systems Research Institute for purchase of a Unix GIS Workstation and ARC/INFO Software (\$20,200); and contract with Interchange Technologies, Inc. for purchase and installation of computer software (\$900). Total contracts: \$21,100.00 Fund: Capital Improvement Program Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-26**, authorizing acceptance of work under contract with Penniston Construction for the North Central 1994 Water Main Replacement Project (#9413-B); and authorizing final payment. Grand Total Contract: \$541,920.08 Final Payment: \$19,379.01; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-27**, authorizing execution of a contract with Pyramid Excavating & Construction, Inc. for 1209 NE 65th Street - 1402 Englewood Road Drainage Improvements. (Projects #9614 & #9716). Contract Amount: \$38,000.00 Fund: Capital Improvements Sales Tax Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-28**, authorizing the City Manager of the City of Gladstone, Missouri to enter into a Cooperative Agreement with J.A. Peterson Enterprises, Inc. to realign North Euclid Avenue at NE 72nd Street; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-29**, authorizing execution of a contract with Bob's Lawn Care and Big Roots Landscaping for the contractual mowing of certain City of Gladstone parks, facilities and right-of-ways for the 1997 mowing season; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-30**, rescinding Resolution R-97-9 which authorized the City Manager to enter into a contract with RJF Contracting, Inc. for painting of the Gladstone Municipal Swimming Pools and Mechanical Room Areas; and authorizing in lieu thereof execution of a contract with Commercial Waterproofing for such project. Total Contract Amount: \$32,360.00. Fund: Municipal Swimming Pool; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-32**, authorizing acceptance of proposal from Brian J. Borg Company for purchase of (2) Colt Competition HBAR Rifles for Gladstone Public Safety less trade-in of (3) weapons and (4) magazines. Total Purchase Amount: \$1500.00 less \$1225.00 trade-in allowance. Net Purchase Amount: \$275.00 General Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-97-33**, authorizing Change Order No. 3 in the amount of \$13,607.00 to the contract with Miles Construction for the North Troost Water Main Replacement Project. (Project #9413-E) Total Revised Contract Amount: \$195,549.59 Fund: 1994 Water Bonds; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve the **FINANCIAL REPORTS FOR FEBRUARY 1997**; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

## **REGULAR AGENDA**

### **Item 12. on the Agenda. Communications from the Audience.**

None.

### **Item 13. on the Agenda. Communications from the City Council.**

Councilman George Nodler stated he would like to congratulate Mr. Norris and Mr. Hammen on their re-election, and Mr. Reynolds and Mr. Norris on their election to office tonight.

Mayor Pro Tem Roger Norris thanked Councilman George Nodler.

Councilman Anita Newsom stated she wanted the record to reflect comments made earlier this evening commending staff for their outstanding efforts to complete City Hall. It is super to have it all together. Councilman Anita Newsom noted that there are employees who are not present tonight that had to put up with less than easy working conditions and make the best of it. She hopes that the citizens of Gladstone will enjoy the new easier more accessible entrance and facilities that have been provided for them to gain access to City services.

Councilman Anita Newsom wished all three Councilmen congratulations. It is always a pleasure serving with this team. She noted that the traditional Council picture was not taken, or if it was she missed it.

City Manager Jim Norris stated that the picture will be taken this evening immediately following the City Council Meeting.

Councilman Anita Newsom commented that she understands that someone or ones in this room are responsible for a letter of endorsement of her for the KCI/Northland Chamber *Excellence in Education Award*. She thanks the person or persons who were responsible for that letter.

City Manager Jim Norris stated City Clerk Marilyn Ahnefeld had the best line in the letter, but there were several staff members who conspired in writing it.

Councilman Anita Newsom agreed that conspired was the proper word to use. She thanked everyone very much.

Councilman Art Hammen thanked everyone for the support they gave him this past year in the Mayor's chair and said he anticipates three more wonderful years on the City Council. He extended congratulations to Mayor Bill Reynolds and Mayor Pro Tem Roger Norris.

Mayor Bill Reynolds said there were a lot of people to say thanks to this evening. Thanks to those who worked on City Hall, thanks to the employees, thanks for the nice comments and, thanks for his election to the position of Mayor. He appreciates the opportunity to again serve as Gladstone's Mayor and he will try and do the best he can.

**Item 14. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris stated that he had only one item other than congratulations from staff. He advised the Council that this past weekend the City had held their Annual Limb and Brush Drop-off as part of Beautification. This year the City received 1,049 loads of brush compared to 1,300 loads of brush last year. That can be looked at one of two ways. One, the City got all the brush they needed in October, or two, the cold weather kept people away. The City will have their Annual Fall Limb and Brush Drop-off this fall with plenty of advance press releases and announcements.

**Item 15. on the Agenda. PUBLIC HEARING:** on a request for a Special Use Permit to operate a lawn care business from property at 7114 North Oak. Applicant: Malone Lawn & Landscape. Owner: Linden Plaza Partnership (File #994)

Mayor Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant and those In Favor of the request would speak first, followed by those Opposed, with City staff comments last.

**Applicant:**

**Danny Malone, General Partner of Malone Landscape, 8402 N. Park Court, Kansas City, MO.** Mr. Malone stated that he would like to answer any questions the Council might have. He knows that the Council is aware he is requesting a Special Use Permit to operate a lawn care business. He has come before the Council a number of times in the past.

Mayor Pro Tem Roger Norris asked Mr. Malone what was going to change?

Mr. Malone answered he is not sure that anything is going to change; except that he is trying to buy the land so he would be owner instead of renter or leasee.

Mayor Pro Tem Roger Norris said so as this Special Use Permit states now, the operation is going to stay the same as it was yesterday?

Mr. Malone answered, maybe a little bit bigger, but other than that it will remain the same.

Councilman Anita Newsom asked staff if there have been any problems with this area as far as compliance with anything, traffic problems, etc.?

City Manager Jim Norris answered that the City has not received any specific complaints on Mr. Malone's operation. Many years ago there was a storm drainage problem but Mr. Malone put in some underground PVC piping and diverted the water to a better location and since then there have been no complaints.



Councilman Anita Newsom asked if there had been any trouble with compliance of the Special Use Permit?

City Manager Jim Norris answered, no. Council will remember the house that is there and that there were some issues getting it up to code and how it was going to be used more as a commercial building. Mr. Malone had to wait for appropriate weather to do that and that required a couple of extensions; but ultimately he did comply. If Council had a chance to look through their packet they will see that within five years of this 25 year Special Use Permit, there are some significant public improvements that will have to be put in. That is the major change of capital investment that is going to have to be made in the property.

Councilman George Nodler asked Mr. Malone if he had any problems with the recommendations made by staff?

Mr. Malone answered no, not at all. He stated he is in agreement with everything. He has sat down with staff and worked most of it out; there really weren't any problems.

Mayor Bill Reynolds said as he understands it, some time ago when Mr. Malone received his Special Use Permit, in that permit was a requirement that he had to bring the house up to code and that he has done that. The reason Mr. Malone is here this evening is because he is trying to buy the land and nothing is going to change except that he is going to be owner of the land. Mayor Bill Reynolds said so nothing is going to change except that Mr. Malone would then be owner of the land and the operation is not going to change except there might be more plants and shrubs?

Mr. Malone answered, the operation will be basically the same. The business will be under the same ownership.

Mayor Bill Reynolds asked if there were any additional structures going to be added to the property?

Mr. Malone answered, not at this time.

**In Favor:**

None.

**Opposed:**

**Robert E. Laverty, 205 NE 70<sup>th</sup> Terrace**, stated his home is directly across the street from this business. He stated that he had a complaint concerning the bobcat that they use. On Sundays and weekends the bobcat is running at 6:00 am. They use a dump truck to bring in rock and it is causing a dust hazard. He thought there was an environmental code that stated that cannot be done. They are dumping dirt along the alleyway between *King's* and their property. There are piles of dirt with canvases over them, but they pull the canvases back over and then the dust blows. Are they going to be using the alleyway as their main

entrance and roadway? They have been, with their dump trucks and they run the bobcat up and down that roadway.

As far as he is concerned, he does not know what their screening problem is but he can look out his dining room and living room windows and see all that activity and it is not pleasant to the eye. It is just about like when Gil put his body shop in and put in screening fence; but out of his window he can look over Gil's six foot screening fence and he can see a school bus that stands about ten feet tall. Gil has another little building that is like a motor van that he takes around to his shows. All of that is suppose to be screened in, but it is all an eyesore. He doesn't approve of it and he doesn't like it because it is not upgrading the neighborhood. He does not know what Mr. Malone plans on screening in front of his property. Is he going to put screening fence there or evergreens or some kind of plantings?

He does not like to see the bobcat running up and down the alleyway because of the little kids. The kids cut through the alley to go up to *Sonic* and *Checkers* and it is dangerous. Is he going to use the alley as a roadway for himself?

Mayor Bill Reynolds advised that in Item 4. of the ordinance it states: "screening shall be installed along the east, south and west side." So it will be screened.

**Milton Bashford, 7011 N. Walnut**, said he has a question. If Mr. Malone was to lose this business, move on or whatever, does this go back to CP-2 zoning?

Mayor Bill Reynolds noted in Item 2. of the ordinance it states: "Any change of ownership requires the issuance of a new Special Use Permit." The Special Use Permit requested this evening is for Mr. Malone and only him.

**Theresa Edwards, 203 NE 70<sup>th</sup> Terrace**, stated that she really has no objections at all. She wants to know if Mr. Malone is going to go ahead and put dirt along the south side? Further south? How about a few trees before he puts the dirt down?

**Staff:**

**Director Scott Wingerson** said to answer Mr. Bashford's question of what the zoning would be if this operation no longer existed? It would be the current zoning of the property which is CP-2.

Mr. Wingerson noted that in response to Mr. Lavery and Ms. Edwards' concerns he would like to talk about Item 4. in the draft ordinance. Basically it says, "screening shall be installed along the east, south and west sides of the site consisting of either a six foot tall privacy fence or five foot tall minimum sized evergreen trees spaced ten feet apart within 120 days of the issuance of this permit." Council may desire to consider tonight changing the six foot tall fence or evergreen trees to "and" evergreen trees.

Mr. Wingerson stated he would be glad to answer any questions. Council has quite a bit of history in the Staff Report. It talks about the different Special Use Permits that Mr. Malone has applied for and been granted, his compliance with that and a description of the

alternative, which is a zoning change. The Planning Commission recommended unanimously that the Special Use Permit be approved.

City Manager Jim Norris said he would add two things to Mr. Wingerson's comments. Item 5. in the ordinance deals with the issue of dust. If there is a problem with dust the City's Code Enforcement Officers need to be called and they will go out and address the issue. Item 11. in the ordinance says, "the hours of operation shall not exceed 7:00 am to sunset". If Mr. Malone is operating prior to 7:00 am, taking deliveries prior to 7:00 am, staff needs to be notified as it would be a violation of the Special Use Permit.

Mayor Pro Tem Roger Norris asked Mr. Lavery, Mr. Bashford and Ms. Edwards if they had heard all that?

Mr. Lavery stated that the screening is wonderful, but what about a sidewalk along there? The kids have to walk in the street as there is no walkway for the kids anywhere along NE 70<sup>th</sup> Terrace. The kids walk along the alleyway and with the bobcat running out there it is still going to be a problem. If Mr. Malone is going to use the alleyway as a thoroughfare let us know now, but if not then let's keep the bobcat out of the alleyway. Dump trucks pull in that alleyway and dump dirt there. If he is going to use the alleyway as a road, is it his private road or *King's*? He said the City lost the guttering company because they couldn't get big trucks into the alleyway.

Mayor Pro Tem Roger Norris stated to Mr. Lavery that Item 10. in the ordinance states, "sidewalk, curb, gutter and pavement required to meet City Code shall be installed within five years of date of enactment of this ordinance." There will be some street improvements, sidewalk, curb, gutter, and such. Mayor Pro Tem Roger Norris stated that he thinks the area Mr. Lavery is calling an alleyway is public; he is not positive, but he thinks it is public.

City Manager Jim Norris stated that the alleyway is public which means that any person who borders that property has the right to use it and access it, which this property does. The alleyway is not to be their main business entrance and the ordinance states that. Most of their business traffic is to come off North Oak on the drive between *Sonic* and *Checkers*. If they need to take delivery through the alleyway, and trucks can get through there, they can.

Mayor Pro Tem Roger Norris stated that Mr. Malone now knows that this is a problem with some of the neighbors and should keep that down to a minimum.

There being no further comments, Mayor Bill Reynolds Closed the Public Hearing.

**Item 15a. on the Agenda. FIRST READING BILL NO. 97-20**, granting a Special Use Permit to Malone Lawn & Landscape for operation of a lawn care business from property at 7114 North Oak. Applicant: Malone Lawn & Landscape. (File #994)

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-20** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris advised Mr. Malone that based on some of the discussion heard this evening Items 4, 5, and 10 in the ordinance are pretty important to these folks. And Item 11. which states the business is not to operate before 7:00 am, that 6:00 am might be a little rough on a Saturday morning. Otherwise, since nothing is going to change with the business he does not see a problem. In fact, he thinks that the City is actually getting a couple of improvements through this permit.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-20**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-20** and enact it as Ordinance No. 3.588; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 16. on the Agenda. FIRST READING BILL NO. 97-21**, accepting Standard Easements from property owners in conjunction with The Woodlands Homes Association water main extensions.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-21** on First Reading; Councilman Art Hammen seconded.

Discussion:

Mayor Pro Tem Roger Norris asked if everything was in order?

City Manager Jim Norris said, yes. These are the easements necessary to loop the water main in compliance with the City's agreement with The Woodlands Homeowners Association.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-21**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-21** and enact it as Ordinance No. 3.589; seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 17. on the Agenda. RESOLUTION R-97-31**, authorizing the offering for sale of an issue of not to exceed \$1,590,000 Certificates of Participation, series 1997, evidencing a proportionate interest in basic rent payments to be made by the City of Gladstone, Missouri pursuant to an annually renewable Lease Purchase Agreement in connection with acquiring, furnishing, equipping and installing improvements to the City Hall.

Councilman George Nodler moved to approve **RESOLUTION R-97-31**, Mayor Pro Tem Roger Norris seconded.

Discussion:

Mayor Pro Tem Roger Norris commented that he thinks this is outstanding. He asked City Manager Jim Norris to give a brief synopsis for the record.

City Manager Jim Norris stated that this is very similar to a home equity loan that a homeowner would get to do improvements to their home. What the City would be financing with these Certificates of Participation would be the improvements that are being finished on City Hall right now; the heating, ventilation and air conditioning system improvements that have been done; interior and exterior lighting modifications; modular furniture modifications; about \$360,000 of this is for technology enhancements that the City had planned to budget over the next two years; and the remaining part of this is for a Senior Bus. It will cost about \$65,000 to replace the City's oldest Senior Bus. The amortization will be for twelve years. The interest rate will be somewhere around 5.2% to 5.3%, although the market has been moving a little bit lately. The City will be investing the proceeds at a very similar, if not higher interest rate, which allows us to potentially arbitrage this issue. Hopefully the City will be making use of municipal debt to the public's benefit, but potentially to the City's financial benefit as well.

Councilman Anita Newsom commented that City Manager Jim Norris had likened this to a home equity loan. There is always a certain cap that one can't borrow beyond what one is worth. Percentage wise, how much is the City borrowing compared to what the City is worth? That is the City's percentage of indebtedness?

City Manager Jim Norris answered, the amount of the City's allowable general obligation debt, which this is a little different from, is in the range of 43 million dollars. The City's general obligation debt is only around a million dollars, 1/40<sup>th</sup> of the City's potential debt.

Councilman Anita Newsom said so this is not impairing the City's credit rating or putting the City or it's citizens money in any kind of untenable situation?

City Manager Jim Norris answered, no. As the City Council is aware, by doing this the City is actually able to free up some money that was budgeted for some of these things in this year's budget and use it for other things such as to accelerate the Hamilton Heights Parks

Project, as well as the 55<sup>th</sup> Terrace and Englewood Road road improvements where the major hump is as one travels south on Old Pike Road. Because of this financing the City will be able to build this road much sooner than planned.

Mayor Bill Reynolds said he will say to Gladstone citizens that he thinks the City is very fortunate. The City has their financial advisor sitting in the audience this evening. Staff and he do wonderful things with the City's money. Mayor Bill Reynolds stated he has been amazed over the last few years how they can take money, work it, and make it do good things for the City. He applauds all that are involved in this.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

City Manager Jim Norris commented, now that the Council has approved the Resolution maybe we could put Mr. Greg Bricker on the spot and ask him what happens next? When will the City see any money?

**Greg Bricker, with George K. Baum & Co.,** stated that the timeline should proceed as follows. Tonight the Council adopted a resolution authorizing George K. Baum & Co. to proceed with the offering of \$1,590,000 of Certificates of Participation. George K. Baum intends to make those Certificates available the middle part of next week (approximately April 23, 1997), so that on the next City Council Meeting Agenda (April 28, 1997), the Bond documents to accept the final interest rates can be approved that they are able to secure through the Bond sale.

Mr. Bricker added that they have already been contacted by at least five Gladstone residents who have been made aware of this financing and are interested in purchasing parts of the issue. Assuming that Council would adopt the final bond documents on April 28, 1997, George K. Baum would then schedule a Bond Closing approximately two weeks from that date. On approximately May 14, 1997, the Bond Closing would occur where actual cash would be deposited in an account with Commerce Bank who is serving as the trustee on this financing. The City could then requisition for any funds that they have advanced to date on the projects that are part of this financing. The balance of the monies in that account would then be available to fund those projects that are yet to be completed. The City's first payment on these Bonds will be in September.

Mayor Bill Reynolds commented that the last large bond project that the City had was for the 1994 Water Improvements. How long did it take to sell those bonds?

Mr. Bricker recalled that was a \$2,100,000 issue that sold in one day. Concerning Councilman Anita Newsom's comment on the debt load of the community, Gladstone's is very, very low. In fact it could be argued that if there were any services that had been lacking in the community, that Gladstone has too low a debt. He does not say this because he makes his living doing debt, but because he doesn't see any services in the community that are lacking due to the City's resistance to do debt. The Gladstone community is very fortunate to have both a low level of debt and a high quality of service at the same time.

Mr. Bricker added that they are very, very sensitive to local investors. They have plenty of people who live outside of the community lined up to buy these bonds, but they very much want members of the community to have the ability to first purchase these bonds. He's been getting a few phone calls, but if there is anyone that has historically contacted the City about the City's debt, someone might let them know about this issue and have them call George K. Baum so they can visit and have a chance to learn more about the issue.

Mayor Bill Reynolds thanked Mr. Bricker and stated everyone appreciated his being present this evening.

**Item 18. on the Agenda. Other Business.**

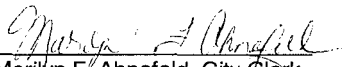
Mayor Bill Reynolds stated he had a couple of business items the Council needs to address. He noted the Council needs to appoint someone to the University of Missouri Extension Council and, due to a family moving, there is an opening on the Capital Improvements Committee and on the Recycling and Solid Waste Committee. Council needs to think about persons for those appointments and let him know so appointments can be made at the City Council Meeting on April 28, 1997.

**Item 19. on the Agenda. Questions from the News Media.**

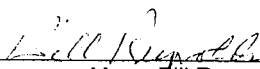
None.

There being no further business to come before the Regular April 14, 1997 City Council Meeting, Mayor Bill Reynolds adjourned the regular City Council Meeting at 8:45 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk.

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Bill Reynolds

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, APRIL 28, 1997**

**Budget Study Session: 5:30 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610-021(2) for Land Acquisition and 610.021(3) for Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 14, 1997 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** supporting the International Order of Job's Daughters Hearing Impaired Kids Endowment (HIKE) Fund in a fund raising effort at **the Ninth Annual Mid-America Hike to be held in Happy Rock Park** on Saturday, May 3, 1997. Sponsor: International Order of Job's Daughters.
- 4b. **PROCLAMATION:** designating the week of May 4<sup>th</sup> through May 10<sup>th</sup>, 1997, as: **"Municipal City Clerks Week"** in the City of Gladstone, Missouri. Sponsor: Municipal City Clerks.
- 4c. **PROCLAMATION:** designating the week of May 18<sup>th</sup> through 24<sup>th</sup>, 1997, as: **"Emergency Medical Services Week"** in the City of Gladstone, Missouri. Sponsor: Emergency Medical Services.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-97-34**, authorizing the City Manager to make application under the Local Landmark Parks Program of the Department of Natural Resources for a grant-in-aid for the renovation of Hamilton Heights Park.

**RESOLUTION NO. R-97-35**, authorizing the City Manager to execute a Law Enforcement Traffic Services Grant application with the Missouri Division of Highway Safety for funding under the Sobriety Checkpoint Program.

**RESOLUTION NO. R-97-36**, authorizing execution of a contract with Walton Construction Company, Inc. for relocation of water main and construction of storm sewer improvements adjacent to Old Pike Road in conjunction with development of Home Depot at 4949 Old Pike Road. Construction entirely at developer's expense.

**RESOLUTION NO. R-97-37**, authorizing the City Manager to accept the proposal of Midwest Bus Sales of Shawnee, Kansas for purchase of a 1997 40 passenger Thomas Built Bus. Total Purchase Amount: \$61,932.00; Fund: General Fund proceeds from Certificates of Participation on the City Hall Improvement Project, Series 1997.

**RESOLUTION NO. R-97-38**, authorizing execution of contract with City Wide Asphalt Co., Inc. for 1997 Street Maintenance, Phase I; Project 9801. Amount Not To Exceed: \$762,242.15. Fund: Transportation Sales Tax Fund.

**APPROVAL OF LIQUOR LICENSE FOR CHANGE IN OWNERSHIP:** 6 day Liquor By Drink License, Fire House North, Inc., 6948 North Oak. New Owner/Managing Officer: Lloyd D. Moore.



**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  - a. City Council consideration of Oaks Subdivision Water Main Service options.
9. **APPROVAL OF BUILDING PERMIT** for construction of a 230 square foot building and installation of an antenna on the Antioch Water Tower. Applicant: Nextel Communications. (File No.: BP#97-0226)
10. **APPROVAL OF A BUILDING PERMIT** for exterior modifications to Antioch Middle School, 2100 NE 65th Street. Applicant: North Kansas City School District. (File No.: #BP97-0253)
11. **APPROVAL OF A BUILDING PERMIT** for interior modifications to the managers office in Gladstone Square Apartment, 450 NE 68<sup>th</sup> Street. Applicant: Gladstone Apartments L.P. (File No.: #BP97-0284)
12. **SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987) **(This item was tabled on March 24<sup>th</sup> to the April 28, 1997, City Council Meeting. Applicant has requested Bill No. 97-8 be tabled until the Tuesday, May 27<sup>th</sup>, 1997, City Council Meeting.)**
13. **PUBLIC HEARING:** on a request for a Special Use Permit to operate a landscape business on property at 5616-18 North Antioch Road. Owners: Byers Enterprises, LLC/Autumn Williams/A.B. Smith & Raymond Hahn Applicant: Cripple Creek Rock Co., Inc. (File #999)
- 13a. **FIRST READING BILL NO. 97-22**, authorizing issuance of a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Co., Inc. on property at 5616-18 North Antioch Road. (File #999)
14. **FIRST READING BILL NO. 97-23**, accepting Standard Easements and Temporary Construction Easements from property owners as required for street improvements to Old Pike Road from NW 50th Street to Vivion Road in conjunction with the Home Depot Store development.
15. **FIRST READING BILL NO. 97-24**, authorizing the City of Gladstone, Missouri to enter into a Base Lease with Commerce Bank, N.A., as Trustee, whereby the City will lease certain real property to said Trustee, and a Lease Purchase agreement with said Trustee with Respect to the Acquisition, Construction, Furnishing, Equipping and Installing Improvements to the City Hall; and approving a declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.
16. **FIRST READING BILL NO. 97-25**, amending Schedule IX of the Model Traffic Ordinance (City Code Section 18-12) designating speed zones in the City of Gladstone, Missouri to establish a 15 mph Speed Zone for Jezak Parkway and the adjoining public parking areas within the boundaries of Happy Rock Park at 76th & North Antioch Road.
17. **FIRST READING BILL NO. 97-26**, accepting temporary and standard construction easement from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project 9605.
18. **Other Business.**
19. **Questions from the News Media.**
20. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, APRIL 28, 1997**

Mayor Bill Reynolds called the Regular April 28, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Bill Reynolds  
Mayor Pro Tem Roger Norris  
Councilman Anita Newsom  
Councilman George Nodler  
Councilman Art Hammen

City Manager James H. Norris  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Bill Reynolds led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular April 14, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular April 14, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 4a. on the Agenda. PROCLAMATION** supporting the International Order of Job's Daughters Hearing Impaired Kids Endowment (H!KE) Fund in a fund raising effort at **the Ninth Annual Mid-America Hike to be held in Happy Rock Park** on Saturday, May 3, 1997. Sponsor: International Order of Job's Daughters.

Mayor Bill Reynolds presented the Proclamation to two members of the Job's Daughters organization for display at the Ninth Annual Mid-America Hike on Saturday, May 3, 1997 in Happy Rock Park.

**Item 4b. on the Agenda. PROCLAMATION:** designating the week of May 4<sup>th</sup> through May 10<sup>th</sup>, 1997, as: "**Municipal City Clerks Week**" in the City of Gladstone, Missouri. Sponsor: Municipal City Clerks.

Mayor Bill Reynolds presented the Proclamation to City of Gladstone's City Clerk Marilyn Ahnefeld and Deputy City Clerk Sondra Kasserman.

**Item 4c. on the Agenda. PROCLAMATION:** designating the week of May 18<sup>th</sup> through 24<sup>th</sup>, 1997, as: "**Emergency Medical Services Week**" in the City of Gladstone, Missouri. Sponsor: Emergency Medical Services.

Mayor Bill Reynolds announced that Officer Curtis Norris was present this evening to accept this Proclamation and that Officer Norris is coordinating the upcoming EMS Fair at Oak Grove Park on Saturday, May 10<sup>th</sup> from 1:00 pm to 5:00 pm. There will be police, fireman, and EMS personnel from the metropolitan area in attendance. There will be exhibits and information for all. Everyone is invited to attend. Mayor Bill Reynolds presented the Proclamation to Officer Curtis Norris.

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-97-34**, authorizing the City Manager to make application under the Local Landmark Parks Program of the Department of Natural Resources for a grant-in-aid for the renovation of Hamilton Heights Park; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-97-35**, authorizing the City Manager to execute a Law Enforcement Traffic Services Grant application with the Missouri Division of Highway Safety for funding under the Sobriety Checkpoint Program; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-97-36**, authorizing execution of a contract with Walton Construction Company, Inc. for relocation of water main and construction of storm sewer improvements adjacent to Old Pike Road in conjunction with development of Home Depot at 4949 Old Pike Road. Construction entirely at developer's expense; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-97-37**, authorizing the City Manager to accept the proposal of Midwest Bus Sales of Shawnee, Kansas for purchase of a 1997 40 passenger Thomas Built Bus. Total Purchase Amount: \$61,932.00; Fund: General Fund proceeds from Certificates of Participation on the City Hall Improvement Project, Series 1997; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-97-38**, authorizing execution of contract with City Wide Asphalt Co., Inc. for 1997 Street Maintenance, Phase I; Project 9801. Amount Not To Exceed: \$762,242.15. Fund: Transportation Sales Tax Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Art Hammen moved to approve a **LIQUOR LICENSE FOR CHANGE IN OWNERSHIP**: 6 day Liquor By Drink License, Fire House North, Inc., 6948 North Oak. New Owner/Managing Officer: Lloyd D. Moore; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Jerry Nolte, 1304 Shady Lane**, stated that his house was on the corner of Flora and Shady Lane. Shady Lane is in very bad condition. Last fall he came before the City Council and there was a discussion about widening and fixing that road. He said there was a \$240,000 bond issue seven and a half years ago which he recalled St. Charles Church Pastor, Monsignor Wogan spearheaded because there were children killed and injured on Shady Lane. It is a narrow street, is in poor shape, has deep ruts and has not had any maintenance at all. The road needs to be repaired.

Mr. Nolte noted he had a second point to make. If he told everyone that at the corner of Flora and Shady Lane there were ten boxes of dynamite, everyone would be very upset. There are two main shut off valves at this location from the Kansas City Gas Company that have small three inch pipes. These valves should be reinforced with concrete. Most everyone has probably seen news reports where these type of pipes have been hit and then ruptured. There is no cost to the City of Gladstone to have these fixed. It is a matter of letting the Gas Company know that this needs to be done. These valves sit no more than a foot and a half off the road where there is no curbing. These need to be taken care of.

Mayor Bill Reynolds commented to Mr. Nolte that he could not have come at a more appropriate time. He stated that Mr. Nolte was at a Council Meeting last year and told the City would fix these problems. Staff has been working on getting the necessary easements. An appointment has been set for next week with a resident in this area whose easement is the last easement needed before the project can start. If nothing else happens, that street will be reconstructed in this building season.

Jerry Nolte mentioned that if for any reason the City cannot get the job done due to the easement not obtained on the south side of the street; he would like to request that the north side of street still be constructed with sidewalk and curbing added. If the City could just widen the north side of the street then the children coming and going to school, walkers, etc. would all be safer. Emergency vehicles use this street a lot and by 10:00 am yesterday there were already four runs on Shady Lane by emergency vehicles.

Mayor Bill Reynolds noted that the City is aware of that. Doing just the north side of the street was discussed with Mr. Nolte last Fall and the problems that would be encountered with doing just half of the street were pointed out. Staff has been working on getting the necessary easements as it is the City's desire to get this street reconstructed.

Jerry Nolte showed the City Council pictures of the two gas valves he mentioned earlier. In a news story he had seen where one of these type of gas valves had been hit by a car, it had sent flames hundreds of feet into the air and wiped out the whole neighborhood. He would hate to see that happen here.

City Manager Jim Norris explained that the Gas Company has been aware of this City project for some time. The Gas Company knows of the City's plans. As part of the work that will be done when reconstructing this street the Gas Company will relocate their utilities and the gas valves will be handled at that time. The Gas Company is waiting for the same things that the City is waiting for.

Mayor Bill Reynolds told Mr. Nolte that the City is hoping that by the time this year's construction season is over he will be a happy man.

Jerry Nolte noted that the kids would also be happy as this is a dangerous situation.

City Manager Jim Norris clarified to Mr. Nolte that Shady Lane was not part of the 1991 Street Bond issue but rather will be repaired from Capital Improvements Sales Tax dollars. With all due respect, Monsignor Wogan was not involved in the Shady Lane project.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman George Nodler asked if the City had numbers on the loads of trash that were taken away from the City's Beautification event this past weekend?

City Manager Jim Norris responded that the City is still counting yellow tickets. There were over sixty dumpster loads taken away. The City was very concerned, given the forecast for this past weekend, that there would not be the normal participation. Calls came in asking if the City would have the Beautification event if the weather was bad. The City had contracted with the hauler to do this on this weekend so the response was "yes" it will be held. When the weather changed and got good on Saturday and Sunday people really came out.

Councilman George Nodler asked how this year compares to last year?

City Manager Jim Norris answered that last year there were around eighty loads taken away. Again, the City does not yet have the final numbers on this year's loads.

Mayor Pro Tem Roger Norris noted that prior to this evening's City Council Meeting the first and hopefully the last Public Budget Study Session regarding the Fiscal Year 1997/1998 Budget was held. He commends City staff on an outstanding job. The City Manager thanked Councilman Norris on behalf of everyone for the compliment.

Councilman Anita Newsom said she was concerned about the decibels and licensing of Ice Cream Trucks in Gladstone.

City Manager Norris responded that the City will be getting into that issue in depth.

Mayor Bill Reynolds said he again commends Councilman Art Hammen for the great job he did last year serving as Mayor of Gladstone. Councilman Hammen thanked the Mayor for his comments.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted that he had four communication items this evening. The first item was to invite everyone to the first annual Kids Fest '97 to be held in Oak Grove Park this coming Sunday, May 4<sup>th</sup> from 5:00 pm to 7:00 pm. Kids Fest '97 is sponsored jointly by the City of Gladstone and the Amphitheater Committee. The North Star Community Band will be performing Disney Music from 5:00 pm to 7:00 pm. There will also be clowns and storytellers; face painting; fingerprinting ID for children; balloons; a fire truck along with DARE officers and traffic officers. All events are free and everyone is invited to attend.

City Manager Jim Norris stated that his second item was to announce that the second City Council Meeting in May would meet on Tuesday, May 27<sup>th</sup> due to Monday, May 26<sup>th</sup> being the Memorial Day Holiday.

City Manager Jim Norris noted his third item was to note that at the Tuesday, May 27<sup>th</sup> City Council Meeting the Council would hold the formal Public Hearing on the 1997/1998 Budget. Approval and adoption of the 1997/1998 Budget Ordinance is scheduled to be on the Monday, June 9<sup>th</sup> City Council Agenda.

**Item 8a. on the Agenda. City Council consideration of Oaks Subdivision Water Main Service options.**

City Manager Jim Norris stated that his fourth item was listed as Item 8a. on the Agenda. Council has a memorandum in front of them that discusses a predicament with the Oaks Subdivision water main services.

As the Council is aware, the Oaks Subdivision, which is being built west of Old Pike Road and east of 169 Highway, is partially in Gladstone and partially outside of Gladstone. This

has presented both challenges and opportunities. One of the challenges is that there is a portion of the subdivision where there would have to have redundant water mains if Gladstone were to serve these Gladstone residences. The residences are actually in Gladstone, but Kansas City has to run a main right by there to service the residences in Kansas City. This does not make economic sense; it doesn't make service delivery sense and actually makes no sense. The City of Gladstone does have other areas in Gladstone that are served by Kansas City water. Given the layout of this subdivision it makes the most sense for Kansas City to serve these customers. As the memorandum states, that is staffs recommendation to the Council. If Council concurs with that recommendation tonight, at the next City Council Meeting staff would bring forward a resolution authorizing that Kansas City water service those Gladstone residences in the Oaks Subdivision.

Councilman Anita Newsom wanted clarification that there is no problem with the City's fire department using the Kansas City fire hydrants? Do they all have universal hookups?

City Manager Jim Norris answered, it is not that there is not a problem, but it is something the City already knows how to deal with and has the ability to deal with just like in Oakwood Manor. The hydrants are not the same but staff knows how to handle the situation and has the correct equipment to use.

Mayor Pro Tem Roger Norris asked if other services will be changed or is it only water.

City Manager Jim Norris answered those residences will receive both water and sewer service bills from Kansas City.

Mayor Bill Reynolds asked if this item would be on the Monday, May 12<sup>th</sup> City Council Agenda?

City Manager Jim Norris replied, it will be if the Council endorses this option tonight.

Mayor Pro Tem Roger Norris asked, what other options there are?

City Manager Jim Norris answered, having the builder build two mains or telling Kansas City that Gladstone wants to serve all of the residences in this subdivision. Frankly, that doesn't make any sense since Kansas City has the majority of residences.

Mayor Bill Reynolds asked if the City would have to build a waterline down the residents backyards? City Manager Jim Norris said yes and that would make it hard to access from a maintenance standpoint.

Mayor Bill Reynolds asked Council if any of them had a problem with this? There being no opposition the Mayor asked City staff to go ahead with the option of Kansas City providing water and sewer service to the Gladstone residents within Oaks Subdivision.

**Item 9. on the Agenda.** APPROVAL OF BUILDING PERMIT for construction of a 230 square foot building and installation of an antenna on the Antioch Water Tower. Applicant: Nextel Communications. (File No.: BP#97-0226)

Mayor Pro Tem Roger Norris moved to approve the Building Permit; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes and asked Mayor Pro Tem Roger Norris if his motion was made subject to the conditions of the Staff Report? Mayor Pro Tem Roger Norris agreed that was his intent. Especially items 1, 2, and 3.

City Manager Jim Norris noted this is all subject to the lease between the City and Nextel.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 10. on the Agenda.** APPROVAL OF A BUILDING PERMIT for interior and exterior modifications to Antioch Middle School, 2100 NE 65th Street. Applicant: North Kansas City School District. (File No: #BP97-0253)

Mayor Pro Tem Roger Norris moved to approve the Building Permit for Antioch Middle School; Councilman Art Hammen seconded.

Discussion:

**Wayne Beer, 7413 N. Wabash**, came forward and stated that he was present this evening to represent the North Kansas City School District. He would be happy to answer any questions City Council or staff had. He showed an artist rendering of how the Antioch Middle School exterior will look when the school modifications are completed. This rendering represents the removal of the curtains and window walls that front the street and the other window walls within the school. The School District will be installing an energy efficient exterior insulation finish system and thermal windows.

Mayor Bill Reynolds asked if the school will be air conditioned?

Mr. Beer replied, negative. It will not be air conditioned.

Mayor Pro Tem Roger Norris stated he wanted it reflected in the record that the plan, as submitted, meets with current adopted City Codes.

The vote: "Aye" - Hammen, Nodler, Norris, Reynolds. "Abstain" - Newsom (4-0-1)



**Item 11. on the Agenda. APPROVAL OF A BUILDING PERMIT** for interior modifications to the managers office in Gladstone Square Apartments, 450 NE 68<sup>th</sup> Street. Applicant: Gladstone Apartments L.P. (File No: #BP97-0284)

Mayor Pro Tem Roger Norris moved to approve the Building Permit; Councilman George Nodler seconded.

Discussion:

Councilman Anita Newsom said it appears that this modification is already underway.

Director Scott Wingerson replied, yes it is.

Councilman Art Hammen noted that the building permit is for interior modifications and it is obvious that exterior work is being done.

Director Scott Wingerson stated the Building Permit should be for both interior and exterior renovations to the manager's office.

Councilman Art Hammen asked if appropriate permits had been requested from the City; Director Scott Wingerson said yes.

Councilman Art Hammen asked if they had requested the permits before the work was begun; Director Wingerson said they did not.

City Manager Jim Norris commented that is why there is a double permit fee as noted in the cover memorandum provided to the Council.

Mayor Pro Tem Roger Norris said so they are going to be assessed an additional charge because they started construction before they obtained their permits and the plans that they did submit after construction had begun do meet with all the adopted City Codes. Staff said that was correct.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 12. on the Agenda. SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987) **(This item was tabled on March 24<sup>th</sup> to the April 28, 1997, City Council Meeting. Applicant has requested Bill No. 97-8 be tabled until the Tuesday, May 27<sup>th</sup>, 1997, City Council Meeting.)**

Mayor Pro Tem Roger Norris moved to table **Bill No. 97-8** to the Tuesday, May 27<sup>th</sup>, 1997, City Council Meeting; Councilman Art Hammen seconded.

**Discussion:**

Mayor Bill Reynolds noted that Council had been advised by letter from Mr. Mitchell that he was requesting more time and would like this item tabled until the Tuesday, May 27, 1997 City Council Meeting.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5.0)

**Item 13. on the Agenda. PUBLIC HEARING:** on a request for a Special Use Permit to operate a landscape business on property at 5616-18 North Antioch Road. Owners: Byers Enterprises, LLC/Autumn Williams/A.B. Smith & Raymond Hahn Applicant: Cripple Creek Rock Company, Inc. (File #999)

Mayor Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

**Applicant:**

**Robert Bledsoe, 5605 N. Brooklyn, Gladstone, Missouri,** stated he is one of the owners of Cripple Creek Rock Company, Inc. He is currently located in the Billy C. Williams Insurance Building. He handed out a flyer to the Council describing the services the Cripple Creek Rock Company, Inc. provides. They do a lot of work with developments like Stonebrooke, have done a lot of work at Hallbrook and have done a number of golf course constructions. Because of this he came up with the concept of having Cripple Creek Rock and Landscape Company be on a scale for residential homeowners. This way they will be able to supply Gladstone residents with product that is not yet available anywhere else in Gladstone.

Robert Bledsoe held up plans and pointed out where they will have a water garden for Koi fish and water garden plants in the back lot. He pointed out the Billy C. William's Insurance Building where he is now and the brown building next door that Mr. Byer owns. Mr. Byer owns Willowbrook and is a developer north of the river. Mr. Bledsoe pointed out the entrance to Cripple Creek and noted it would have stone columns. They have architects on staff that do masonry work and designs in landscaping. The concept look they will achieve is from the 1800's as they do a lot of image making for developers. Their area will extend down to Antioch Travel. The little building will also look like it is from the 1800's. It will be like a little house from the 1800's with a picket fence and fountains out front. They will also have a waterfall feature on Antioch Road. They do a lot of water features on golf courses. This will be a nice waterfall with landscaping around it and will look like a park setting with a gazebo .

Robert Bledsoe explained that appearance is everything on this project and he went on to describe what the areas will look like. The trees and berming that they will do is a lot of better than the dead growth trees that is there now. They plan to keep key trees and landscape around them in the lot areas. There are some really nice trees that are getting choked out from all the growth that is there.

Mr. Bledsoe then showed an overview of the same area. He explained that they had taken the gray chiropractic building and turned it into what is now Strawberry Fields. This would be a full complex from the Strawberry Fields building down to Mr. Byers building. They plan to put in trees along Antioch Road as there are none there now, put in sidewalks and redo all the asphalt in the parking lot. They will not have the same type of traffic that a strip center does. He said he gets a lot of calls due to his sign that says, "Bledsoe Construction". He does not service residents at this time for small projects such as taking them a load of dirt or rock. They will have only minimal supplies on the premises, but they will have a wide variety. He pointed out the berming they will put in for a sound barrier which will be lined with trees.

Councilman Anita Newsom said on the back lot of the rendering a triangle is shown. Is the purpose of this business to be more of a warehousing of materials or is it going to be more of a showcase to show the variety of materials that you have?

Robert Bledsoe answered that they will have panels with the type of materials that they use back in the lot. These panels are divided into bins to keep the materials organized and palletized. They will be laid out in an organized manner for local landscapers, masons or homeowners to view and choose from. They will not be delivering semi loads of rock in or out. That would be direct load and they do a lot of that now when someone calls and they then call the quarry and make arrangements for a load to be loaded and delivered directly to the site. This operation is for residents with pickup trucks and the like.

Councilman Anita Newsom asked, so you have warehousing of materials for small jobs?

Robert Bledsoe replied, that is right. They are not going to have mounds of stuff piling up and turning this into a rock quarry. It is going to be small mounds of product as there is such a wide variety of rock. Everyone else who supplies this type of product is located south of the river. Danny Malone has some supplies like this but his main thing is plants. There are some places that house rock around but they usually look like rock quarries. Mr. Bledsoe noted that they will be servicing people off of a main road and they want to have appearances with a little more class. They want to reflect what is shown in the flyer as being Cripple Creek Rock Company, Inc.

Mayor Pro Tem Roger Norris said in the drawing, it appears that from the creek to the dark green edging will stay. How far is that from the creek?

Robert Bledsoe answered at least 100 feet.

Councilman Art Hammen noted that staff is recommending an ordinance that contains fifteen conditions and asked if he is familiar with each of these conditions?

Robert Bledsoe replied, yes.

Councilman Art Hammen asked if he had a problem with any of them?

Robert Bledsoe answered, he can handle all of them.

Councilman Art Hammen asked if he was in agreement with all fifteen?

Robert Bledsoe replied, he is in agreement with whatever the City of Gladstone recommends.

Mayor Bill Reynolds noted that Mr. Bledsoe had indicated there would be bins on the property. How high will they be and how much volume will they hold?

Robert Bledsoe explained that the volume would be somewhere around 15 to 20 tons of rock each. Rock, when loaded on a truck, is about 4 feet tall and flares out. That is why the bins will be there to control the flare of the rock. The bins will be on a concrete slab and made out of concrete. They will not be using railroad ties to confine the rock as railroad ties break up and deteriorate. They want the rock to stay where they want it to stay.

Councilman Anita Newsom asked if he is saying that the storage area of rock will not be six feet tall.

Robert Bledsoe explained that the bins are only 3 ½ feet tall because rock drops sideways and mounds when unloaded. Big walls are not needed, therefore they are not going to have big walls. The fence they will install is 6 feet tall and will be installed on top of a berm that is at least 3 ½ feet tall. He stated that he has spoken to Director Wingerson about the possibility of putting in sugar maples and red maples on the berm because he knows a lot of people out south that own tree farms and he can get a good deal on them. They are large trees that grow taller than evergreens. One thing he does not like about evergreens is that they grow so slow. For a barrier they grow too slow and for looks he would like to spread out with large trees.

Mayor Bill Reynolds asked what will butt up to the bins located to the east?

Robert Bledsoe answered it will be the dirt berm. They will berm up this side and there is to be a face on the ridge.

Mayor Bill Reynolds asked if the berm is four feet tall?

Robert Bledsoe replied that the berm is about 3 ½ feet high with trees on top of the berm. The trees would be triangled up on the berm, not placed in a straight line, but up and down, up and down to give a better appearance.

Mayor Bill Reynolds noted that Mr. Bledsoe had mentioned the height of the bins and that there would also be some rock out in the open. What will be the maximum height of the rock out in the open?

Robert Bledsoe replied there will be 3 to 4 foot pallets.

Mayor Bill Reynolds asked if the rock would be enclosed in pallets?

Robert Bledsoe explained that rock will be enclosed in three to four foot pallets around the lot. One has to remember that there are 5 large trees located in the lot that are about 50 feet tall that will remain. Once one looks past this one won't see a barren lot and then all of a sudden see trees over here. One will see large trees sticking up out of the lot.

Mayor Pro Tem Roger Norris asked what any resident who is in eyesight that lives behind or adjacent to this property will see once it is developed,. What are they going to see?

Robert Bledsoe answered, trees and fence. The elevation slopes down and there is really thick forest that is staying. Uphill is where the berm comes in, the 6 foot fence and the trees.

Mayor Pro Tem Roger Norris asked what will the line of sight from up the hill see? Only a berm, a fence and trees?

Robert Bledsoe replied, that is right. Nothing is going to be sticking up in the air. They will not have backhoes or tractors and the like in the lot. The largest truck they are going to have on the lot is a 1 ton pickup with a 1 ton dump, which is one size up from a pickup.

Mayor Bill Reynolds asked how they load and unload.

Robert Bledsoe explained they do that with a little Case 1840 and a lot of bagged material. Loading is only a matter of minutes. That is where the sound barrier comes into play.

Jerry Nolte asked, what are the proposed hours of operation?

Mayor Bill Reynolds replied, that is stated in the ordinance and the hours are from 7:00 am to sunset.

**In Favor:**

None.

**Opposed:**

**Janet Cline, Antioch Travel Center, 5608 N. Antioch Road,** stated they were present at the Planning Commission Meeting on Monday, April 21, 1997. There big concern is the trash and how often it would be emptied out of the dumpster. If you go and check their dumpster it is now overflowing and has been for at least a week and a half. Her neighbor next door has said it has been for two weeks. There is trash all over the concrete and it is overflowing out of the top of the dumpster. They were assured there would be a once a week pickup which has not happened.

Janet Cline said on the subject of the storage of the mulch and the rock, they do have a storage area out there now that is fenced in. They are storing broken concrete there. Maybe it is concrete from a past job or whatever that has not been hauled off. She is wondering if

that is what the operation is going to look like? If you look in their backyard they have a chain linked fence and it is filled with concrete, trash, and all kinds of things. She does not know if anyone has been back behind the building to see all of this but she would assume that the people living in the homes behind this can see all of it.

Ms. Cline stated that Robert Bledsoe has very nice sketches here tonight and she thinks they look absolutely wonderful. She went and took pictures 45 minutes ago of the trash bin overflowing; also of the dump that is inside the chain linked fence. She showed the pictures to the Council and invited everyone to go and look for themselves to see what is back behind the building.

**Ken Praisewater, 5606 N. Antioch Road,** stated he does not know what the Planning Commissions recommendation was and what the 15 requirements are, but one thing he knows is that this property it is not zoned for this type of use. He stated he was present at a City Council Meeting about 12 years ago and the Council at that time indicated that they wanted this area to be light office, service type people or retail. He would sure like their recommendation to be considered and the guidelines they set forth followed. He is sure that Gladstone has spent a lot of money on determining how Gladstone is to be zoned. He would like that to be abided by.

Mr. Praisewater stated that when one looks at this lot, he is not sure what kind of interior surface they are going to have but he has not heard anything about it being dust proof. It could be in the 15 conditions but he has not see them. Anytime one has a high loader or bobcat loading or unloading material, trucks moving in and out, there is going to be dust. There will also be noise. Again this is a residential area with a business located in it.

Ken Praisewater noted he cannot see how this business is going to enhance the residential property values around it. If you were to buy a house up on 57<sup>th</sup> Terrace today or six months ago, he would question if the value in one or two years would still be what it was six months ago. He is two doors south of this property so it probably won't hurt him a lot, but it is still the idea that this is not zoned for this and the business is foreign to what is there now. In the 15 conditions, being a little familiar with construction in Gladstone, he assumes that this ordinance calls for concrete in the lot. And also that when one removes trees he believes one is expected to remove them from the property instead of just falling them.

Mayor Bill Reynolds told Mr. Praisewater, number five of the 15 conditions says that, "no noise, smoke, radiation, air dust and flash shall be produced at this site".

**Staff:**

Director Scott Wingerson noted that in the draft ordinance in front of the Council there are some 15 conditions. He would like to highlight a couple of them. The first condition is especially important and basically says that Mr. Bledsoe and his partner will be the only ones allowed to operate this business under the terms and conditions contained in this ordinance and subject to the Public Hearing process. Condition #5 as Mayor Bill Reynolds discussed, addresses noise, smoke, and radiation. Any of those causes would be a violation of this

ordinance and at any time staff or Council can bring back this ordinance for review. Item #9 deals with the hours of operation. There was some controversy in the minutes from the Planning Commission concerning the hours of operation. The Planning Commission asked for a definition of dark which he did not have. The City Counselor has changed dark to sunset which is a definable time of day. Item #12 is that all businesses dumping deliveries, trash pickup and loading shall occur only during the allowed business hours and only on the west side of the building which is the backside.

The Planning Commission suggested two additional conditions along with the thirteen original conditions proposed by staff. #14 is that, "All materials, products and other items offered for sale shall be located west of existing and proposed buildings on the property. Such items shall not be displayed in any parking area or parkway". That keeps the activity of this Special Use Permit in the rear of the buildings and away from Antioch Road. Condition #15 is, "Upon expiration of the Special Use Permit the applicant shall restore storage areas as near as practicable to their original condition, free and clear of all storage bins, materials and equipment. All installed fencing and permanent landscaping shall not be removed upon expiration of the permit". Basically that means that the use of the property is cleaned up and the improvements remain.

Based on the Public Hearing tonight, he might suggest to the City Council adding a condition #16 which may say something like: outdoor storage of heavy equipment shall be prohibited. That would be in definition line with what Mr. Bledsoe stated about the use of Case 1840's and bobcats, and would ensure that larger equipment does not creep onto the site for storage or for use in the business operation. That would not exclude delivery trucks in that nature from the definition, just in there storage and use.

Mayor Pro Tem Roger Norris asked if basically we would be excluding everything but the Case 1840?

Director Scott Wingerson replied yes, or something very similar.

City Manager Jim Norris stated what he and City Counselor Nancy Thompson would suggest for language is, "The outdoor storage of trucks in excess of 1 ton or heavy equipment is prohibited".

Mayor Pro Tem Roger Norris noted that Mr. Bledsoe could then park nineteen  $\frac{3}{4}$  ton trucks there.

City Manager Jim Norris explained that could happen at any commercial building anywhere in town right now.

Mayor Pro Tem Roger Norris stated, but this is a Special Use Permit.

City Manager Jim Norris agreed that was true.

Mayor Bill Reynolds asked City Manager Jim Norris to explain heavy equipment?

City Manager Jim Norris explained it is hard to define what category one would put a Case 1840 into. While from a size standpoint it about the size of a small backhoe, it is not a backhoe. It is more of a loader. It definitely is not a bobcat as it is bigger than a bobcat. It definitely is not heavy equipment, but he is not sure the City wants to get into saying size of engine or length and width. Trucks are easy to define because one deals with tonnage, but on other equipment one does not.

Mayor Pro Tem Roger Norris asked Mr. Bledsoe if they were going to park the Case 1840 inside the building?

Robert Bledsoe stated that the Case 1840 is six foot wide and ten feet long. He will house it inside if that is what the Council wants.

Robert Bledsoe said his mother is in the audience tonight and she runs his office. She called Deffenbaugh three times today to get them to pick up the trash. They said they would be there three different times and they did not arrive. The trash Council sees in the pictures is from Strawberry Fields because they just finished remodeling as they had a fire. All the trash is from Strawberry Fields. His step-father cleaned it up the other day.

As far as the concrete goes, they did dump it back there because they were going to use it to help raise grade in the berm. Concrete, old brick, etc. is stuff that is used for filler when one is trying to raise grade which is what they are going to use in the lot. Mr. Bledsoe stated he felt like he needed to explain those two photos that the Council was shown by Ms. Cline earlier this evening.

Mayor Bill Reynolds asked Mr. Bledsoe if he was aware of the trash?

Robert Bledsoe replied, totally aware of it.

Mayor Pro Tem Roger Norris asked what Mr. Bledsoe was going to do with the Case 1840? It is going to be contained?

Robert Bledsoe answered that it is six feet tall. It is not a big machine. They can put it away but one won't see it is anyway.

Mayor Pro Tem Roger Norris said he was trying to figure out how to word an added Condition #16. If Mr. Bledsoe was going to put the Case 1840 in the lot, then they could say anything over one ton that was going to be used there had to be housed.

Robert Bledsoe noted that the Case 1840, which is diesel operated, weighs about two and a half tons. It can lift four thousand pounds and has a six foot wide bucket on it. It is not a big machine. The tires are only a foot and a half tall. He can house it if that is what Council wants.



Director Scott Wingerson explained that on the north side the buffering or fence is met under current ordinance and is supplemented with a six foot tall wood privacy fence, finish side out in the landscaping that has been discussed. The Planning Commission voted 8-0 unanimously to recommend approval to the Council.

Councilman Art Hammen asked Director Wingerson if there has been contact from any of the residents who live behind this property?

Director Scott Wingerson noted there is one comment in the Planning Commission minutes from a resident that lives north of the site and her primary concern was her ability to look out her backyard onto a large wooded area which would not be possible under this request. That is addition to the people who spoke here tonight.

There being no further comments Mayor Bill Reynolds closed the Public Hearing.

**Item 13a. on the Agenda. FIRST READING BILL NO. 97-22**, authorizing issuance of a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company, Inc. on property at 5616-18 North Antioch Road. (File #999)

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-22** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris requested that the Council consider the following verbiage for Condition #16: "The outdoor storage of trucks in excess of one ton or heavy equipment in excess of 2 ½ tons shall be prohibited. The maximum number of self-propelled vehicles and equipment being stored outdoors shall not exceed five at any one time."

Mayor Pro Tem Roger Norris asked if there was some magic in the number five?

City Manager Jim Norris explained that staff had envisioned a chance that during the busy construction season they might have need for another vehicle or two to be necessary to service the customers. One does not need that many more vehicles to do the type of business that has been conveyed to the Council tonight.

Mayor Pro Tem Roger Norris amended his motion to add Condition #16 as follows: "**The outdoor storage of trucks in excess of one ton or heavy equipment in excess of 2 1/2 tons shall be prohibited. The maximum number of self-propelled vehicles and equipment being stored outdoors shall not exceed five at any one time.**"

The seconded, Councilman Anita Newsom concurred.

Mayor Pro Tem Roger Norris asked Mr. Bledsoe if he had any problem with condition sixteen?

Robert Bledsoe stated no. He will do anything the Council requires.

City Manager Jim Norris noted that he thinks it might help the audience if he explained what the plans are for Antioch Road. The Council and the Planning Commission went through and exhaustive process back in 1991/1992 which resulted in the City's Comprehensive Plan being adopted in January 1993. In that Comprehensive Plan it shows this area being developed as commercial with a minimum of a 280 foot depth, and hopefully larger, all along Antioch Road including parts of the residential property. This would meet the definition of commercial. The reason this business is being done as a Special Use Permit, rather than a straight zoning, is solely for the reason that it afforded the opportunity given that the investment here is not as large as a large commercial office building or a major shopping center/strip center and a lot of public improvements are not being done. In the future, should the opportunity be there to redevelop this property there won't be any financial barriers or constraints to bring it more into conformance with what the market place will have for that area. That is the reason for this being approved by Special Use Permit. This Special Use Permit would be supported by the City's Comprehensive Plan.

Mayor Bill Reynolds asked if there were any other questions or comments. There were none.

The Mayor said he concurs with City Manager Norris' comments because he sat in on those committees back in 1991 and 1992. The plan now along almost all of Antioch Road is to have it zoned and have it zoned deep for commercial. As City Manager Jim Norris stated, there is very little capital outlay for this business. By issuing a Special Use Permit, this property is not rezoned, and that means that this Special Use Permit can be recalled at anytime. He understands what Ms. Cline is trying to show with the pictures about the trash, but if this Special Use Permit is approved he would recommend to Mr. Bledsoe that the trash be taken care of as soon as possible and contact a trash hauler so this does not occur again.

City Manager Jim Norris stated that the trash is a violation of the City's Codes right now and a City Code Enforcement Officer will be by there tomorrow to inspect the area.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Amended Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Amended Bill No. 97-22**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris stated he would concur with the comments made by City Manager Jim Norris that Mr. Bledsoe needs to get the trash cleaned up as soon as possible. Code Enforcement Office Dave Reyburn is nice for awhile.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Amended Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Amended Bill No. 97-22** and enact it as Ordinance No. 3.590; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Mayor Bill Reynolds told Mr. Bledsoe that Bill No. 97-22 has been enacted as Ordinance No. 3.590, he now has his Special Use Permit and he wishes him Good Luck.

**Item 14. on the Agenda. FIRST READING BILL NO. 97-23**, accepting Standard Easements and Temporary Construction Easements from property owners as required for street improvements to Old Pike Road from NW 50th Street to Vivion Road in conjunction with the Home Depot Store development.

Councilman Art Hammen moved to place **Bill No. 97-23** on First Reading; Councilman George Nodler seconded.

Discussion:

Mayor Pro Tem Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes. These are all the easements necessary for 50<sup>th</sup> Street improvements. 50<sup>th</sup> Street is immediately adjacent to the Home Depot store.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-23**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-23** and enact it as Ordinance No. 3.591; seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 15. on the Agenda. FIRST READING BILL NO. 97-24**, authorizing the City of Gladstone, Missouri to enter into a Base Lease with Commerce Bank, N.A., as Trustee, whereby the City will lease certain real property to said Trustee, and a Lease Purchase agreement with said Trustee with Respect to the Acquisition, Construction, Furnishing, Equipping and Installing Improvements to the City Hall; and approving a declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.

Councilman Anita Newsom moved to place **Bill No. 97-24** on First Reading; Mayor Pro Tem Roger Norris seconded.

Discussion:

City Manager Jim Norris stated that the gentleman who wrote that language is sitting in our audience tonight, Mr. Randy Irey with Gilmore and Bell as well as Greg Bricker with George K. Baum Company. The Council may want Mr. Bricker to give an update of what happened when the bonds were offered at market.

**Greg Bricker, George K. Baum**, noted Council will remember that two weeks ago tonight the Council adopted a Resolution authorizing George K. Baum & Company to proceed into the market place, representing the City's interest, in the sale of \$1,590,000 Certificates of Participation which is the type of security that is being issued to fund the improvements here in this building. At that meeting he had shown the Council schedules that were their best estimate of what the average interest rate the bonds would command in the marketplace. That was about a 5.26% average interest rate. Last Wednesday, April 23, 1997, they began offering the bonds for sale. They had four parties from Gladstone who contacted George K. Baum & Company in regards to this issue. They contacted them first. They all responded in the same way. They love Gladstone but they thought the interest rates were too low. So none of the four chose to purchase but they were all contacted. In a sense that gave George K. Baum an idea that they were representing the City's interest in trying to get the lowest interest rate possible.

George K. Baum initially started out selling the bonds at that interest rate scenario that produced the 5.26% average interest rate. They had interest in about half of the bonds, but really not enough interest in the issue to underwrite it. They visited with City Manager Jim Norris and determined that adjusting the rates up a small amount, which would allow them to get enough of the balance of the bonds sold so they could underwrite them, was the appropriate thing to do. The final interest rate that was locked in, subject to the Council's action tonight, produced an average rate of 5.36%; so roughly a one tenth of percent higher interest rate which accounted for about a \$6,000.00 increase in the interest expense over the twelve year life of the loan. So roughly an increase of \$500.00 a year in interest. They currently have \$135,000.00 of Certificates unsold, but that will be the responsibility of George K. Baum to sell to clients of their firm at their risk.

Subject to the Council's action tonight George K. Baum will have a closing on the 15<sup>th</sup> of May where funds will be deposited with Commerce Bank and will be immediately accessible by the City to first reimburse the City for those funds that have been remitted on the City Hall project to date out of balances on hand so that those accounts can be squared up. Then the City will have certain other expenditures through the summer that will be met from the balance of the moneys in that account.

Overall the sale went exceedingly well. This is the first time that the City has brought into the marketplace a non-rated Certificate of Participation. The fact that it was non-rated was not

necessarily a detraction, but it is a little bit more difficult security to bring into the marketplace. The fact that they had City Hall as the security interest in this made the bonds very salable.

Present tonight is Attorney Randy Irey with Gilmore and Bell who was responsible for writing the documents involved in this transaction. If Council or staff has any questions in regards to the legal documents, Mr. Irey is here to respond to those questions.

Mayor Bill Reynolds told Mr. Bricker he had done another good job.

Mayor Pro Tem Roger Norris stated the staff and Council appreciate the outstanding services the City gets from George K. Baum & Company.

Greg Bricker thanked the Council.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-24**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-24** and enact it as Ordinance No. 3.592; Mayor Pro Tem Roger Norris seconded.

Discussion:

City Manager Jim Norris noted that Mr. Bricker said that the remaining funds would be deposited and be used by the end of summer. That is true for a majority of the projects, but the technological part of the bond issue will not be completed by this summer and, if he recalls correctly, the bond documents call for all the money to be expended by December of 1999.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Randy Irey, Gilmore and Bell**, thanked the Council and noted that he was going to leave some documents with the City Clerk for the Mayor's signature and asks that they be returned in the next few days.

**Item 16. on the Agenda. FIRST READING BILL NO. 97-25**, amending Schedule IX of the Model Traffic Ordinance (City Code Section 18-12) designating speed zones in the City of Gladstone, Missouri to establish a 15 mph Speed Zone for Jezak Parkway and the adjoining public parking areas within the boundaries of Happy Rock Park at 76th & North Antioch Road.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-25** on First Reading; Councilman George Nodler seconded.

Discussion:

Councilman Anita Newsom noted that Council can change speed limits to anything they want, but will there be anyone in the park to enforce it?

City Manager Jim Norris answered, yes, not on a daily basis but that conversation has been had. He noted that it was Public Safety's recommendation to change the speed limit in Happy Rock Park to 15 mph. The City has diverse groups using the park that are both coming and going. When there are 400 kids and their parents showing up for youth soccer and they are finishing about the same time that all the teams for softball are showing up, and softball players are wanting to get to the game, maybe running late, are moving a bit more quickly than they should be and there are all the kids in the area, the City wants to be able to do some enforcement to help keep the park safe.

Councilman Anita Newsom asked what the current posted speed limit is.

City Manager Jim Norris stated there is no posted speed limit in the park at this point in time. The current speed limit would be 25 mph unless posted otherwise. The City plans to use this in a very proactive basis by actually putting signs up and, as part of the registration for softball and other events, letting everyone know that there is now a posted speed limit and it will be enforced.

Councilman Anita Newsom asked, as long as they are enforcing the speed limit will they also be enforcing no alcohol?.

City Manager Jim Norris replied, yes they will, as much as they can given that time of night and other calls.

Audience member Jerry Nolte inquired of the possibility of putting small speed bumps in the park.

Mayor Bill Reynolds answered that speed bumps have been discussed and there is a problem with them as there is some City liability with speed bumps. The City has an engineer that does a lot of study in traffic control and he can give Mr. Nolte all the statistics after the meeting if Mr. Nolte would like them. Speed bumps are not very effective in reducing speed and are a liability to the City. The posting of a speed limit is a better way to go at controlling speed.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-25**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-25** and enact it as Ordinance No. 3.593; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 17. on the Agenda. FIRST READING BILL NO. 97-26**, accepting temporary and standard construction easement from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project 9605.

Councilman George Nodler moved to place **Bill No. 97-26** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris asked if everything was in order?

City Manager Jim Norris said yes. These are all the temporary and standard easements that the City needs for the originally contemplated 63<sup>rd</sup> Terrace drainage project. At a recent Capital Improvements Committee Meeting it looked like this project may be expanded two more lots downstream. If that is done then the City would need to acquire two more easements. By accepting these easements tonight staff then has the ability to go to these two other owners and say they have all the easements needed but theirs. Council will remember Mr. Page who spoke about the need for this project before. This drainage project will address his property drainage and two other neighbors.

Audience Member Jerry Nolte asked if the 63<sup>rd</sup> Terrace project was going to progress to the Jones' property or to the place where it enters under the bridge (referring to Shady Lane & Flora).

City Manager Jim Norris explained that this is 63<sup>rd</sup> Terrace in Hamilton Heights Subdivision west of North Oak. The Mayor clarified again for Mr. Nolte that this project is on the west side of the City not near Mr. Nolte.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill No. 97-26**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 97-26** and enact it as Ordinance No. 3.594; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 18. on the Agenda. Other Business.**

None.

**Item 19. on the Agenda. Questions from the News Media.**

None.

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There being no further business to come before the Regular April 28, 1997 City Council Meeting, Mayor Bill Reynolds adjourned the regular meeting at 8:50 pm.

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.** Mayor Pro Tem Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office as publicly posted for Land Acquisition and Personnel Discussion pursuant to the Missouri Open Meeting Act Exemptions; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Respectfully submitted:

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Marilyn F. Ahnefeld, City Clerk

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

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Mayor Bill Reynolds

MFA/sak



**GLADSTONE, MISSOURI**

**MONDAY, MAY 12, 1997**

**Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610-021(2) for Land Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance, Boy Scouts of America.
4. **Approval of Regular April 28, 1997 City Council Meeting Minutes.**
- 4a. **SPECIAL RECOGNITION of Scout Troop 417 Eagle Scouts.**
- 4b. **PROCLAMATION:** Designating the month of May, 1997 as "National Electrical Safety Month" in Gladstone, Missouri.
- 4c. **PROCLAMATION:** Designating May 15, 1997 as "Peace Officer's Memorial Day" in Gladstone, Missouri. Sponsor: Concerns of Police Survivors, Inc. (COPS)
- 4d. **PROCLAMATION:** Congratulating the "Fourth Marine Division of WWII on their 50<sup>th</sup> Annual Reunion" in Kansas City, Missouri on August 25-31, 1997 in Kansas City, Missouri.
5. **CONSENT AGENDA**

**RESOLUTION R-97-39**, authorizing the City Manager to enter into a First Amendment to Development Agreement with Home Depot, U.S.A., Inc. relating to the development of property at the intersection of Vivion Road and Old Pike Road.

**RESOLUTION R-97-40**, authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the City of Gladstone's annual audit for the fiscal year ending June 30, 1997. Total Contract: \$20,900.00 General Fund

**RESOLUTION R-97-41**, accepting all work under contract with Larson Binkley and Associates, Inc. for the preparation of detailed construction drawings for the replacement of City Hall HVAC System and design of City Hall interior lighting upgrade, and authorizing final payment. Project 9615. Total Contract Amount: \$21,287.76; Final Payment Due: \$9,701.27 Fund: Capital Improvement Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997.

**RESOLUTION 97-42**, accepting a Bill of Sale from Quality Vending Company and Clay County Sanitary and Ditching Service, Inc. conveying a water line serving 6850 North Oak Trafficway to the City for maintenance. (Construction was solely at developer's expense.)

**RESOLUTION 97-43**, authorizing Change Order #1 in the amount of \$32,729.00 to the contract with Industrial Piping for HVAC installation in City Hall, Project 9706. Fund: Capital Improvement Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997.

**NEXT ORDINANCE #3.595**

**RESOLUTION 97-44**, authorizing the City Manager of the City of Gladstone to execute an agreement with Executive Financial Consultants, Inc. to perform debt collection services for the City.

**RESOLUTION 97-45**, authorizing execution of contract with Superior/Bowen Asphalt Company Inc. for 1997 Street Maintenance, Phase 2; Project 9802. Contract Amount: \$677,408.15. Fund: Transportation Sales Tax Fund with fund transfers to such fund for such purposes from Capital Improvement Sales Tax Fund and Gladstone Special Road District #3.

**APPROVAL OF PARK FESTIVAL USE PERMIT** for *1st Annual Gladstone Summertime Blues Fest* in Oak Grove Park, 76th & North Troost, Friday & Saturday, June 27 & 28, 1997 under sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**APPROVAL OF LIMITED/TWO DAY LIQUOR LICENSE** to the Gladstone Area Chamber of Commerce for sale of beer at the *1st Annual Gladstone Summertime Blues Fest*, Friday and Saturday, June 27 & 28, 1997 in Gladstone Oak Grove Park, 76th & North Troost. Managing Officer: Jana Miller (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, Noon to 10:00 pm)

**APPROVAL OF MARCH 1997 FINANCIAL REPORTS.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 8,400 square foot interior remodeling of one school wing at Chapel Hill Elementary School, 3220 NE 67th Terrace. Applicant: J.P. Mann Construction Company. Owner: North Kansas City School District. (BP#97-0255)
10. **APPROVAL OF BUILDING PERMIT** for 120 square foot walk-in cooler to the north side of existing structure at Total Gas Station and Convenience Store, 5800 North Oak. Applicant: G.E. Wood. Owner: Total Petroleum Inc. (BP#97-0348)
11. **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone on property at 99 NE 72nd Street. Owner/Applicant: Northland National Bank (File #1000)
- 11a. **FIRST READING BILL 97-27**, approving a Site Plan Revision in a CP-2 zone for property at 99 NE 72nd Street subject to certain conditions. (File #1000)
- 11b. **APPROVAL OF BUILDING PERMIT** for construction of detached ATM building at 99 NE 72nd Street. Applicant/owner: Northland National Bank. (BP #97-0181)
12. **FIRST READING BILL 97-28**, repealing Ordinance No. 3.508 (City Code Section 29-66(A), (B) (1) and B(2) and enacting a new ordinance levying Sewer Billing and Commodity Charges in the City of Gladstone, Missouri.
13. **FIRST READING BILL 97-29**, repealing Ordinance 3.509 (City Code Section 29-6) and enacting a new ordinance establishing Water Service Rates for the City of Gladstone, Missouri.
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, MAY 12, 1997**

Mayor Bill Reynolds called the Regular May 12, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Bill Reynolds  
Mayor Pro Tem Roger Norris  
Councilman Anita Newsom  
Councilman George Nodler  
Councilman Art Hammen

City Manager James H. Norris  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Boy Scouts from the Meadowbrook United Methodist Church led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular April 28, 1997 City Council Meeting Minutes.**

Mayor Pro Tem Roger Norris moved to approve the regular April 28, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

#### **Item 4a. on the Agenda. SPECIAL RECOGNITION of Scout Troop 417 Eagle Scouts.**

Mayor Bill Reynolds invited Advancement Chairman Scott McBride to come forward to help recognize the Eagle Scouts.

**Scott McBride** stated there were four scouts present this evening that will be receiving their Eagle Court of Honor on Sunday, May 18<sup>th</sup>. The first Scout is Tyler Dodson whose Eagle project took place at the Western Missouri Soccer League Fields where he built bat houses and martin houses to try and help keep the pests down.

Mayor Bill Reynolds congratulated Tyler Dodson, thanked him for his project work and presented him with a congratulatory letter on his rank of Eagle Scout.

Scott McBride introduced Kevin Geimer and stated that his Eagle project took place at the Parkville Nature Sanctuary where he laid out a trail, covered it with wood chips and also built a bridge across a stream.

Mayor Bill Reynolds congratulated Kevin Geimer, thanked him for his project work and presented him with a congratulatory letter on his rank of Eagle Scout.

Scott McBride introduced Trevor McBride and stated that his Eagle project was also at the Parkville Nature Sanctuary where he put logs across a downhill trail to divert water and reduce erosion.

Mayor Bill Reynolds congratulated Trevor McBride, thanked him for his project work and presented him with a congratulatory letter on his rank of Eagle Scout.

Scott McBride introduced Stephen Moss and stated that his Eagle project was at Stockdale Park in Liberty where he cleared brush after the last storm and helped widen the trail so it would be easier to maintain.

Mayor Bill Reynolds congratulated Stephen Moss, thanked him for his project work and presented him with a congratulatory letter on his rank of Eagle Scout.

Mayor Bill Reynolds stated that the Council appreciated all the work that the scouts did on their projects. Their work was all environmental and very beneficial to the community. He again thanked all the Scouts on earning their Eagle Scout Rank and wished them well in their future endeavors.

**Item 4b. on the Agenda. PROCLAMATION:** Designating the month of May, 1997 as "National Electrical Safety Month" in Gladstone, Missouri.

Mayor Bill Reynolds presented the Proclamation to Alan Napoli, City of Gladstone Construction Coordinator.

**Item 4c. on the Agenda. PROCLAMATION:** Designating May 15, 1997 as "Peace Officer's Memorial Day" in Gladstone, Missouri. Sponsor: Concerns of Police Survivors, Inc. (COPS)

Mayor Bill Reynolds presented the Proclamation to Bill Adamo, Director of Public Safety.

**Item 4d. on the Agenda. PROCLAMATION:** Congratulating the "Fourth Marine Division of WWII on their 50<sup>th</sup> Annual Reunion" in Kansas City, Missouri on August 25-31, 1997 in Kansas City, Missouri.

Mayor Bill Reynolds noted that this proclamation will be sent to the "Fourth Marine Division of WWII", a group of men who did so much for our country, to be displayed at their 50<sup>th</sup> Annual Reunion to be held in Kansas City, Missouri in August.

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

Following the City Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Mayor Pro Tem Roger Norris seconded. Mayor Bill Reynolds stated he did not wish to pull anything off the Consent Agenda but he did wish to point out that in the Council's financial report information it was noted that the majority of cities in Missouri are showing a decline in their sales tax revenue and that Gladstone's sales tax revenue is up a little bit. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-39**, authorizing the City Manager to enter into a First Amendment to Development Agreement with Home Depot, U.S.A., Inc. relating to the development of property at the intersection of Vivion Road and Old Pike Road; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-40**, authorizing the City Manager to engage the firm of KPMG Peat Marwick, Certified Public Accountants to conduct the City of Gladstone's annual audit for the fiscal year ending June 30, 1997. Total Contract: \$20,900.00 General Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-41**, accepting all work under contract with Larson Binkley and Associates, Inc. for the preparation of detailed construction drawings for the replacement of City Hall HVAC System and design of City Hall interior lighting upgrade, and authorizing final payment. Project 9615. Total Contract Amount: \$21,287.76; Final Payment Due: \$9,701.27 Fund: Capital Improvement Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION 97-42**, accepting a Bill of Sale from Quality Vending Company and Clay County Sanitary and Ditching Service, Inc. conveying a water line serving 6850 North Oak Trafficway to the City for maintenance. (Construction was solely at developer's expense.); Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION 97-43**, authorizing Change Order #1 in the amount of \$32,729.00 to the contract with Industrial Piping for HVAC installation in City Hall, Project 9706. Fund: Capital Improvement Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION 97-44**, authorizing the City Manager of the City of Gladstone to execute an agreement with Executive Financial Consultants, Inc. to perform debt collection services for the City; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION 97-45**, authorizing execution of contract with Superior/Bowen Asphalt Company Inc. for 1997 Street Maintenance, Phase 2; Project 9802. Contract Amount: \$677,408.15. Fund: Transportation Sales Tax Fund with fund transfers to such fund for such purposes from Capital Improvement Sales Tax Fund and Gladstone Special Road District #3; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve a **PARK FESTIVAL USE PERMIT** for the **1st Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, Friday & Saturday, June 27 & 28, 1997 under sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve a **LIMITED/TWO DAY LIQUOR LICENSE** to the Gladstone Area Chamber of Commerce for sale of beer at the **1st Annual Gladstone Summertime Blues Fest**, Friday and Saturday, June 27 & 28, 1997 in Gladstone Oak Grove Park, 76th & North Troost. Managing Officer: Jana Miller (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, Noon to 10:00 pm); Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman Anita Newsom moved to approve the **MARCH 1997 FINANCIAL REPORTS**; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Jerry Nolte, 1304 Shady Lane**, noted that pictures are sometimes worth a thousand words. Last Tuesday at 3:30 pm there were a group of students trying to get home from school who ended up in a muddy drainage ditch. He had pictures he showed. Sometimes the drivers on this road are not as courteous as they could be. He was

wondering if occasionally there could be a Public Safety Officer at the Normandy and Shady Lane intersection just to let drivers know kids are coming and they need to be shown a little respect?

Mayor Bill Reynolds stated that the Director of Public Safety has indicated that can and will be done.

Jerry Nolte noted that the road, fire hydrant and bridges will be fixed when the project is done and that is what is important. Mr. Nolte thanked the City for their letter informing him that his street was not scheduled under the program of 1991 Bond Improvements as he had thought after he had attended the last City Council Meeting.

**Mary Nolte, 1304 Shady Lane**, wanted to know when something was going to be done on Shady Lane to widen it and put sidewalks on it. She is 38 years old and has lived there all her life. When she was 8 years old she was walking up and down the street dodging cars just like the kids are today. The City has had 30 years to do something about this street. She has called City Hall numerous times and it is very tiring.

Mayor Bill Reynolds explained to Ms. Nolte that in 1987 the City passed a ½ cent Capital Improvements Sales and allotted the money to go towards road work in the City. The City also receives around \$300,000 a year from the county to go towards roadwork. There is a committee called the Capital Improvements Committee made up of other Board and Commission members along with Gladstone residents. This Committee brought to the Council a 5 Year Plan for roads. Shady Lane was originally one of the streets to be done early in this 5 Year Plan. The Council wanted to see the road done, the Capital Improvements Committee wanted to see it done and that was staff's intent. There was also another road in Gladstone in very bad shape and staff had problems at both of these locations getting easements so the roads could be repaired. The property owners were asking for additional things that the Capital Improvements Committee felt was unfair to the City. Since there were road needs in other locations the Capital Improvements Committee voted to take the money from the two locations and spend it on roadwork elsewhere in the City. Recently, a ½ cent Transportation Sales Tax was approved which will give the City around one million dollars a year to go toward roadwork. The Capital Improvements Committee has gone back and revisited Ms. Nolte's street. As was told Mr. Nolte at the last Council Meeting, last year staff started to try and get the remaining easements for this project. Until all the easements are obtained there is nothing the City can do.

Mary Nolte stated the City has been working on getting the easements since 1991. She is aware that all the easements have been obtained except for the one on the corner. She also understands that the City could go to condemnation for public safety reasons to get the property that is needed. Staff has gone to the resident a number of times and he has stated his price. Staff has gone back and he stills has a high price that the City cannot afford. The only persons losing on this are the kids that are trying to walk to and from school. Any person walking up and down that street is also in danger of getting hit. Numerous emergency vehicles go up and down this street. This a main

road, it is not a back road or a dead end street. Ten to twelve emergency vehicles utilize this road everyday and they are not going 10 to 12 mph, they are going at 30, 50, 60 mph trying to get to their location. She understands why they are doing that, but there are also other cars and people walking on that street. Young kids can dodge cars a little easier, but older folks when they have to get into a three to six foot ditch to dodge cars, it does a little damage to them.

Mayor Bill Reynolds again stated that the money was appropriated a few years ago and it was the City's desire to have this street done then. Because the required easements could not be obtained the street could not be done. The City is aware of condemnation. This issue is now a land purchase situation. Staff is in contact with the resident and was in contact with them today. Last Council meeting this Council told Mr. Nolte that if there is anyway possible that this road could be done in this building season it would be. Everyone wants this street done as soon as possible. Staff is doing everything they can. There has not been one dollar of road work spent in this City that has not needed to be done.

Mary Nolte stated it was her understanding that some of the money went behind a car dealership on North Oak. How many schools are up there? She understands that trucks are coming every day and taking cars back there. Is that a bigger safety issue compared to kids and older people walking on a street?

Mayor Bill Reynolds asked Ms. Nolte if it was her desire to have this street done this year?

Mary Nolte stated that she has been trying to talk with the City. The City started asking for signatures from residents along this street back in 1991 and the City has a lot of them.

Mayor Bill Reynolds explained that the work cannot be done until all the signatures are obtained.

Mary Nolte stated that is where condemnation comes in. She was told by the City last year that if all the signatures could not be obtained by this February condemnation procedures would begin.

Mayor Bill Reynolds stated that he was trying to explain to her that that process is beginning.

Mary Nolte stated she was also told that in February. Staff was to meet with the resident last week according to Scott Brandom. She asked Mr. Brandom if the property owner would agree to everything or somehow or another come to an agreement, when would this road be done. From her understanding she was told they hoped it would be done on this years agenda.



Mayor Bill Reynolds stated that Ms. Nolte's father was told at the last Council meeting they hoped it would be done during the 1997 construction season if at all possible. It is the City's intent to do this project in 1997 and staff is doing everything they can to try and get it done in 1997.

City Manager Jim Norris stated that staff had spoken with the Jones' attorney last week and staff had met in person with Mr. Jones today. The Jones property was staked showing the outlines of the right-of-way necessary, the permanent easements and the temporary easements. The Jones' and their legal counsel met with the City Engineer and City Attorney. They have not reached a conclusion at this point in time. The Jones are considering some alternatives that staff presented and are to get back with staff tomorrow. Point-in-fact, the City's next step is to come to the Council at the next Council Meeting with an Ordinance authorizing condemnation. If the City has to go to condemnation, that is a 90 day process or longer and the road will not get done in 1997. If staff can negotiate with the resident and come to a successful conclusion then the road can be done this year. Condemnation is not a short process. Appraisals have to be done. One has to appear in court and then the court has to order that it is a true public improvement project and that there is a public benefit involved. After that the court assigns commissioners to come out and evaluate the property, review the appraisals and sign a voucher. Even then, either party has the potential of appealing the dollar amount. It has been this City's philosophy to negotiate to an amicable settlement and not have to go to condemnation. This parcel is the most important parcel to getting this road done because of the culvert that runs into this property, the drainage and bridge structure.

Mayor Bill Reynolds noted when ditch work and culverts like this are done, one has to be very careful when doing work upstream because it increases the flow of water and what happens downstream.

Mary Nolte stated they are downstream. They are at the bottom of the hill and all they get is everyone's runoff.

Mayor Bill Reynolds stated he is talking about the water on downstream from this area.

Mary Nolte stated that the Flora is all fixed up. Flora has sidewalks that were put in, ripped out and put in again. On Shady Lane they are still waiting.

Mayor Bill Reynolds noted that where water already crosses Shady Lane it is eroding and is getting back into some neighbors yards. Staff must also look at the big picture.

Mary Nolte asked so it is okay for water to get into her yard and to have kids walking in the street and dodging cars?

City Manager Jim Norris stated he does not believe that anyone is saying that. This road would not be shown as a project, be fully funded as a project and having legal time and effort spent if the City did not feel it was an important viable project. Arguing about

this when the City is trying to acquire the property isn't going to help anything. The best thing Ms. Nolte could do is go to the Jones, as a neighbor, and ask if they can help facilitate this project.

Mary Nolte asked if Mr. Jones has a price that he wants the City to pay?

City Manager Jim Norris replied that today money was not the issue with Mr. Jones.

Mary Nolte asked if the City could forget about Mr. Jones' side of the street and just do the sidewalks on the north side of the street?

Mayor Bill Reynolds stated that one half the street cannot be done.

Mary Nolte stated that the City has done one half a street on other streets.

Mayor Bill Reynolds stated that on this project half the street cannot be done.

Mary Nolte asked if the City is waiting for this gentlemen to come to some agreement, who they have been waiting on three to five years already, and if condemnation has to be done it could take another three to five years?

City Manager Jim Norris replied it is not that simple. When the Capital Improvements Committee first authorized the project and staff met with the Jones, staff was also contemplating taking the creek area and low lying property behind the Jones' house and turning that into a stormwater detention basin. Discussions were held and engineering was done. At that time the Capital Improvements Committee voted that condemnation was not an option they wanted to go to, so it was the Committee's decision to not move forward then. Approximately a year ago staff was successful in getting the Jones to realize that if push came to shove and condemnation was what had to be done it would be done. Staff has now removed the detention basin as part of the project as it doesn't need to be built based upon further engineering that was done. Staff is now concentrating on the street. Because of where the Jones property sits, where the culvert under the street sits and the bridge; in order to do both the north and south side of this road the bridge has to be added onto so the correct kind of outflows and structures are there. If the bridge cannot be done then the north side of the road cannot be done, nor can sidewalks be constructed as the culvert has to be extended to add the sidewalk. Just like the private property owner cannot do anything on their property to increase the water flow to their neighbor, the City can't legally do that either. In this project the property has to be obtained. The Jones know it and their attorney knows it. As of today they know it is inevitable. They are now considering some options from the City. Staff believes that some resolution can be obtained in the near future. If the City has to go to condemnation the Jones might use whatever tactics they can to take all the time they want it to take to delay this project.

Mary Nolte asked what is going to happen if someone actually gets hurt on one of these roads? Has anyone of the Council or staff actually seen this road?

Mayor Bill Reynolds, Councilman Anita Newsom and City Manager Jim Norris all replied they drive it on a daily basis.

Mary Nolte stated that it is not a good road. She has lived on it 38 years and it is not good. Ms. Nolte asked if the Council can understand why she is so upset about this? It sickens her to see kids walking along this road.

Councilman Anita Newsom stated that she understands Ms. Nolte being upset. She drives on this road to both Oakwood Manor and Meadowbrook School on a daily basis. For children to attend school in the North Kansas City School District, if the child lives less than one mile from school they are not generally provided bus transportation unless it is what the school district calls a "hazardous route". A hazardous route is usually considered by the School Board to be where there are no sidewalks, there is a heavy amount of traffic and the road is a collector street. If parents or bus drivers bring it to the Board's attention they will look into it and bus transportation would be provided, especially if there is not a safe viable way for the children to get to school. There are children that live across the street from Clardy School that are bused across North Troost. The children can be provided safe ways to get to and from school.

Mary Nolte asked what if they just want to walk up the street?

Councilman Anita Newsom stated that there is parental obligation that comes into play where parents need to teach their children what is safe and what is not safe.

Mary Nolte stated this road is not safe.

Councilman Anita Newsom replied there is a parental obligation to deal with that and in many cases adults also need to make wise decisions.

Mayor Pro Tem Roger Norris stated to Ms. Nolte that Council and staff share her frustration. It is extremely distressing to see the kids going to and from school in that section of road. It is extremely frustrating as Councilmen that they just can't go repair the street. In many cases it is looked at as unfortunate, but if you look at this from the other direction, the private property owner has rights. The government cannot just come in and say they are taking this part of your yard. In this case 40% of the project is being tied up by one person who does not want to deal with the City. He does not want to deal with Ms. Nolte's dad or her. He wants to be left alone. That makes things very slow going. The process is slow. The only way the City can acquire this property is correctly, step-by-step, one step at a time. Anything else is not acceptable or the City will pay through the nose. The City has to go step by step. The City Council would like to go out and start the road today and have it all done tomorrow, but they can't. If they did, as City people, they would be sued. The residents would then also be paying for that. It is frustrating and distressing.

Mayor Bill Reynolds asked if he could bring this to conclusion by agreeing to meet Ms. Nolte here at City Hall and go step by step over everything that has been done, what is trying to be done, and what the City intends to have done? Dragging this on anymore this evening will not benefit anyone. There are several other matters still to come forward. Mayor Bill Reynolds stated he would be happy to meet Ms. Nolte at City Hall anytime.

Mary Nolte thanked the Council.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom asked if something could be done regarding the lighting at the Council table until something is done about the lighting in the building.

City Manager Jim Norris replied that the lighting contract has gone out to bid and staff is reluctant to replace any of the existing lighting fixtures.

Councilman Anita Newsom stated that she finds herself leaning toward Councilman Art Hammen to find light to read by.

City Manager Jim Norris noted staff would try and find a temporary solution. He pointed out that the Council passed a resolution on the Consent Agenda this evening for the design of City Hall interior lighting upgrade and the RFP for bids will go out this weekend.

Councilman Art Hammen congratulated City Manager Jim Norris on his election as Vice President to the Missouri City Management Association.

City Manager Jim Norris thanked the Council.

Mayor Bill Reynolds congratulated Councilman Anita Newsom on being named the new Chairman of the Clay County Municipal Coordinating Committee.

\* \* \*

Mayor Reynolds also thanked the Boy Scouts present this evening for all the work they did to earn their rank of Eagle Scout. He pointed out that this evening the Scouts had seen government in action. He noted the Council had passed a ½ cent Capital Improvements Sales Tax in 1987 for roadwork. The road that was discussed tonight was one of the first projects that the City tried to repair. Because the City could not get all the easements necessary for this project, they could not just go in and take someone's property. Since there were a lot of other unsafe streets in Gladstone, a recommendation was made to go elsewhere and do roadwork where all the easements could be obtained. The City has since passed a ½ cent Transportation Sales Tax and has more money to use on roads. Last year the road in question was revisited and it was again recommended and approved to be replaced. The City is doing everything

they can to get this project completed. When one lives in a project area and has a young child it is very hard to sit there and think about safety and wonder if the people on the Council really care about the project. The Council does care.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted that the Council has in front of them this evening **Bill No. 97-30**. This Bill needs to be added to tonight's agenda as it is a property acquisition on the 72<sup>nd</sup> Street project. Due to an impending sale of the property in question, staff needs to have Council acceptance now or the whole process would have to be started over on this property with the new owner.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-30, an ordinance accepting a standard easement from property owners in conjunction with the 72<sup>nd</sup> Street widening project, Project 9417**, on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-30**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-30** and enact it as Ordinance No. 3.595; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

\* \* \*

City Manager Jim Norris noted that Council had asked at the last City Council Meeting how beautification had gone. At that time staff did not have the total number of loads taken. The City took in 62 full loads of dumpster debris this year. Last year the City took in 80 some loads. The City was down about 20 loads this year.

\* \* \*

City Manager Jim Norris stated that Gladstone Special Road District #3 met last Thursday, May 8, 1997 at 4:00 pm and unanimously agreed to support the City Council's Five Year Plan for road construction and pledged their \$300,000 towards this years program. At this same meeting they held their election of officers and the Chairman for this year will be Mike Sosa, the Clerk is Ken Winkler and Mr. Carmack is still a member and serves as the Council's Liaison to the Capital Improvements Committee.

\* \* \*

City Manager Jim Norris noted that City Hall will be closed on Monday, May 26<sup>th</sup> in observance of Memorial Day and the next City Council Meeting will be held on Tuesday, May 27<sup>th</sup>, 1997.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for 8,400 square foot interior remodeling of one school wing at Chapel Hill Elementary School, 3220 NE 67th Terrace. Applicant: J.P. Mann Construction Company. Owner: North Kansas City School District. (BP#97-0255)

Councilman George Nodler moved to approve the Building Permit for Chapel Hill Elementary School; Mayor Pro Tem Roger Norris seconded. The vote: "Aye" - Hammen, Nodler, Norris, Reynolds. "Abstain" - Newsom. (4-0-1)

Councilman Anita Newsom thanked the Council on behalf of the teachers at Chapel Hill Elementary School for passing the building permit so the open pods can be closed in.

Mayor Bill Reynolds noted for the Boy Scouts benefit, at a meeting held in City Hall last week, Dr. Crockett from the North Kansas City School District had been present and was very complimentary about Gladstone and the work they are doing with the D.A.R.E. program and other programs the City provides to the schools. The City is involved in areas other than just building roads.

**Item 10. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for 120 square foot walk-in cooler to the north side of existing structure at Total Gas Station and Convenience Store, 5800 North Oak. Applicant: G.E. Wood. Owner: Total Petroleum Inc. (BP#97-0348)

Mayor Pro Tem Roger Norris moved to approve the Building Permit for Total Gas Station and Convenience Store; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 11. On the Agenda.** **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone on property at 99 NE 72nd Street. Owner/Applicant: Northland National Bank (File #1000)

Mayor Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant and those in favor of the request would speak first, followed by those opposed, with City staff comments last.

**Applicant:**

**Jack Marcum, representing Northland National Bank, 99 NE 72<sup>nd</sup> Street,** requested permission to build an ATM building in the front parking lot area of Northland National Bank. The bank wanted to add an ATM to be better able to serve their customers. Most of the bank's customers are in the Gladstone area and they believe this would be a community benefit. The location of the ATM in the front of the building is for security

purposes. They don't want to let prospective robbers have trees or bushes or other buildings to hide behind. The front location minimizes those hideouts. Secondly, they believe the front location is good because it will have high visibility off of 72<sup>nd</sup> Street and that again reduces the security concerns. The ATM unit will be in a free standing building. The building will be similar to the Northland National Bank structure; red brick with concrete coins on the corners and a peaked roof. If there are any questions regarding the ATM he would be happy to answer them.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Scott Wingerson, Director of Community Development, noted that the Planning Commission voted unanimously to approve the request.

There being no further comments Mayor Bill Reynolds closed the Public Hearing.

**Item 11a. on the Agenda. FIRST READING BILL 97-27**, approving a Site Plan Revision in a CP-2 zone for property at 99 NE 72nd Street subject to certain conditions. (File #1000)

Councilman Art Hammen moved to place **Bill No. 97-27** on First Reading; Mayor Pro Tem Roger Norris seconded.

**Discussion:**

Mayor Pro Tem Roger Norris stated that Northland National Bank has been a good neighbor to the City of Gladstone. They have been involved in many City events. As noted when other banks installed ATM's, this is a trend that banks are going to. Banks really must add ATM's to remain competitive and the City should encourage this type of activity by our businesses.

Mayor Bill Reynolds noted that he concurs with Mayor Pro Tem Roger Norris. President Marcum, and Northland National Bank have been a very valuable asset to the Gladstone community. Thank you for all your service.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-27**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-27** and enact it as Ordinance No. 3.596; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 11b. on the Agenda. APPROVAL OF BUILDING PERMIT** for construction of detached ATM building at 99 NE 72nd Street. Applicant/owner: Northland National Bank. (BP #97-0181)

Mayor Pro Tem Roger Norris moved to approve the Building Permit for an ATM Building at 99 NE 72<sup>nd</sup> Street; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0).

**Item 12. on the Agenda. FIRST READING BILL 97-28**, repealing Ordinance No. 3.508 (City Code Section 29-66(A), (B) (1) and B(2) and enacting a new ordinance levying Sewer Billing and Commodity Charges in the City of Gladstone, Missouri.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-28** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris noted that when the City Council held their Budget Study Session on this year's budget, the City had received a letter from Kansas City, Missouri who processes sewage from the City of Gladstone and other suburban communities. Kansas City had notified Gladstone that their cost for that service would be increasing 8%. That translates into a \$.09 cent per 1,000 gallon increase to the sewer rate. At the same time staff did a full fledged evaluation of both the water and sewer rates and found that given the cool and rainy fall that the City experienced last year the City was in need of a \$.03 cent increase in the water rate and determined the administrative service charge on both water and sewer would need to be increased slightly. That effect on Gladstone's average bill, based upon 12,000 gallons of water consumed in a bi-monthly period, would change from approximately \$59.92 bi-monthly to \$61.66 bi-monthly. Under the bond covenants of the City's water bonds, the City has to have a minimum coverage of 1.2 net reserves to the bond issue. Without the water side increase the City would not be able to maintain that minimum coverage. Without the sewer increase the City would have to absorb \$70,000 of additional annual cost increase from the City of Kansas City Missouri. Each year at budget time the Council reevaluates water and sewer increases and passes along only that amount that is minimally necessary to carry on the water and sewer system. Therefore those two increases are recommended.



Mayor Bill Reynolds asked if the 8% sewer increase was just a pass through that Gladstone collects and then gives to Kansas City?

City Manager Jim Norris replied that was correct.

Councilman Anita Newsom asked if any other of the listed municipalities on the chart, on the second white page of the addendum, had already added their rate increase or was it yet to be added?

City Manager Jim Norris replied he did not know. The rates listed are the rates that were in place at the time of the review. Kansas City had just sent out their rate increase letter so Gladstone may have beaten the other communities that are serviced by Kansas City in passing along the rate increase.

Councilman Anita Newsom asked if the rate increase would change the City's ranking where Gladstone falls within the other cities rates?

City Manager Jim Norris answered that is correct. Kansas City has passed along the same rate increase on the sewer side to all their customers.

Mayor Pro Tem Roger Norris stated that if Kansas City is doing a percentage increase to their customers it seems to him that Gladstone is getting a heck of a deal on sewer rates.

City Manager Jim Norris replied that he is not sure if Kansas City does a percentage increase to their customers. Gladstone is a proportion of the total system, therefore they look at Gladstone as a percentage.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-28**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded.

Discussion:

City Manager Jim Norris explained that when looking at the rates of Kansas City, Lenexa and North Kansas City on the sewer side, it cannot be equated to a residential community like Gladstone. Those city's high end industrial users subsidize their rates. One factory will use hundreds of times more water and sewer than any residential customer. Gladstone's comparison is based on 12,000 gallons used. Many cities like that have an inclining or declining rate structure based on the number of gallons sold. In a residential community like Gladstone with very few high water commercial users, a flat rate is more common. A city that is heavily industrialized and has some very high water users can't really be compared with Gladstone, especially on the sewer side.

That is traditionally why Kansas City, Lenexa, and North Kansas City's rates are so low when comparing rates based upon 12,000 gallons used. Their high industrial users pay an extreme amount.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-28** and enact it as Ordinance No. 3.597; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 13. on the Agenda. FIRST READING BILL 97-29**, repealing Ordinance 3.509 (City Code Section 29-6) and enacting a new ordinance establishing Water Service Rates for the City of Gladstone, Missouri.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-29** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris stated same discussion as Bill No. 97-28 had before.

Mayor Bill Reynolds added that compared to sister cities in the area, Gladstone is shown second lowest next to North Kansas City in water rates. The average 12,000 gallon bi-monthly bill will go from \$30.47 up to \$30.98, an increase of .51 cents. Again, Gladstone will be the lowest of the cities listed in our area.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-29**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-29** and enact it as Ordinance No. 3.598; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 14. on the Agenda. Other Business.**

Mayor Bill Reynolds announced that he will be moving out of the State of Missouri at the end of this month and at the next City Council Meeting on Tuesday, May 27, 1997 he will be tendering his resignation.

**Item 15. on the Agenda. Questions from the News Media.**

None.

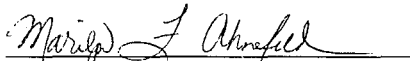
\* \* \*

There being no further business to come before the Regular May 14, 1997 City Council Meeting, Mayor Bill Reynolds adjourned the regular meeting at 8:25 pm.

\* \* \*

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.** Mayor Pro Tem Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office as publicly posted for Land Acquisition pursuant to the Missouri Open Meeting Act Exemptions; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐



Mayor Bill Reynolds

SAK/sak

**GLADSTONE, MISSOURI**

**TUESDAY, MAY 27, 1997**

**CLOSED EXECUTIVE SESSION: 6:30 PM**

**PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION  
SECTION 610-021(2) FOR LAND ACQUISITION**

**Study Session: 6:45 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance,
4. **Approval of Regular May 12, 1997 City Council Meeting Minutes**
- 4a. **PROCLAMATION:** Designating June 14, 1997 as "Flag Day" in Gladstone, Missouri and encouraging all Gladstone residents to pause at 7:00 pm on June 14<sup>th</sup> for the 18<sup>th</sup> Annual National Pause For the Pledge of Allegiance as part of National Flag Day.
5. **CONSENT AGENDA**

**RESOLUTION R-97-46**, authorizing the City Manager to execute a Letter Agreement with the City of Kansas City, Missouri to provide for Lime Sludge Delivery Services in connection with the Sewer Use Agreement.

**RESOLUTION R-97-47**, authorizing acceptance of work under contract with Commercial Waterproofing, Inc. for painting of the Gladstone Municipal Swimming Pools and areas in the adjacent mechanical room and authorizing final payment. Total Contract Amount: \$32,360.00. Fund: Municipal Swimming Pool Fund.

**RESOLUTION R-97-48**, authorizing acceptance of work under contract with Shafer, Kline & Warren, P.A. for design services for the development of Hamilton Heights Park; Project 9608 and authorizing final payment. Total Contract Amount: \$7,200.00. Fund: Capital Improvements Sales Tax Fund.

**RESOLUTION R-97-49**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority (KCATA) to provide public transportation for the period July 1, 1997 through December 31, 1997. Total Gladstone "Local Share" not to exceed \$6,100.00.

**RESOLUTION R-97-50**, authorizing acceptance of work under contract with Savior Roofing Company, Inc. for roof and building repairs to various City owned facilities and authorizing Final Payment. Total Contract Amount: \$75,835.85; Final Payment Due: \$1,331.80 Fund: General Fund.

**RESOLUTION R-97-51**, authorizing acceptance of work under contract with industrial piping & Sheet Metal, Inc., project 9706, for HVAC installation in City Hall and authorizing final payment. Total Contract Amount: \$231,296.00 Final Payment Due: \$23,129.60 Fund: Capital Improvements Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997.

**RESOLUTION R-97-52**, declaring certain city-owned vehicles as "Surplus City Property" and authorizing their disposal under the provisions of the City of Gladstone Purchasing Property.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 3,785 square foot tenant finish in the Gladstone Building, 6910 N. Holmes, Suite 152. Applicant/Owner: Vision Investments (BP#97-0383)
10. **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-O zone, for property at 5550 North Broadway. Owner/Applicant: Gabel Companies (File #1004)
- 10a. **FIRST READING BILL NO. 97-30**, approving a Site Plan Revision in a CP-O zone, for property at 5550 North Broadway. Owner/Applicant: Gabel Companies (File #1004)
11. **SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987) **(This item was tabled on April 28, 1997 to the May 27, 1997 City Council Meeting per the applicants request. Staff has a concern on an elevation that was submitted and requests this item be tabled to the June 9, 1997 City Council Meeting so it can be fully evaluated.)**
12. **FIRST READING BILL NO. 97-31**, accepting a Temporary Construction Easement from a property owner in conjunction with North Grand Street Improvements. (Project #9115)
13. **FIRST READING BILL NO. 97-32**, authorizing the issuance and delivery of a tax and revenue anticipation note by the City of Gladstone, Missouri, in the principal amount of \$250,000; prescribing the form and details of said note, and authorizing and approving certain other documents and actions in connection with the issuance of said note.
14. **FIRST READING BILL NO. 97-33**, authorizing acquisition of the interests of William C. Jones and Joan Jones in certain real property by purchase or condemnation for reconstruction of Shady Lane (Project #9108), declaring the public necessity of the same and authorizing the City Manager and City Counselor to take such action as may be necessary to carry out the intent of this ordinance.
15. **FIRST READING BILL NO. 97-34**, authorizing the City Manager to execute certain Quit-Claim Deeds to certain real estate located generally north of Englewood Road between North Flora and North Highland.
16. **PUBLIC HEARING:** on proposed 1997-98 Annual Operating Budget for the City of Gladstone, Missouri.
17. **Resignation of Mayor.**
18. **Election of Mayor and Oath of Office.**
19. **Election of Mayor Pro Tem.**
20. **Other Business.**
21. **Questions from the News Media.**
22. **Adjournment to Lobby Reception.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**TUESDAY, MAY 27, 1997**

Mayor Bill Reynolds called the Regular May 27, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Bill Reynolds  
Mayor Pro Tem Roger Norris  
Councilman Anita Newsom  
Councilman George Nodler  
Councilman Art Hammen

City Manager James H. Norris  
Deputy City Clerk Sondra Kasserman  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scouts Adam Nichols from Troop 271 and David Meyer from Troop 247, led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular May 12, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular May 12, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

#### **Item 4a. on the Agenda. PROCLAMATION: Designating June 14, 1997 as "Flag Day" in Gladstone, Missouri.**

Mayor Bill Reynolds reminded everyone to remember June 14<sup>th</sup> is National Flag Day each year and encouraged all Gladstone residents to pause at 7:00 pm on June 14<sup>th</sup> for the 18<sup>th</sup> Annual National Pause For the Pledge of Allegiance as part of National Flag Day.

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

Following the Deputy City Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approve the Consent Agenda as listed; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman George Nodler moved to adopt **RESOLUTION R-97-46**, authorizing the City Manager to execute a Letter Agreement with the City of Kansas City, Missouri to provide for Lime Sludge Delivery Services in connection with the Sewer Use Agreement; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-47**, authorizing acceptance of work under contract with Commercial Waterproofing, Inc. for painting of the Gladstone Municipal Swimming Pools and areas in the adjacent mechanical room and authorizing final payment. Total Contract Amount: \$32,360.00. Fund: Municipal Swimming Pool Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-48**, authorizing acceptance of work under contract with Shafer, Kline & Warren, P.A. for design services for the development of Hamilton Heights Park; Project 9608 and authorizing final payment. Total Contract Amount: \$7,200.00. Fund: Capital Improvements Sales Tax Fund Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-49**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority (KCATA) to provide public transportation for the period July 1, 1997 through December 31, 1997. Total Gladstone "Local Share" not to exceed \$6,100.00; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-50**, authorizing acceptance of work under contract with Savior Roofing Company, Inc. for roof and building repairs to various City owned facilities and authorizing Final Payment. Total Contract Amount: \$75,835.85; Final Payment Due: \$1,331.80. Fund: General Fund; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-51**, authorizing acceptance of work under contract with Industrial Piping & Sheet Metal, Inc., Project 9706, for HVAC installation in City Hall and authorizing final payment. Total Contract Amount: \$231,296.00 Final Payment Due: \$23,129.60 Fund: Capital Improvements

Sales Tax Fund utilizing proceeds from the Certificates of Participation on City Hall Improvements Project, Series 1997; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-97-52**, declaring certain city-owned vehicles as "Surplus City Property" and authorizing their disposal under the provisions of the City of Gladstone Purchasing Policy; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

## **REGULAR AGENDA**

Mayor Bill Reynolds noted that before proceeding to **Item 6. on the Agenda**, he would like to introduce a very special person present this evening, his new wife as of this past Saturday, Lydia Black-Reynolds.

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom invited everyone to North Kansas City High School on Wednesday May 28<sup>th</sup> at 12:30 pm to hear Governor Carnahan proclaim all three of the NKC High Schools "A+" schools. The A+ certification in the North Kansas City District is for the students who meet the A+ criteria. Meeting the A+ criteria gives those students the ability to attend Community College, at any Community College in the state of Missouri, free of tuition and books for the two years ensuing their graduation from high school. It is a great program and she would much rather pay for kids to attend community college than pay welfare later. It has been three years of hard work for the coordinators in the school district. The NKC School District is the only school district in the state of Missouri where all three high schools qualified. Everyone is welcome to attend. The festivities start at 12:30 pm tomorrow, at North Kansas City High School, with the Governor speaking at approximately 1 pm.

Councilman Art Hammen noted that if anyone present this evening travels on 72<sup>nd</sup> Street and has been concerned about the recent street cuts by the Gas Service Company, the patches, which are either peaks or valleys, are temporary patches and he has been advised that the street cuts will be patched properly once all the street cuts have been made.

City Manager Jim Norris explained that there is a separate company coming when the Gas Company is finished that will repair the street back to City standards.

Mayor Bill Reynolds asked City Manager Jim Norris for an update on Euclid at 72<sup>nd</sup> Street.



City Manager Jim Norris explained that as of today the City has the final easement necessary and can now go out to bid for the traffic signal at this intersection. The bid will go out either this weekend, Sunday June 1<sup>st</sup> or the next weekend, Sunday June 8<sup>th</sup>.

Mayor Bill Reynolds noted that he had introduced his wife Lyda this evening and they both appreciated Mayor Pro Tem Roger Norris attending their wedding in Mountain Home Arkansas last Saturday, May 24<sup>th</sup>. He noted other friends that were also present that evening were Jack Stowe, Pete Mackender and his wife, Dick Powers and his wife. Both he and Lyda really appreciated their attendance, and all the cards, gifts and well wishes they have received from everyone.

**Item 8. on the Agenda. Communications from the City Manager.**

None at this time.

**Item 9. on the Agenda. APPROVAL OF A BUILDING PERMIT** for a 3,785 square foot tenant finish in the Gladstone Building, 6910 N. Holmes, Suite 152. Applicant/Owner: Vision Investments (BP#97-0383)

Mayor Pro Tem Roger Norris moved to approve the Building Permit for the Gladstone Building subject to staff conditions; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 10. On the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-O zone, for property at 5550 North Broadway. Owner/Applicant: Gabel Companies (File #1004)

Mayor Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those in favor, then those opposed, with City staff comments last.

**Applicant:**

**Gary Gabel, 7804 N. Chestnut,** stated he was the developer for the project. They are proposing approximately a 6,000 square foot office building on the southwest corner of North Broadway and Englewood Road. The building will primarily be office spaces for attorneys. The traffic load for an office zoning will be fairly small in comparison to medical offices or other types of uses. The exterior will be all brick. They feel they have created a commercial building that will blend in well with the residential neighborhood behind it. They have agreed with all the requirements from staff including the landscaping improvements on Englewood Road.

Mayor Pro Tem Roger Norris asked if Mr. Gabel had seen the seven conditions from City staff?

Mr. Gable answered yes they have seen them and agree with them.

Councilman Anita Newsom asked Mr. Gable if he had brought the elevation drawings that he had at the Planning Commission meeting?

Mr. Gable answered that he had and would be happy to set them up for everyone to see (which he did). Mr. Gable pointed out the front elevation that would be facing Englewood Road. It will be two-stories on this side, will be all brick construction, will have raised coins on the corners, and dental mold across the top. The south elevation is a single story and this building goes with the flow of the lot. There will be two separate entrances and two separate parking lots.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Scott Wingerson, Director of Community Development, added that the Planning Commission voted unanimously in favor of the request.

There being no further comments Mayor Bill Reynolds closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL NO. 97-30**, approving a Site Plan Revision in a CP-O zone, for property at 5550 North Broadway. Owner/Applicant: Gabel Companies (File #1004)

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-30** on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-30**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-30** and enact it as Ordinance No. 3.599; Councilman George Nodler seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 11. On the Agenda. SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987)

(This item was tabled on April 28, 1997 to the May 27, 1997 City Council Meeting per the applicants request. Staff has a concern on an elevation that was submitted and requests this time be tabled to the June 9, 1997 City Council meeting so it can be fully evaluated.)

Mayor Bill Reynolds stated he understood that the applicant is also in favor of this item being tabled by staff until the June 9, 1997 City Council Meeting.

City Manager Jim Norris stated that was correct and staff was fairly certain that this item would be heard at the June 9<sup>th</sup> City Council Meeting. The evaluation of the storm water options for this property was now in staff's hands and almost complete. The Final Site Plan will be back in front of the Council for vote on June 9<sup>th</sup>. Staff will notify all the people that attended the other public hearings that this item will back in front of the Council on June 9<sup>th</sup>.

Mayor Pro Tem Roger Norris moved to table **AMENDED BILL NO. 97-8** until the June 9, 1997 City Council Meeting; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 12. on the Agenda. FIRST READING BILL NO. 97-31**, accepting a Temporary Construction Easement from a property owner in conjunction with North Grand Street Improvements. (Project #9115)

Councilman George Nodler moved to place **Bill No. 97-31** on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill No. 97-31**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes.

Mayor Bill Reynolds asked if this was the last easement that the City needed for this project?

City Manager Jim Norris replied that it was.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the Second and Final Reading of **Bill No. 97-31** and enact it as Ordinance No. 3.600; Councilman Anita Newsom seconded.

Discussion:

Mayor Bill Reynolds congratulated Scott Brandom and all the staff that worked on this project. This item having a project number of 9115 means that this item first came in front of the City Council in 1991. There has been a lot of work done in getting all the necessary easements. Staff has done a great job.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 13. on the Agenda. FIRST READING BILL NO. 97-32**, authorizing the issuance and delivery of a tax and revenue anticipation note by the City of Gladstone, Missouri, in the principal amount of \$250,000; prescribing the form and details of said note, and authorizing and approving certain other documents and actions in connection with the issuance of said note.

Councilman Anita Newsom moved to place **Bill No. 97-32** on First Reading; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris explained that this note paid for the public improvements in-between Hy-Vee and Wal-Mart about four years ago. The note originally started out around \$650,000. Through the increased revenues generated to the City from those two sites the note has been paid down approximately \$100,000 a year. This is this years payment being made and a renewing of the note for the remainder for the following year.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-32**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-32** and enact it as Ordinance No. 3.601; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 14. On the Agenda. FIRST READING BILL NO. 97-33**, authorizing acquisition of the interests of William C. Jones and Joan Jones in certain real property by purchase or condemnation for reconstruction of Shady Lane (Project #9108), declaring the public

necessity of the same and authorizing the City Manager and the City Counselor to take such action as may be necessary to carry out the intent of this ordinance.

Mayor Pro Tem Roger Norris moved to place **Bill No. 97-33** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Pro Tem Roger Norris stated that he thought it outstanding that this ordinance had come in front of the City Council worded as it was worded.

City Manager Jim Norris noted, as Council was aware, staff has had some very positive discussions with the Jones' and their legal counsel in the past weeks and hopefully a mutual agreement will be reached without having to go to condemnation.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the First Reading of **Bill No. 97-33**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Mayor Pro Tem Roger Norris moved to accept the Second and Final Reading of **Bill No. 97-33** and enact it as Ordinance No. 3.602; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 15. on the Agenda, FIRST READING BILL NO. 97-34**, authorizing the City Manager to execute certain Quit-Claim Deeds to certain real estate located generally north of Englewood Road between North Flora and North Highland.

Councilman Art Hammen moved to place **Bill No. 97-34** on First Reading; Mayor Pro Tem Roger Norris seconded.

Discussion:

City Manager Jim Norris stated that this was the area commonly known as the *Flora Path* area. The reason this item was on tonight's agenda was that this issue has been around almost as long as Mayor Reynolds and staff felt for his departure night he should see this issue almost come to closure. Out of thirty some odd parcels that needed to be parceled back to property owners, staff was now down to having only one left. When staff gets the last one done they will have to invite Bill Reynolds back.

Mayor Bill Reynolds stated he appreciated the comments and knew that he could not get through this Council meeting without his age being mentioned.

The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-34**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-34** and enact it as Ordinance No. 3.603; Mayor Pro Tem Roger Norris seconded. The vote: All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

**Item 16. on the Agenda. PUBLIC HEARING:** on proposed 1997-98 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Bill Reynolds opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by Council and then by the audience.

City Manager Jim Norris presented highlights of the budget and referenced the Open Study Session held previously on the budget. The Public Hearing document has been available to the public by contacting the City Clerks office and was in the possession of the public at the Public Hearing. The City Manager recommended the budget for approval by the Council at the first Council Meeting in June. A copy of the Public Hearing document is attached as Exhibit "A" to these minutes and made a part hereof by reference.

**Council:**

Mayor Pro Tem Roger Norris asked what the City can legally incur debt wise?

City Manager Jim Norris answered that it was approximately 43 million dollars that the City could incur in debt. At this point in time the City is not anywhere close to that amount of debt.

Mayor Pro Tem Roger Norris stated the City was only 1.6 million in general fund debt.

**Audience:**

No questions.

Mayor Bill Reynolds commented that this was the eighth budget he and Councilman Anita Newsom have sat through. About five or six years ago Council was very concerned about the 20% fund balance being met. The residents of Gladstone have the greatest staff that any City could possibly have. City Manager Jim Norris can pinch a penny and get more out of it than anyone he has ever seen. There are some tremendous staff people here. Being negative for a moment, the audience needs to get

a look at staff because they are not all going to be here long. They are too sharp and they are going places. He pointed out that in the doorway stands Mr. Kirk Davis who went on to a larger city and many of the staff people setting in front this evening will do the same. Staff has done a great job.

Mayor Bill Reynolds pointed out that the audience heard the budget presented for next year and again the budget is projected to be in the black. When the Council brings forth a need, the citizens of Gladstone back that need. One of the reasons the residents back the Council was because they realized that whatever has been promised was going to be done. In the last few years one can look at the storm water problems the City had in the past that they no longer have. Look at the road work that is going to be going on. The Happy Rock Park project. All the parks are being touched. The City has great Parks and Recreation personnel and the Park Board is doing a great job.

Mayor Bill Reynolds pointed out that the Transportation Sales Tax projects may upset some Gladstone residents. When they come in front of residents houses and reconstruct the road or change it somehow it is going to be torn up for a little while and inconvenient. Everyone will see a lot of work being done this building season and continue to see a lot of work done in the future. He believes that all the major things that can be touched by the City have been. One of the budgetary needs that often slips by is equipment replacement. It would be very easy for the City Manager or staff to curtail any purchasing of equipment and look like heroes for running up a large black surplus in the budget, but this staff doesn't do that. This staff projects out the needs for five years and then every year they look at those needs and reprioritize them.

Mayor Bill Reynolds also noted if you are a homeowner in the City of Gladstone, and you have a \$90,000 home that is around fifteen years old, you are probably paying between \$300 and \$400 per year in insurance. Currently ISO has given Gladstone a Class 5 rating.

Mayor Reynolds stated he was privileged to be in a meeting in this room recently with staff members and others. Dr. Crockett from the NKC School District was present and applauded the City for their work with youth through the D.A.R.E. Program and still having crossing guards at intersections, etc. That is being proactive, but Gladstone is also reactive. He has told a lot of people that it is very difficult to die in Gladstone. If you are going to die don't call 911 because they are going to get you back to life. Gladstone's resuscitation percentage is usually about three time the national average.

Mayor Reynolds stated he is proud of being a part of this City and being a part of this Council. Currently the City is divided into four quadrants and normally there is a Public Safety Officer in each quadrant 24 hours a day with a relief officer and a Sergeant. If the City had more money the City could be both more proactive and more reactive. The City could have five quadrants, with a police officer near you at all times; could be more proactive in the schools, doing more for youth so that when they grow up one does not have to be reactive to the problems that they may bring with them. So he would like to encourage everyone to consider that.

Mayor Bill Reynolds stated he wanted to let everyone know that there is a free lunch. He wished to go back to the illustration that he started on and that was that Gladstone is currently a Class 5 rated city and on a \$90,000 home one would pay \$300 to \$400 a year in homeowner insurance fees. If Gladstone could get its rating down to a Class 4, one notch down, it would save each homeowner approximately 20% to 25% on their insurance premiums. A homeowner would be saving between \$75 and \$100 a year on their premium. That would be because ISO has told all the insurance companies that once a city gets to a Class 4 rating the risks are not as great as they are in a Class 5 rating so the insurance agents can charge less in a Class 4 rated city than they can for a Class 5 rated city. The City of Gladstone will be coming to the residents and saying the City will be getting a Class 4 rating. If the residents would give back their insurance savings to the City the City could do a lot of things. Such as *possibly* putting another officer on the street 24 hours a day, or *possibly* doing more programs in the schools; but the City could be more reactive and proactive and it is a win, win situation. A change in the City's ISO rating may come up this year and he encourages every resident to get behind it and support it as it would not cost the homeowner anything. In fact they may have a few dollars left over in their pockets.

There being no further comments Mayor Bill Reynolds closed the Public Hearing.

Mayor Bill Reynolds noted that he would like to change the order of the Agenda a little and go with Item 20. then Item 21.

**Item 20. on the Agenda. Other Business.**

None.

**Item 21. on the Agenda. News Media.**

None.

**Item 17. on the Agenda. Resignation of Mayor.**

Mayor Bill Reynolds read the following statement: "May 27, 1997. Dear Gladstone Council, Staff and Citizens: Please accept my resignation as Mayor and Councilperson effective May 31, 1997. It has been my pleasure to serve the City of Gladstone as a Councilperson since 1990. I have been a resident of Gladstone since 1962, and the friendships and all the good things that Gladstone has given me will never be forgotten. May the citizens of Gladstone continue to enjoy the good life Gladstone provides for them. Sincerely, Bill Reynolds."

Mayor Bill Reynolds thanked everyone for allowing him to serve the City of Gladstone. (The audience stood and applauded Mayor Bill Reynolds.) Mayor Bill Reynolds thanked everyone.



**Item 18. on the Agenda. Election of Mayor and Oath of Office.**

Mayor Bill Reynolds nominated Mayor Pro Tem Roger Norris for the position of Mayor of the City of Gladstone; Councilman George Nodler seconded.

Mayor Bill Reynolds asked if there were any other nominations or discussion. There being none he called for the vote. All "aye" - Hammen, Nodler, Newsom, Norris, Reynolds. (5-0)

City Clerk Marilyn Ahnefeld gave the Oath of Office to Roger Norris as Mayor of Gladstone.

Mayor Roger Norris told Bill Reynolds that for 35 years he has been a part of this community; an outstanding man. He has not once heard anyone say that they did not like Bill Reynolds. He has thoroughly enjoyed serving with Bill. He knows how Bill feels about this City. This lady here, Lyda, must be just outstanding. He went to Bill's wedding because he wouldn't have missed it for the world. The people in Mountain Home were terrified that Lyda was going to leave and come to Gladstone. He wishes that had been the case. He noted he saw Bill's son Harold the other day. He and Harold had gone to the same school, were in the same grade and the same class. Anybody that could produce a man like Harold is okay. Roger said that he appreciated it very much that Bill calls him his friend.

As his first act as Mayor of Gladstone, Roger Norris presented Bill Reynolds with a framed City Flag and Key to the City. Roger also presented a plaque which read, "Certificate of Service, Presented to Bill Reynolds, in recognition of his service and achievements in the betterment of our City and his outstanding contribution as Councilman from 1990 to 1997, Mayor 1992 to 1993, and again this year in 1997. Presented by the Gladstone City Council on this 27<sup>th</sup> day of May, 1997. Roger Norris, Mayor Pro Tem; Councilmembers Anita Newsom, George Nodler, Art Hammen."

Roger Norris then asked Lyda Reynolds to step forward. Roger presented Lyda with a bouquet of flowers and stated that this is the lady that is taking Bill Reynolds from Gladstone. Even though her term as first lady of Gladstone lasted only four days, we appreciate her for taking care of our friend.

Lyda Reynolds thanked everyone very much.

**Item 19. on the Agenda. Election of Mayor Pro Tem.**

Councilman Anita Newsom nominated Councilman George Nodler for the position of Mayor Pro Tem; Councilman Art Hammen seconded.

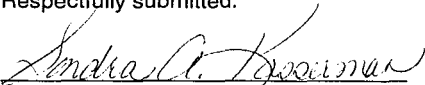
Mayor Roger Norris asked if there were any other names to be placed into consideration or any discussion. There being none he asked for the vote. All "aye" - Hammen, Reynolds, Newsom, Norris, Reynolds. (5-0)

Mayor Roger Norris congratulated Councilman George Nodler on being named the new Mayor Pro Tem.


Mayor Roger Norris invited everyone present to retire to the lobby for a reception in honor of the City's departing Mayor, Bill Reynolds.

There being no further business to come before the Regular May 27, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:20 pm.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

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

  
Mayor Roger Norris

MFA/sak

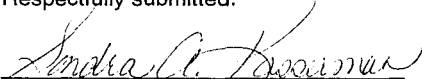
Mayor Roger Norris asked if there were any other names to be placed into consideration or any discussion. There being none he asked for the vote. All "aye" - Hammen, Reynolds, Newsom, Norris, Reynolds. (5-0)

Mayor Roger Norris congratulated Councilman George Nodler on being named the new Mayor Pro Tem.

Mayor Roger Norris invited everyone present to retire to the lobby for a reception in honor of the City's departing Mayor, Bill Reynolds.

There being no further business to come before the Regular May 27, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:20 pm.

Respectfully submitted:

  
Sondra A. Kasserman, Deputy City Clerk

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

  
Mayor Roger Norris

MFA/sak

**Corrected Agenda**

**NEXT ORDINANCE #3.604**

**GLADSTONE, MISSOURI**

**MONDAY, JUNE 9, 1997**

**Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Open Meeting Act Exemption  
Section 610.021(2) for Land Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 27, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-53**, setting a Public Hearing on Monday, August 25, 1997 to establish the City of Gladstone Property Tax Levy for the Taxable Year 1997 in compliance with State Law.

**RESOLUTION R-97-54**, adopting the FY '97-98 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds.

**RESOLUTION R-97-55**, authorizing Change Order #4 in the amount of \$15,994.50 to the North Troost Water Main Replacement Contract with Miles Excavating Company. Total Revised Contract Amount: \$210,794.09 Fund: 1994 Water Bond.

**RESOLUTION R-97-56**, authorizing Change Order No. 3 in the amount of \$31,456.00 to the City Hall Renovation Project Contract with Bruner & Dahlstrom and authorizing appropriation of additional funds in such amount from the Series 1997 Certificates of Participation City Hall Improvements Project and the Capital Improvements Sales Tax Fund. Total Revised Contract Amount: \$435,511.00 (Project 9511-A).

**RESOLUTION R-97-57**, authorizing execution of a contract with City Wide Asphalt for 57th Street - North Grand/North Walnut Reconstruction Project. (Project #9106-9110-9115) Contract Amount: \$270,405.16 Fund: Capital Improvements Sales Tax

**RENEWAL OF LIQUOR LICENSES**

**New License** - Class "D" Beer & Wine License, Karen's Kitchen, LLC, 6012 NE Antioch Road. Managing Officer: Karen Maag.

**Annual License Renewals:**

Pizza Hut, 6420 North Oak, Class "F" Beer License.

Quick Trip #237, 6309 North Antioch Road, Class "C" & Sunday Package License.

Quick Trip #181, 2590 NE 72nd Street, Class "C" & Sunday Package License.

Applebee's, 6069 NE Antioch Road Class A&B 7 Day Liquor By Drink.

**NEXT ORDINANCE #3.604**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for construction of 5,960 sq. ft. two-story office building at 5550 North Broadway. Applicant/Owner: Gabel Companies/T.D. Investments.
10. **SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987) (**Tabled from May 27, 1997 City Council Meeting**)
11. **FIRST READING BILL NO. 97-35**, approving the Final Plat of "**Replat of Lot 5, Northaven Woods Subdivision**" (7150 North Woodland/7101 North Highland) and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant: Todd Misemer. Owners: Kevin & Debra Martin/Misemer Building Company. (File #1005)
12. **FIRST READING BILL NO. 97-36**, accepting Temporary Construction Easements, Standard Easements and a Quit Claim Deed from property owners in conjunction with the 72nd Street Widening Project. (Project #9417)
13. **FIRST READING BILL NO. 97-37**, accepting a Permanent Easement from Courtesy Chevrolet Inc. as required in conjunction with the Old Pike Road reconstruction project as part of the Home Depot development.
14. **FIRST READING BILL NO. 97-38**, accepting a Standard Easement from a property owner in conjunction with Change Order #4 to the 1994 North Troost Water Main Replacement Program. (Project #9413-E)
15. **FIRST READING BILL NO. 97-39**, accepting Temporary Construction Easements, Permanent Sewer Easements and a Quit Claim Deed from property owners in conjunction with the 72nd Street and North Euclid realignment project. (Project #9604)
16. **FIRST READING BILL NO. 97-40**, enacting a new Chapter 26 of the Gladstone City Code regulating, controlling and licensing door-to-door solicitors and peddlers in the City of Gladstone, Missouri.
17. **Other Business.**
18. **Questions from the News Media.**
19. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JUNE 9, 1997**

Mayor Roger Norris called the Regular June 9, 1997 City Council Meeting to order in the City Council Chambers at 7:35 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen

City Manager James H. Norris  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson  
Assistant to the City Manager Dianna Wright  
Assistant to the City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular May 27, 1997 City Council Meeting Minutes.**

Councilman Art Hammen moved to approve the regular May 27, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

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

Following the City Clerk's reading of the Consent Agenda, City Manager Jim Norris commented that the bid for the 57<sup>th</sup> - North Grand/North Walnut Reconstruction Project, Resolution R-97-57, came in \$80,000 dollars under budget. Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-97-53**, setting a Public Hearing on Monday, August 25, 1997 to establish the City of Gladstone Property Tax Levy for the Taxable Year 1997 in compliance with State Law; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-54**, adopting the FY '97-98 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing expenditure of

funds; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-55**, authorizing Change Order #4 in the amount of \$15,994.50 to the North Troost Water Main Replacement Contract with Miles Excavating Company. Total Revised Contract Amount: \$210,794.09 Fund: 1994 Water Bond; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-56**, authorizing Change Order No. 3 in the amount of \$31,456.00 to the City Hall Renovation Project Contract with Bruner & Dahlstrom and authorizing appropriation of additional funds in such amount from the Series 1997 Certificates of Participation City Hall Improvements Project and the Capital Improvements Sales Tax Fund. Total Revised Contract Amount: \$435,511.00. (Project 9511-A); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-57**, authorizing execution of a contract with City Wide Asphalt for 57th Street - North Grand/North Walnut Reconstruction Project. (Project #9106-9110-9115) Contract Amount: \$270,405.16. Fund: Capital Improvements Sales Tax; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to approve **NEW LIQUOR LICENSE** for a Class "D" Beer & Wine License, Karen's Kitchen, LLC, 6012 NE Antioch Road. Managing Officer: Karen Maag; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for Pizza Hut, 6420 North Oak, Class "F" Beer License; Quik Trip #237, 6309 North Antioch Road, Class "C" & Sunday Package License; Quik Trip #181, 2590 NE 72nd Street, Class "C" & Sunday Package License; and Applebee's, 6069 NE Antioch Road Class A&B 7 Day Liquor By Drink; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Bill Dinkmeyer, 1605 NE 68<sup>th</sup> Place**, noted he has lived here since 1963. His house was the first house that was built on that street. He has lived in Gladstone since 1958. Last February or March the house behind them sold. The people moved in and had a real nice, small cute, boxer puppy dog. Today this dog stands about as high as that chair and they have now found out it is a pit bull. The dog has been in his backyard twice. The dog can go under the fence or over the fence. The lady that owns this house has made a statement to the neighbors that this dog can go over or under a fence anytime it decides that it wants to. The dog has been in his yard twice. It has been in the neighbors yard south of him twice and further south of these people, the dog has been under the fence and in their backyard once.

The owner of that house tried to pick the dog up to move it out of the yard and he was unable to do so. The people to the north of where the dog lives have a small three year old child who has been playing in their own backyard. The lady of this household is now afraid herself to go out into her backyard because of this dog. They had a gas employee out three times to check for gas leaks. Mr. Dinkmeyer heard a lot of barking one evening, looked out in the backyard and the dog was running the full width of his lot and coming to a screeching halt at the fence. The gas man told the neighbor to watch that dog because he raises Rottweilers and that is a very, very aggressive dog.

Mr. Dinkmeyer stated that he has three grandchildren and his neighbor to the north has a number of grandchildren, and they are now so intimidated by this dog that they are afraid to let their grandchildren out in their backyards. This past week he heard on the radio that there is a child bitten in the United States every 40 seconds and that a dog takes a small child and looks at it like another dog. It is a known fact that a pit bull has vise grip jaws of between 700 and 800 pounds. He does not believe there is anyone in this room, male or female, whose husband or wife or child who would have the strength in two hands, or one hand, if you are the one being bitten, to pry apart jaws with that type of vise grip of 700 pounds. He is very concerned about this situation. He does not know whether the City of Gladstone has any ordinances against pit bulls, chows or rottweilers. In the last 30 days everyone has heard or read about the boy in Kansas being killed by rottweilers getting onto a school bus. There have been a couple of other instances in the state of Missouri of one child being killed and another maimed by pit bulls. If Gladstone does not have some type of an ordinance to require either a ban on these dogs or these dogs to be penned with an enclosed top, he thinks it is time to for the sake of Gladstone residents that they have such an ordinance.

City Manager Jim Norris stated that the City of Gladstone has a dangerous animal ordinance. At the time it was passed it was a state-of-the-art dangerous animal ordinance. At the time they were labeled *Pit Bull Ordinances* even though they did not enumerate the species or the breed of the dog. Gladstone's ordinance does not have any conditions regarding a roof over a pen, but the dog does have to be either kept leashed or the fence must be maintained so that the animal cannot enter and leave the property. The Manager said Bill Adamo, Director of Public Safety, and he will see to it that Animal Control gets out to this address and looks at the dog and fence. The City has been following what has been going on with dog bits in the area. Our Animal Control people do receive training and attend seminars on these matters. Staff will look at any newer ordinances that are being passed. The problem in the past has been the specifying of a particular breed and making regulations specifically towards the breed of a dog.

Councilman Anita Newsom pointed that any breed of dog can be vicious.

City Manager Jim Norris explained that is why the City of Gladstone's ordinance is labeled *Dangerous Animal Ordinance*. The City has successfully used this ordinance on many occasions. The City used it this last year to deal with a wolf/dog mix. City Manager Jim Norris requested Mr. Dinkmeyer to leave his phone number with him or Director Adamo this evening and they will have Animal Control go out and look at the situation and get back to Mr. Dinkmeyer.



Mr. Dinkmeyer noted that Animal Control has already been out three times but he doesn't know what has happened.

City Manager Jim Norris stated that staff would check on what the reports reveal and get back with Mr. Dinkmeyer.

Councilman Anita Newsom asked if there was something in the City's normal dog ordinance that stated the dog owner must either maintain control of the animal either on a leash or in a fenced area?

City Manager Jim Norris replied that is the language that is used.

Councilman Anita Newsom stated that if the dog is able to get out of a fenced area then the owner is not *maintaining control*.

City Manager Jim Norris stated that is correct. The City then has the ability to take some pretty strong actions. One of the hard parts about this ordinance when taking it to court is that the City's Animal Control Officers have to witness these things and/or the residents that are surrounding this area must be willing to sign the complaint once it is written. The complaint then goes to court to proceed. Staff will be happy to look at any ordinances from other cities to deal with this issue.

Mr. Dinkmeyer stated that he believed there is a court date set up around the 28<sup>th</sup> of June. The neighbor to the north of the dog signed a complaint. One additional thing, anyone who has a home and has thousands of dollars invested in it and they then have a portion of that property that they feel is no longer useful to them, that is rather expensive. He feels that there should be some type of protection. Once a dog of this nature attacks an individual it is to late, particularly for a young child.

Mayor Roger Norris stated that he agrees with Mr. Dinkmeyer. He noted that everyone on the Council gets to make plugs about what they do for a living, he sells dog and cat products, and if it was not for dogs and cats he would not get to eat. He is a thorough animal lover, however, he believes that it is the people who own the dog's responsibility to contain that animal, to train that animal and to keep that animal healthy. If that animal is not healthy and is jumping or getting out of fences and intimidating the neighbors that is huge problem that this Council will not stand for; it will be addressed and as soon as they can they will take care of that problem and the people will learn to keep their dog contained in their yard. It says in our ordinance that the dog must be contained on their property, not intimidating the neighbors.

City Manager Jim Norris stated that is the key. Just as much as each neighbor has the right to enjoy their property, the person who owns the dog has the right to own the dog on their property. That is the balance. That is what the court looks at and why the complaints signed by the neighbors and their testimonies are so important. Staff will look at the reports made by the Animal Control Officers and go back out again and look at the fence.

**Ed Johnson, 710 NE 66<sup>th</sup> Terrace**, advised that he has lived in Gladstone 28 good years and that Gladstone is a good town and has a good police department, but he has a

complaint. There is a house at 709 NE 66<sup>th</sup> Terrace that is a HUD house. When the house was for sale his pastor wanted to buy the house and no one could find out how to buy the house from HUD. HUD stills owns the house and it is now a halfway house. He came up to City Hall to inquire about the house and he got all kinds of definitions about who could live in the house. He does not care about that, he just wants to be sure that they are people who can be trusted so nothing happens to the families in the neighborhood.

Mr. Johnson related that a few years ago his brother-in-law killed his wife (his wife's sister) over in Kansas City with a sledge hammer. He was taken to jail and they declared him insane and was later put in a halfway house near the airport. Mr. Johnson said the people in the house on 66th Terrace have also been in trouble and he is concerned. He can get along with anyone but he is concerned about the security of the families around the neighborhood and there are a lot of kids in the neighborhood now. The police have been out there three or four times on disturbance calls and they arrested one guy. He has seen one of the supervisors who take care of these people during the day try and calm one of the residents when they were upset. It took about 35 minutes. Another lady who lives in the neighborhood went to the door to inquire about the people in the house and a man came to the door with a butcher knife so she left. Mr. Johnson stated that he is concerned about this type of people living in residential areas.

City Manager Jim Norris stated that Mr. Johnson had contacted the City and also his neighbors, the Kilpatricks. This is one of those homes that falls under the *group home* definition of state law. Mr. Norris noted that he had in front of him a letter that he had drafted to Mr. Johnson today to try and explain the City's ability is to deal with this issue. It is not going to be an answer that Mr. Johnson is going to like. The State of Missouri passed a law which says that group homes, "For the purpose of any zoning law, ordinance or code, the classification of single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside and may include two additional persons acting as house parents or guardians who need not be related to each other or to the mentally or physically handicapped persons residing in the home. In the case of such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance be reasonable with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific neighborhood."

What that says is that the State of Missouri has pre-empted Gladstone's local zoning authority. Gladstone has no right to control the location of a group home. It is an issue that has been dealt with by the State of Missouri. The reason the State of Missouri passed this legislation is that group homes were challenged legally and went all the way to the Supreme Court of the United States and the Court ruled that people who are physically and mentally disabled cannot be discriminated against on where they live. The federal and state government has told us that we cannot enact any regulations that would discriminate against those people.

Mr. Johnson said he knows you cannot discriminate against those people but the people who live in this house are people who have been in trouble with the law and the State does not want to keep them in jail so they let them out and put them in a house.

City Manager Jim Norris stated that now Mr. Johnson is talking about a huge societal issue. There are not enough prisons. There is not enough funding for mental institutions to keep people in there so what do they do? They put them in halfway houses and group homes. Where do those group homes end up? Unfortunately the end up next door to all of us. What he is telling Mr. Johnson is, is that the laws of the State of Missouri have been changed so that this City cannot protect residents from that anymore.

City Counselor Nancy Thompson explained that historically a single family in the State of Missouri was defined as people who were related to each other. Once litigation started on this issue that is when the definition was changed to *eight or fewer non related* individuals who have a mental or physical handicap. There has actually been a change in the definition which allows households of eight or fewer mentally handicapped individuals to be spread among any single family residences within the City. Therefore these group homes may be in any residentially zoned piece of property. Historically they were regulated in commercial zones or different levels of residentially zoned property. Mr. Johnson is in a R-1 zone for single family housing and this home meets the definition.

Mr. Johnson said when he gets ready to sell his home, he now has to tell the buyers that there are some people in the neighborhood that are not quite right. They are just a bit crazy, get out there and smoke, come to the door with butcher knives and the State sent them down to this halfway house. Mr. Johnson feels that his neighborhood should get a tax break.

City Manager Jim Norris stated that the City does not have to be informed when these halfway houses are going in. The City usually finds out when they remodel the house to have six to eight bedrooms in them. Eight years ago the City had three to four homes in the City that were for Concerned Care, which primarily cared for children and young adults. The City has never had a problem from any of those homes. At this point in time the City has between six and eight group homes. As the definition of mentally challenged or mentally handicapped changes, and as the prisons do what they are doing, the issue becomes more difficult for the City as it has for Mr. Johnson. The Manager said the City sympathizes with Mr. Johnson. As his letter states, we wish, as a City, that we had the control we once had over these things, but the federal government and the state government has taken it away from the cities. He told Mr. Johnson he was sorry.

Mayor Roger Norris stated he hates to leave Mr. Johnson with an *I am sorry*. While there is nothing the City can do about this home being a group home due to the State mandating these things, and being a City of the third class means Gladstone is bound by all the laws that the State passes. There are some things that he feels the City can do to try and help this neighborhood such as an increased presence by Public Safety to make Mr. Johnson and his neighbors feel safer. Director Bill Adamo is sitting in the audience and looking at the address of this group home it is not that far from police station so the Officers could drive by on their way back to the station. Maybe the City should consider ways to open a closer dialogue with those running those six to eight group homes in Gladstone so that they are then informed that a neighbor came over to the house and one of their people showed up at the door with a butcher knife. He would think that if he was a person supervising that house during the day, they would want to know things like that.

City Manager Jim Norris said that dialogue does already does happen. When incidents are reported to Public Safety changes occur. An example is a home at 72<sup>nd</sup> and North Cherry. There have been some issues there in the past. Those dialogues occur, but the other thing is that those people are protected by the same privacy laws that protect you and I. It is a very concerning double edge sword for this City, not only from a zoning standpoint but from privacy and law standpoint.

Mayor Roger Norris stated that he remembers the discussions that were had when this new zoning went through the comprehensive plan.

City Manager Jim Norris stated that staff and Council spent hours on this issue trying to wrestle with it. The State Law is very specific. It says that the City may deal with the general outward appearance typical to other single family homes. What the law is saying is that the City cannot cause them to erect fences. The City cannot cause them to make changes that we cannot impose on everyone else. The Manager said the letter that the Kilpatrick's sent and copies of his response are going to the Director of Public Safety. Staff is hearing these concerns tonight and the awareness is now heightened more than it already was. From that standpoint, Mr. Johnson's addressing the City Council has helped, but to expect that the City can cause this house to go away just will not happen.

Mr. Johnson stated that he is satisfied now. He wishes someone would have just notified the neighborhood and told everyone that it is the law. He does not dislike these people, he is just scared for neighbors and children. If someone had just notified the neighborhood it could have been a little easier.

**Robert Harris, 6606 N. Campbell**, has lived there since 1954 and this group home is only one-half block from him. He doesn't like it. He and his wife go to Florida for the winter and everyone knows the problems they are having in Florida. They are releasing prisoners, sending them out into neighborhoods and they are not notifying anyone. Two weeks later a neighbor is dead. He does not like that and that could happen in Gladstone. Would you buy my house for \$90,000 tomorrow?

City Manager Jim Norris explained to Mr. Harris that he is really coming to the wrong people to complain about a change in the State Law. His suggestion to Mr. Harris is that he contact Senator Ed Quick and Representative Scott Lakin and talk to them about changing this law. State Law can give the City the ability and authority to protect him and his property values. The City of Gladstone made no changes in their laws whatsoever. None.

Mr. Harris asked why they could not have been notified that these people were coming into the neighborhood?

City Manager Jim Norris answered, because they have the same right to privacy that he does. With a group home, especially a group home operated by the federal government, they just come in and do it.

Mr. Harris asked why when Mr. Bob Duncan put a home near the east edge of Bolling Heights, he fought for over a year to get that house zoned to have retarded children in there?

City Manager Jim Norris replied, because the law has changed in the last three to four years. Mr. Duncan's issue was fifteen to eighteen years ago. It was only three to four years ago when this issue went up through the Supreme Court and states were forced to change their laws. The only way anyone is going to change that law is to either fight it legally through the court system or to get the state government to change it and that would be through Senator Ed Quick and Representative Scott Lakin.

Mr. Harris stated he had a comment on the dog issue, if something happened it might take five minutes for the police to get there. He has reported five dogs living within one house. Animal Control comes out and checks on it. The woman lies and says the animals belong to my mother, they belong to this one and that one. They walk off and the five dogs are still there after over a year. He called the police down when someone tried to break into his motor home. He had a deadlock on the motor home and the would be robbers broke the handle off which cost him sixty dollars. The policeman told him, *"I didn't know you people existed down here. We never have any problems down in this area."* Now you have it a half a block from us.

Mr. Harris stated that at the same time they asked the City if they could get the streets repaved in Bolling Heights? That are in sorry shape and there are street that do not have curbs anymore. One cannot walk down the street without falling in the holes.

Mayor Roger Norris stated that the City is totally aware of that and that is why the City asked the citizens for permission to enact a one-half cent increase in sales tax to take Gladstone streets from an embarrassing thirty-five year cycle to a fourteen year cycle. We are going to have the streets redone. He lives on a dead-end street and he certainly understands Mr. Harris' concern.

**Mrs. Johnson, 710 NE 66<sup>th</sup> Terrace**, said the State does tell you where those people are going when they are released because they sent her a registered letter inviting her to come to the hearing and informing her that her brother-in-law would be put in such and such a place for a certain length of time. The letter also stated that if his getting out of this area bothers you or if he threatens your family please call us. By the time they would call it would already be done. It is unnerving.

City Manager Jim Norris noted that Mrs. Johnson is talking about the notice that she got regarding her brother-in-law. Those notices are only sent to the victims family. That is not sent to the City. The problem becomes that the City does not know in all instances why these people are in the group homes. Once the City has contact with them and know their name the City can then run a criminal history. But the City does not always know which eight people are in that home and what they have done to be in that home; whether it is a mental affliction and there has been no crime involved at all or if there are some patients that have some type of criminal history. That is one of the issues that maybe through the state law we can get some assistance with a requirement for notifications to come to the City.

Councilman Anita Newsom asked if there is any plan or mode as to how they assign members to the group homes? Those that maybe have severe learning disabilities, mental problems like that, versus those who have performed criminal acts while supposedly under mental duress?

City Manager Jim Norris explained that it depends on the agency that had them. For example, Concerned Care is a not-for-profit or private organization and HUD handle different clientele.

City Counselor Nancy Thompson stated that HUD does not operate a halfway house.

City Manager Jim Norris stated that someone else owns that house or rents that house from HUD. Sometimes HUD keeps the ownership of the house for a while. The record shows this house is owned by HUD but operated by a private operator for halfway houses. Staff will try to do some more research and get into this in more detail and see what they can come up with in terms of how the City can have notice. The fact still remains that in terms of zoning and other issues talked about the City is not going to have any authority there.

Councilman Anita Newsom asked if anything else has taken place like in Kansas where they now have their notification law for the sexual predators once the individual has been released. City Manager Jim Norris replied that Gladstone has that.

Councilman Anita Newsom asked if Gladstone has anything for those that have committed other criminal acts. City Manager Jim Norris asked Director of Public Safety, Bill Adamo, if the City gets any notification at all on this?

Director of Public Safety, Bill Adamo, replied, the only notification that the City receives is when a person is released from the penitentiary and they inform us that they initially came from this area and they are being placed in halfway house that is generally across the river downtown. They notify us just because the person lived in the neighborhood at one time. The Missouri Law now requires sexual predators who are released from the penitentiary to register with their local police department where they reside.

City Manager Jim Norris stated that typically with halfway houses they do not place an individual back in the area where a crime was committed or where the individual is from.

Mrs. Johnson stated that earlier it was said that Gladstone has a lot of police protection. She knows that as she has lived here twenty-eight years. Otherwise she probably would not live in Gladstone. But, they tried to get the police to do something with her brother-in-law and they would say, *"Well, he hasn't done anything yet."* When she called up Clay County after her sister's death and told them they didn't have to worry about it now, he had done what he said he was going to do, all they could do was stutter and stammer on the phone.

Mayor Roger Norris stated that he knew both Senator Quick and Representative Lakin very well and he would talk to both of them about this issue to at least find out what differentiation the state makes between really being mentally handicapped or mentally handicapped because they were mean one day and their lawyer was good. He will see if there is any differentiation there and maybe give the neighbors a little peace that the people who are in the group home are there because they are truly mentally handicapped; which none of us has a problem with. He would be more concerned if the people were mentally handicapped with a criminal history. He would like to hear it from Senator Quick, who is now Majority

Leader of the Senate and who represents the people in Clay County, and get some clarification.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Art Hammen noted that he has had a couple of neighbors contact him regarding real estate signs placed in street right-of-ways that have been blocking views when they are trying to make turns. He knows that the City has an ordinance and there are two Code Enforcement people on staff. At one time it was talked about trying to provide some enforcement on weekends.

City Manager Jim Norris replied that the City's Code Enforcement people are definitely out on Saturdays and the City is looking at how they can rotate on Sundays. The rotation is completed to have them work on Saturdays, but Sunday has not been worked out yet.

Councilman Anita Newsom stated that the Sunday Open Houses are the worst.

City Manager Jim Norris noted that notifications have been sent to all real estate people. Last week on his way out of the office he went over to the dumpster to throw something away and in when he opened up the dumpster there were probably forty real estate signs in there. That is after they have been contacted. That is one weeks worth.

Councilman Art Hammen asked if the City has, or can we, send a letter to the real estate brokerages again reminding them of Gladstone's ordinances.

City Manager Jim Norris stated the City has already done that this year. Staff will pull a copy of the letter out and send it out to the Council. The City averages over 200 illegal sign of that type a month.

Councilman Art Hammen asked if it would do any good to send some sort of letter referencing that number to the Kansas City Real Estate Board, their policing agency. Maybe they can put some teeth into it. He is concerned when people say they almost got hit because they pulled out in front of a car that they could not see when there was a sign blocking their view.

City Manager Jim Norris agreed it was a good idea and staff will follow up.

**Item 8. on the Agenda. Communications from the City Manager.**

Nothing at this time.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for construction of 5,960 sq. ft. two-story office building at 5550 North Broadway. Applicant/Owner: Gabel Companies/T.D. Investments.

Councilman Anita Newsom moved to approve the Building Permit for two-story office building at 5550 North Broadway subject to the staff conditions; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris answered yes.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**Item 10. on the Agenda.** **SECOND READING AMENDED BILL NO. 97-8**, approving a Site Plan in conjunction with rezoning of property at 3201 NE Antioch Road subject to certain conditions. Applicant: Larry Mitchell. Owner: Lewis Springer (File #987) **(Tabled from May 27, 1997 City Council Meeting)**

City Manager Jim Norris stated that this item has been tabled for months to allow the applicant to review different engineering options. Since there has been some changes in the site plan to help deal with some of the issues he asked that Director Scott Wingerson walk through the changes on the site plan for the Council and audiences benefit. There is a blue line rendition on the easel that is difficult to see, so it is hoped that Director Wingerson through his comments, can verbally illustrate what the changes are in the plan, the number of units and the change in orientation and so forth.

Director of Planning and Development, Scott Wingerson, stated that as City Manager Jim Norris said there have been some changes in the site plan. He referred Council to the black line copy that is clearer to read than the blue line copy on the easel. Basically the change in the site plan involves what is technically called a flip flop of the cul-de-sac. In the original plan the cul-de-sac was on the east side of the property which would give entrance to the property from the west side. In this particular plan the entrance is on the east side with the cul-de-sac on the west side. It is the same configuration in all ways except for that one specific change. It is important to note that that was changed to assist in storm water control from the property.

Council will remember that there were three to four issues that concerned this request brought forth by residents in the area. The first request was to have some of screen along the east side where it backs up to the homes along Kansas. In response to that and with the agreement of the developer, staff has requested two inch caliper trees six feet in height spaced six feet on center. Those are evergreens trees which should do a very good job of screening the development from the adjacent single family homes.

Council also had a lengthy discussion concerning the appearance of this development from Antioch Road and screening of the development from that collector. Council will remember there were some members of the public who basically wanted a privacy fence and another segment of the public who wanted some low profile shrubs and felt that would be a little softer looking. What staff has come up with is a hybrid which basically says there will be shrubs about three feet tall planted along Antioch Road, basically next to the sidewalk, and then a space of about ten feet where a privacy fence would be installed for the privacy of the people who actually live in each unit. That way there should be a softer view from Antioch



Road and it does not look like a barricade or a stockade or whatever term was used during the Public Hearing.

Mr. Wingerson believes the most significant issue is two-fold. First having to deal with storm water and then having to deal with density. Council will remember that residents in the Walrond area north of Antioch Road were significantly concerned about storm water and the effect of this project on the conditions of these residences. The developer was asked to go back and do some more solid and final engineering. The developer did that and presented a preliminary final set of engineering on the storm water. Basically what that does is say this real, real close. We have done the analysis. We think it is going to work. We need to do more analysis and more study, but we are reasonably sure that there will be no flooding of the development itself and no adverse impact to the people who live on the north side of Antioch Road. In the Council's packet there is a memorandum from Mr. LeClerq that discusses his review and basically concludes that there will not be any adverse impact to property owners on the north side and requests some elevation changes for the finished floor of the development and the finished floor of the structures themselves.

Related to density based on the very early engineering, when it was believed that a thirty foot wide easement was required to handle the storm water through the property that necessarily resulted in the loss of two units. What staff did not do is discuss the density issue because the density was reduced by two units and they did not have to have the conversation about how many units are actually located on the property because storm water took care of that. City Manager Jim Norris drafted the memorandum at the Council's places this evening that basically says that 26 units on this piece of property results in 6.6 units per acre. Medium density, according to the City's Comprehensive Plan is defined at 3.9 to 7.5 units per acre. With 26 units this request is in the upper range of the medium density housing classification. What staff is suggesting and the developer, Mr. Mitchell, has concurred with is the construction of 24 units which will bring the density closer to the middle of the range with just over six units per acre.

City Manager Jim Norris asked if the Site Plan on the easel showed 26 or 24 units?

Director Wingerson stated that the Site Plan shows 26 units with the entrance to the development on the east side where the cul-de-sac used to be. The previous plan showed 26 units with the ingress coming in on the west side and the cul-de-sac on the east side.

Councilman Anita Newsom asked what units would be eliminated? Has that been decided.

City Manager Jim Norris replied that has not been decided. When Mr. Wingerson and he talked about it late this afternoon, which is when Mr. Mitchell agreed to eliminate two units, they had two suggestions.

Councilman Anita Newsom stated that she was looking at the units and there are a couple of units where their entire deck is way out beyond the 25 foot build line. Putting that so close to Antioch Road would seem to be very uncomfortable for the resident.

City Manager Jim Norris stated that when Director Wingerson and he were looking at it, they were not looking at the decks and the green space since there will be a privacy fence along

Antioch Road. They were looking at what one would see over that fence. If one looks at where the storm sewer goes through and one looks immediately to the west of that there are triplexes. On the north there is a triplex and on the north there is a quad. They thought that one unit could potentially be eliminated from each one of those, or, since at the Public Hearing some of the residents who live immediately to the east were concerned about how the density would look from their direction, that one of the units on the triplex to the north of site as you enter could be eliminated and one of them on the north of the cul-de-sac area adjacent to the storm water pipe could be eliminated. One could actually do any configuration. The Council can add a provision to the proposed ordinance which deals with a maximum of 24 single family units maybe constructed on the property. Then we can request the developer to come back or Council may make a decision tonight. However, we have not asked Mr. Mitchell which ones he thinks would be the best from the construction of the development standpoint. These units do fit together in a certain way and you cannot just knock one off and have the construction work the same way. Since Mr. Mitchell hasn't spoke yet Council might asked Mr. Mitchell to discuss that issue when he gets an opportunity to speak.

City Manager Jim Norris pointed out that a number of residents did call and staff actually got type written comments from some which the Council had at their places when they sat down this evening. That was part of the rationale and reasoning for the discussion with Mr. Mitchell on the density requirements. Mr. Norris stated that he knew of at least two phone calls that came to the City Manager's office today and some that came to Community Development both today and last week.

Director Wingerson noted that at around 5:30 pm this evening he talked to Mr. Mitchell and he is present this evening and can speak for himself. Director Wingerson stated that he believed Mr. Mitchell suggested that possibly two units at the very end could be eliminated which allows everything to spread out throughout the development. That might be something that Mr. Mitchell would like to address in greater detail.

City Manager Jim Norris noted another thing is that this development will still have to be platted. The Council can address the actual physical layout of the units again at the time of platting and then substitute the plat for the site plan. Staff would then again notify the neighbors that are here when platting comes to the Council. That is not normally a requirement but, because of the concern that the residents have shown and their continued attendance, staff would want them to know. There might be some need for some study to determine which units would be best to eliminate. But, the Council also has the authority to make that determination.

Councilman Anita Newsom stated that as she looks at the site plan, she just keeps thinking and tries to visualize the units that are off of M-1 in some of these configurations that there might be the possibility, if Mr. Mitchell would want to redesign some of them, to add more openness or area space to the front of some of them to keep them from having a congested look internally.

Councilman Art Hammen noted that quick count says that fifteen of the proposed decks are behind the platted building lines as shown. Are these actually deck decks or are these below 30" so that is not a consideration?

Director Wingerson replied that they are deck decks and they were contained on the original site plan. Mr. Wingerson added that Ms. Whistler is present and is one the residents that spoke at the original public hearing.

Mayor Roger Norris asked if there were any other questions for Mr. Wingerson. There being none he asked Mr. Mitchell to address the Council.

**Larry Mitchell** stated that he was the builder/developer of this project. Two or three months ago when this project was put on hold because of storm water concerns he was the one that requested this delay. During their engineering studies the storm water from the north of this land became more and more of a concern to him and it has been his number one concern from day one. At that point it became and even bigger concern. At that time he considered putting the project on hold or canceling the project. He went back to his engineer and tried to figure out what they could do about this. They didn't come up with any good answers. They consulted some other engineers and since then have come up with this possibility of reversing the cul-de-sac. This engineer thinks it can work and he believes it can work. The engineer has convinced him it will work. This project looks better and better right now.

With regards to which units he would eliminate, if he had to pick two units right now he would probably pick some on the south end and pull them back in close to the cul-de-sac and spread the other units out a little bit. It would be possible that you could make some of this wider and not quite so deep. When you have units on a cul-de-sac it becomes a problem. The decks will probably be right at thirty inches. The land is pretty flat. The units are going to be held two or three feet out of the ground so a deck would be right at two or three feet.

Councilman Anita Newsom asked if they will be like some of the ones on the M-1 curve as you come into the development west of Wal-Mart.

Mr. Mitchell stated they are in the neighborhood of thirty inches. There will be no decks six to eight feet tall. Some places there will have concrete patios.

Councilman Anita Newsom asked if sometimes his plans have indented decks?

Mr. Mitchell replied sometimes they do, with covered porches and such.

Mayor Roger Norris asked why his thinking was to take units from the southeast end rather than over by the houses?

Mr. Mitchell answered that the southwest end of the property is tapered so they would have to put long driveways in there. When they reversed the street he could pull the driveways back in and since his concern was the storm water the two southeast units would be the closest to storm water problems before anything else.

Mayor Roger Norris said if you spread the units out won't you be moving them more toward the houses that are existing on each end?

Mr. Mitchell answered that he would move them towards the cul-de-sac, not the houses.

Mayor Roger Norris asked if they will really look more spread out?

Mr. Mitchell stated that no one really knows until a pencil is put to it.

Mayor Roger Norris noted that Mr. Mitchell had called this afternoon and volunteered to reduce the units down to 24 on this property.

Mr. Mitchell stated that to do this development as he is proposing you almost have to go down to 24 units. His real concern here is the storm water coming off of Walrond. He has been told by one engineer that the storm water crosses Antioch Road and shales over into the field. He has been told by another engineer it will make a turn and go right on down Antioch Road to the creek on the west side of the property. He does not know who to believe right now, except that there are more and more people confirming the belief that the storm water will run down Antioch Road. He is going to hold the units high just to be safe. If he has any thought that someday the water is going to get into one of his basements or into someone else's basement because of what he did, he will not proceed with the project. It is as simple as that. That is why it has been sitting as it has been. He has debated this issue for a long time and has been getting different opinions. He thinks this project is something that is needed in Gladstone. He knows people who want to live in this area. Everything about this development has good points except the storm water issue. He wants to work that issue out before he proceeds. It is looking better and better. It is not yet 100%, but better.

Mayor Roger Norris stated he knows there are people in the audience that may want to make a comment or two and they are more than welcome to do so.

**Stephanie Whistler, 6306 N. Indiana**, stated that she is not opposed to this development at all. She is just really concerned, especially when Mr. Mitchell gets up and talks about the storm water. She has a swale behind her house on North Indiana and that fills with water right now. The water has come up to her home and Mr. Swans' home. Not into their basements but it comes up and then goes back down. She just wants to make sure that everything is in place so that when that water runs off down into that swale again that it is not going to enter their basements as three of the neighbors just refinished their basements. Again, she doesn't want the property to be over crowded so it looks like it was squeezed in there, especially if the decks are coming out to the easements because her backyard only has a short thirty-five foot area.

Mayor Roger Norris asked Ms. Whistler if she is happy with the fact that they are going from 26 units to 24 units?

Ms. Whistler stated that she is happy, but after hearing all the comments she is not sure that it will really show a difference. She will just have to see the plan and make sure that the decks will not be right in her backyard.

**Bob Swan, 6308 N. Indiana**, stated that his property is on the southeast corner of this development. He had water in his backyard last week. If Gladstone had gotten three or four more inches of rain his basement would have flooded. He was one of the first homeowners on Indiana. In the fall of 1991 Gladstone had five inches of rain one night and he saw the

center drain overflow the banks and take out his pumpkin patch. It was quite a river. Gladstone is capable of getting that much rain at anytime. He noted he has the same concerns as Mr. Mitchell except that he lives there.

Mayor Roger Norris stated that while the next gentlemen is coming up he would like to say that he like to have a more open meeting forum and have people converse because he feels that is the way it should be done. Secondly, this item has been tabled for so long that sometimes it is better to restate the concerns so the Council does not forget what was and is going on with the issue.

**Tom Holwick, 6303 N. Indiana,** stated that at one of the previous meetings there were some concerns about the set backs on the driveways. At times driveways were so short, maybe ten to fifteen feet, he wanted to know if they had changed with this new drawing.

Mayor Roger Norris stated that the driveways are twenty feet everywhere except around the cul-de-sac where it appears they will be fifteen back from the line.

City Manager Jim Norris asked the Council to look at Condition 17. on their proposed ordinance.

Mayor Roger Norris stated that Condition 17. States, "The front yard setbacks on lots 2 and 3 shall be a minimum of twenty feet."

City Manager Jim Norris stated those are the ones around the cul-de-sac. The Site Plan would govern for the rest which means that they will all be at least twenty feet.

Mr. Holwick asked for his own information what the next step is in this procedure and if it goes for a vote.

City Manager Jim Norris replied that the Council will look at the Site Plan. The next step here is for the Mayor to close this open forum and the Council will then move on to the reading of the bill and make any amendments to the ordinance that govern the site plan. After this point in time the applicant will have to go through all his final engineering and at that point-in-time come back to the City with a plat to plat the actual lots. At that point-in-time is when the actual lot configuration is known. The plat has to be in general accordance with the Site Plan Ordinance that the Council passes. Right now the Council is looking at a plan, a schematic, an idea, of how it would lay out. Already tonight there have been changes to what is shown on the map. For example, going from 26 to 24 units; lots 2 and 3 cannot have less than twenty foot driveways; they have talked about the screening; the decks; all those things that ultimately end up in the Ordinance that the Council will consider have to be taken into consideration on the Plat. There can be a Preliminary Plat stage and a Final Plat stage or they can be combined together. Since Mr. Mitchell has already done a Preliminary Plat he will come back before the Council with a Final Plat. When the Final Plat stage is done, Mr. Mitchell can then pull building permits.

✓ Mr. Holwick if this was the last public forum on this development?

City Manager Jim Norris replied that the Final Plat goes through the public forum process with the Planning Commission and the City Council, but it is not a Public Hearing for comment. Staff will notify all the residents present tonight and at the other meetings because this Site Plan is not a Final Site Plan.

Mr. Holwick commented that there seems to still be a lot of questions and concern over the water drainage on this property and he would hope that it gets looked at very closely.

Mayor Roger Norris stated that it will.

City Manager Jim Norris said Mr. Mitchell has worked on other condominium type developments where the units have been sold to individual owners, Mr. Mitchell will come in and actually plat the buildings and then as they are built and owner occupied then each one will be replatted for ownership purposes. This has been done in Claymont Estates and other places that have common walls. Each unit has to be replatted as it is finished.

City Manager Jim Norris noted on the storm water concerns, Mr. Mitchell has had two different engineers tell him basically two different things. The issue today appears not to be so much the water that goes into the basin from the creek or the water that comes from the cemetery, which is primarily the water that affects Indiana, the water that is of concern is the water coming down Walrond and the fact that when that part of Walrond in the subdivision was built, the City standards were not very stringent and appears to only be able to handle a ten year flow underground, so what Mr. Mitchell's proposal would do is take a majority of that water, put it into the box; build the curbs up so that the water will go towards the creek across Antioch Road and then build up the elevations of the homes and the street so it pushes the storm water towards the creek. Obviously there will have to be a lot more engineering done and final engineering done. It will have to be sealed by a registered professional engineer in the State of Missouri and after that the City engineers will get a hold of it and review it.

Mayor Roger Norris added that before it gets to the point of being constructed all the t's will be crossed; all the i's will be dotted and all the hoops that DNR and everyone else requires will be taken care of.

City Manager Jim Norris stated that it has *not* been his experience that a developer would basically throw a time-out into his own development process of upwards of three to four months when now they are getting into the prime building season. It is obvious that Mr. Mitchell is as concerned and does not want to have a problem. Staff is working with him to make sure that does not happen.

Councilman Anita Newsom asked what affect the new alignment will have on line of sight and traffic flow.

Director Wingerson stated that the entrance is located approximately halfway between Walrond and Indiana and not exactly at the bottom of the little valley through there. East of there the visibility should be as good or better than the intersection of Antioch and Bales, but not quite as good as the visibility of Walrond and Antioch. Clear sight distance is observed.

There being no further comments, Mayor Roger Norris closed this open forum.

Councilman Art Hammen moved to remove **Amended Bill No. 97-8** from the table; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to place **Amended Bill No. 97-8** on Second Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Councilman Art Hammen asked for clarification, there are three or four issues that differ between the Site Plan the Council was given and the draft of the Amended Bill No. 97-8, so whenever there is a discrepancy between those two the City Ordinance would prevail?

City Manager Jim Norris replied that is correct. When it comes back at platting the plat will have to be in conformance with the ordinance.

Councilman Art Hammen asked Mr. Mitchell if he was aware of those discrepancies and in agreement?

Mr. Mitchell answered yes.

City Manager Jim Norris said Council needs to add a condition reducing the number of units.

City Counselor Nancy Thompson stated there are actually two amendments. The Amended Bill that had been on the table that has now been removed from the table requires two amendments. The first amendment would be to paragraph number five to add, "*at a minimum street grades and finished floor elevations shall be 883.5 feet.*" To address the decrease in lots would be an added Item 20. which would read, "*A maximum of 24 single family units may be constructed on the property.*" Staff would recommend that those amendments be made to Amended Bill 97-8.

Councilman Art Hammen asked if along with that should Item 12. be revised to read, "*Trees in the front yard area of each of the 24 units*"?

City Counselor Nancy Thompson agreed that change should be made.

Councilman Art Hammen added that his motion includes those three changes, Item 5 dealing with the finished floor elevations; Item 20 limiting the number of units to 24 and correcting Item 12 to read, "*a tree in the front of each of the 24 units.*"

Mayor Pro Tem George Nodler stated that the second concurs.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Amended Bill No. 97-8** and enact it as Ordinance No. 3.604; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris said one of the things he and Director Wingerson have discussed and will commit to tonight so the public hears it is -- that once Mr. Mitchell submits his final engineering and staff has had a chance to review it, we will submit it to an outside consultant for review due to the overwhelming concern on storm water. The residents will also be notified when this comes back before the Council for final platting.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**Item 11. on the Agenda. FIRST READING BILL NO. 97-35**, approving the Final Plat of "Replat of Lot 5, Northaven Woods Subdivision" (7150 North Woodland/7101 North Highland) and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant: Todd Misemer. Owners: Kevin & Debra Martin/Misemer Building Company. (File #1005)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-35** on First Reading; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris asked if everything is in order?

City Manager Jim Norris answered yes. This was thoroughly discussed at the Planning Commission. It is basically part of one lot being added to another lot.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-35**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-35** and enact it as Ordinance No. 3.605; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 12. on the Agenda. FIRST READING BILL NO. 97-36**, accepting Temporary Construction Easements, Standard Easements and a Quit Claim Deed from property owners in conjunction with the 72nd Street Widening Project. (Project #9417)

Councilman Anita Newsom moved to place **Bill No. 97-36** on First Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-36**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler



seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-36** and enact it as Ordinance No. 3.606; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 13. on the Agenda. FIRST READING BILL NO. 97-37**, accepting a Permanent Easement from Courtesy Chevrolet Inc. as required in conjunction with the Old Pike Road reconstruction project as part of the Home Depot development.

Councilman Art Hammen moved to place **Bill No. 97-37** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris stated this was a little additional piece that was needed for a fire hydrant.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-37**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-37** and enact it as Ordinance No. 3.607; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 14. on the Agenda. FIRST READING BILL NO. 97-38**, accepting a Standard Easement from a property owner in conjunction with Change Order #4 to the 1994 North Troost Water Main Replacement Program. (Project #9413-E)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-38** on First Reading; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris stated this is an easement for the North Prospect Court phase of the North Troost project.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-38**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-38** and enact it as Ordinance No. 3.608; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 15. on the Agenda. FIRST READING BILL NO. 97-39**, accepting Temporary Construction Easements, Permanent Sewer Easements and a Quit Claim Deed from property owners in conjunction with the 72nd Street and North Euclid realignment project. (Project #9604)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-39** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris stated these are all the temporary easements, permanent easements, and Quit Claim Deeds and right-of-way that the City needs to reconstruct the realignment of this intersection.

Mayor Roger Norris asked the time table on this project.

City Manager Jim Norris answered we are out to bid and hopefully it will be constructed by the end of the fall.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-39**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-39** and enact it as Ordinance No. 3.609; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 16. on the Agenda. FIRST READING BILL NO. 97-40**, enacting a new Chapter 26 of the Gladstone City Code regulating, controlling and licensing door-to-door solicitors and peddlers in the City of Gladstone, Missouri.

Councilman Anita Newsom moved to place **Bill No. 97-40** on First Reading with the following amendment to Section 26-15, Hours of Solicitation, to read that solicitations are not allowed between the hours of Sunset or 8:00 pm, whichever comes first and 9:00 am. Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris said due to comments made during the Open Study Session he and the City Counselor request that the Council give only a First Reading this evening so

they may look into some of the other issues that were raised tonight and bring it back before the Council at the June 23, 1997 City Council meeting.

Councilman Anita Newsom asked when this ordinance can be enforced following its enactment.

City Counselor Nancy Thompson stated the Council may make it effective immediately or for a date certain in the future, however the Council desires. This ordinance as written calls for an immediate effective date upon enactment.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

**Item 17. on the Agenda. Other Business.**

Councilman Anita Newsom said she has noticed the number of utility cuts into 72nd Street and one company has just now satisfactorily patched their cut and now we have a whole other group of plates in the street she noticed this evening. She asked what was taking place to cause the urgency to dig up the street.

City Manager Norris responded that Missouri Gas Energy is still under orders from the Missouri Public Service Commission to replace the old lines that they have been replacing for the last three - four years given the explosions they had several years ago. They must make those connections at the gas main and unfortunately on 72nd Street the gas main is under the street. They have a crew come through that does the excavation and puts in a temporary patch and then the next group comes along and puts in the permanent patches.

The Manager said after Councilman Hammen raised this issue, he spoke with a Missouri Gas Energy representative and they had people out the day after that doing the permanent patches on the ones that were completed. But they do wait until they get a certain amount completed before they come in and do a permanent patch.

Ms. Newsom asked if they share their plans with the City so that we know when they are planning a project. The Manager said they do and as example we have been coordinating our pavement schedule around their projects for the past two years.

Ms. Newsom asked when 72nd Street will next be resurfaced? The Manager said **after completion of the work scheduled on the five year transportation sales tax plan** that voters approved. This would be the schedule unless the revenue from the sales tax goes farther and prices are better. He will say that their permanent patches have been good.

City Manager said this is one of the issues that the Mid America Regional Council Innovations Group lists as one of their top items to be addressed metropolitan wide. These types of utility cuts happen in every city in the metropolitan area and cities want to unite in working with utility companies on this issue.

Ms. Newsom said her concern is for the safety of the residents because the temporary patches were terrible. The plates that are there now have some pins sticking up and she just has real concerns about the quality of the work they are doing in the interim before they do the final patch. City Manager Norris said we do go through daily and look at it and do call the utility companies; one of the reasons they went to the plate was a result of the phone calls placed after Councilman Hammen raised this concern. It is a difficult daily issue and temporary patches of some sort will be necessary but getting them to put the permanent patches in is what the City has been working on.

\* \* \*

**Mr. Johnson, 710 NE 66th Terrace**, who spoke earlier expressed concern for speeding on 64th Street in the vicinity of Antioch Middle School. He asked that this area be monitored and suggested the need for signs that read "fines double in school zones".

\* \* \*

City Manager Norris advised that although listed on the Agenda, there is no necessity for a Closed Executive Session following the close of this meeting. We have reached a tentative agreement with the property owner on Shady Lane that was delaying that project well under the parameters set by the City Council and we hope to be finalizing the agreement in writing by the next Council Meeting so all the documents can be prepared. We should be out to bid by on or around June 15th.

\* \* \*

Councilman Newsom recognized Ms. Bonnie Miller who is in the audience. She said Ms. Miller is known for some of the best baked goods the North Kansas City School District ever had; and the cinnamon rolls have not been the same since she left.

\* \* \*


Ms. Newsom suggested the need to set interview dates and times for City Council candidates. It was agreed that City Manager Norris would contact individual Councilmembers to determine a mutually agreeable time and then a notice would be publicly posted as we do for all other open meetings.

**Item 18. on the Agenda. Questions from the News Media.**


None.

There being no further business to come before the Regular June 9, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 9:14 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Roger Norris

MFA/sak

**GLADSTONE, MISSOURI**  
**MONDAY, JUNE 23, 1997**  
**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 9, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-58,** authorizing execution of a contract with Industrial Excavating, Inc. for the 72nd & N Euclid street realignment project. Contract Amount: \$277,241.60. Fund: Capital Improvement Sales Tax Fund (Project #9604)

**RESOLUTION R-97-59,** affirming and ratifying the actions of the City Manager of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone for the 72nd Street Widening Project and accepting the Deed transferring such property to the City of Gladstone, Missouri.

**APPROVAL OF APRIL, 1997 FINANCIAL REPORTS**

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS**

Old Chicago, 6221 N Chestnut, Class A&B Liquor By Drink  
Osco Drug Store, 6129 N Antioch Road, Class C Package Liquor & Sunday Sales  
Kwik Shoppe, 7603 N Oak, Class C Package Liquor & Sunday Sales  
Kayo Oil, 5810 N Antioch Road, Class E, Package Beer & Sunday Sales  
Sal's Grocery, 7125 N Broadway, Class C Package Liquor  
Margarita's, 7013 N Oak, Class A&B Liquor By Drink

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  - a. **Request for City Council Motion** to authorize sale of surplus City vehicles through Kansas City Auto Auction.
9. **APPROVAL OF BUILDING PERMIT** for construction of an 8,000 sq. ft. auto parts retail facility at 6573 N Oak. Applicant: Embree Construction Group, Inc. Owner: Western Auto Supply. (BP#97-0419)
10. **SECOND READING AMENDED BILL NO. 97-40,** enacting a new Chapter 26 of the Gladstone City Code regulating, controlling and licensing door-to-door solicitors and peddlers in the City of Gladstone, Missouri.
11. **FIRST READING BILL NO. 97-41,** an ordinance establishing a procedure to disclose potential conflicts of interest and substantial interests for certain Municipal Officials pursuant to the State Of Missouri "Ethics Law".

**NEXT ORDINANCE NO. 3.610**

12. **FIRST READING BILL NO. 97-42,** accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the 72nd Street Widening Project.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JUNE 23, 1997**

Mayor Roger Norris called the Regular June 23, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen

City Manager James H. Norris  
Deputy City Clerk Sondra Kasserman  
Administrator of Management Services Dianna Wright  
Assistant to the City Manager Laura Gay

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular June 9, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular June 9, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-97-58**, authorizing execution of a contract with Industrial Excavating, Inc. for the 72nd & North Euclid street realignment project. Contract Amount: \$277,241.60. Fund: Capital Improvement Sales Tax Fund



(Project #9604); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-59**, affirming and ratifying the actions of the City Manager of the City of Gladstone relating to the purchase of certain real property within the City of Gladstone for the 72nd Street Widening Project and accepting the Deed transferring such property to the City of Gladstone, Missouri; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to approve the **APRIL, 1997 FINANCIAL REPORTS**; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Councilman Art Hammen moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for the following Gladstone establishments: Old Chicago, 6221 North Chestnut, Class A&B Liquor By Drink; Osco Drug Store, 6129 North Antioch Road, Class C Package Liquor & Sunday Sales; Kwik Shoppe, 7603 North Oak, Class C Package Liquor & Sunday Sales; Kayo Oil, 5810 North Antioch Road, Class E, Package Beer & Sunday Sales; Sal's Grocery, 7125 North Broadway, Class C Package Liquor; and Margarita's, 7013 North Oak, Class A&B Liquor By Drink; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom stated she was glad to see the shrubs that had died outside of City Hall had been replaced with something more decorative.

### **Item 8. on the Agenda. Communications from the City Manager.**

**Item 8a. on the Agenda. Request for City Council Motion** to authorize sale of surplus City vehicles through Kansas City Auto Auction.

City Manager Jim Norris stated that the City had taken sealed bids on surplus City vehicles but did not feel that the bids received were representative of what the City could get for the vehicles. Staff would like to place the vehicles through an auction house that specializes in sales to dealers to see what they would bring. Reserves will be set on the sales price of each vehicle which would be the amount of the highest bid received plus the \$110 auction charge. Staff is advising everyone who bid on these vehicles of the steps the City will be taking and asking them to hold their bid. If the reserve levels are not

met, the auction house will turn the vehicles back to the City and we will then go back to the bidders.

Councilman Anita Newsom asked if surplus City cars normally sell well?

City Manager Jim Norris answered that the City is selling newer and newer vehicles with fewer miles. In the past, City cars have been sold two different ways: through a bid process and/or at the City's annual auction. At the City auction the auctioneer gets 10% of the value of the vehicle when it is sold. Staff did not feel, based on the mileage of these vehicles, their newness (1993 models); and the valuations in the Car Dealer Black Book, that the bids received by the City were high enough. Because of that staff decided to look at an alternative way to sell these vehicles. We propose selling through this regional midwest auction house and staff has found from talking to other metro cities that they are getting significantly more dollars for their vehicles through auction than what we received through bids.

Councilman Art Hammen asked if the City will still pay the fees that are detailed in the letter from Kansas City Auto Auction if there are no bids that meet the City's minimum.

City Manager Jim Norris replied that that was his understanding. The City will pay \$120.00 for each car they run through the auction.

Councilman Art Hammen asked if staff will have the cars detailed or striped?

City Manager Jim Norris answered that that has already been done by City staff.

Councilman Anita Newsom moved to authorize the sale of surplus City vehicles through Kansas City Auto Auction; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

\* \* \*

City Manager Jim Norris noted that he had two other items for the Council this evening. The first is announcing that City Hall will be closed on Friday, July 4<sup>th</sup> in observance of Independence Day and inviting everyone to come celebrate the City's Fourth of July Celebration in Oak Grove Park that evening.

\* \* \*

City Manager Jim Norris said his second item is to confirm to the City Council the need for a Special City Council Meeting on Thursday, July 3<sup>rd</sup> at 5:30 pm, specifically for the purpose of awarding the Bid on the Shady Lane Street Reconstruction Project.

The City Council concurred that a Special City Council Meeting on Thursday, July 3<sup>rd</sup> at 5:30 pm Thursday was fine.

City Manager Jim Norris stated that the only other potential item for that Agenda would be the Council's appointment of a new City Councilmember unless Council wishes to hold that appointment until the Monday, July 14, 1997 City Council Meeting.

Mayor Roger Norris stated that it is the Council's desire, if at all possible, to make the appointment of the new Councilmember at that Special City Council Meeting.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for construction of an 8,000 square foot auto parts retail facility at 6573 North Oak. Applicant: Embree Construction Group, Inc. Owner: Western Auto Supply. (BP#97-0419)

Councilman Art Hammen moved to approve a Building Permit for construction of an 8,000 square foot auto parts retail facility at 6573 North Oak subject to Staff Conditions; Councilman Art Hammen seconded.

Discussion:

Councilman Anita Newsom asked Director Scott Wingerson to explain the exterior finish of the Parts America building.

Director Scott Wingerson explained that the applicant has agreed to paint the exterior of the building the same color as Gladstone Plaza, which is a creamy tan color. Parts America will have their traditional red, white and blue signage around the top of the building, across the front on the Oak Street frontage, and about one-half way around the building on the north and south sides. Director Wingerson displayed Parts America's colored elevations.

Councilman Anita Newsom asked if the finish was a block or poured finish.

Director Wingerson answered that it is a scored concrete building to look like block or brick.

Councilman Anita Newsom stated that she definitely thinks the softer colors will blend in better with the buildings around it.

Director Wingerson stated that Parts America also provided a colored landscape plan. Yellow is the building itself, with the green area being grass and trees and the blue being the parking lot.

Councilman Art Hammen asked where this store would be located within the Gladstone Plaza complex?

Director Wingerson answered that it will be located directly south of Rod's Hallmark in the area that is currently grass. It is just north of the current Gladstone Plaza sign. He noted that the Council will consider a sign variance for rehabilitation of that sign at the July 14, 1997, City Council Meeting.

Councilman Art Hammen asked if he means rehabilitation of the sign in terms of converting it to a monument sign?

City Manager Jim Norris answered no. The sign will be more like what Council discussed with Checkers when they sought and received a sign variance; although they never proceeded with the sign change.

Mayor Roger Norris asked if it is a marquee type sign.

Director Wingerson responded it is a sign that provides identification for all of the tenants who choose to participate in the construction of the sign. It will give those business owners some visibility on North Oak .

Councilman Anita Newsom asked if the setback from North Oak Street would be thirty feet?

City Manager Jim Norris stated that the Building Permit is all that is in front of the Council tonight because it meets the existing zoning requirements. Platting approval will come later.

Mayor Roger Norris asked if everything else was in order?

City Manager Jim Norris answered yes.

Director Wingerson stated that the applicant has agreed to all the conditions listed in the Staff Report.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**Item 10. on the Agenda.** **SECOND READING BILL NO. 97-40**, enacting a new Chapter 26 of the Gladstone City Code regulating, controlling and licensing door-to-door solicitors and peddlers in the City of Gladstone, Missouri.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-40** on Second and Final Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris noted that City Counselor Nancy Thompson provided to the Council a memorandum that discusses the status of the Bill. In that memorandum she goes into great detail about the sunset issue, crime after dark and personal safety issues. City Manager Jim Norris asked the Council to request the City Clerk to make this memorandum a part of the record by attaching it to the minutes.

City Manager Jim Norris pointed out the three recommended amendments to the Bill made by City Counselor Thompson which would need to be incorporated through motion if the Council desires. These three changes are in Amended Bill No. 97-40 which is in front of the Council and are shown as recommended amendments in the Amended Bill. The three changes read, adding the language in Section 26-15: *"except when invited to the residence by the owner or occupant thereof."* Two other minor amendments are recommended, one in Section 26-14: *"Any sign posted at the entry to the premises which is a minimum of 10 square inches shall be presumed to be adequate notice to a solicitor."* and the last amendment changed the effective date of the ordinance in Section 3. to *"August 1, 1997"* which will give staff time to order the *"No Solicitation"* stickers for residents and notify the business community that our residents will be looking for these stickers. If Council is in agreement with these changes a motion to amend the Bill would be in order.

Councilman Anita Newsom moved to include the three amendments that City Counselor Nancy Thompson had recommended on **Bill No. 97-40** and to make the City Counselor's Memorandum part of the record because it encompasses many of the things the Council discussed as this Bill was brought forward; Mayor Pro Tem George Nodler seconded.

Mayor Roger Norris asked if there was any more discussion on the amendments of the Bill. (There was none.) The vote on the amendments: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Mayor Roger Norris noted that the Council is now back to the vote on the Second and Final Reading of **Amended Bill No. 97-40**.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Amended Bill No. 97-40** and enact it as Ordinance No. 3.610; Councilman Anita Newsom seconded.

Discussion:

Councilman Anita Newsom asked what the language on the 10" square sign would read?

City Manager Jim Norris replied the signs the City will give out to residents will read, *"No Solicitors"*, but the 10" signs may also say: *"No Solicitation"*, *"No Soliciting"* or *"No Peddlers"*.

Councilman Anita Newsom asked if the method, mode and colors of the signs will be left up to the individual homeowner as long as they are legible?

City Manager Jim Norris answered yes. The ten square inches is the important part because that size is large enough for someone to see it from the street. Staff will be

ordering a significant number of signs to have available at City Hall at no charge to our residents.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 11. on the Agenda.** **FIRST READING BILL NO. 97-41**, an ordinance establishing a procedure to disclose potential conflicts of interest and substantial interests for certain Municipal Officials pursuant to the State Of Missouri "Ethics Law".

Councilman Art Hammen moved to place **Bill No. 97-41** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris noted that this is an annual requirement from the State of Missouri and is done every year.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-41**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-41** and enact it as Ordinance No. 3.611; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL NO. 97-42**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the 72nd Street Widening Project.

Councilman Anita Newsom moved to place **Bill No. 97-42** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-42**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler

seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-42** and enact it as Ordinance No. 3.612; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 13. on the Agenda. Other Business.**

Mayor Pro Tem George Nodler noted that the Gladstone Summertime Blues Fest is this coming Friday and Saturday, June 27<sup>th</sup> and 28<sup>th</sup> in Oak Grove Park. Friday the hours are 5 pm to 10 pm and on Saturday, noon until 10 pm. He hopes everyone will attend.

**Item 14. on the Agenda. Questions from the News Media.**

None.

\* \* \*

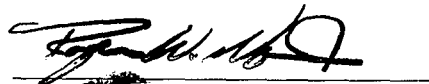
There being no further business to come before the Regular June 23, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 7:52 pm.

Respectfully submitted:



Sondra A. Kasserman, Deputy City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
\_\_\_\_\_  
Mayor Roger Norris

MFA/sak



P.O. BOX 10719

7010 NORTH HOLMES

816-436-2200

GLADSTONE, MISSOURI 64188-0719 GLADSTONE, MISSOURI 64118-2646

816-436-2228 FAX

## Memorandum

**To:** Roger Norris, Mayor  
George Nodler, Mayor Pro Tem  
Anita Newsom, Councilman  
Art Hammen, Councilman

**From:** Nancy Thompson, City Counselor

**Date:** June 19, 1997

**Re:** Solicitation  
Amended Bill 97-40

Based on the Council's discussion during the Study Session on the Solicitation Bill prior to the last City Council meeting, Staff requested a first reading only on the bill in order to provide the Council additional information regarding the hours of solicitation as established in the bill which was amended to provide as follows:

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of sunset or 8:00 p.m., whichever is earlier, and 9:00 a.m..

Attached you will find the official rise and set times for the sun in 1997 for Gladstone as established by the U.S. Naval Observatory in Washington, D.C. The shortest days of the year for sunlight are December 3 through December 11 when the sun sets at 4:55 in the evening. For your ease of reading the times, various sunset times are provided below:

January 1, 1997  
February 1, 1997

5:06  
5:39



Memorandum to City Council  
June 19, 1997  
Page 2 of 3

March 1, 1997	6:11
April 1, 1997	6:42
April 6, 1997 (daylight savings time)	7:47
May 1, 1997	8:12
June 1, 1997	8:39
July 1, 1997	8:48
August 1, 1997	8:30
September 1, 1997	7:49
October 1, 1997	7:01
October 26, 1997 (end daylight savings)	5:24
November 1, 1997	5:17
December 1, 1997	4:56

In the months of November, December, January and February, the ending time for solicitation activities will be prior to 6:00 p.m. Even though this is limiting, staff agrees with the City Council that the restriction is necessary due to the increased potential for neighborhood criminal activity after dark. As the Council is aware, the City has experienced increased theft and vandalism in residential neighborhoods after dark. With the increased criminal activity, for personal safety reasons, there is a reluctance from residents to greet strangers at the door after dark when the identity of the visitor is not readily determined.

After dark a visitor has an open view into the residence and can determine whether or not other adults are home. A solicitor also typically carries a bag to which the resident does not have knowledge of the contents. All of these factors lead to the need to restrict the activities of solicitors who are law-abiding in order to protect residents from the unscrupulous activities of persons who may unlawfully go door-to-door and prey on residents after dark.

Alternative methods of communication exist with regard to individuals seeking to sell products or solicit contributions after dark. If a solicitor obtains the permission of a commercial establishment to sell its wares or services on the premises of the commercial establishment, the solicitor may communicate with residents who visit the commercial establishments after dark. In addition, staff recommends that the bill be amended to provide for an additional alternative method of communication by allowing a solicitor to engage in *invited* door-to-door activities after dark. That is, if a resident desires to allow a solicitor to arrive at or return to the premises at a time other than specifically allowed under the ordinance, the solicitor may visit or return at the invitation of the resident.

Memorandum to City Council  
June 19, 1997  
Page 3 of 3

In order to allow invited solicitation after sunset, the bill needs to be further amended by adding the following language to the end of Section 26-15:

except when invited to the residence by the owner or occupant thereof.

Other minor amendments to the bill recommended by Staff include the following:

1. Add the following sentence at the end of Section 26-14:  
Any sign posted at the entry to the premises which is a minimum of 10 square inches shall be presumed to be adequate notice to a solicitor.
2. Change the effective date to August 1, 1997 in order to give Staff the time to obtain stickers for residents to place at the entry to their residences.

I hope this addresses your concerns regarding the hours of solicitation activities within the City and other issues regarding the solicitation bill. City Manager Norris and Director of Public Safety Adamo will be available if you have any questions regarding this issue at the City Council meeting. I will be out of town during the City Council meeting, if you have any questions or need further information from me please contact me on Friday prior to the meeting.

o . o .  
Location: W094 34, N39 13

GLADSTONE, MISSOURI  
Rise and Set for the Sun for 1997

Astronomical Applications Dept.  
U. S. Naval Observatory  
Washington, DC 20392-5420

Central Standard Time

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Day Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set	Rise Set
01 0738 1706	0725 1739	0651 1811	0603 1842	0520 1912	0454 1939	0456 1948	0519 1930	0547 1849	0614 1801	0646 1717	0719 1656
02 0738 1707	0724 1740	0649 1812	0601 1843	0518 1912	0453 1939	0456 1948	0519 1929	0548 1847	0615 1759	0647 1716	0720 1656
03 0738 1708	0723 1742	0648 1813	0559 1844	0517 1913	0453 1940	0457 1948	0520 1928	0549 1846	0616 1757	0648 1715	0721 1655
04 0738 1709	0722 1743	0646 1814	0558 1845	0516 1914	0453 1941	0457 1948	0521 1927	0550 1844	0617 1756	0650 1714	0722 1655
05 0738 1710	0721 1744	0645 1815	0556 1846	0515 1915	0452 1941	0458 1948	0522 1926	0551 1842	0618 1754	0651 1713	0723 1655
06 0738 1711	0720 1745	0643 1816	0555 1847	0514 1916	0452 1942	0458 1947	0523 1924	0551 1841	0619 1753	0652 1712	0724 1655
07 0738 1712	0719 1746	0642 1817	0553 1848	0513 1917	0452 1943	0459 1947	0524 1923	0552 1839	0620 1751	0653 1711	0724 1655
08 0738 1713	0718 1748	0640 1818	0552 1849	0512 1918	0452 1943	0500 1947	0525 1922	0553 1838	0621 1750	0654 1710	0725 1655
09 0738 1714	0717 1749	0639 1819	0550 1850	0511 1919	0452 1944	0500 1946	0526 1921	0554 1836	0622 1748	0655 1709	0726 1655
10 0738 1715	0716 1750	0637 1820	0549 1851	0510 1920	0452 1944	0501 1946	0527 1920	0555 1834	0623 1747	0656 1708	0727 1655
11 0737 1716	0715 1751	0636 1821	0547 1852	0509 1921	0451 1945	0502 1946	0528 1918	0556 1833	0624 1745	0657 1707	0728 1655
12 0737 1717	0713 1752	0634 1822	0546 1853	0508 1922	0451 1945	0502 1945	0529 1917	0557 1831	0625 1744	0658 1706	0729 1656
13 0737 1718	0712 1753	0633 1823	0544 1854	0507 1923	0451 1945	0503 1945	0530 1916	0558 1830	0626 1742	0700 1705	0729 1656
14 0736 1719	0711 1754	0631 1824	0543 1855	0506 1924	0451 1946	0504 1944	0530 1915	0559 1828	0627 1741	0701 1704	0730 1656
15 0736 1720	0710 1756	0629 1825	0541 1856	0505 1925	0451 1946	0504 1944	0531 1913	0600 1826	0628 1739	0702 1704	0731 1656
16 0736 1721	0708 1757	0628 1826	0540 1857	0504 1926	0451 1947	0505 1943	0532 1912	0601 1825	0629 1738	0703 1703	0731 1657
17 0735 1722	0707 1758	0626 1827	0538 1858	0503 1927	0452 1947	0506 1942	0533 1911	0601 1823	0630 1736	0704 1702	0732 1657
18 0735 1723	0706 1759	0625 1828	0537 1859	0502 1928	0452 1947	0507 1942	0534 1909	0602 1821	0631 1735	0705 1701	0733 1657
19 0734 1724	0705 1800	0623 1829	0535 1900	0502 1928	0452 1948	0507 1941	0535 1908	0603 1820	0632 1734	0706 1701	0733 1658
20 0734 1725	0703 1801	0622 1830	0534 1901	0501 1929	0452 1948	0508 1940	0536 1906	0604 1818	0633 1732	0707 1700	0734 1658
21 0733 1727	0702 1802	0620 1831	0533 1902	0500 1930	0452 1948	0509 1940	0537 1905	0605 1817	0634 1731	0708 1700	0734 1659
22 0733 1728	0701 1803	0618 1832	0531 1903	0459 1931	0452 1948	0510 1939	0538 1904	0606 1815	0635 1729	0709 1659	0735 1659
23 0732 1729	0659 1804	0617 1833	0530 1904	0459 1932	0453 1948	0511 1938	0539 1902	0607 1813	0636 1728	0711 1659	0735 1700
24 0731 1730	0658 1806	0615 1834	0529 1905	0458 1933	0453 1948	0512 1937	0540 1901	0608 1812	0637 1727	0712 1658	0736 1700
25 0731 1731	0656 1807	0614 1835	0527 1906	0457 1933	0453 1949	0512 1936	0541 1859	0609 1810	0639 1725	0713 1658	0736 1701
26 0730 1732	0655 1808	0612 1836	0526 1907	0457 1934	0454 1949	0513 1936	0541 1858	0610 1809	0640 1724	0714 1657	0736 1702
27 0729 1733	0654 1809	0610 1837	0525 1908	0456 1935	0454 1949	0514 1935	0542 1856	0611 1807	0641 1723	0715 1657	0737 1702
28 0728 1735	0652 1810	0609 1838	0523 1909	0456 1936	0454 1949	0515 1934	0543 1855	0612 1805	0642 1722	0716 1657	0737 1703
29 0728 1736		0607 1839	0522 1910	0455 1937	0455 1949	0516 1933	0544 1853	0612 1804	0643 1721	0717 1656	0737 1704
30 0727 1737		0606 1840	0521 1911	0455 1937	0455 1948	0517 1932	0545 1852	0613 1802	0644 1719	0718 1656	0737 1705
31 0726 1738		0604 1841		0454 1938		0518 1931	0546 1850		0645 1718		0738 1705

Add one hour for daylight time, if and when in use.



P.O. BOX 10719

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GLADSTONE, MISSOURI 64188-0719 GLADSTONE, MISSOURI 64118-2646 816-436-2228 FAX

**MEMORANDUM**  
**(JHN #89-97)**

**DATE:** JUNE 5, 1997

**TO:** ROGER NORRIS, MAYOR  
GEORGE NODLER, MAYOR PRO TEM  
ANITA NEWSOM, CITY COUNCILMAN  
ART HAMMEN, CITY COUNCILMAN

**FROM:** JAMES H. NORRIS, CITY MANAGER *JHN*

**SUBJECT:** DOOR-TO-DOOR SOLICITATION - ORDINANCE REVISION  
STUDY SESSION ITEM #1

This item was scheduled as Study Session Item #2 at the Tuesday, May 27<sup>th</sup> City Council Meeting. When time for the Study Session expired without reaching this item on the Study Session agenda, Council requested that this item be held until the June 9<sup>th</sup> City Council Meeting. This item is now Item #1 for the June 9<sup>th</sup> Study Session and the packet attached is a copy of what Council received with their last Study Session packet.

This item is also listed on the Agenda for June 9<sup>th</sup> as: **Item 16. Bill No. 97-40.**

JHN/sak



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MEMORANDUM  
(JHN #77-97)

DATE: MAY 19, 1997

TO: BILL REYNOLDS, MAYOR  
ROGER NORRIS, MAYOR PRO-TEM  
ART HAMMEN, COUNCILMAN  
ANITA, NEWSOM, COUNCILMAN  
GEORGE NODLER, COUNCILMAN

FROM: JAMES H. NORRIS, CITY MANAGER *JHN*

RE: DOOR TO DOOR SOLICITATION – ORDINANCE REVISION  
STUDY SESSION ITEM #2

As part of the comprehensive review of the City's Code, a thorough review of the City's solicitation ordinance was undertaken by the City Counselor. This evaluation took into consideration the current status of the law, especially recent Supreme Court decisions and the protections afforded commercial speech.

Once the City Counselor's research was complete and a draft bill was prepared, the bill was evaluated from a public policy and implementation standpoint by a staff team comprised of the City Clerk, the Director of Public Safety, the Director of Finance, the City Manager and the City Counselor. The results of that team's work is the draft ordinance under preliminary consideration on the Study Session agenda for Tuesday, May 26, 1997. Please feel free to contact either the City Counselor or myself if you have any questions regarding this issue, prior to the presentation Monday evening.



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## Memorandum

**To:** Bill Reynolds, Mayor  
Roger Norris, Mayor Pro Tem  
Anita Newsom, Councilman  
George Nodler, Councilman  
Art Hammen, Councilman  
James H. Norris, City Manager

**From:** Nancy Thompson, City Counselor *NT*

**Date:** May 22, 1997

**Re:** Door-to-Door Solicitation

The City of Gladstone's current ordinance provisions regarding solicitation activities within the City make it unlawful to canvass door-to-door for commercial sales without an invitation from the homeowner. Ordinances which totally proscribe commercial soliciting upon the premises of private residences without invitation from the occupants are commonly referred to as "Green River" ordinances (named after Green River, Wyoming whose solicitation ordinance was the first of its kind to be challenged on constitutional grounds). This type of ordinance was upheld by the Supreme Court in 1951 as a reasonable regulation for purposes of public safety. However, since that time more recent constitutional attacks against the "Green River" ordinances have been successful.

At the time the Green River case was decided, the Supreme Court did not protect commercial advertising with the First Amendment. Since that time, the court's attitude has changed considerably as the Court has come to recognize the value and importance of commercial speech. The Court now acknowledges that commercial speech enjoys First Amendment protection, although to a lesser extent than does noncommercial speech. Accordingly, commercial speech is subject to regulation that might be impermissible in the noncommercial realm.

City Council Memorandum  
May 22, 1997  
Page 2 of 5

Although it has not been directly addressed by the courts in the State of Missouri or the 8<sup>th</sup> Circuit, questions regarding the constitutionality of the Gladstone ordinance have been raised by several commercial sales people. Due to the above issues, a review of the Gladstone City Code provisions relating to solicitation was initiated to determine possible amendments to the Code to bring it more securely within the requirements of the First Amendment while protecting the interest of the public.

### **Regulating Commercial Solicitation**

A four part test has been set out by the Supreme Court for use in determining whether a government restriction on commercial speech is valid. The four elements of the test are as follows:

1. Whether the speech concerns a lawful activity and is not misleading;
2. Whether the governmental interest cited as the basis for the restriction is substantial;
3. Whether the regulation directly advances the governmental interest asserted; and
4. Whether the regulation is more extensive than is necessary to serve the governmental interest asserted.

Under the first prong of the test, Courts have found that making door-to-door sales through in-person solicitation includes a sufficient element of commercial speech to qualify for First Amendment protection. The second element of the test relating to the government interests invoked are typically met with the assertion of interests in protecting the privacy of citizens in their homes and crime prevention. Green River ordinances are usually attacked on the third and fourth prongs of the test.

The issue of whether privacy and crime prevention are directly served by the ordinance restrictions as required by the third requirement of the test and whether the ordinance restrictions go further than necessary to accomplish those ends as required by the fourth prong of the test are often used to examine the regulations imposed by a solicitation ordinance. These are the parts of the test that are used to strike down ordinances that prohibit all uninvited solicitation. The case most often cited to advance this proposition is *City of Idaho Falls v. Project 80's, Inc.*, 876 F.2d 711 (9<sup>th</sup> Cir. 1988). In *Project 80's* the court noted that residents who want privacy can post a notice to that effect and that crime can be prevented by requiring solicitors to register with the city.

City Council Memorandum  
May 22, 1997  
Page 3 of 5

It was under these broad standards that a revision of the City's solicitation ordinance was initiated. In doing so, the City's interest in enacting such an ordinance as required by the second prong of the above test was examined. The interests identified are set forth in the "Whereas" preamble clauses of the proposed bill. Protecting the privacy of citizens, including the quiet enjoyment of their homes has been consistently found by the courts to be a legitimate concern of government regulation. Other legitimate concerns which support the enactment of this type of regulation include the prevention of crime and protecting citizens from fraud and other deceptive practices.

Once the interest in enacting the ordinance was established, regulation of the time, place and manner of solicitation activities was developed. These restrictions must be reasonable and meet the following tests:

1. Be content-neutral;
2. Leave open ample alternative channels of communication; and
3. Be narrowly tailored to serve the governmental objective.

#### **Time Restrictions**

An ordinance must be reasonable as to the time limitations placed on solicitation activities. In determining what will be held to be reasonable, it is helpful to know what the various courts have held with regard to this issue. An ordinance limiting door-to-door soliciting to the hours between 9:00 a.m. and 5 p.m., Monday through Saturday, was found to violate the First Amendment. See *City of Watseka v. Illinois Public Action Council*, 796 F.2d 1547 (7<sup>th</sup> Cir. 1986), *aff'd.*, 479 U.S. 1048 (1987). The court found that being more restrictive than the legitimate privacy and quiet enjoyment concerns of its citizens demanded, the municipality had suppressed the protected speech of the solicitors. To date, no federal court has declared a 9:00 p.m. limitation unreasonable or unconstitutional.

The proposed ordinance for the City of Gladstone limits solicitation activities from 8:00 a.m. to sunset or 9:00 whichever is earlier. The sunset limitation was applied due to concerns of the Public Safety Department which provided information that most residential criminal activity occurs under the shroud of darkness. In order to protect the citizens and prevent criminal activity by persons claiming to be solicitors the sunset limitation was inserted in the ordinance. I am unaware of any court that has examined the constitutionality of the sunset time restriction for solicitation activities.



City Council Memorandum  
May 22, 1997  
Page 4 of 5

### **Place Restrictions**

In addition to time restrictions, cities may use their police power to decide where solicitors can carry out their activities. Ordinances regulating soliciting on streets, public thoroughfares and certain areas of town will be upheld if they are reasonable. The attached bill does not limit the locations where solicitation can occur; however, Section 26-2 provides certain locations to be exempt from the permit requirements. Included in the exemptions are solicitations upon the premises of an organization or business whose consent has been granted to the solicitors (ie.- Salvation Army at WalMart, Girl Scouts at HyVee, etc.). At some time in the future, the City Council may want to consider additional regulation of aggressive solicitation on public property.

### **Manner Restrictions and Licensing**

Municipalities may also place some restrictions on the manner in which soliciting activities are conducted. This is frequently done through licensing requirements. A city's authority to require persons to register with the local police and obtain a permit or license before engaging in business activities within the limits of the city can be applied to solicitors. As with other licensing regulations, any ordinance adopted pursuant to that authority must be reasonable.

**License Fees.** While broad discretion in imposing license fees exists, such fees may not be excessive. The fees must not be demanded for the purpose of raising revenue or place an undue burden on interstate commerce. The proposed ordinance contains an application fee of \$35.00 which covers the cost of processing the application by the City Clerk and the Department of Public Safety as well as the cost of the identification badge provided by the City to the permittee. Staff studied the expense to the City in performing these activities and believes that the fee of \$35.00 is necessary to recover these costs.

**Bond Requirements.** Like any other provision in a solicitation ordinance, bonding requirements must be reasonable and in compliance with state law. A bonding requirement is more likely to be found to be reasonable if it bears a reasonable relation to the amount of business done. In light of the fact that door-to-door solicitors rarely maintain a place of business within the City, the ability of a resident to locate the solicitor or recover funds from fraudulent activity is greatly diminished. Accordingly, staff determined that a requirement for a bond or other form of security in the amount of \$5,000 or in the amount of anticipated revenues/sales to be generated within the City, whichever amount is greater, was an appropriate safeguard for residents when the solicitor required cash deposits or a contractual agreement prior to the delivery of the goods or services promised to be performed.

City Council Memorandum  
May 22, 1997  
Page 5 of 5

**Exemptions.** Exempting certain charitable and religious organizations from the door-to-door solicitation requirements may render an ordinance unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. There must be a rational basis for exempting certain types of solicitors which must not be based on the content of the solicitation. The bill contains a requirement that all types of solicitors going upon the premise of any private residence requesting a contribution of funds or selling goods for political, charitable, religious, or other commercial or non-commercial purposes must obtain a permit.

### **Conclusion**

On numerous occasions, the federal courts have ruled that ordinances requiring solicitors to register with the city, as well as those that allow citizens to forbid solicitation at their residences by posting a sign, are sufficiently narrow to serve the legitimate governmental objective of protecting the privacy of citizens who do not wish to be bothered by solicitors. At the same time, the courts have found that such ordinances leave open ample alternative channels of communication for solicitors by allowing them to have contact with those residents who welcome their message.

Accordingly, the draft ordinance presented to the City Council contains both a registration requirement and makes it unlawful for a solicitor to approach a residence which has posted a "No Solicitor" sign. In reviewing the bill, it must be remembered that nothing in the bill requires an individual from approaching residences where the individual knows the occupants of the residence. For example, a Girl Scout may request a homeowner who she knows to buy cookies without the organization obtaining a permit; however, if the Girl Scout desires to go door-to-door to residences where she does not know the occupant, she must have a sponsor who obtains a permit and is responsible for the door-to-door activities of the Girl Scout.

The solicitation ordinance will be the subject of the Study Session at Monday night's City Council meeting. If you have any questions prior to that time, do not hesitate to contact me.

City Council Memorandum  
May 22, 1997  
Page 5 of 5

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Accordingly, the draft ordinance presented to the City Council contains both a registration requirement and makes it unlawful for a solicitor to approach a residence which has posted a "No Solicitor" sign. In reviewing the bill, it must be remembered that nothing in the bill requires an individual from approaching residences where the individual knows the occupants of the residence. For example, a Girl Scout may request a homeowner who she knows to buy cookies without the organization obtaining a permit; however, if the Girl Scout desires to go door-to-door to residences where she does not know the occupant, she must have a sponsor who obtains a permit and is responsible for the door-to-door activities of the Girl Scout.

The solicitation ordinance will be the subject of the Study Session at Monday night's City Council meeting. If you have any questions prior to that time, do not hesitate to contact me.

7/3/97- 7/27/98 Council Minutes

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**GLADSTONE, MISSOURI**  
**THURSDAY, JULY 3, 1997**  
**Special City Council Meeting: 5:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 23, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-60**, authorizing execution of a contract for the Shady Lane Street Reconstruction Project. Fund: Transportation Sales Tax. (Project #9108)

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS**

Gladstone Bowl, 300 NW 72nd Street, Class A&B Liquor By Drink  
Northland Elks, 7010 N Cherry, Class A&B Liquor By Drink  
Smoke House BBQ, 6304 N Oak, Class A&B Liquor By Drink  
Johnny Dix Pool & Pub, 316 NE 72nd Street, Class A (6 day) Liquor by Drink

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL NO. 97-43**, accepting Temporary Construction Easements, Standard Easements, Quit Claim Deeds and Subordination Agreements from property owners in conjunction with the 72nd Street Widening Project.
10. **FIRST READING BILL NO. 97-44**, accepting a Quit Claim Deed, Temporary Construction and Standard Easement from property owners required for the Shady Lane Street Reconstruction Project. (Project #9108)
11. **CITY COUNCIL POSITION APPOINTMENT:** City Council appointment to fill the vacant position on the Gladstone City Council to hold office until a successor is duly elected and qualified at the next regular election on Tuesday, April 7, 1998.
12. **City Council Oath of Office**
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI SPECIAL MEETING

THURSDAY, JULY 3, 1997

Mayor Roger Norris called the Special Meeting July 3, 1997 City Council Meeting to order in the City Council Chambers at 5:35 PM.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
  
Acting City Manager Laura Gay  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson

ABSENT: City Manager James Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular June 23, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular June 23, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

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

Following the City Clerk's reading of the Consent Agenda, Mayor Pro Tem George Nodler moved to approve the Consent Agenda as listed; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**CONSENT AGENDA DETAIL**

Mayor Pro Tem George Nodler moved to adopt **RESOLUTION R-97-60**, authorizing execution of a contract with Industrial Excavating Equipment, Inc. for the Shady Lane

Street Reconstruction Project. Contract Amount: \$269,534.07; Fund: Transportation Sales Tax (Project 9108) Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Mayor Pro Tem George Nodler moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for the following Gladstone establishments: Gladstone Bowl, 300 NW 72nd Street, Class A&B; Northland Elks, 7010 N Cherry, Class A&B Liquor By Drink; Smoke House BBQ 6304 N Oak, Class A&B Liquor By Drink; Johnny Dix Pool & Pub, 316 NE 72nd Street, Class A (6 day) Liquor by Drink License. Councilman Anita Newsom seconded. The vote:: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom noted the good media attention the City of Gladstone has received on the 4th of July activities planned for tomorrow evening in Oak Grove Park and encouraged all to attend.

Mayor Roger Norris told Councilman Nodler he was being given one more chance to be in charge of the weather for the 4th of July even though when put in charge for the Blues Fest, Saturday evening's performance was ended abruptly by a torrential downpour.

The Mayor also welcomed Mr. Dave Fricke, the City Council's appointee to the vacant City Council position, who will be formally appointed and sworn in later in the meeting.

### **Item 8. on the Agenda. Communications from the City Manager.**

Acting City Manager Laura Gay announced that City Hall offices will be closed on July 4th, and encouraged all to attend the 4th of July celebration in Gladstone Oak Grove Park starting at 8:30 p.m. with the NorthStar Community Band performance followed by fireworks at dusk. She also announced that Thursday, July 10th is "Gladstone Night at the Royals" and advised that tickets are still available at City Hall from the Parks and Recreation Department. Theater in the Park's first production of the season, "Will Rogers Follies", will be performed on Friday, Saturday, Sunday, July 11th through 13th.

### **Item 9. on the Agenda. FIRST READING BILL NO. 97-43, accepting Temporary Construction Easements Standard Easements, Quit Claim Deeds and Subordination Agreements from property owners in conjunction with the 72nd Street Widening Project.**

Councilman Art Hammen moved to place **Bill No. 97-42** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Acting City Manager Laura Gay advised the City Council that with these conveyances we have now acquired fifty percent of the acquisitions/easements needed for this road project.

The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-43**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-43** and enact it as Ordinance No. 3.613; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0).

**Item 10 on the Agenda, FIRST READING BILL NO. 97-44**, accepting a Quit Claim Deed, Temporary Construction and Standard Easement from property owners required for the Shady Lane Street Reconstruction Project. (Project #9108)

Councilman Anita Newsom moved to place Bill 97-44 on First Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0). The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 97-44, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 97-44 and enact the Bill as Ordinance No. 3.614; Councilman Art Hammen seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

Acting City Manager Laura Gay advised that these easements are in connection with the Shady Lane construction project which will commence July 21st. The contract calls for completion in 60 working days.

The Mayor suggested that a letter be sent to Mr. Jerry Nolte, 1304 Shady Lane, who spoke to the City Council on the need for this project, advising him that the construction contract has been let.



**Item 11 on the Agenda.** City Council Position Appointment: City Council appointment to fill the vacant position on the Gladstone City Council to hold office until a successor is duly elected and qualified at the next regular election on Tuesday, April 7, 1998.

Councilman Art Hammen moved to appoint Mr. Dave Fricke to the City Council position; Councilman Anita Newsom seconded. The vote: All "aye" - Hammen, Newsom, Nodler, Norris. (4-0)

**Item 12 on the Agenda.** Oath of Office.

City Clerk Marilyn Ahnefeld administered the City Council Oath of Office to Mr. Dave Fricke who will hold office until a successor is duly elected and qualified at the next regular election on Tuesday, April 7, 1998.

**Item 13. on the Agenda.** Other Business.

Councilmembers congratulated Councilman Dave Fricke and welcomed him to the table.

Councilman Anita Newsom congratulated Councilman Fricke and presented to him on behalf of the City Council a Gladstone logo shirt, hat and City key pins. Ms. Newsom said the selection process was an interesting process and quite a responsibility to replace former Mayor Bill Reynolds. It was made difficult because of the number of excellent candidates who were all willing to serve. She told Mr. Fricke that the City Council is an agreeable group and do "agree to disagree" at times.

Mayor Norris congratulated Councilman Dave Fricke and said that Mr. Fricke was selected from an outstanding field of eleven candidates to fill this vacancy. The Mayor stressed that when it came down to the final cut, Mr. Fricke's name kept coming to the top and he is confident he will be an outstanding City Councilman in his representation of Gladstone residents. The Mayor said he called all the other candidates following the Council's selection to inform them of the City Council's choice and all ten thought the Council made a good decision, so we have eleven happy people. He stressed that this Council is a team and he hopes Mr. Fricke's enjoys his service as much as they do and again congratulated him.


Councilman Dave Fricke thanked the Mayor and City Council and told them he can assure them of his solid commitment to the responsibilities of the position. He said he will do everything he can to continue to support the City Council and the City's programs now underway and looks forward to his involvement. Councilman Fricke introduced his wife, Jan and friends in the audience and again expressed his appreciation to the Mayor and Council for their confidence.

\* \* \*

There being no further business to come before the Special July 3, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 5:50 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor Roger Norris

**GLADSTONE, MISSOURI**

**MONDAY, JULY 14, 1997**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption Section 610-021(2) for Land Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Special July 03, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-61**, authorizing the City Manager to accept the proposal of Motorola Communications and Electronics, Inc. for the purchase of ten portable radios, batteries and battery chargers for the Gladstone Public Safety Department. Contract Amount: \$17,581.00; General Fund.

**RESOLUTION R-97-62**, authorizing the City Manager to accept a Bill of Sale from Aldi, Inc. and Harris Construction Company, Inc. conveying a storm sewer serving development at 7604 N. Oak Trafficway to the City. (Construction of improvements entirely at developer's expense.)

**RESOLUTION R-97-63**, authorizing acceptance of work under contract with SK Design Group for design of 72nd Street & N Euclid intersection realignment and authorizing final payment. Grand total contract amount: \$17,750.00. Final payment due: \$7,430.00. Capital Improvements Sales Tax Fund. (Project #9604-Design)

**RESOLUTION R-97-64**, authorizing Change Order No. 2 in the amount of \$16,710.00 to the 72nd Street reconstruction design contract with Burns & McDonnell and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund for such purpose. (Project #9417)

**RESOLUTION R-97-65**, authorizing Change Order No. 7 in the amount of \$31,067.39 to the 1996 Street Maintenance Program Contract with Superior/Bowen Asphalt Company and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund for such purpose. (Project #9612)

**RESOLUTION R-97-66**, authorizing execution of a contract with Federal Employees Credit Union and Garney Companies, Inc. for installation of water line and storm sewer serving development at 301 NW Englewood Road. (Installation entirely at developer's expense). (File #978/96038)

**RESOLUTION R-97-67**, authorizing the City Manager to enter into a Cooperative Agreement for Pretreatment Program Sewer Services with the City of Kansas City, Missouri.

**CONSENT AGENDA (continued):**

**APPROVAL OF MAY, 1997 FINANCIAL REPORTS.**

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Total Petroleum, Inc., 5800 N. Oak, Class E Package License and Sunday Package  
Tortilla Flats, 5716 NE Antioch Road, Class A 6 day Liquor by Drink License  
Godfather's Pizza, 328 NE 72nd Street, Class A&B 7 day Liquor by Drink License  
Golden Eagle II, Inc., 6502 N. Oak, Class A&B Liquor by Drink  
Firehouse North, Inc., 6948 N. Oak, Class A 6 day Liquor by Drink  
21/21 Restaurant, 5941 NE Antioch Road, Class A 6 Day Liquor by Drink  
Bubbles Wine & Spirits, 7407 N. Oak, Class C Package and Sunday Package  
King Super Store, 7020 N Oak, Class C Package and Sunday Package  
Bob's IGA Grocery Co., 6553 N. Oak, Class C Package and Sunday Package  
Bob's IGA Grocery Co., 5945 NE Antioch Road, Class C Package and Sunday Package

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  - a. Appointment of Council Liaison to Gladstone Economic Betterment Council (GEBC).
  - b. Other Board/Commission Appointments.
9. **APPROVAL OF BUILDING PERMIT** for 6,876 sq. ft. tenant finish at 727 NE 76th Street for Clay County Division of Youth Services offices. Applicant: Bowden Contracting, Co. (BP #970479)
10. **APPROVAL OF BUILDING PERMIT** for 25,380 sq. ft. medical building shell and site improvements at 101 NW Englewood Road for Humana Medical Center. Applicant: Triad Construction, Co., Inc. (BP # 960876)
11. **FIRST READING BILL NO. 97-45**, approving the "Final Plat of "Kingston Court Condominium Building 6", property at 7102/04/06 N. Kingston Court, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Gary Gabel. (File #1008)
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**

**MINUTES**  
**CITY COUNCIL MEETING**  
**GLADSTONE, MISSOURI**  
**REGULAR MEETING**

**MONDAY, JULY 14, 1997**

Mayor Pro Tem George Nodler called the Regular July 14, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

**ABSENT:** Mayor Roger Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Pro Tem George Nodler led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Special July 3, 1997 City Council Meeting Minutes.**

Councilman Art Hammen moved to approve the Special July 3, 1997 City Council Minutes as written; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

## CONSENT AGENDA DETAIL.

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-61**, authorizing the City Manager to accept the proposal of Motorola Communications and Electronics, Inc. for the purchase of ten portable radios, batteries and battery chargers for the Gladstone Public Safety Department. Contract Amount: \$17,581.00; General Fund; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-62**, authorizing the City Manager to accept a Bill of Sale from Aldi, Inc. and Harris Construction Company, Inc. conveying a storm sewer serving development at 7604 North Oak Trafficway to the City. (Construction of improvements entirely at developer's expense); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-63**, authorizing acceptance of work under contract with SK Design Group for design of 72nd Street & North Euclid intersection realignment and authorizing final payment. Grand total contract amount: \$17,750.00. Final payment due: \$7,430.00. Capital Improvements Sales Tax Fund. (Project #9604-Design); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-64**, authorizing Change Order No. 2 in the amount of \$16,710.00 to the 72nd Street reconstruction design contract with Burns & McDonnell and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund for such purpose. (Project #9417); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-65**, authorizing Change Order No. 7 in the amount of \$31,067.39 to the 1996 Street Maintenance Program Contract with Superior/Bowen Asphalt Company and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund for such purpose. (Project #9612); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-66**, authorizing execution of a contract with Federal Employees Credit Union and Garney Companies, Inc. for installation of water line and storm sewer serving development at 301 NW Englewood Road. (Installation entirely at developer's expense). (File #978/96038); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-67**, authorizing the City Manager to enter into a Cooperative Agreement for Pretreatment Program Sewer Services with the City of Kansas City, Missouri; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to approve the **MAY, 1997 FINANCIAL REPORTS**; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for: Total Petroleum, Inc., 5800 N. Oak, Class E Package License and Sunday Package; Tortilla Flats, 5716 NE Antioch Road, Class A 6 day Liquor by Drink License; Godfather's Pizza, 328 NE 72nd Street, Class A&B 7 day Liquor by Drink License; Golden Eagle II, Inc., 6502 N. Oak, Class A&B Liquor by Drink; Firehouse North, Inc., 6948 N. Oak, Class A 6 day Liquor by Drink; 21/21 Restaurant, 5941 NE Antioch Road, Class A 6 day Liquor by Drink; Bubbles Wine & Spirits, 7407 N. Oak, Class C Package and Sunday Package; King Super Store, 7020 N. Oak, Class C Package and Sunday Package; Bob's IGA Grocery Co., 6553 N. Oak, Class C Package and Sunday Package; and Bob's IGA Grocery Co., 5945 NE Antioch Road, Class C Package and Sunday Package; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**John Woody, 7201 N. Woodland**, stated he came for a twofold purpose, mainly concerning 72<sup>nd</sup> Street. He noted he has lived at this address for 26 years and has seen 72<sup>nd</sup> Street change from a two lane street to the present four lanes. He wanted to express his thanks and appreciation to the present City Council and the preceding City Council's; the City Manager and City staff for the way that the advancement and development along 72<sup>nd</sup> Street has been handled. All of his contacts with the City have been pleasant and always resulted in results that he has been happy with. In the past the City Council has made a number of advancements where 72<sup>nd</sup> Street has been concerned and, in his mind, the City Council has upheld the public trust by voting down such things as a gas station at the corner of Euclid and 72<sup>nd</sup> Street; high density apartment complexes; and the recent application for storage bins to be placed on 72<sup>nd</sup> Street. Mr. Woody wanted to express his appreciation to this Council, the City Manager and City staff, not only for this but for all past actions that have occurred.

Mr. Woody noted that his second item concerned his knowledge of 15 years which is how long the City Council has considered moving the corner of Euclid and 72<sup>nd</sup> Street and lining it up with Woodland. He has listened to discussions about making this change and the problems and expense of installing stop lights at those streets. He did not learn about the present change until ten days ago and comes before the Council tonight with a concern that is twofold concerning his property. His property is at 72<sup>nd</sup> Street and Woodland, which is the first property west of this change on the corner. He has secured a copy of the plans from Community Development and has had some discussions with City staff.

Mr. Woody stated he has two concerns regarding this street realignment. His first concern is the way the water drains off of that property. The water drains like an envelope or square with the corner being where the water drains down to. The water then comes across his property and down along a string of yew's that he has planted that border 72<sup>nd</sup> Street. The water has dug a ditch through his property where it drains. He would ask that some small berms be planted that would keep the water from draining off of that property and down through his property.

Mr. Woody noted that his second concern is the relocation of the sanitary sewer that goes through the property at the corner of Euclid and 72<sup>nd</sup> Street. The sanitary sewer presently runs through the middle of the property. It is being relocated so that it goes straight west until it come to the drainage ditch that runs behind his property, and all the properties along Woodland Avenue, then runs to the street or to another drain. His concern is that this sanitary sewer, which is being relocated by request of the property owner, will require clear cutting of all the brushes and trees that border the ditch that runs behind his property. He recognizes the fact that some of this is appropriate and necessary. He is pleading today to see if the City could make some small concessions so that some of those trees could remain.

Mr. Woody stated that he has talked with Leroy, from Industrial Excavating Company, who he understands has the contract to do the work on this project. It is his understanding from their conversation that there could be some adjustments made so the sanitary sewer could be placed according to the plans but retain some of the trees and brush that provide both support for the bank of the ditch as well as a sound barrier and other aesthetic aspects. Mr. Woody noted that Leroy had pointed out where it could be changed. Mr. Woody stated that he recognizes the fact that the plans and contracts are drawn, but he would like the Council to see if some adjustment could be made to the plans to keep some of the trees and vegetation that grow along the ditch. In the plans it looks to him like the sanitary sewer relocation would occur right along the bank which would then require the removal of all the trees and all the vegetation. He is hopeful that some adjustments could be made to accommodate both the aesthetics as well as the commitments that have been made to the property owners.

City Manager Jim Norris stated that the City does Change Orders all the time to accommodate field adjustments. He noted that Mr. Woody raised good issues in the past and raised a couple of good issues tonight. Staff will look at the plans and where the sanitary sewer is staked to be placed and then look at the length and breadth of the easement to see about locating the sanitary sewer as far east as possible. The sanitary sewer has to go into a sanitary sewer easement. Part of the agreement between the City and the property owner, who gave the property to the City in exchange for the sanitary sewer relocation, is that the sanitary sewer had to be located within the easement granted. The easement is "x" number of feet wide so staff will see if they can move this sanitary sewer further away from the trees and vegetation. Staff will also look at the berm issue and get back to Mr. Woody in a timely manner.



Mr. Woody stated he has always had a very cordial relationship with the City and the City has always been responsive.

City Manager Jim Norris noted that part of the problem with this project is that another person owns the property, not the City. If the owner of this property were to have come in and developed the property in advance of this project, they could have done whatever they pleased with that vegetation. Since the City now has control of this project, and an easement has been granted, if staff can work within that easement to move the sanitary sewer line over he believes the City is in good shape and can address Mr. Woody's request. If staff cannot work within that easement then the City is probably not in good shape to address Mr. Woody's request. Until staff can look at the property, the plans and evaluate it he is unable to answer Mr. Woody's questions; but staff will advise Mr. Woody when they have an answer.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom complimented the *"Will Rogers Follies" Theatre in the Park* performance. She felt it was one of the more entertaining shows that she had seen in a couple of years. The performance was well attended the night she was there and well-managed by the staff on site.

\* \* \*

Councilman Anita Newsom stated that she was to pass along kudos' from the Planning Commission members on the City's 4<sup>th</sup> of July Celebration in Oak Grove Park.

\* \* \*

Councilman Anita Newsom noted that she would be absent from the July 28<sup>th</sup> City Council. This will only be the second City Council Meeting she has missed in her tenure as a City Councilman.

Councilman Art Hammen stated he had a follow-up report to give to City Manager Jim Norris and staff. A month ago the Council had requested a letter go to the Real Estate Board concerning sign violations in the City of Gladstone. In a conversation he recently had with a broker, the broker had stated that at their regular brokerage meeting the Board had made copies of that letter for every broker and passed them out.

Mayor Pro Tem George Nodler welcomed Councilman Dave Fricke to his first business session of the Gladstone City Council.

\* \* \*

Mayor Pro Tem George Nodler asked City Manager Jim Norris for an update on Hamilton Heights Park.

City Manager Jim Norris noted that the Council had been provided with information in their weekly packet noting that the City had been notified that they would receive a Landmarks Grant from the Department of Natural Resources in excess of \$178,000. This grant will compliment the local funding. Once engineered the City will be able to go out to bid for all the improvements in Hamilton Heights Park at one time. It is staffs hope to have the consulting engineer recommendations to the Council at either their July 28<sup>th</sup> City Council Meeting or their August 11<sup>th</sup> City Council Meeting.

Councilman Anita Newsom asked if the City would be notifying the Hamilton Heights residents and giving them an approximate timeline on this project?

City Manager Jim Norris answered that once the City retains the consultant, staff will notify Hamilton Heights resident Joe Parnacott and have him put in his Hamilton Heights Newsletter that a consultant has been retained and the City received the grant. The City will refrain from giving out any timelines until staff has had numerous meeting with the consultant and things are more ironed out. The pond itself is going to be a fairly labor intensive job and staff does not want to lay out timelines that are inappropriate.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris noted that he had three items for the Council this evening.

**Item 8a. on the Agenda. Appointment of Council Liaison to Gladstone Economic Betterment Council (GEBC).**

Items 8a. and 8b. are not requesting specific appointments tonight, but they are there to help remind the Council of issues that they need to address. With former Mayor and Councilman Bill Reynolds' leaving, the Council's appointment to the Gladstone Economic Betterment Council (GEBC) is now vacant. Bill Reynolds served on GEBC during his tenure and served as a voting member on the GEBC Board. At one point in time Mayor Roger Norris did express interest in this appointment, but that was three or four years ago. GEBC's Annual Meeting comes up Friday, July 18<sup>th</sup>. It is up to the Council if they want to venture forward on this appointment tonight without Mayor Roger Norris present.

**Item 8b. on the Agenda. Other Board/Commission Appointments.**

City Manager Jim Norris stated that at this point in time the Council had four Board and Commission appointments open. One vacancy is on the Capital Improvements Committee; one is on the Recycling and Solid Waste Committee; one is on the Board of Zoning Adjustment to replace Councilman Dave Fricke's vacancy; and the last is a vacancy for the University Extension position. The Council may also want to consider rotation of Council Liaison's to the various Boards and Commissions. City Manager Jim Norris noted that it was his thought to have these items on the Agenda tonight to advise

the Council of these vacancies and then have the Council contact the Mayor on these various matters so that appointments could be made as soon as possible.

**Item 8c. on the Agenda. RESOLUTION R-97-68**, authorizing the City Manager of the City of Gladstone, Missouri to enter into a Cooperative Agreement with the City of Kansas City, Missouri for resurfacing of Pleasant Valley Road.

City Manager Jim Norris noted that Council had this Resolution at their places tonight. This Resolution authorizes a Cooperative Agreement between Kansas City, Missouri and Gladstone for the resurfacing of Pleasant Valley Road. Staff has worked out that Kansas City will pay for 50% of the cost of this work since roughly 50% of the work is being done in Kansas City. The contract has been awarded and this is the vehicle which gets Gladstone back 50% of the cost. The Agreement is in order, has been reviewed by the City Counselor and has already been signed by Kansas City. It is his recommendation that the Council authorize Resolution R-97-68.

Councilman Art Hammen moved to approve **Resolution R-97-68** authorizing the City Manager of the City of Gladstone Missouri to enter into a Cooperative Agreement with the City of Kansas City, Missouri for resurfacing of Pleasant Valley Road; Councilman Anita Newsom seconded.

Discussion:

Councilman Anita Newsom asked, this doesn't include any re-engineering or redesign of Pleasant Valley Road, just resurfacing?

City Manager Jim Norris answered that is correct. This Cooperative Agreement deals only with the maintenance of Pleasant Valley Road. The City is not looking at rebuilding Pleasant Valley Road with this Agreement.

Councilman Anita Newsom asked if there were any plans to have white lines placed on both sides of Pleasant Valley Road? It is very dark along this road at night.

City Manager Jim Norris answered that this year the City does have pavement striping as part of the City's overlay program. He will need to find out what this Agreement calls for and answer Councilman Anita Newsom later.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for 6,876 square foot tenant finish at 727 NE 76th Street for Clay County Division of Youth Services offices. Applicant: Bowden Contracting, Co. (BP #970479)

Councilman Anita Newsom moved to approve the Building Permit for a 6,876 square foot tenant finish at 727 NE 76<sup>th</sup> Street for the Clay County Division of Youth Services offices; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris stated this Building Permit is for a tenant finish and everything is in order.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 10. on the Agenda.** APPROVAL OF BUILDING PERMIT for 25,380 square foot medical building shell and site improvements at 101 NW Englewood Road for Humana Medical Center. Applicant: Triad Construction, Co., Inc. (BP #960876)

Councilman Art Hammen moved to approve a Building Permit for a 25,380 square foot medical building shell and site improvements at 101 NW Englewood Road for Humana Medical Center; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris stated that Council had already approved the building permit for the exterior shell of this building. This Building Permit is for construction of the interior features inside the building such as mechanical, plumbing, electrical, etc..

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 11. on the Agenda.** FIRST READING BILL NO. 97-45, approving the "Final Plat of "Kingston Court Condominium Building 6", property at 7102/04/06 North Kingston Court, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Gary Gabel. (File #1008)

Councilman Art Hammen moved to place **Bill No. 97-45** on First Reading subject to Staff Recommendations; Councilman Anita Newsom seconded.

Discussion:

Councilman Anita Newsom asked if everything was in order?

City Manager Jim Norris answered yes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-45**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0) The Clerk read the Bill.

Councilman Ari Hammen moved to accept the Second and Final Reading of **Bill No. 97-45** and enact it as Ordinance No. 3.615; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0).

**Item 12. on the Agenda. Other Business.**

None.

**Item 13. on the Agenda. Questions from the News Media.**

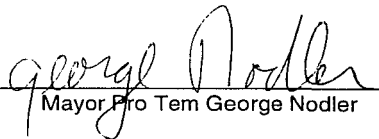
None.

There being no further business to come before the regular July 14, 1997 City Council Meeting, Mayor Pro Tem George Nodler adjourned the regular meeting at 7:56 pm.

Respectfully submitted:

  
\_\_\_\_\_  
Marilyn F. Ahnefeld, City Clerk

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

  
\_\_\_\_\_  
Mayor Pro Tem George Nodler

MFA/sak

**GLADSTONE, MISSOURI**

**MONDAY, JULY 28, 1997**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption Section 610-021(1) for Litigation Discussion, 610-021(2) for Land Acquisition, and Section 610-021(3) for Personnel Discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular July 14, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-69**, authorizing the City Manager to execute a contract with Interchange Technologies, Inc. for the purchase of computer hardware, computer software and Certified Novell Engineer Services. Amount Not to Exceed: \$121,312.00. Fund: General Fund.

**RESOLUTION R-97-70**, authorizing the City Manager to accept the proposal of EnTrust Energy Solutions, Inc. for installation of interior lighting in City Hall, the Water Treatment Plant, and the Municipal Pool located in the City of Gladstone. Project #9720. Total Cost: \$35,137.73. Fund: General Fund, utilizing proceeds from the Certificates of Participation, Series 1997; Combined Waterworks and Sewerage System Fund; and the Municipal Swimming Pool Fund.

**RESOLUTION R-97-71**, authorizing the City Manager to accept the proposal of Shafer, Kline & Warren, Inc. for construction design services for the development of Hamilton Heights Park. Project #9608. Total Amount Not to Exceed: \$33,800.00. Fund: Capital Improvements Sales Tax Fund.

**RESOLUTION R-97-72**, authorizing Change Order No. 1 to the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture Units in Gladstone City Hall. Project #9505. Amount: \$20,360.00. Fund: General Fund, utilizing proceeds from the Certificates of Participation, Series 1997.

**RESOLUTION R-97-73**, authorizing the City Manager to accept the proposal of Industrial Roofing, Inc. of Lee's Summit, Missouri, for the roof replacement at City Hall and the Water Treatment Plant located in the City of Gladstone. Project #9721. Total Amount: \$114,697.00. Funding: \$68,816.00 from the General Fund, utilizing proceeds from the Certificates of Participation, Series 1997; and \$45,881.00 from the Combined Waterworks and Sewerage System Fund.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Uncle Nebo's, 7102 North Oak, Class A 6 day Liquor by Drink License

Hy-Vee Food & Drug, 7117 North Prospect, Class C Package and Sunday License Dominic's Pizza, 6300 North Oak, Class A 6 day Liquor by Drink License

**REGULAR AGENDA**

6. **Communications from the Audience.**

**7. Communications from the City Council.**

**7a. Board/Commission Appointments.**

<u>Committee</u>	<u>New Appointment</u>	<u>Term Expires</u>
Capital Improvements Committee	Dan Bishop	12-97
Solid Waste and Recycling	Ms. N. L. Schwartzbauer	12-99
Board of Zoning Adjustment	Dick Davis	6-99
Clay County University Extension	Dr. Bill Cross	3-99

**7b. Council Liaison Appointment.**

Councilman Dave Fricke appointment as Council Liaison to Capital Improvements Committee and the Board of Zoning Adjustment.

**8. Communications from the City Manager.**

**8a. Motion to Upgrade Management Services Part-Time Office Support Specialist position to a Full-Time Accounting Clerk position.**

**8b. Motion to Endorse the 1997/98 Economic Development Plan.**

**9. PUBLIC HEARING:** on a request to rezone from R-1 (single family district) to RP-1 (single family district-planned), property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

**9a. FIRST READING BILL NO. 97-46,** on a request to rezone property from R-1 (single family district) to RP-1 (single family district-planned), property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

**9b. FIRST READING BILL NO. 97-47,** approving a site plan in conjunction with rezoning of property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

**9c. FIRST READING BILL NO. 97-48,** on a request to approve the Final Plat of "The Oaks Second Plat", property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

**10. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development L.L.C. Owner: Credit Suisse 92A, L.P. (File #1011) **(AUDIENCE NOTE: AT THE REQUEST OF THE APPLICANT, THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY TABLED TO THE AUGUST 11, 1997 CITY COUNCIL MEETING.)**

**11. FIRST READING BILL NO. 97-49,** accepting Temporary Construction Easements and Quit Claim Deeds from property owners in conjunction with the Old Pike Road Reconstruction from 50<sup>th</sup> Street to Vivion Road, in conjunction with the Home Depot Construction Project.

**12. FIRST READING BILL NO. 97-50,** amending Schedules V of the Model Traffic Code (Gladstone Municipal Code Section 18-12) to establish additional "No Parking" zone at all times on **N. Holmes, West Side Only**, from NE 70<sup>th</sup> Street northerly a distance of 90 feet.

**13. FIRST READING BILL NO. 97-51,** amending Chapters 13, 27 and 29 of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 33 relating to the development of land within the City and designated as the "Land and Development Ordinance (LADO)" of the City of Gladstone, Missouri.

**14. Other Business.**

**15. Questions from the News Media.**

**16. Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JULY 28, 1997**

Mayor Roger Norris called the Regular July 28, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

**ABSENT:** Councilman Anita Newsom

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular July 14, 1997 City Council Meeting Minutes.**

Mayor Pro Tem George Nodler moved to approve the regular July 14, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)



## CONSENT AGENDA DETAIL.

Councilman Art Hammen moved to adopt **RESOLUTION R-97-69**, authorizing the City Manager to execute a contract with Interchange Technologies, Inc. for the purchase of computer hardware, computer software and Certified Novell Engineer Services. Amount Not to Exceed: \$121,312.00. Fund: General Fund; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-70**, authorizing the City Manager to accept the proposal of EnTrust Energy Solutions, Inc. for installation of interior lighting in City Hall, the Water Treatment Plant, and the Municipal Pool located in the City of Gladstone. Project #9720. Total Cost: \$35,137.73. Fund: General Fund, utilizing proceeds from the Certificates of Participation, Series 1997; Combined Waterworks and Sewerage System Fund; and the Municipal Swimming Pool Fund; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-71**, authorizing the City Manager to accept the proposal of Shafer, Kline & Warren, Inc. for construction design services for the development of Hamilton Heights Park. Project #9608. Total Amount Not to Exceed: \$33,800.00. Fund: Capital Improvements Sales Tax Fund; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-72**, authorizing Change Order No. 1 to the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture Units in Gladstone City Hall. Project #9505. Amount: \$20,360.00. Fund: General Fund, utilizing proceeds from the Certificates of Participation, Series 1997; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-73**, authorizing the City Manager to accept the proposal of Industrial Roofing, Inc. of Lee's Summit, Missouri, for the roof replacement at City Hall and the Water Treatment Plant located in the City of Gladstone. Project #9721. Total Amount: \$114,697.00. Funding: \$68,816.00 from the General Fund, utilizing proceeds from the Certificates of Participation, Series 1997; and \$45,881.00 from the Combined Waterworks and Sewerage System Fund; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

Councilman Art Hammen moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for: Uncle Nebo's, 7102 North Oak, Class A 6 day Liquor by Drink License; Hy-Vee Food & Drug License, 7117 North Prospect, Class C Package and Sunday License; and Dominic's Pizza, 6300 North Oak, Class A 6 day Liquor by Drink License; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Art Hammen asked staff what the timeline was for the realignment of North Euclid and Woodland?

City Manager Jim Norris answered that there are 60 working days in the contract. Staff's estimate on completion is somewhere around the middle of September if there are no rain delays. He noted Council should have seen that staff had responded to Mr. Woody's concerns that he raised at the last City Council Meeting. Staff talked with the contractor and was able to move the sanitary sewer line over a bit within the easement that the City had been given on the Peterson property so a few more trees can be saved.

### **Item 7a. on the Agenda. Board & Commission Appointments.**

Mayor Pro Tem George Nodler moved to approve the Mayor's nominees for Board & Commission appointments as follows: Capital Improvements Committee, Dan Bishop, Term Expires 12-97; Solid Waste and Recycling, Ms. N. L. Schwartzbauer, Term Expires 12-99; Board of Zoning Adjustment, Dick Davis, Term Expires 6-99; and Clay County University Extension Council, Dr. Bill Cross, Term Expires 3-99; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

### **Item 7b. on the Agenda. Council Liaison Appointment.**

Mayor Roger Norris requested a motion to appoint Councilman Dave Fricke as Council Liaison to the Capital Improvements Committee and to the Board of Zoning Adjustment. Councilman Art Hammen so moved; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

### **Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris advised Council that last Saturday, July 26<sup>th</sup>, the Capital Improvements Committee held their annual summer tour. While the temperature was approaching the 97 degree mark, and the heat index was well between 105 and 110 degrees, this Committee walked the entire Claymont Creek and several other creeks in the City, and spent several hours looking at potential issues that need to be addressed through Capital Improvements. It was the ultimate in dedication from volunteer people. Council needs to be aware this was very well received by the residents who actually saw the Committee out looking at the issues that they had brought to the Committee's attention.

**Item 8a. on the Agenda. Motion to Upgrade Management Services Part-Time Office Support Specialist position to a Full-Time Accounting Clerk position.**

City Manager Jim Norris noted that Item 8a. is a request to upgrade what is an existing part-time position to a full-time position. Council was provided a rather lengthy memorandum in their packet explaining the upgrade request. Previously the City's ambulance billing was done contractually. The company that has been doing the billing has undergone some changes and lost some personnel. It is staffs opinion that the quality of their billing has suffered to the extent that staff has actually stopped sending ambulance runs to them for billing. We have entered into a temporary contract with a new service with one of the employees who left the previous billing service, but staff does not feel that this is a long term solution.

Staff feels they have the opportunity to bring that service back in house now because of the automation and upgrading of technology that has been done between Station II and City Hall. The ambulance software that the City is using automatically produces the ambulance report and can also automatically produce a bill for that service. With the funds that are in this year's budget, and the realignment of some of those funds. The City will not spend anymore money than is already within the budget to do this billing in-house. Staff's hope is that through the technology upgrades that are occurring and some retirements that are in the offing in that department, staff can see a workload redistribution. Within a year and a-half, or two years from now, a similar position may potentially be reduced in scope.

City Manager Jim Norris explained that as part of the City's technology upgrade, at some point-in-time, staff will be buying hand held meter reading devices. The Council has seen demonstrations on those before. Right now the City's meters are being read contractually which is a very economical service. If that same contractual meter reading company would read the meters, enter the data into the hand held computers and then download them, the City could save six days of just data entry each billing cycle. Right now individual books are brought in with each residential address in it and the information is hand keypunched. Through technological improvements, staff is aware that some time can be gained and with an employee retiring within the next year or so staff believes thinks this will be a zero sum equation for the City. By making this a full-time position, it can help staff deal with the problem of the City's ambulance billing right now. Obviously a person who can handle ambulance billing is also a person who can help employees with their employee benefit issues and insurance. Therefore he is requesting a motion from the Council to upgrade the Part-Time Office Support Specialist position to a Full-Time Accounting Clerk position during the fiscal year 1997-1998 budget.

Councilman Art Hammen moved to upgrade the Management Services Part-Time Office Support Specialist position to a Full-Time Accounting Clerk position; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris asked City Manager Jim Norris if he felt the City could take the entire contractual agreement that another company is doing and cover it with a full-time position?

City Manager Jim Norris answered, yes. The City has done this billing before. When he first arrived in Gladstone, the City was doing the ambulance billing internally with a part-time position. A problem occurred when that person did not understand insurance and ambulance billings. There are some special intricacies when one is billing the Federal Insurance Programs such as Medicare and Medicaid. Staff knows that it is possible to hire people with this type of background and do the ambulance billing in-house.

Mayor Roger Norris asked if staff had someone in mind or is this someone staff will have to go out and look for?

City Manager Jim Norris replied that there are people who have already applied for the Support Specialist position that have these types of capabilities. Only through looking at the resumes and talking to these people did the light bulb go on that maybe the City would have the opportunity to do something that may actually save the City money. Part of not billing contractually would be that the money would be returned much faster to the City. Obviously the money could then be put into the City's revenue stream much faster which would allow the City to invest it much faster so the City would be more liquid, thus having more interest income, which would also help offset the position costs.

Councilman Art Hammen asked City Manager Jim Norris if he would expect increased revenues as a result of fewer errors or problems by having this billing done in-house?

City Manager Jim Norris answered that he believes staff would have a more satisfied clientele who would get their bill on a more regular basis. The City has had billing delays from the current past contractual provider of as much as two months to 75 days. When one is dealing with insurance companies you want to get your bill for that person's ambulance ride or medical procedure in front of their insurance company at or around the same time they are getting their bills from the hospital or from wherever else the person needed medical service. That has been part of the City's problem in the past. He does not think the City will get more money than they have gotten in the past, because most insurance companies only pay "x" amount for ambulance calls, but he does think that the City will be getting the payment on a more timely basis and therefore have the money in hand sooner and have more liquidity.

Mayor Roger Norris asked City Manager Jim Norris if at any time in the near future he foresees any change in the way that things are handled with Gladstone residents?

City Manager Jim Norris replied he saw no changes in the near future. All Gladstone residents still get bills if they have insurance, but it is not an out-of-pocket expense for the residents. The positive change is that the resident's insurance company will get the City's ambulance bill about the same time they receive the hospital bills and be able to

see the coordination between the two billings, versus having the City's ambulance bill come 60 to 75 days after the incident from an outside billing source.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

**Item 8b. on the Agenda. Motion to Endorse the 1997/98 Economic Development Plan.**

City Manager Jim Norris requested a motion by the Council to endorse the 1997/98 Economic Development Plan as presented this evening in Open Study Session by Chamber President and GEBC Executive Director, Jana Miller.

Mayor Pro Tem George Nodler moved to endorse the 1997/98 Economic Development Plan; Councilman Dave Fricke seconded.

**Discussion:**

Mayor Roger Norris stated that he feels that the Gladstone Area Chamber of Commerce has been doing an outstanding job. The Chamber is running nice and quiet and he loves that. He is glad that Jana Miller is happy and smiling.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

**Item 9. on the Agenda. PUBLIC HEARING:** on a request to rezone from R-1 (single family district) to RP-1 (single family district-planned), property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Dan Weiskirch, 111 N. Main, Independence, Missouri** representing the applicant Intra-State Development Company. He noted that they would like the Council's consideration of this rezoning to allow them to slightly modify front, rear and side yard setbacks in the next phase of The Oaks subdivision. Council may be aware that with the First Plat they had encountered some difficulty with lot depths due to a market that they had not anticipated. It seems that the usual 50' deep building envelope needed to be expanded to include decks which have become very popular. The lots in The Oaks are particularly well suited for decks in that the properties fall to the rear into primarily open wooded spaces so people desire to extend their outdoor living space accordingly. The developer has had some difficulty with the site as it is rugged terrain and there is a dual municipality condition between Gladstone and Kansas City, Missouri, that dictated the placement of some of the streets and therefore rather restricted, though not severely, the lot depths. The developer has also had some envelope conditions to work

with that have been rather awkward. The primary reason the Developer is asking the Council to consider this rezoning request is a matter of logic as there are basically two separate neighborhoods being developed.

Mr. Weiskirch showed a map to the Council and pointed out the Washington Street corridor. The yellow lined area has already been platted and is partly developed. The plat that the City Council is being asked to rezone tonight is the cross-hatched area on the map. The companion piece to this neighborhood would be The Oaks Third Plat in the Kansas City area that has recently been approved by the Kansas City Planning Commission. Council will notice that there is a substantial open area between these two neighborhoods. Kansas City lots will be directly across the street from the Gladstone lots in question. Kansas City's front, rear and side yard requirements are what the Developer would like to apply to the Gladstone side for continuity and to expand the building envelope slightly to avert some of the problems that have been encountered so far in this development. Mr. Weiskirch stated he would be glad to answer any questions the Council might have.

Councilman Art Hammen asked if this rezoning was approved tonight would that mean there would be no more trips to the Board of Zoning Adjustment?

Mr. Weiskirch answered, yes. He noted that the Developer would appreciate that and he is sure that Council and staff also would.

Councilman Dave Fricke asked Mr. Weiskirch, what would change in terms of the planned zoning?

Mr. Weiskirch replied the front yard setbacks would change from 35 feet to 30 feet so the house would be five feet closer to the street. The rear yard setback instead of being 35 feet would be 30 feet in which case the house could be built five feet closer to the rear setback or to the rear property line. In the case of the side yards, instead of the houses being a minimum of 18 feet apart they might be as close as 16 feet apart. However, insurance services standards for fire protection do not change.

Mayor Roger Norris asked if these setbacks are exactly the same as across the street in the Kansas City area?

Mr. Weiskirch answered these would be the same setback requirements as in Kansas City.

Councilman Dave Fricke asked if they were compatible with the neighbors across the street?

Mr. Weiskirch replied that is correct.

**In Favor:**

None.

**Opposed:**

None.

**City Staff:**

Scott Wingerson, Director of Community Development, stated that in the Council's packet was a history of the Phase One actions that have occurred at the City Council level and at the BZA level. What results tonight is the appropriate use of a planned district. In the City of Gladstone planned districts are used in a variety of ways. From a theoretical perspective this is the application for a planned district to insure compatibility and livable neighborhoods. The Planning Commission voted unanimously in favor of this request and if Council has any questions he would be happy to answer them.

Mayor Roger Norris asked Director Wingerson how this would affect people that would be living in Gladstone houses that were outlined in yellow on the map? Will it look any different to them?

Director Scott Wingerson replied, that most of the houses that are in the First Phase of the development back up to a large common area that is a drainage easement and which also has various utilities located in it. The area is almost a preserved wooded area. The houses will encroach 5 feet closer back on the lots but there is a significant buffer in-between a majority of the 27 lots discussed.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL NO. 97-46**, on a request to rezone property from R-1 (single family district) to RP-1 (single family district-planned), property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

Councilman Art Hammen moved to place **Bill No. 97-46** on First Reading; Mayor Pro Tem George Nodler seconded.

**Discussion:**

Mayor Roger Norris noted that the Council is not doing anything unusual here. The City has several RP zones with 30 foot setbacks in the front and rear yards. In Carriage Crossing the City has some front yard setbacks at 25 feet.

City Manager Jim Norris added that parts of Brooktree have the same side yard and rear yard variances. In this instance, as Director Wingerson stated, the use of the "P" is used exactly as it was anticipated it would be used. The Council is matching what is being done across the street in Kansas City. Council will recall having dealt with the issue of not having separate water mains running down the same street in this subdivision. This is just part of the ongoing manifestations of dealing with a subdivision

that is ultimately going to straddle two City Limits. All of these things work to benefit the people who will ultimately occupy the houses.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-46**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-46** and enact it as Ordinance No. 3.616; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 9b. on the Agenda. FIRST READING BILL NO. 97-47**, approving a site plan in conjunction with rezoning of property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-47** on First Reading; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris stated that in this instance the Site Plan approval has to go with the "P" zoning, but in essence is exactly the same as item 9c. on the Agenda which is the Final Plat. In order to make sure the City has a Site Plan that goes with the "P" zoning the Council has to do all three actions shown as 9a., 9b., and 9c. on the Agenda.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-47**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-47** and enact it as Ordinance No. 3.617; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 9c. on the Agenda. FIRST READING BILL NO. 97-48**, on a request to approve the Final Plat of "The Oaks Second Plat", property west of the 5000-5100 blocks of North Washington Street. Applicant/Owner: Intra-State Development Company. (File #1009)



Mayor Pro Tem George Nodler moved to place **Bill No. 97-48** on First Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-48**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-48** and enact it as Ordinance No. 3.618; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 10. on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development L.L.C. Owner: Credit Suisse 92A, L.P. (File #1011) **(AUDIENCE NOTE: AT THE REQUEST OF THE APPLICANT, THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY TABLED TO THE AUGUST 11, 1997 CITY COUNCIL MEETING.)**

Mayor Roger Norris opened the Public Hearing and noted that the applicant had asked that this item be tabled to the August 11, 1997 City Council Meeting.

City Manager Jim Norris stated that the applicant called today and, due to their problems of getting the plans together, now ask to have this Public Hearing continued until the August 25, 1997 City Council Meeting and to change their Planning Commission Public Hearing date to August 18, 1997. Staff will renotify the public of these changes.

Mayor Roger Norris continued this Public Hearing to the August 25, 1997 City Council Meeting.

**Item 11. on the Agenda. FIRST READING BILL NO. 97-49**, accepting Temporary Construction Easements and Quit Claim Deeds from property owners in conjunction with the Old Pike Road Reconstruction from 50<sup>th</sup> Street to Vivion Road, in conjunction with the Home Depot Construction Project.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-49** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied they are in order and staff is still working on obtaining the rest of the needed conveyances.

Mayor Roger Norris asked how many more staff needs to obtain?

City Manager Jim Norris answered four more for the part of the road that is just north of the Home Depot site.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-49**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-49** and enact it as Ordinance No. 3.619; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL NO. 97-50**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12) to establish additional "No Parking" zone at all times on **North Holmes, West Side Only**, from NE 70<sup>th</sup> Street northerly a distance of 90 feet.

Councilman Art Hammen moved to place **Bill No. 97-50** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Councilman Art Hammen asked City Manager Jim Norris why the City is doing this?

City Manager Jim Norris answered, because people who want to utilize the City's municipal pool are parking in front of the public mailbox in front of City Hall, blocking people's access to the mailbox and blocking the Post Service from coming in and retrieving the mail out of the mailbox. The "No Parking" zone is the area from the corner up to an area in front of the mailbox that would be considered a driving lane for people to drop off mail.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-50**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-50** and enact it as Ordinance No. 3.620; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 13. on the Agenda. FIRST READING BILL NO. 97-51**, amending Chapters 13, 27 and 29 of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 33 relating to the development of land within the City and designated as the "Land and Development Ordinance (LADO)" of the City of Gladstone, Missouri.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-51** on First Reading; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris noted that since the Council's previous Study Session on this item, staff has made one further refinement beyond the elimination of a sentence he spoke about during tonight's Open Study Session. He asked Director of Community Development, Scott Wingerson, to talk to the Council about the additional change.

Director Scott Wingerson stated that the change is more a point of clarification. Two weeks ago at the Open Study Session he had spoken to the Council about Developers Agreements and Contracts that staff uses during the development process. The process requires the developer to install water mains in accordance with City specifications and to then provide a Bill of Sale to convey those public water mains, sewer mains, storm sewers, and streets to the City for maintenance. Two weeks ago he had stated that at the beginning of the process during a Site Plan Review, Plat Review, or any of those types of Public Hearings staff would substitute a Developer's Agreement in place of a Contract. What he should have said is that staff would like to alleviate the need for a third party contract in anyway, shape or form. Staff still requires a Performance Bond which is a guarantee to perform the work and Maintenance Bonds which is a warranty to the City which insures that the improvements last a period of time until the City of Gladstone is actually responsible for those improvements. The Contract itself does not provide any additional protection beyond financial security and often shows up in front of the Council. Every time there are public improvements installed there is a Contract that the Council looks at, reviews, considers and then votes on. Staff would like to not do Contracts anymore as they do not provide the City any protection. Contracts are burdensome on the staff, from an administrative perspective, because to complete the Contracts staff must ensure that the proper signatures of the representatives of corporations are on those documents. Contracts don't provide the protection that it was thought they would years ago when the Contract process was instituted. Staff has removed the Contract language from the ordinance in front of the Council tonight.

Director Wingerson noted there is also a sentence that was not caught in the final draft that also needs to be changed.

City Manager Jim Norris explained that on page 28 under Section 33.600.010, the very last two sentences read, "A form of Contract similar to that used heretofore shall be prepared by the City Manager for transmission to the City Council. Such form of

Contract shall include any modifications prescribed by this article." If the City is not going to use Contracts obviously staff does not have to prepare a form.

City Manager Jim Norris stated that he would like to elaborate on what Director Wingerson had stated. When he first came to the City 8½ years ago, he asked a question about why the City was doing these types of water main and sewer main Contracts. He was told because that was the way it had always been done. That is an answer that he knows the Council likes the least and he likes even less. If the City has the financial security in the form of a Bond, and staff has to check to make sure that the bonding companies are licensed to do business in the State of Missouri, and the City has this same assurity in the terms of a Maintenance Bond coming before the Council, it makes little if any sense to have the City add its name to a Contract where the City is a third party and not even the performing party or the paying party. Years ago it was more a formality. Plats are approved by the Council as well as Site Plans. Streets have to go in a certain way and through the adoption of the subdivision regulations, which is LADO, those protections are all in place. The past use of Contracts really didn't do anything more for the City except take up more of the developer's time, their attorney's time, the City's time and the Council's time. The City had no additional protection at all. The City Counselor can elaborate further if the Council desires.

City Counselor, Nancy Thompson, added that when she came to the City four years ago she asked City Manager Jim Norris why the City was using Contracts and the response came back from everyone involved that it was because that is the way the City had always been doing it. That is not necessarily a battle to fight, but now that the City is in the process of redoing the Land Development Ordinance she feels it is the perfect time to get rid of that cumbersome step a developer had to jump through when it does not provide the City with any additional protection. Eliminating Contracts does not do away with the City's ability to enter into Development Agreements with developers, which occur on a regular basis, when it comes to public improvements and requirements of developers, which are outside of the regular City Code requirements or which may be a separate agreement with a developer where the City is trying to clarify the rights and responsibilities of a developer, with respect to the project and the rights and responsibilities of the City. Council will continue to see Developer's Agreements on a regular basis. This will only eliminate the three party contract that Council sees that has to do with placement of a water line that comes through to the City Council on a project which is a standard code requirement. All City Code requirements will continue to be in place for the protection of the City. Ms. Thompson stated that she thinks this a really good thing.

Mayor Roger Norris asked if this keeps the City out of the loop? If the City's name is on a Contract isn't the City somehow liable even though the City is not doing any of the building or any of the planning.

Nancy Thompson, City Counselor, explained that the contracts are written in such a way to protect the City as to not be liable, but it really doesn't give the City any additional protection or authority. There is some question as to whether or not the fact that the City had some privity of contract and had a direct contractual relationship, the

City might have greater rights than if they did not. The fact of the matter is, if the bonds are in place and in existence that is the City's greatest protection. The City has the ability as the owner of the property and where the City is named as an obligee on the bonds, that the City may collect on the bonds on a public project. That is the City's greatest protection. That is probably where the City would go to seek enforcement. The City is not going to seek enforcement through a third party contract; the City is going to seek enforcement through a bond.

City Manager Jim Norris stated that once when the City had a contractor who was failing to perform, he even went so far as to ask the previous City Counselor, since he had signed a Contract for the City, if the City had the ability to go in and direct the operations of a contractor since the developer was failing? The Contract was so limited that the City did not have that ability. The leverage that the City has always had under those Contracts is the assurity which is the bond. The contract did nothing. It was only an acknowledgment and had an awareness purpose. The entire section dealing with the Contract issue has been eliminated and staff asks that the other two sentences he read from page 28 also be eliminated as part of the motion makers motion and if the seconder would also agree.

Mayor Roger Norris asked if that was part of Mayor Pro Tem George Nodler's motion?

Mayor Pro Tem George Nodler stated yes.

Mayor Roger Norris asked Councilman Art Hammen if the second concurs?

Councilman Art Hammen stated yes.

The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Amended Bill No. 97-51**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Amended Bill No. 97-51** and enact it as Ordinance No. 3.621; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0).

**Item 14. on the Agenda. Other Business.**

Mayor Roger Norris asked about the "*No Solicitors*" signs that were in Council's packet last week.

City Manager Jim Norris explained that Press Releases were out on the "*No Solicitors*" signage and that he spoken with the *Kansas City Star* today about Gladstone's new Solicitation Ordinance. The signs at each of the Council places are for Council's use at their residence and to give out to their neighbors if they desire.

**Item 15. on the Agenda. Questions from the News Media.**


None.

Councilman Art Hammen made a motion to move to Closed Executive Session for Litigation Discussion, Land Acquisition Discussion, and Personnel Discussion; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Nodler, Norris. (4-0)

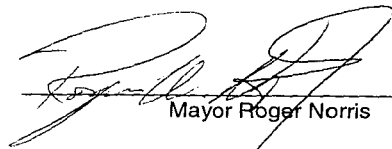
\* \* \* \*

There being no further business to come before the regular July 28, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:17 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Roger Norris

MFA/sak

**GLADSTONE, MISSOURI  
MONDAY, AUGUST 11, 1997**

**Closed Executive Session: 7:15 PM  
pursuant to Section 610-021(1) for Privileged Communications  
and 610-021(2) for Real Estate Acquisition Discussion**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular July 28, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-74**, authorizing the City Manager to execute an Agreement for Depository and Banking Services for the City of Gladstone, Missouri.

**RESOLUTION R-97-75**, authorizing acceptance of certain streets for city maintenance constructed to serve **The Oaks Revised 1st Plat.** (NW 53rd, NW 51st, N Pennsylvania, N Washington).

**RESOLUTION R-97-76**, authorizing acceptance of work under contract with Miles Excavating for the North Troost 1994 Water Main Replacement Program and authorizing final payment. (Project 9413-E) Grand Total Contract: \$212,534.09; Final Payment Due: \$29,882.16. Water Bond Fund

**RESOLUTION R-97-77**, a resolution authorizing the City Manager to execute an Intergovernmental Agreement with Kansas City, Missouri to provide limited retail water service to certain lots located in **The Oaks 2nd Plat.**

**RESOLUTION R-97-78**, accepting a proposal from Independent Salt Company for purchase of snow removal salt on an as needed basis: (\$21.09/ton (7 day delivery); \$23.33/ton (24 hr delivery); \$20.00/ton (City pick up at local facility). Fund: General

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE #3.622**

9. **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development L.L.C. Owner: Credit Suisse 92A, L.P. (File #1011) **(AUDIENCE NOTE: AT THE REQUEST OF THE APPLICANT, THIS PUBLIC HEARING WAS OPENED AT THE JULY 28, 1997 CITY COUNCIL MEETING AND IMMEDIATELY CONTINUED TO THE MONDAY, AUGUST 25, 1997 CITY COUNCIL MEETING).**
10. **PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2, zone on property at 6724 N Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai (File #1010). **(AUDIENCE NOTE: AT THE REQUEST OF THE APPLICANT, THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE AUGUST 25, 1997 CITY COUNCIL MEETING).**
11. **FIRST READING BILL NO. 97-52,** accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 72nd Street Widening Project. (Project #9417)
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 11, 1997

Mayor Roger Norris called the Regular August 11, 1997 City Council Meeting to order in the City Council Chambers at 7:35 PM.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
Acting City Manager Laura Gay  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular July 28, 1997 City Council Meeting Minutes.

Councilman Art Hammen moved to approve the regular July 28, 1997 City Council Minutes as submitted; Mayor Pro Tem George Nodler seconded. The vote: "aye" - Fricke, Hammen, Nodler, Norris. Having been absent from the July 28, 1997 meeting, Councilman Anita Newsom "abstained". (4-0-1)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### CONSENT AGENDA DETAIL.

Councilman Art Hammen moved to adopt **RESOLUTION R-97-74**, authorizing an Agreement for Depository and Banking Services for the City of Gladstone with Commerce Bank. Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-75**, authorizing acceptance of certain streets for city maintenance constructed to serve **The Oaks Revised 1st Plat.** (NW 53rd, NW 51st, N Pennsylvania, N Washington). Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

**MONDAY, AUGUST 11, 1997**

Mayor Roger Norris called the Regular August 11, 1997 City Council Meeting to order in the City Council Chambers at 7:35 PM.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

Acting City Manager Laura Gay  
City Clerk Marilyn Ahnefeld  
City Counselor Nancy Thompson

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular July 28, 1997 City Council Meeting Minutes.**

Councilman Art Hammen moved to approve the regular July 28, 1997 City Council Minutes as submitted; Mayor Pro Tem George Nodler seconded. The vote: "aye" - Fricke, Hammen, Nodler, Norris. Having been absent from the July 28, 1997 meeting, Councilman Anita Newsom "abstained". (4-0-1)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-97-74**, authorizing an Agreement for Depository and Banking Services for the City of Gladstone with Commerce Bank. Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-75**, authorizing acceptance of certain streets for city maintenance constructed to serve **The Oaks Revised 1st Plat.** (NW 53rd, NW 51st, N Pennsylvania, N Washington). Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-76**, authorizing acceptance of work under contract with Miles Excavating for the North Troost 1994 Water Main Replacement Program and authorizing final payment. Mayor Pro Tem George Nodler seconded. (Project 9413-E). Grand Total Contract: \$212,534.09; Final Payment Due: \$29,882.16. Water Bond Fund The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-77**, authorizing the City Manager to execute an Intergovernmental Agreement with Kansas City, Missouri to provide limited retail water service to certain lots located in **The Oaks 2nd Plat**. Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-78**, accepting a proposal from Independent Salt Company for purchase of snow removal salt on an as needed basis; (\$21.09/ton ( 7 day delivery); \$23.33/ton (24 hr delivery); \$20.00/ton (City pickup at local facility). General Fund. Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** advised that he attended an orientation session conducted by Community Development Director Scott Wingerson for Board of Zoning Adjustment members last Thursday which was certainly well worth the time. Thanks to Mr. Wingerson's thorough presentation, Mr. Fricke said he feels the BZA can establish a much better history.

Mr. Fricke also noted that the **No Solicitors** signage we are making available to residents was a very good idea and has certainly been well received by our citizens.

**Councilman Anita Newsom** said she attended Theatre in the Park this weekend and complimented the production of **"The King and I"** which was the largest and most colorful performance to date with a cast of over 120. The weather was perfect and they played to record crowds.

**Councilman Art Hammen** asked if we ever get complaints from residents when public hearing dates are changed. Director Wingerson said he was not aware of complaints. Mr. Hammen said what prompts his question is a notice he read that was sent to residents advising of a change in public hearing date on a rezoning application. It occurred to him that perhaps just for clarification we should state in those notifications that the change in

date was requested by the applicant so the residents don't think the City is responsible for the change in date.

Acting City Manager Laura Gay said in cases where we have had contact with residents and know of their interest in a particular rezoning issue that we also make contacts by telephone for their awareness.

**Councilman George Nodler** asked Acting City Manager Laura Gay if an update could be prepared for the next City Council Meeting on the complaints about the taste of the City's water. He knows it is a problem we are addressing but would appreciate an update because he has received questions.

**Mayor Roger Norris** said he presented a plaque at **The King & I** performance on Friday evening to Van and Susie Ibsen recognizing their ten years of involvement in Gladstone Theatre in the Park productions. The Mayor said as mentioned earlier it was just a perfect evening and he was amazed at the large number of cast members and the costumes and make-up for this production.

**Item 8. on the Agenda. Communications from the City Manager.**

**Acting City Manager Laura Gay** advised that Parks & Recreation Director Steve Buschor reports we did have record audiences at last weekend's Theatre in the Park performances.

Ms. Gay also reported that an eight page issue of the **Gladstone Reporter** will be mailed to residents this Friday that includes articles on former Mayor Reynolds departure and the appointment of Mr. Dave Fricke to the City Council; Solicitation; Capital Improvement Projects; Street Maintenance Program; City's Annual Budget; Hydrant Flushing; and Senior Activities.

**Item 9. on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development L.L.C. Owner: Credit Suisse 92A, L.P. (File #1011) **(AUDIENCE NOTE: AT THE REQUEST OF THE APPLICANT, THIS PUBLIC HEARING WAS OPENED AT THE JULY 28, 1997 CITY COUNCIL MEETING AND IMMEDIATELY CONTINUED TO THE MONDAY, AUGUST 25, 1997 CITY COUNCIL MEETING).**

Mayor Norris advised that this hearing continuance is listed on the agenda only for audience information and that no City Council action is required at this time.

**Item 10. On the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision in a CP-2, zone on property at 6724 N Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai (File #1010).

Mayor Roger Norris noted that originally the Applicant had requested that this hearing be opened and immediately tabled to the August 25, 1997 Council Meeting. However, since the Agenda was prepared, the Applicant submitted a letter dated August 8, 1997 formally withdrawing their application for revisions and resubmission at a later date. Copy of the Applicant's letter is at Council's table.

**MOTION:** Councilman Hammen moved to accept the Applicant's withdrawal; Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL NO. 97-52**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 72nd Street Widening Project. (Project #9417)

Councilman Anita Newsom moved to place **Bill No. 97-52** on First Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-52**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-52** and enact it as Ordinance No. 3.622; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12 on the Agenda.** **Other Business.**


Acting City Manager Laura Gay reminded the City Council of the Hobby Hill Park Renovation Dedication on Sunday, August 17th at 2:00 PM.

\* \* \*

There being no further business to come before the Regular August 11, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 7:50 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒   
Approved as corrected/amended: ☐

  
Mayor Roger Norris

**GLADSTONE, MISSOURI  
MONDAY, AUGUST 25, 1997**

**Closed Executive Session: Immediately Following  
Adjournment of Regular Meeting for Privileged Communications, Land  
Acquisition and Personnel Discussion pursuant to Missouri Open Meeting Act  
Exemptions 610.021(1), 610.021(2) and 610.021(3)**

**Open Study Session: 7:00 PM  
Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular August 11, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-79**, accepting Bill of Sale from Dorsey Equities, Inc. and Commercial Mechanical, Inc. conveying water line serving development at 101 NW Englewood Court to the City for maintenance. (Construction entirely at developer's expense.)

**RESOLUTION R-97-80**, accepting work under contract with G.C. Construction Co., Inc. for the NE 76<sup>th</sup> Terrace Street Reconstruction Project. Grand Total Contract: \$251,199.06; Final Payment Due: \$14,755.81 Fund: Capital Improvements Sales Tax Fund (Project #9301-9220)

**RESOLUTION R-97-81**, authorizing acceptance of work under contract with Terri Enterprises, Inc. for the N Euclid Sanitary Sewer Project and authorizing final payment. (Project 9319). Grand Total Contract: \$31,651.99; Final Payment Due: \$1,000.00. Fund: Combined Waterworks & Sewerage Service (Project #9319)

**RESOLUTION R-97-82**, supporting the Metropolitan Alliance for Economic Cooperation.

**RESOLUTION R-97-83** authorizing Change Order No. 9 in the amount of \$61,222.40 to the 1996 Street Maintenance Program and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund. (Project #9612)

**RESOLUTION R-97-84**, appointing Dianna Wright to the position of City Treasurer for the City of Gladstone, Missouri effective October 1, 1997.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

(Agenda additions: Liquor License Approvals for Gene's Party Shop, 6313 N Prospect, Class C Package License; Poncho's, 6906 N Oak, Class A&B License

**NEXT ORDINANCE # 3.623**

9. **CONTINUED PUBLIC HEARING:** on a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development LLC. Owner: Credit Suisse 92A, L.P. (File #1011) **Audience Note: Applicant has requested that this Application be withdrawn.**
10. **PUBLIC HEARING:** On a request to rezone property at the southwest corner of NE 72<sup>nd</sup> & N Antioch Road from **RP-3 and C-3 to RP-4**. Applicant/owner: Gary Gabel/Kingston Court Development Co. (File #1012)
- 10a. **FIRST READING BILL 97-53**, rezoning property from **C-3, (Commercial District) to RP-3 (Garden Apartment Residential District-Planned)**, property at the southwest corner of NE 72<sup>nd</sup> & N Antioch Road. Applicant/owner: Gary Gabel/Kingston Court Development: (File #1012)
- 10b. **FIRST READING BILL 97-54**, approving a Site Plan for Development of property at the southwest corner of 72<sup>nd</sup> & N Antioch Road subject to certain conditions. Applicant/owner: Gary Gabel/Kingston Court Development (File #1012)
11. **PUBLIC HEARING:** On a request for renewal of Special Use Permit for operation of a Child Care Center at 7508 North Brooklyn. Applicant/owner: Norma Adams (File #1013)
- 11a. **FIRST READING BILL 97-55**, approving a Special Use Permit subject to certain conditions to Norma Adams for operation of a Child Care Center on residential property at 7508 North Brooklyn. Applicant/owner: Norma Adams (File #1013)
12. **PUBLIC HEARING:** on a request to vacate easements on property at 3104 & 3108 NE 71<sup>st</sup> Terrace. Applicant: City of Gladstone. Owners: Richard L. Dold and Paul L & Kimberley D. Freese. (File #1014)
- 12a. **FIRST READING BILL 97-56**, vacating portions of drainage easements located at 3104 and 3108 NE 71<sup>st</sup> Terrace in Christopher Heights Subdivision. Applicant: City of Gladstone. Owners: Richard L. Dold and Paul L & Kimberley D. Freese. (File #1014)
13. **PUBLIC HEARING:** on setting the Annual Tax Levy for the 1997 Real Estate and Personal Property Taxes for the City of Gladstone, Missouri.
- 13a. **FIRST READING BILL 97-57**, fixing the Annual Rate of Levy for the 1997 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.
14. **FIRST READING BILL 97-58**, accepting a Temporary Construction Easement from a property owner in conjunction with the construction of sidewalk serving Chapel Hill School. (Project #9717)
15. **FIRST READING BILL 97-59**, accepting a Permanent Drainage Easement from property owner in conjunction with the 1996 Street Maintenance Program. (Project #9612)
16. **FIRST READING BILL 97-60**, accepting a Temporary Construction Easement and Quit Claim Deed from a property owner for the Old Pike Road Reconstruction Project (50<sup>th</sup> Street to Vivion Road) in conjunction with the Home Depot Construction Project.
17. **FIRST READING BILL 97-61**, accepting Quit Claim Deeds, Standard Easements and Temporary Easements from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417)
18. **Other Business.**
19. **Questions from the News Media.**
20. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 25, 1997

Mayor Roger Norris called the Regular August 25, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular August 11, 1997 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the regular August 11, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Councilman Dave Fricke seconded.. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### CONSENT AGENDA DETAIL.

Councilman Art Hammen moved to adopt **RESOLUTION R-97-79**, accepting Bill of Sale from Dorsey Equities, Inc. and Commercial Mechanical, Inc. conveying water line serving development at 101 NW Englewood Court to the City for maintenance. (Construction entirely at developer's expense.); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-80**, accepting work under contract with G.C. Construction Co., Inc. for the NE 76<sup>th</sup> Terrace Street Reconstruction



Project. Grand Total Contract: \$251,199.06; Final Payment Due: \$15,755.81 Fund: Capital Improvements Sales Tax Fund (Project #9301-9220); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-81**, authorizing acceptance of work under contract with Terri Enterprises, Inc. for the North Euclid Sanitary Sewer Project and authorizing final payment. (Project 9319). Grand Total Contract: \$31,651.99; Final Payment Due: \$1,000.00. Fund: Combined Waterworks & Sewerage Service (Project #9319); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-82**, supporting the Metropolitan Alliance for Economic Cooperation; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-83** authorizing Change Order No. 9 in the amount of \$61,222.40 to the 1996 Street Maintenance Program and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund. (Project #9612); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-84**, appointing Dianna Wright to the position of City Treasurer for the City of Gladstone, Missouri effective October 1, 1997; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Communications from the Audience.**

None.

### **Communications from the City Council.**

Mayor Pro Tem George Nodler noted that there was an article in the *Lee's Summit Journal* earlier this week that had crime statistics from the State. The article listed Gladstone as the fourth safest community in the State of Missouri of cities over 25,000 population.

Mayor Roger Norris congratulated Director Adamo and asked him to congratulate the Public Safety Officers on the Council's behalf.

Councilman Anita Newsom said the City's most recent newsletter was certainly very professional looking and informative.

Councilman Anita Newsom commented that the dedication on Sunday August 17<sup>th</sup> at Hobby Hill Park was a lovely event put on by the Parks and Recreation staff. The new addition and renovation of Hobby Hill Park is great because it is not intrusive into the rest of the Park and she encourages everyone to stop by and enjoy it.

Councilman Anita Newsom asked where 76<sup>th</sup> Street, east of Troost, stands on the City's street improvement list.

City Manager Jim Norris responded that all of 76<sup>th</sup> Street between Oak and Lydia is shown in next years plan for engineering and reconstruction the following year. This will be a full depth reconstruction of 76<sup>th</sup> Street, not just overlay. The reconstruction will including widening the street, adding curb and gutters, etc.

\* \* \*

Councilman Anita Newsom noted that on 72<sup>nd</sup> Street, between Woodland and Highland, in the west bound lane next to the center line there is a major pavement failure. What is that going to do over the winter?

City Manager Jim Norris answered that hopefully staff will be digging it up and patching it before winter. Staff has to determine what caused the pavement failure and the only way to do that is to fully core the road with the 4" core drill the City now owns to just go in and start repairing the failure. He agrees it has gotten pretty bad.

Mayor Roger Norris noted that he had driven by Hobby Hill Park and agrees that the park looks great.

\* \* \*

Mayor Roger Norris said because he lives in Hamilton Heights, each day walkers ask him when work on Hamilton Heights Park is going to start. It is the middle of August and nothing has been touched. He would like a date to tell them when they can expect to see some progress.

City Manager Jim Norris replied that Council will recall they just awarded the engineering contract for this project. Staff can do a mailing to the neighborhood updating them like they have in the past. Residents should not expect to see anything done this winter other than some work around the dam. Staff will ultimately have to drain the lake as a result of the evaluation and residents will see some of that going on. Until the engineering is done and staff goes out to bid, no one will see much of anything. Staff will advise the residents that a grant has been awarded and the final engineering contract was just awarded. Once the engineering is done the City will have the money to go out and build 90% of what was included in the plan. Residents were initially advised that this project would be built in phases over a number of years but with the grant, once the engineering is done the majority of this project can be done all at once. Residents can be given a date once the engineering is done.

#### **Communications from the City Manager.**

**Agenda Additions.** City Manager Jim Norris noted that staff requests addition of two liquor license annual renewals to this evening's agenda. These annual renewals have been reviewed by Public Safety and are in order for Council approval.

Councilman Art Hammen moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for: Gene's Party Shop, 6313 North Prospect, Class C Package and Sunday License and Poncho's, 6906 North Oak Trafficway, Class A & B Liquor by the Drink License; Councilman Dave Fricke seconded.

Discussion:

Councilman Anita Newsom asked if there have been any violations?

City Manager Jim Norris replied no.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \*

City Manager Jim Norris advised the City Council that a memo from Public Safety Director Bill Adamo is on their tables which includes the obituary of **Joe Anderton who was a Gladstone Emergency Management Agency (GEMA) volunteer, who** was killed in a motorcycle traffic accident this past Saturday afternoon. He was riding in the MDA motorcycle fundraising ride near Tiffany Spring Parkway when the accident occurred. Two Gladstone Public Safety Officers were riding with Mr. Anderton when the accident happened. Flowers have been sent on behalf of the City, Council and staff. Visitation will be 6 to 8 pm Tuesday, August 26<sup>th</sup> and the funeral being at 11 am on Wednesday, August 27<sup>th</sup> at White Chapel Funeral Home. Joe will be missed.

**Item 9. On the Agenda. CONTINUED PUBLIC HEARING:** on a Site Plan Revision in a CP-2 zone, property at 4941 Old Pike Road. Applicant: InSite Real Estate Development LLC. Owner: Credit Suisse 92A, L.P. (File #1011 **Audience Note: Applicant has requested that this Application be withdrawn.**

Councilman Art Hammen moved to approve the applicants request to withdraw this application; Councilman Anita Newsom seconded. The vote: All "aye": Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 10. on the Agenda. PUBLIC HEARING:** On a request to rezone property at the southwest corner of NE 72<sup>nd</sup> & North Antioch Road from **RP-3 and C-3 to RP-4.** Applicant/owner: Gary Gabel/Kingston Court Development Co. (File #1012)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Gary Gabel, 7804 N. Chestnut,** stated they are planning on constructing eight more townhouse units on the corner area at 72<sup>nd</sup> Street and Antioch Road. This will be similar to the last building they constructed there. They will have seven ranch style units, around 1,300 square feet, with full basements and two car garages. There will be one two story unit. Units will sell for around \$120,000. They have been working closely with the City in conjunction with the improvements on Antioch Road and 72<sup>nd</sup> Street. They are going to pipe the existing

storm water through the property in a 62 inch pipe and tie it into Gladstone's improvements on the corner. On the Antioch Road side they will also tie into a storm water pipe. This will drastically improve this corner. Just today, in talking with Mr. Wingerson, it was determined there was a concern regarding the units facing Antioch Road as there are three separate driveways or approach cuts on Antioch Road. City staff has recommended that they tie those into just one street cut on Antioch Road which they will do. These units will be upgraded in relation to the units they just built. The interest in this project has been very good. They already have three reservations for units subject to zoning approval. Mr. Gable said he would be happy to answer any Council questions.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Director of Community Development, Scott Wingerson, stated that there are only two issues involved in this request. The first is the zoning classification. In preliminary discussion it looked like RP-4 zoning classification might provide additional flexibility to the City and the developer to make this project even better than it is presented here tonight. In the end it turned out that the RP-4 zoning classification did not provide any benefit to the developer, did not provide any benefit to the City, so voluntarily Mr. Gable allowed that zoning classification to be taken to minimum required which is the RP-3.

The second key issue is the construction of 72<sup>nd</sup> Street. As the Council knows, the intersection of 72<sup>nd</sup> Street and Antioch Road is proposed to be raised in elevation approximately 6 feet. This provides some unique challenges concerning storm water and building elevation. Mr. Gable and his engineers have worked well with the City's engineer and designed a solution that results in the underground drainage of that entire area. With the construction of Mr. Gable's project that intersection will be very well taken care of in terms of storm water issues.

Site plan conditions included are: the proposed finish floor elevations for all the buildings need to be reviewed prior to issuance of building permits. What that does is ensure that the finished floor of the structures are compatible with the enclosed finish elevations of the proposed 72<sup>nd</sup> Street and Antioch Road. As typical in this type of development, the unit shall be individually serviced by the utility. Adjacent units will include common space. No improvements or dedicated easements. All disturbed areas sodded. Trash receptacles shall be enclosed.

A final condition of significant importance is the submission of the Final Plat. The final plat will dedicate the necessary right-of-way, permanent easements and temporary easements required to allow the construction of 72<sup>nd</sup> Street and Antioch Road. Council has in front of them a very brief and rough sketch regarding the driveway solution. What that does is take two driveways and combine it into one driveway. This allows the people who will live there to head out into Antioch Road rather than backing onto Antioch Road. The second entrance to

this development is Kingston Court. Mr. Wingerson advised that the Staff recommends approval and the Planning Commission unanimously recommended approval to the Council.

Councilman Anita Newsom said she had a question on procedure. At the Planning Commission meeting there was still an RP-4 request on the table and since this has been advertised as an RP-4 request she asks if the Council needs to make a motion to change the zoning.

City Manager Jim Norris explained that the Council has the authority to change the zoning to whatever they feel is the appropriate zoning.

Councilman Anita Newsom noted, then the Council does not have to go through the same procedure that the Planning Commission did to make the zoning change.

City Counselor, Nancy Thompson also pointed out that the Bill before the Council is for an RP-3 zoning change rather than RP-4. Based upon the Planning Commission's recommendation, staff changed the Bill to read RP-3 instead of RP-4.

Mayor Roger Norris commented that that explains why the Public Hearing notes a change from RP-3 and C-3 to RP-4 as that is the way the Public Hearing was advertised.

City Counselor, Nancy Thompson noted that in this particular bill, the "whereas" clauses do explain the difference between RP-4 and RP-3 zoning and why the bill reads the way it does.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL 97-53, rezoning property from C-3, (Commercial District) to RP-3 (Garden Apartment Residential District-Planned),** property at the southwest corner of NE 72<sup>nd</sup> & North Antioch Road. Applicant/owner: Gary Gabel/ Kingston Court Development: (File #1012)

Councilman Anita Newsom moved to place **Bill No. 97-53** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris asked if everything was correct?

City Manager Jim Norris replied yes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-53**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-53** and enact it as Ordinance No. 3.623; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 10b. on the Agenda. FIRST READING BILL 97-54**, approving a Site Plan for Development of property at the southwest corner of 72<sup>nd</sup> & North Antioch Road subject to certain conditions. Applicant/owner: Gary Gabel/Kingston Court Development (File #1012)

Councilman Anita Newsom moved to place **Bill No. 97-54** on First Reading including the addition of Condition #7 as follows:

**"The driveways for the two buildings (10 & 11) facing North Antioch Road shall be redesigned and combined such that they connect to a single driveway approach off of North Antioch Road."**

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Amended Bill No. 97-54**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Amended Bill No. 97-54** and enact it as Ordinance No. 3.624; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 11. on the Agenda. PUBLIC HEARING:** On a request for renewal of Special Use Permit for operation of a Child Care Center at 7508 North Brooklyn. Applicant/owner: Norma Adams (File #1013)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Norma Adams, 7508 N. Brooklyn**, stated she was present this evening to renew her Special Use Permit operating her daycare. To date she is unaware of any complaints. Everything is the same and her State Permit is in order. Her request is the same as five years ago.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Director of Community Development, Scott Wingerson, noted that this is renewal of Ms. Adams Special Use Permit. She is not proposing to operate the business any differently than five years ago when the original Special Use Permit was approved. The Planning Commission recommends unanimously that the Permit be approved subject to the eleven conditions listed. Ten of those conditions are identical to the conditions issued by the City Council five years ago. Condition eleven concerns maintenance and upkeep of fencing required both by the City and the State.

Mayor Roger Norris asked Ms. Adams if she had any problems with item number 11. in the conditions?

Ms. Adams replied, no.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 11a. on the Agenda. FIRST READING BILL 97-55**, approving a Special Use Permit subject to certain conditions to Norma Adams for operation of a Child Care Center on residential property at 7508 North Brooklyn. Applicant/owner: Norma Adams (File #1013)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-55** on First Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-55**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded.

Discussion:

Councilman Anita Newsom commented that she drives past there everyday and one cannot tell that a business is taking place.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-55** and enact it as Ordinance No. 3.625; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12. on the Agenda. PUBLIC HEARING:** on a request to vacate easements on property at 3104 & 3108 NE 71<sup>st</sup> Terrace. Applicant: City of Gladstone. Owners: Richard L. Dold and Paul L. & Kimberly D. Freese. (File #1014)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

Director of Community Development, Scott Wingerson, stated that the City filed this application on behalf of two property owners. The reason for it is that the drainage easements in discussion are too complicated to describe on each of the single parcels and much easier to describe legally as one larger piece. The vacation request eliminates a surface drainage easement that is no longer necessary due to storm water improvements in the area. No other utilities are affected. They have all been contacted and voiced no objections whatsoever. Mr. Dold and Mr. & Mrs. Freese agree with this request and ask that it be done. The Planning Commission voted unanimously to recommend approval to the City Council.

**In Favor:**

None.

**In Opposition:**

None.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL 97-56**, vacating portions of drainage easements located at 3104 and 3108 NE 71<sup>st</sup> Terrace in Christopher Heights Subdivision. Applicant: City of Gladstone. Owners: Richard L. Dold and Paul L & Kimberley D. Freese. (File #1014)

Councilman Art Hammen moved to place **Bill No. 97-56** on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-56**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-56** and enact it as Ordinance No. 3.626; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. PUBLIC HEARING:** on setting the Annual Tax Levy for the 1997 Real Estate and Personal Property Taxes for the City of Gladstone, Missouri.

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

City Manager Jim Norris stated this is a good news situation. This year was a reassessment year in the county and due to the City's growth both in new property and also the



reassessment the City's tax rate remains the same as last year. As the Council is aware, in previous years, prior to the reassessment, the rate has been creeping up a penny a year as Gladstone has been losing ground on the assessed value side. This year Gladstone gained value on the assessed value side, both in the reassessment and new growth, therefore Gladstone's tax rate, which is now 100% calculated by the State, is 60 cents per one hundred dollars and actually will equate to approximately \$20,000 in additional receipts to the City based upon the City's collection rates. He would be happy to answer any questions the Council has.

Councilman Anita Newsom how Gladstone's rate compares to other cities in the metropolitan and Northland areas.

City Manager Jim Norris answered, that Gladstone is still the lowest full service City of our size in the metropolitan area. North Kansas City does not count as they are not a City of Gladstone's size nor do we have boats.

**In Favor:**

None.

**In Opposition:**

None.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 13a. on the Agenda. FIRST READING BILL 97-57**, fixing the Annual Rate of Levy for the 1997 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.

Councilman Art Hammen moved to place **Bill No. 97-57** on First Reading; Councilman Dave Fricke seconded.

**Discussion:**

Mayor Roger Norris commented that it was too bad that the press is not present to report that Gladstone's taxes will remain the same.

City Manager Jim Norris noted that Press Releases will be sent out to advise the media.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-57**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-57** and enact it as Ordinance No. 3.627; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 97-58**, accepting a Temporary Construction Easement from a property owner in conjunction with the construction of sidewalk serving Chapel Hill School. (Project #9717)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-58** on First Reading; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris asked if everything was in order.

City Manager Jim Norris said it was and reported that this project went out to bid this past Sunday.

Ms. Newsom said she would **abstain** because of her employment with the North Kansas City School District but will vote favorably to advance the bill for final passage. The vote on first Reading: "Aye" - Fricke, Hammen, Nodler, Norris. "Abstain" - Newsom. (4-0-1) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-58**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-58** and enact it as Ordinance No. 3.628; Councilman Art Hammen seconded. The vote: "Aye" - Fricke, Hammen, Nodler, Norris. "Abstain" - Newsom. (4-0-1)

**Item 15. on the Agenda. FIRST READING BILL 97-59**, accepting a Permanent Drainage Easement from property owner in conjunction with the 1996 Street Maintenance Program. (Project #9612)

Councilman Anita Newsom moved to place **Bill No. 97-59** on First Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-59**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

**Carol Rudi, 6709 N. Agnes**, asked if this Bill is a general easement as it does not say what or where this easement is located?

City Manager Jim Norris explained this easement is from the Gladstone Church of God at 6811 North Flora required in connection with work the City will be doing in that area.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-59** and enact it as Ordinance No. 3.629; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 16. on the Agenda. FIRST READING BILL 97-60**, accepting a Temporary Construction Easement and Quit Claim Deed from a property owner for the Old Pike Road Reconstruction Project (50<sup>th</sup> Street to Vivion Road) in conjunction with the Home Depot Construction Project.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-60** on First Reading; Councilman Dave Fricke seconded.

Discussion:

City Manager Jim Norris stated this easement is for the Old Pike Road Reconstruction Project from the Northside Church of Christ.

Mayor Roger Norris asked if everything else was in order?

City Manager Jim Norris answered yes. The City still needs easements from three additional property owners to do the Old Pike Road work from where Home Depot stopped on up to Williamsburg. Staff is working on those and he doubted construction would be started this year.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-60**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-60** and enact it as Ordinance No. 3.630; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 17. on the Agenda. FIRST READING BILL 97-61**, accepting Quit Claim Deeds, Standard Easements and Temporary Easements from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417)

Councilman Art Hammen moved to place **Bill No. 97-61** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked where we are on this project?

City Manager Jim Norris replied that as of today the City needs either right-of-way, temporary or permanent easements from twelve additional property owners. Some of those are the large property owners such as Apple Tree. Staff started out three or four months ago needing 58 different parcels and have made great strides. Some of the remaining twelve properties will end up going to condemnation, but on a project of this scale and scope that is not surprising. Some of the most difficult ones were where the City needed complete acquisition, demolition and relocation are complete and now staff is dealing with small widths of land and long lengths of land such as with Apple Tree. Primarily staff is now dealing with single family residences and duplexes. All acquisitions in Christopher Heights that the City needed have now been obtained. Laura Gay and staff have done a good job on this project.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-61**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-61** and enact it as Ordinance No. 3.631; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 18. on the Agenda. Other Business.**

City Manager Jim Norris announced that City Hall would be closed on Monday, September 1<sup>st</sup> in observance of Labor Day.

\* \* \*

City Manager Jim Norris noted that his second item was being passed out to Council. As Council is aware, staff finally received all the necessary easements for the 57<sup>th</sup> Street-North Grand-North Walnut Street Reconstruction Project. The project was bid on June 4, 1997; awarded on June 9, 1997; the contracts were signed on July 1, 1997; the pre-construction meeting was held on July 9, 1997; the pipe and structure submittals approved by the City on July 10, 1997; and the Notice to Proceed was issued on July 14, 1997. That was all done in that order because of assurances the City received from the utility companies that they would be out of the City's way by July 17, 1997. As of today, August 25, 1997, the utility companies are not yet out of the way. It is both City Wide's opinion and staff's opinion that there is no way these roads can be completed this year. Before we go any further and rip the roads up to the point where they are not maintainable, staff thinks that we need to stop the work. The City had received assurances from the utilities, but when a city bids two projects like Shady Lane and 57<sup>th</sup> Grand & Walnut and one tries to get the utility companies to recoil and locate at this point in time at the construction season when every other city is doing the same thing, they are hard pressed to get all the work done. Frankly Missouri Gas Energy has been by far the one that holds up the City most of the time.

City Manager Jim Norris said he wanted to bring this issue to the Council's attention tonight because the decision not to proceed needs to be made this evening. Staff can then handle the public relations part of that from this point forward. Getting these easements as late as they were and getting out to bid in June did put the City at a disadvantage. Normally a City wants to bid a reconstruction in March or April, but these projects were held up by citizens who did not want to grant right-of-way and easements. The City will shoulder part of the blame, part of the blame will go to the utility companies for not relocating the utilities as indicated and part of the burden goes to the residents in the area that weren't granting easements at all.

Councilman Anita Newsom asked what this does to the bid?

City Manager Jim Norris noted that the contractor has agreed to hold their prices until next year.

Mayor Roger Norris asked how this affects the easements?

City Manager Jim Norris answered that they are still good because they are signed, sealed, and recorded at the Recorder of Deeds office.

Mayor Roger Norris asked if the temporary easements will still be fine.

City Manager Jim Norris agreed they would.

Councilman Dave Fricke asked who the Council is likely to hear from on this issue.

City Manager Jim Norris stated that if the Council hears from anyone they would hear from the residents in that area who have been waiting since 1991. The problem is City Wide Asphalt. They still have approximately 40% of the roads to do in Gladstone on our regular street maintenance program, which is Phase I of the 1997 Street Maintenance Program. City Wide is also the paving subcontractor on Shady Lane but they cannot be blamed for this delay. They haven't even had a chance to get in and do anything because the utilities are not even out of the way.

Councilman Art Hammen suggested that the City Manager send a copy of this timeline that shows the July 2<sup>nd</sup> utility meeting at City Hall to Mr. Edgar White.

City Manager Jim Norris stated that staff will put together a letter to the residents that outlines these steps that were taken and yet staff does not want to be overly derogatory of the utilities because the City does have to work with them next year.

Councilman Art Hammen stated that the Council has listened to Mr. White advocate this particular project for several years and he would be the first person the Council would hear from if he does not receive a satisfactory explanation of the delay.

Councilman Dave Fricke asked how many residents are involved?

City Manager Jim Norris answered approximately fifteen households. The residents will be mailed a letter containing the timeline information and an explanation of why the decision

was made and also explain that from a snow removal standpoint we need to wait. The elevation of those roads changes significantly. You could not just do 57<sup>th</sup> Street and then do Grand or Walnut because the grade of the roads goes up and you would have a huge drop off. Even the new storm drainage structures that will be go in will be so high that no water can get to them so we are the point now where this is the best time to make the decision not to proceed and get City Wide to start early next spring and get it done.

Councilman Newsom said we do have a record of doing things right and we need to do this right.

City Manager Norris requested a motion supporting the postponement of the 57<sup>th</sup>/Grand/Walnut Street Reconstruction Project to next year. Councilman Newsom made the motion which was seconded by Councilman Nodler. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 19. on the Agenda. Questions from the News Media.**

None.


Councilman Anita Newsom made a motion to move to Closed Executive Session for Privileged Communication, Land Acquisition, and Personnel Discussion; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

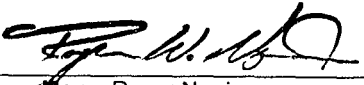
\* \* \* \*

There being no further business to come before the regular August 25, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:27 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor Roger Norris

MFA/sak

**GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 8, 1997**

**Closed Executive Session: 7:15 PM**

**Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2) for Privileged Communications, Litigation and Land Acquisition Discussion.**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular August 25, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-85**, authorizing purchase of ten (10) Motorola Hand Held Radios and complete Weather Monitoring System for the Gladstone Public Safety Department Communications Center under a Federal Emergency Management Agency matching grant for a grand total purchase amount of \$12,838.40. (50% reimbursable share from FEMA: \$6,419.20)

**RESOLUTION R-97-86**, declaring certain unused City-owned Dumpsters as "Surplus City Property" and authorizing disposal of such property under the provisions of the City of Gladstone Purchasing Policy.

**RESOLUTION R-97-87**, authorizing acceptance of proposal from Midway Ford Truck Center, Kansas City, MO for the purchase of one F-350 Crew Cab Truck For a Total Net Purchase Amount of \$31,521.00 Fund: Combined Water and Sanitary Sewer Fund

**RESOLUTION R-97-88**, authorizing Change Order #2 in the amount of \$289,058.85 to the 1997 Street Maintenance Program Phase II Contract and authorizing additional funds in such amount from the Transportation Sales Tax Fund.

**APPROVAL OF FINANCIAL REPORTS** for the months of June and July, 1997.

**APPROVAL OF PARK FESTIVAL USE PERMIT** for the 18<sup>th</sup> Annual GladFest Celebration in Central Park, 70<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 3-5, 1997 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**APPROVAL OF LIMITED/THREE DAY BEER LICENSE** to the Gladstone Area Chamber of Commerce for the sale of beer at the 18<sup>th</sup> Annual GladFest Celebration in Central Park, 70<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 3-5, 1997 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Managing Officer: Jana Miller (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, 10:00AM - 10:00 PM; Sunday Noon - 5:00 PM)

**NEXT ORDINANCE # 3.632**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** On a request for renewal of a Special Use Permit to operate a Child Care Business at 1610 NE 61<sup>st</sup> Street. Applicant/owner: Linda Rice (File #1015)
- 9a. **FIRST READING BILL 97-62,** approving a Special Use Permit subject to certain conditions to Linda Rice for operation of a Child Care Business on residential property at 1610 NE 61<sup>st</sup> Street. Applicant/owner: Linda Rice (File #1015)
10. **FIRST READING BILL 97-63,** approving the Final Plat of "Belfonte Estate", 7101 N Antioch Road. Applicant/owner: David Belfonte (File #1016)
11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment.**



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

**MONDAY, SEPTEMBER 8, 1997**

As publicly posted, the City Council met at 7:15 PM on September 8, 1997 and Councilman Art Hammen moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to the Missouri Open Meeting Act Exemptions 619.021(1) and 610.021(2) for Privileged Communications, Litigation and Land Acquisition discussion. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris (5-0)

Mayor Roger Norris called the Regular September 8, 1997 City Council Meeting to order in the City Council Chambers at 7:35 PM.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Assistant City Manager Laura Gay

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular August 25, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular August 25, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved to adopt **RESOLUTION R-97-85**, authorizing purchase of ten (10) Motorola Hand Held Radios and complete Weather Monitoring System for the Gladstone Public Safety Department Communications Center under a Federal Emergency Management Agency matching grant for a grand total purchase amount of \$12,838.40. (50% reimbursable share from FEMA: \$6,419.20) Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved to adopt **RESOLUTION R-97-86**, declaring certain unused City-owned Dumpsters as "Surplus City Property" and authorizing disposal of such property under the provisions of the City of Gladstone Purchasing Policy. Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved to adopt **RESOLUTION R-97-87**, authorizing acceptance of proposal from Midway Ford Truck Center, Kansas City, MO for the purchase of one F-350 Crew Cab Truck For a Total Net Purchase Amount of \$31,521.00 Fund: Combined Water and Sanitary Sewer Fund Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved to adopt **RESOLUTION R-97-88**, authorizing Change Order #2 in the amount of \$289,058.85 to the 1997 Street Maintenance Program Phase II Contract and authorizing additional funds in such amount from the Transportation Sales Tax Fund. Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

(City Manager Jim Norris clarified that on Resolution R-97-88 we are not adding more roads to the street maintenance contract but are merely switching between contractors because one contractor is not able to fulfill their obligation and they signed a change order which deducts that amount and those streets from their contract. The other contractor, Superior Bowen, is able to take on that work and it will be added to their contract in an attempt to complete all the streets this year rather than have a carry over as we did last year.)

Mr. Hammen moved for the **APPROVAL OF FINANCIAL REPORTS** for the months of June and July, 1997. Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved for the **APPROVAL OF PARK FESTIVAL USE PERMIT** for the 18<sup>th</sup> Annual GladFest Celebration in Central Park, 70<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 3-5, 1997 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved for **APPROVAL OF LIMITED/THREE DAY BEER LICENSE** to the Gladstone Area Chamber of Commerce for the sale of beer at the 18<sup>th</sup> Annual GladFest Celebration in Central Park, 70<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 3-5, 1997 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Managing Officer: Jana Miller (Hours: Friday, 5:00 PM - 10:00 PM; Saturday, 10:00AM - 10:00 PM; Sunday, Noon - 5:00 PM) Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6 on the Agenda. Communications from the Audience.**

None.

### **Item 7 on the Agenda. Communications from the City Council.**

Councilman Anita Newsom said that this afternoon she came across the aftermath of what appeared to be a terrible accident at M-1 and 73<sup>rd</sup> Terrace. The LifeFlight helicopter was there as well as most of our Public Safety Department. She said she has voiced concern since those traffic controls went in that they were not timed properly and this makes her think that is the case even more so. She recognizes the lights are controlled by the Missouri State Highway Department but she strongly urges that this matter be revisited. At the time

that one light turns red the other turns green and there is no wait time in between. She does not know the cause of the accident today but it looked like a dire situation.

City Manager Norris said we will look at the accident reports because the cause is very important but we will also contact the State regarding the need to re-examine the delays. Ms. Newsom said she believes there is a need for a delay between the time one turns red and the other turns green because the southbound traffic is coming at such a high rate of speed they think they can make it through on yellow and by that time it is red, the green traffic light has changed, and there are people pulling out.

**Mayor Roger Norris** expressed his condolences and said he was sad to learn of the death of Mr. Bud Norris who is well known to anyone who has been involved in scouting for the past fifty years.

**Item 8 on the Agenda.** Communications from the City Manager.

**City Manager James Norris** advised that the City Council Meeting dates for December would regularly be December 8<sup>th</sup> and December 22<sup>nd</sup>. He asked if Council wants to consider at this time holding only one City Council Meeting in December as in previous years. It is necessary to make a decision soon because of the legal notices prepared for public hearings on rezonings, etc. Staff had given thought to a Planning Commission Meeting on December 8<sup>th</sup> and City Council Meeting on the December 15<sup>th</sup> with no other meeting dates during December but the decision is up to the City Council.

The City Council consensus was to hold only one commission meeting and city council meeting in December with the **Planning Commission Meeting on December 8<sup>th</sup> and City Council Meeting on December 15<sup>th</sup>.**

City Manager Norris also asked Councilmembers to give thought to a date for the annual Mayor's Christmas Tree Lighting Ceremony as well as a December date for interviews of prospective Board and Commission members. The Council will shortly be provided an updated Board and Commission listing with expiring terms noted.

**Item 9. on the Agenda.** **PUBLIC HEARING:** On a request for renewal of Special Use Permit for operation of a Child Care Business at 1610 NE 61<sup>st</sup> Street. Applicant/owner: Linda Rice (File #1015)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant will speak first, followed by those In Favor, then those Opposed, followed by City staff comments.

**Applicant, Linda Rice, 1610 NE 61<sup>st</sup> Street,** said she has been doing day care in her home for several years and she feels she provides a very needed service for children and asks that her permit be renewed.

**In Favor:**

**Regina Zahl, 1608 NE 61<sup>st</sup> Street,** said she lives right next door to Linda Rice and she plays in her backyard and the kids play in the Rice backyard and they get along swell. She came this evening to support Ms. Rice in this application.

**In Opposition:**

None.

**City Staff:**

**Director of Community Development Scott Wingerson** invited questions from the City Council.

Councilman Art Hammen asked if there is anything different in the conditions listed on this special use permit from the original special use permit.

Director Scott Wingerson, responded that the ten conditions are the same and the 11<sup>th</sup> condition is new and concerns provision and maintenance of the fence to ensure that it is kept in good order for the safety of the children. Mr. Wingerson acknowledged this has been discussed with the applicant and she has no problem with the requirement.

Director Wingerson noted the Planning Commission unanimously recommended approval of the renewal request for a seven year period.

There were no further comments and Mayor Roger Norris closed the Public Hearing.

**Item 9a. on the Agenda. FIRST READING BILL 97-62**, approving a Special Use Permit subject to certain conditions to Linda Rice for operation of a Child Care Business on residential property at 1610 NE 61<sup>st</sup> Street. Applicant/owner: Linda Rice (File #1015)

Councilman Art Hammen moved to place Bill 97-62 on First Reading; Councilman George Nodler seconded. The vote: All "aye" - The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-62**, Waive the Rule and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-62** and enact it as Ordinance No. 3.632; Councilman George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 10. on the Agenda. FIRST READING BILL 97-63**, approving the Final Plat of "**Belfonte Estate**", 7101 North Antioch Road. Applicant/owner: David Belfonte (File #1016)

Councilman Anita Newsom moved to place Bill 97-63 on First Reading; Councilman Dave Fricke seconded.

**Discussion.**

City Manager Norris said everything is in order with this plat and it has received the Planning Commission's approval. There are issues that will be addressed at the time of building permit issuance regarding public improvements along Antioch Road. Those issues have been discussed with the applicant and he understands the obligations from the City's standpoint.

The vote: All "aye" - The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)  
The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-63**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-63** and enact it as Ordinance No. 3.633; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

\* \* \* \*

There being no further business to come before the Regular September 8, 1997 City Council Meeting, Mayor Roger Norris adjourned the meeting at 7:53 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Roger Norris

**GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 22, 1997**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), (610.021(3) for Privileged Communications, Litigation, Land Acquisition, and Personnel Discussion.**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular September 8, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-89**, authorizing execution of a contract with Turner & Michael Construction, Inc. for the Chapel Hill School Sidewalk Construction Project. Contract Amount: \$15,634.00; Fund: Capital Improvements Sales Tax (Project #9717)

**RESOLUTION R-97-90**, adopting the Kansas City Metropolitan Retail Wheeling Position Statement on the issue of Electric Utility Deregulation.

**RESOLUTION R-97-91**, authorizing acceptance of a Bill of Sale from Clayco Properties and Haines Stowers Construction Company, Inc. conveying water main, sanitary sewer main and storm sewer main constructed to serve the Claybrook First Plat development to the City for maintenance. (Construction entirely at developer's expense.)

**RESOLUTION R-97-92**, accepting NE 77<sup>th</sup> Street constructed in Claybrook First Plat Subdivision for City maintenance. (Construction entirely at developer's expense.)

**RESOLUTION R-97-93**, authorizing acceptance of a proposal from Scherer Truck Equipment Company for the purchase of two (2) 7' Stainless Steel Material Spreaders at \$3,398.00/unit for a grand total purchase amount of \$6,796.00. Fund: General Fund

**RESOLUTION R-97-95**, authorizing execution of a Utility Relocation Agreement with Kansas City Power & Light Company in connection with the 72<sup>nd</sup> Street improvement project (Bellefontaine east to North Antioch Road) and authorizing funds in the estimated amount of \$33,522.00 from the Transportation Sales Tax Fund with 80% reimbursable from Federal ISTEA (Intermodal Surface Transportation Efficiency Act 1991) funds.

**APPROVAL OF NEW LIQUOR LICENSE** for Dale A. Cromwell dba SB&G Inc., 6825 N Oak. Class "A" six-day Liquor by Drink. License.

**REGULAR AGENDA**

**6. Communications from the Audience.**

**7. Communications from the City Council.**

**8. Communications from the City Manager.**

**a. Request for Council Motion on Election Filing Procedure.**

**9. APPROVAL OF BUILDING PERMIT** for 1,006 sq. ft. minor tenant finish at Missouri State Office Building, 310 NW Englewood Road. Applicant: Mancuso Construction (BP#97-0687)

**10. RATIFICATION OF BUILDING PERMIT APPROVAL** for 1,650 sq. ft. tenant finish at 6651 North Oak in Old Towne Office Complex for the Commercial Credit Corporation. Applicant: Doty & Associates (BP#97-0758)

**11. RESOLUTION R-97-94**, amending the 1997-98 Annual General Fund and Combined Waterworks & Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri, and authorizing expenditure of funds. Additional appropriations from the General Fund: \$80,720.00; and additional appropriations from the Combined Waterworks & Sewerage System Fund: \$272,470.00

**12. FIRST READING BILL 97-64**, accepting Temporary Construction Easements, Standard Easements and a Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417)

**13. FIRST READING BILL 97-65**, accepting Temporary Construction Easements from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project. (Project #9605)

**14. FIRST READING BILL 97-66**, accepting Temporary Construction Easements from property owners in conjunction with the East Fork Old Maid's Creek Embankment Protection Project. (Project 9601)

**15. Other Business.**

**16. Questions from the News Media.**

**17. Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

**MONDAY, SEPTEMBER 22, 1997**

Mayor Roger Norris called the Regular September 22, 1997 City Council Meeting to order in the City Council Chambers at 7:54 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular September 8, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular September 8, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Anita Newsom asked to have **Resolution R-97-89** removed from the Consent Agenda. Mayor Roger Norris made Resolution R-97-89 as Item 5a. on the Agenda. Councilman Art Hammen moved to approve the Consent Agenda as revised; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**CONSENT AGENDA DETAIL.**



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

**MONDAY, SEPTEMBER 22, 1997**

Mayor Roger Norris called the Regular September 22, 1997 City Council Meeting to order in the City Council Chambers at 7:54 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor, Nancy Thompson  
City Clerk, Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

**Item 4. on the Agenda. Approval of Regular September 8, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular September 8, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Anita Newsom asked to have **Resolution R-97-89** removed from the Consent Agenda. Mayor Roger Norris made Resolution R-97-89 as Item 5a. on the Agenda. Councilman Art Hammen moved to approve the Consent Agenda as revised; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-97-90**, adopting the Kansas City Metropolitan Retail Wheeling Position Statement on the issue of Electric Utility Deregulation; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-91**, authorizing acceptance of a Bill of Sale from Clayco Properties and Haines Stowers Construction Company, Inc. conveying water main, sanitary sewer main and storm sewer main constructed to serve the Claybrook First Plat development to the City for maintenance. (Construction entirely at developer's expense); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-92**, accepting NE 77<sup>th</sup> Street constructed in Claybrook First Plat Subdivision for City maintenance. (Construction entirely at developer's expense); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-93**, authorizing acceptance of a proposal from Scherer Truck Equipment Company for the purchase of two (2) 7' Stainless Steel Material Spreaders at \$3,398.00/unit for a grand total purchase amount of \$6,796.00. Fund: General Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-95**, authorizing execution of a Utility Relocation Agreement with Kansas City Power & Light Company in connection with the 72<sup>nd</sup> Street improvement project (Bellevue east to North Antioch Road) and authorizing funds in the estimated amount of \$33,522.00 from the Transportation Sales Tax Fund with 80% reimbursable from Federal ISTEA (Intermodal Surface Transportation Efficiency Act 1991) funds; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve a **NEW LIQUOR LICENSE** for Dale A. Cromwell dba SB&G Inc., 6825 North Oak. Class "A" six-day Liquor by Drink License; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 5a. on the Agenda.** **RESOLUTION R-97-89**, authorizing execution of a contract with Turner & Michael Construction, Inc. for the Chapel Hill School Sidewalk Construction Project. Contract Amount: \$15,634.00 Fund: Capital Improvements Sales Tax (Project #9717);

Councilman Art Hammen moved to approve **Resolution R-97-89**; Mayor Pro Tem George Nodler seconded. The vote: "Aye" - Fricke, Hammen, Nodler, Norris. "Abstain" - Newsom (4-0-1)

## **REGULAR AGENDA**

**Item 6. on the Agenda.** Communications from the Audience.

None.

**Item 7. on the Agenda.      Communications from the City Council.**

Councilman Dave Fricke noted that he had the opportunity to observe Gladstone Public Safety Officers working the Sobriety Checkpoint last Saturday evening (September 20, 1997). It was set up very professionally, the mechanics of the checkpoint worked right, the people were not delayed as they moved right through the checkpoint and he was very proud to be a Gladstone resident. He asked that the City Manager and Director of Public Safety pass along his compliments to all involved on their organization and implementation of the most recent Sobriety Checkpoint.

Councilman Anita Newsom noted that prior to this evening's City Council Meeting she and City Manager Jim Norris had attended the Steering Committee Meeting for the 1998 National League of Cities Conference of Cities to be hosted in Kansas City. All member cities in the area are helping to support this conference in Kansas City. There will be opportunities at this years National League of Cities Conference in Philadelphia for all to volunteer to help promote the Kansas City National League of Cities next year.

City Manager Jim Norris said they are looking for elected officials in member cities to work the booth in Philadelphia to promote next year's conference and pass out freebies and suggested that if any Councilmember has an interest to let him know.

Councilman Anita Newsom explained that the NLC pins given to the Council this evening are for them to wear to events such as Missouri Municipal League Conference, etc., to encourage people to come to Kansas City, participate in the conference and enjoy all KC has to offer.

\* \* \* \*

Councilman Anita Newsom stated that there is another opportunity for everyone's volunteerism at Gladfest in a couple of weeks. Anyone who would like to volunteer to help out in any way should contact a member of staff or any one at the Gladstone Chamber office. She feels that when she volunteers it is a way to pay back the Chamber membership that she benefits in having through the City. The Chamber is a fun group of people to work with.

Mayor Roger Norris stated that it is a great honor to serve as Mayor of Gladstone and noted that he was approached the other day by a Gladstone resident who stated she had lived in a number of places in the metropolitan area and Gladstone is by far the best.

**Item 8. on the Agenda.      Communications from the City Manager.**

**Item 8a. on the Agenda.      Request for Council Motion on Election Filing Procedure.**

Councilman Anita Newsom moved to **direct the City Clerk to continue to place the names of the candidates filing a declaration of candidacy on the ballot in the order in which the declaration is filed in the office of the City Clerk**; Mayor Pro Tem George Nodler seconded.

Discussion:

City Counselor Nancy Thompson explained that there have been some changes in the Election Laws this past year. In particular, the State amended Chapter 115.395 RSMo. to allow the election authority to determine by random drawing the order in which candidates names appear on the ballot for persons who file a declaration of candidacy for a *primary* election before 5:00 pm on the first day of filing. Prior to the amendment, only the ballot order for candidates who filed a declaration for candidacy for elective offices with the Secretary of State were determined in this manner. Under the amended statute, it is mandatory for the Secretary of State to determine ballot order in this manner; however, it is permissive for the local election authorities.

Unfortunately in a third class city of Gladstone's form we also have a primary election which becomes optional in the event that not enough candidates file to hold a primary election, then we skip the primary election and go directly to the general election. The statues that provide for that skipping of the primary election and going directly into the general election require that the order of names on the ballot appear in the order in which they were filed with the election authority. That particular provision was not amended by the State Legislature at the same time that Chapter 115 pertaining to election balloting was amended for primary elections. **Therefore, it does not make random drawing available for the City of Gladstone.** We are trying to reiterate both to the public and to those future candidates that in the City of Gladstone we will continue to place the order of candidates on the ballot by order of filing with the City Clerk until such time that the State Legislature determines that it wants to review how those candidates will be ordered in the event that no primary election is needed.

City Manager Jim Norris noted that 3<sup>rd</sup> Class Cities like Gladstone still have the authority under State Law to eliminate Primaries altogether and hold only a General Election.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 8b. on the Agenda. (Agenda Addition) APPROVAL OF BUILDING PERMIT** for a 230 square foot vault at Mercantile Bank, 6098 Antioch Road. Applicant: Engineering Perspective, Inc. (BP#97-0819)

City Manager Jim Norris stated that this is a five Monday month and it will be three weeks before the next City Council Meeting. He noted that everything is in order with the Building Permit that was sent to the City Council in the mailer last Friday. He would like the Council to consider approving the Building Permit tonight.

Mayor Pro Tem George Nodler moved to approve the **Building Permit** for a 230 square foot vault at Mercantile Bank, 6098 North Antioch Road; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris stated that Gladstone City Hall will be closed to the public at noon on Friday, October 3<sup>rd</sup> as Holmes Street, in front of City Hall, will be closed to traffic at noon and one-way street patterns will go into effect. City staff will continue to work in City Hall on file retention and clean-up. Public Safety and Community Services will continue to operate under their normal schedules.

\* \* \* \*

City Manager Jim Norris stated that the Council found the published versions of the 1997/1998 Budget and the 5 Year Capital Improvement Plan at their places this evening. He wanted to specifically thank E. Sue Henning, Director of Finance; Dianna Wright, Administrator Management Services; Candace Kaster, MIS Officer; all department heads and especially to Pat Crooks, Administrative Assistant for all the work they put into actually publishing the document and putting it together. This year they used the digital camera and produced the covers in-house. The Manager said he felt it had a very professional look.

Mayor Roger Norris said they really look nice and complimented the outstanding job.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for a 1,006 square foot minor tenant finish in the Missouri State Office Building, 310 NW Englewood Road. Applicant: Mancuso Construction (BP#97-0687)

Councilman Anita Newsom moved to approve the **Building Permit** for a 1,006 square foot minor tenant finish in the Missouri State Office Building, 310 NW Englewood Road; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris asked if everything was in order.

City Manager Jim Norris answered yes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda. RATIFICATION OF BUILDING PERMIT APPROVAL** for a 1,650 square foot tenant finish at 6651 North Oak in Old Towne Office Complex for the Commercial Credit Corporation. Applicant: Doty & Associates (BP#97-0758)

Councilman Anita Newsom moved to approve the **Ratification of Building Permit Approval** for a 1,650 square foot tenant finish at 6651 North Oak in Old Towne Office Complex for the Commercial Credit Corporation; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 11. on the Agenda. RESOLUTION R-97-94**, amending the 1997-98 Annual General Fund and Combined Waterworks & Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri, and authorizing expenditure of funds. Additional appropriations from the General Fund: \$80,720.00; and additional appropriations from the Combined Waterworks & Sewerage System Fund: \$272,470.00.

Mayor Pro Tem George Nodler moved to adopt **Resolution R-97-94**; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris explained that for the 1996/1997 budget, the City finished the year in the general fund \$207,000.00 to the good. That even includes the ice storm clean-up that the City had last October. All in all it was a very good fiscal year. If you deduct contracts that were already pending such as \$89,000.00 for computer equipment, the City was \$118,000.00 to the good.

In the \$80,720.00 that staff is asking to be reappropriated, only \$32,000.00 of that is for new items that were not considered as part of the budget. First of all there is \$18,700.00 in uniforms that was a budgetary oversight on staff's part.

Also, staff went out to bid on the snowplowing fleet and there were two dump trucks in this years budget to replace, one in the water fund and one in the general fund. The bids came in way over what was expected so staff is asking for an additional \$6,180.00 for the truck in the general fund.

Prior to the ISO (Missouri Insurance Services Offices) fire rating review, staff rebuilt the operating systems of Fire Engine #4. Because of that the City will receive significant extra points and staff is asking to replace that \$7,610.00 expended.

In the Water Fund, conversely out of the \$272,470.00 that is being requested, \$258,290.00 of that is for committed projects/contracts that were in last year's budget. Only \$14,000.00 is new money this year and again that is for the dump truck for snowplowing operation.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 12. on the Agenda. FIRST READING BILL 97-64**, accepting Temporary Construction Easements, Standard Easements and a Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417)

Councilman Art Hammen moved to place **Bill No. 97-64** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes, and noted there are ten easements left to go.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-64**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-64** and enact it as Ordinance No. 3.634; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. FIRST READING BILL 97-65**, accepting Temporary Construction Easements from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project. (Project #9605)

Councilman Anita Newsom moved to place **Bill No. 97-65** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris asked if everything was in order and City Manager Jim Norris said yes and that there are still several easements needed on this project.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-65**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-65** and enact it as Ordinance No. 3.635; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 97-66**, accepting Temporary Construction Easements from property owners in conjunction with the East Fork Old Maid's Creek Embankment Protection Project. (Project 9601)

Councilman Art Hammen moved to place **Bill No. 97-66** on First Reading; Councilman Dave Fricke seconded.

Discussion:

City Manager Jim Norris stated that everything is in order. There is one easement left to get which staff will obtain.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-66**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-66** and enact it as Ordinance No. 3.636; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 15. on the Agenda. Other Business.**

City Manager Jim Norris said that Assistant City Manager Laura Gay had an introduction to make to the City Council.

Assistant City Manager Laura Gay introduced Bryan Richison who is the new Management Assistant in General Administration. Bryan started last week and his resume was included in last week's newsletter to the City Council. She said we are certainly glad to have Bryan on board.

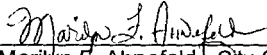
\* \* \* \*

Councilman Hammen moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Mayor Pro Tem Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

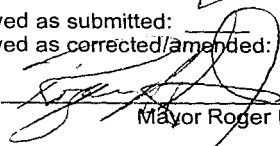
\* \* \* \*

There being no further business to come before the regular September 22, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:19 pm.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted:  
Approved as corrected/amended:

  
Mayor Roger Norris

MFA/sak



**GLADSTONE, MISSOURI  
MONDAY, OCTOBER 13, 1997**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), (610.021(3) for Privileged Communications, Litigation, Land Acquisition, and Personnel Discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular September 22, 1997 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATIONS** to Retiring Gladstone Director of Finance, E. Sue Henning.
5. **CONSENT AGENDA**

**RESOLUTION R-97-97**, authorizing execution of a contract with Kaw Valley Engineering for the design of the 76<sup>th</sup> Street Reconstruction Project (Oak to Troost). Contract Amount: Not to exceed \$17,748.00 Capital Improvements Sales Tax Fund. (Project #9814)

**RESOLUTION R-97-98**, accepting work under the Haines Stowers Construction contract for the 1994 Water Main Replacement Program - Southwest Area (Project 9413D). Grand Total Contract \$457,843.58; Final Payment Due: \$14,227.58.

**RESOLUTION R-97-99**, amending the "Position Classification and Compensation Plan" for the City of Gladstone, Missouri to become effective November 1, 1997.

**RESOLUTION 97-100**, authorizing issuance of a Massagist Business Permit to Jennifer A. Meyer, for a period of one year, all pursuant to Chapter 17.1 of the Gladstone City Code.

**RESOLUTION R-97-101**, accepting work under contract with R.K. Breit Construction Services for the North Flora Street Maintenance Project. Grand Total Contract: \$120,406.09; Final Payment Due: \$6,337.16 Fund: Transportation Sales Tax.

**RESOLUTION R-97-102**, authorizing the City Manager to enter into a "Cooperative Agreement for use of Weapons Training Facility" with the City of North Kansas City, Missouri.

**APPROVAL OF FINANCIAL REPORTS** for August, 1997.

## **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-97-96**, accepting **North Euclid Court**, a street constructed in "Deer Park Subdivision" for City maintenance. (File #964) (Street Construction entirely at the developer's expense.)
10. **PUBLIC HEARING:** On a request for a Site Plan Revision on property in a CP-2 zone at 6750 North Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai (File #1017) (**AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, OCTOBER 27, 1997 CITY COUNCIL MEETING.**)
11. **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot (File #1018) (**AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, OCTOBER 27, 1997 CITY COUNCIL MEETING.**)
12. **PUBLIC HEARING:** On a request to rezone property at NW 71<sup>st</sup> Terrace, approximately 100' west of N. Broadway from R-1 (Single Family Dwelling District) to R-2 (Two-Family Dwelling District). Applicant: Jon Matthews Owners: Beatrice E. & Anthony C. Kendzora Trust and Lawrence E. & Sylvia K. Whitton/Lawrence D. Whitton. (File #1019)
- 12a. **FIRST READING BILL 97-67**, rezoning property at NW 71<sup>st</sup> Terrace, approximately 100' west of N. Broadway, from R-1 (Single Family Dwelling District) to R-2 (Two-Family Dwelling District). Applicant: Jon Matthews Owners: Beatrice E. & Anthony C. Kendzora Trust and Lawrence E. & Sylvia K. Whitton/Lawrence D. Whitton. (File #1019)
13. **FIRST READING BILL 97-68**, accepting Temporary Construction Easements, a Quit Claim Deed and a Subordination Agreement in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)
14. **FIRST READING BILL 97-69**, authorizing acquisition of the interests of certain property owners adjacent to the NE 72<sup>nd</sup> Street reconstruction project by purchase or condemnation, declaring the public necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance. (Project #9417)
15. **FIRST READING BILL 97-70**, amending Chapter 34 of the City Code by the addition of Division VI relating to "**Composting**" in the City of Gladstone.
16. **FIRST READING BILL 97-71**, accepting a Permanent Easement and Quit claim Deed from a property owner in conjunction with the Old Pike Road Reconstruction Project from 50th Street to Vivion Road in conjunction with the Home Depot Construction Project.
17. **Other Business.**
18. **Questions from the News Media.**
19. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 13, 1997

Mayor Roger Norris called the Regular October 13, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda.** Pledge of Allegiance.

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda.** Approval of Regular September 22, 1997 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the regular September 22, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### **Item 4a. on the Agenda.** SPECIAL PRESENTATIONS to Retiring Gladstone Director of Finance, E. Sue Henning.

Mayor Roger Norris presented a plaque to retiring Finance Director E. Sue Henning which read, "A Certificate of Achievement for excellence in financial reporting presented to the City of Gladstone for Comprehensive Annual Financial Reporting for the fiscal year ended June 30, 1996." Mayor Roger Norris noted that this was the twentieth consecutive year the City of Gladstone has received this award. He and the City Council extend their thanks not only to staff but to Sue Henning and wish her well in retirement. The Mayor said Sue will be missed and she was always a bright cheery spot in his day when he stopped by City Hall. He and the Council have appreciated Sue every moment since they have worked with the City.

Mayor Roger Norris also presented E. Sue Henning with a *Key to the City* reading, "In appreciation of her twenty-eight years of outstanding professionalism and contributions to the success of the City of Gladstone, Missouri. Water and Sewer Department Clerk from 1969 to July 1974. Finance Department Accountant from July 1974 to February 1989. Director of Finance from February 1989 to 1997, and signed by the Gladstone City Council: Mayor Roger Norris, Art Hammen, Dave Fricke, Anita Newsom, George Nodler and City Manager Jim Norris.

Lastly, Mayor Roger Norris presented Sue Henning with a flower bouquet on behalf of the City Council and the entire staff and thanked her again for all her efforts over the years.

Director of Finance, E. Sue Henning, thanked everyone from the City, the management team and the City Council for the many opportunities she has been offered throughout her tenure. The City has been very good to her and she really appreciates it.

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

Following the City Clerk's reading of the Consent Agenda, Councilman Dave Fricke moved to approve the Consent Agenda as revised; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-97**, authorizing execution of a contract with Kaw Valley Engineering for the design of the 76<sup>th</sup> Street Reconstruction Project (Oak to Troost). Contract Amount: Not to exceed \$17,748.00 Capital Improvements Sales Tax Fund. (Project #9814); Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-98**, accepting work under the Haines Stowers Construction contract for the 1994 Water Main Replacement Program - Southwest Area (Project 9413D). Grand Total Contract \$457,843.58; Final Payment Due: \$14,227.58; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-99**, amending the "Position Classification and Compensation Plan" for the City of Gladstone, Missouri to become effective November 1, 1997; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION 97-100**, authorizing issuance of a Massagist Business Permit to Jennifer A. Meyer, for a period of one year, all pursuant to Chapter 17.1 of the Gladstone City Code; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-101**, accepting work under contract with R.K. Breit Construction Services for the North Flora Street Maintenance Project. Grand Total Contract: \$120,406.09: Final Payment Due: \$6,337.16 Fund: Transportation Sales Tax; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-102**, authorizing the City Manager to enter into a "Cooperative Agreement for use of Weapons Training Facility" with the City of North Kansas City, Missouri; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to approve **FINANCIAL REPORTS** for August, 1997; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Dave Peironnet, 6204 N. Park**, stated that he is concerned because lately he has seen advertisements being posted on public property for some of these, as he perceives them to be, fly-by-night building repair firms. He and his dog go walking every night around the Meadowbrook area and often times stop in Meadowbrook Park. There is a company called *K.C. Foundation Repair* which, not once, but twice, has stuck their signs right on the edge of Meadowbrook Park. He stated that he pays his taxes on time and tax payers should not have to see advertising posted on property that they pay for. If this company, or any other company, would like to reimburse him for all of his property tax, along with that of his neighbors, then he feels everyone in the room would be agreeable to letting them put up signs. But, to the extent that he pays property taxes and these people put advertising up on public property, he is very offended.

Mr. Peironnet noted that he had had a good conversation with Director of Community Development, Scott Wingerson, who told him that this is a quite a problem. Mr. Peironnet is convinced that City staff is doing everything that they can do to deal with this problem. He would really like the City Council to think about whatever moral support they can give to City staff to encourage them to realize that this issue has an extremely high priority. Council might also consider some type of resolution to somehow say, when staff calls these people putting up these signs, don't even think about putting your signs up in Gladstone because you are not going to get any sympathy from the tax payers or the City Council. Mr. Peironnet stated he realizes that staff is doing what appears to be a pretty good job in dealing with the problem, but he would like for the City Council to give some kind of endorsement to staff to demonstrate this is a high priority of theirs and wants staff to deal with this type problem immediately.

Councilman Art Hammen commented that Mr. Peironnet may be interested in knowing that just a couple of months ago, at the City Council's request, staff sent a letter to the Kansas City Real Estate Board addressing real estate signs on public property. This is

just one segment of sign control, but Council is aware of the sign problem in Gladstone. There are full time people on staff to deal with this problem and staff knows that they do have the City Council's full support and encouragement to keep signs off of right-of-ways and off of City property.

Mr. Peironnet stated that he appreciates that and encourages the City Council to keep up that support.

City Manager Jim Norris explained that the help staff needs from the public is two-fold. One is that if they see a sign, leave it in place and call City Hall so that a Gladstone Code Enforcement Officer may respond to pick the sign up. The Code Enforcement Officer may need to take a picture of the sign to use as evidence in court and they can legally remove the sign. The second is that the public may also become the plaintiff by signing a formal complaint against the offending party. It then becomes an item for the Municipal Court system. When a complaint is signed, a citation will be issued against the company who has put up the offending sign. Then either the City is in a position to try and prove that they put the sign there or the company is in a position to try and prove they did not put the sign there. By taking this issue into Municipal Court this then goes up another level from what staff can do. Staff can try to enforce this through voluntary cooperation, but sometimes enforcement has to come by just making it economically hard on them. Staff has tried to contact this company three times and they won't even return the City's phone calls. The next thing staff can do is send a registered letter and start the process.

City Manager Jim Norris said he cannot comment on the quality of work the company does but does acknowledge their advertising signs were illegally placed.

Mr. Peironnet explained that his thoughts on this type of firm are that if they break one law they probably break others. If someone wants to quote him on that in court he feels they would have a hard time defending themselves because it is very clearly his First Amendment right to make that comment.

Mr. Peironnet stated he would like to make one observation. When he first called the City and commented on this issue he asked the person he spoke with if they would like his name and address, they said no they did not need it. His only suggestion is that all staff people who are involved in this area know that if someone offers their name and address to take it down.

Mr. Peironnet commented that he is very perturbed by this situation and he would be more than happy to take all of his frustrations out against someone. Wouldn't it be nice to find somebody who is guilty as all get out and be able to vent ones frustrations on them. It would be a truly cathartic experience.

Mayor Roger Norris noted that the City Council and staff would both like to have more people willing to give their name when making a complaint. The staff person was probably shocked when he wanted to give his name. Most people want to do things with the City totally anonymously. They do not want anybody knowing who they are, what they are, what they are doing, so they just give out information on their complaint.

Mr. Peironnet stated that in the past he had worked for municipal government in another state and he knows that there is nothing that people like this firm can do to him, so hey, let's have some fun.

\* \* \*

**Former Mayor Bill Reynolds, 614 Lawrence, Mountain Home, Arkansas,** addressed Council and gave his home phone number (870-425-8029) and his work number (870-425-9165). He said if anyone on the City Council or City staff ever get within a 100 miles of Mountain Home and do not stop and visit he and Lyda they will be in trouble. Mr. Reynolds noted that he is working and has all the mementos that were so graciously given him proudly hanging on his wall and he will always remember everyone in Gladstone. Mr. Reynolds said it is good to see everybody and expressed his appreciation for everything.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Dave Fricke commented that he had an enjoyable time at Gladfest. He doesn't know if it was the best Gladfest yet because he hasn't been to all of them, but he thoroughly enjoyed himself.

Councilman Anita Newsom echoed Councilman Dave Fricke's positive comments. She felt this was one of the biggest and best Gladfest's ever. She felt it was the largest crowd she had ever seen. Gladfest is one of those events where a lot of people put in a lot of hard work. On the outside it looked like the little red-haired duck just floating smoothly along the water, while under water it was kicking as fast as it could to make everything go well and it was well worth the while. She extended a Thank You to Terry Hoppenthaler, this years Gladfest XVIII Chair.

Terry Hoppenthaler thanked the City and stressed that she could not have done the job without all the wonderful City employees help. She also noted that she really appreciated and was very touched by the *Key to the City* she received.

\* \* \*

Councilman Anita Newsom noted that she had driven on Pleasant Valley Road the other evening, a road she normally stays away from after dark, and the improvements are really nice. She was very pleasantly surprised. The road had marked yellow center lines and white edge lines that could be easily seen and surface pavement was smooth driving.

\* \* \*

Councilman Anita Newsom commented to Director of Finance, E. Sue Henning, that she would never be able to look at a little red garden tractor without thinking of her. Sue is the person who found the \$9,000,000.00 tractor error that threw off the other municipalities budgets; so thanks to Sue, Gladstone did not make that error in their budget planning. Sue always paid attention to detail and will be missed.

Sue is the person who found the \$9,000,000.00 tractor error that threw off the other municipalities budgets; so thanks to Sue, Gladstone did not make that error in their budget planning. Sue always paid attention to detail and will be missed.

Councilman Art Hammen offered his congratulations to Sue Henning and wished her good luck in her retirement.

\* \* \*

Councilman Art Hammen noted that he had heard nothing but good comments about Gladfest and he wanted to pass along his congratulations to all those who helped to make it the success that it was.

Mayor Roger Norris noted that everyone at Gladfest had an outstanding time. He stated that out of all the *Keys to the City* that are earned, and that he has given as Mayor, he has never given one that made him want to cry except the one he gave Terry Hoppenthaler at Gladfest this past weekend.

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris stated that he had three items this evening. The first was to thank the Council for their support of Gladfest and the support they gave staff to spend time working on Gladfest. From what he has heard at this point from the Gladstone Area Chamber of Commerce, this Gladfest was one of the most financially successfully Gladfest they have ever had. The wonderful weather helped the carnival and all aspects of Gladfest.

\* \* \*

City Manager Jim Norris noted his second item was to remind Council that during the holiday season the City Council traditionally has a Mayor's Christmas Tree Lighting Ceremony. A date needs to be selected for this years Lighting Ceremony. He noted that because of how the Thanksgiving holiday falls, the National League of Cities Conference, Sunday Chiefs games and other timing restraints, it becomes somewhat difficult to schedule. He also mentioned that when the Chiefs are playing a home game on the day of the Lighting Ceremony, attendance is dramatically lowered. A Chiefs home start at noon on Sunday, November 30<sup>th</sup> should not effect the Mayor Christmas Tree Lighting Ceremony too much at 6:00 pm.

Mayor Roger Norris and Council discussed dates and noted that Sunday, November 23<sup>rd</sup> would be their first choice, with their second choice being Sunday, November 30<sup>th</sup>. Mayor Roger Norris asked City Manager Jim Norris to check when the Chiefs play on Sunday, November 23<sup>rd</sup>. If on the 23<sup>rd</sup> the Chiefs have an afternoon game then the Lighting Ceremony should move to the 30<sup>th</sup> when the Chiefs have a noon starting time.

City Manager Jim Norris said he would check the Chiefs schedule and get back to the Council on which of these dates would be best for the Mayor Christmas Tree Lighting Ceremony.



\* \* \*

City Manager Jim Norris stated that his last item was for the Council to set a date to hold Board & Commission Interviews. Press Releases would be going out requesting citizens to send in their letters of interest in serving on a Board or Commission. When he had originally spoken to the Council they had tentatively thought Saturday, December 13<sup>th</sup> would be a good interview date.

Councilman Anita Newsom asked if that was the same date as the City Employee's Recognition Dinner?

City Manager Jim Norris replied yes.

Mayor Roger Norris and Council discussed Saturday, December 13<sup>th</sup> and all agreed that would be a good date as they were all available.

City Manager Jim Norris stated that Board and Commission interviews would be scheduled for Saturday morning December 13<sup>th</sup> in Gladstone City Hall.

\* \* \*

Lastly, City Manager Jim Norris read the following announcement which has been properly posted: "The City of Gladstone, Missouri announces the following timetable for declarations of candidacy for the office of City Councilman pursuant to State Law: Candidate Filing Opens: 8:00 AM, Tuesday, October 21, 1997; and Candidate Filing Closes: 5:00 PM, Tuesday, November 18, 1997. Declarations of candidacy must be made in the Office of the City Clerk, Gladstone City Hall, 7010 North Holmes, during the City's Regular Business Hours, 8:00 AM - 5:00 PM, Monday through Friday."

**Item 9. on the Agenda.** **RESOLUTION R-97-96**, accepting **North Euclid Court**, a street constructed in "Deer Park Subdivision" for City maintenance. (File #964) (Street Construction entirely at the developer's expense.)

Councilman Anita Newsom moved to adopt **Resolution R-97-96**; Mayor Pro Tem George Nodler seconded. The vote: "Aye" - Fricke, Newsom, Nodler, Norris. "Abstain" - Hammen. (4-0-1)

**Item 10. on the Agenda.** **PUBLIC HEARING:** On a request for a Site Plan Revision on property in a CP-2 zone at 6750 North Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai. (File #1017) **(AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, OCTOBER 27, 1997 CITY COUNCIL MEETING.)**

Mayor Roger Norris opened the Public Hearing and noted that the applicant and the Planning Commission both have asked that this item be continued to the October 27, 1997 City Council Meeting. Mayor Roger Norris continued this Public Hearing to the Monday, October 27, 1997 City Council Meeting.

**Item 11. on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot (File #1018) (**AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, OCTOBER 27, 1997 CITY COUNCIL MEETING.**)

Mayor Roger Norris opened the Public Hearing and noted that the Planning Commission has asked that this item be continued to the October 27, 1997 City Council Meeting so they may conduct a site visit. Mayor Roger Norris continued this Public Hearing to the Monday, October 27, 1997 City Council Meeting.

**Item 12. on the Agenda. PUBLIC HEARING:** On a request to rezone property at NW 71<sup>st</sup> Terrace, approximately 100' west of N. Broadway from R-1 (Single Family Dwelling District) to R-2 (Two-Family Dwelling District). Applicant: Jon Matthews Owners: Beatrice E. & Anthony C. Kendzora Trust and Lawrence E. & Sylvia K. Whitton/Lawrence D. Whitton. (File #1019)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Jon Matthews**, stated they are requesting this zoning change to change an old subdivision that was platted back in the 50's with a street straight west which was later cut off when Highway 169 was put through. Currently there is a dead-end street on 71<sup>st</sup> Terrace and also on Pennsylvania. They will connect those two streets. The area to the south has approximately 40 homes and only one exit which is 71<sup>st</sup> Street. This will give two outlets for Public Safety vehicles and school buses. Their target market for this development is for retired persons. All of these townhomes will have first floor living, wide doorways, and showers with assistance handles. Their market is for people who are 55 and up that want to stay in their neighborhoods. They think it will be a nice neighborhood. This is a community development plan which means they have to build very close to what is shown on the plan in terms of facia and structure. The townhomes will run from 1,200 square feet to 1,400 square feet. They plan for them to sell for approximately \$115,000 to \$125,000 per side. Mr. Matthews stated he had no other comments but would be happy to answer any of Council's questions.

Councilman Anita Newsom asked if all the homes include two cars garages?

Mr. Matthews replied yes and all the units would be staggered so they don't line up in one straight line.

City Manager Jim Norris stated for Council's clarification, only two of the lots that are being talked about will physically be in the city limits of Gladstone. At this time, this development is also going through the approval process in Kansas City.

Councilman Art Hammen noted that one of the conditions is that the individual living unit be located either entirely in Gladstone or Kansas City. Is that going to be a problem for Lots 1 and 17?

Mr. Matthews answered that they made Lot 17 a single unit. Lot 1's party wall line will be built so that this requirement will be met.

**In Favor:**

None.

**Opposed:**

None.

**Staff:**

Scott Wingerson, Director of Community Development, stated he had a couple of things to add to Mr. Matthews presentation. The Planning Commission recommended unanimously 9-0 that the zoning change be approved. They also unanimously approved the Preliminary Plat. In the event that the City Council approves the request tonight, the applicant will complete construction drawings and submit them for the City's review and apply for a Final Plat. At that time Kansas City's decisions should be rendered on the preliminary aspect of the project in their jurisdiction and staff will have a better idea at the time of Platting to know if the project will happen. There are several inter-jurisdictional issues in this development that are similar to the Oaks Subdivision. Some being: water provision, emergency service provision, snow plowing and things like that, although those issues will be looked at at the time of Final Plat, and staff will go from there.

Councilman Art Hammen asked Director Wingerson if he was comfortable with the party wall being used as a dividing line between Kansas City and Gladstone?

Director of Community Development Scott Wingerson answered that staff will watch that extremely closely at two points. The first is during the Final Platting. The second is during construction of that specific unit to make real sure that the party wall is built on a City Limit line.

Councilman Art Hammen stated that seems to be a very creative way of solving that issue. Whoever had that idea he applauds them, but it is going to be critical that whoever surveys this structure and the foundation crew get it in exact.

Director of Community Development Scott Wingerson noted that staff will also request certification of that being done by the surveyor and foundation company.

Councilman Art Hammen stated his second question deals with Condition #6. To clarify it states, "A minimum of one tree per lot shall be planted in the required front yard". Is that in fact what is meant, or is that one tree per living unit?

Director of Community Development Scott Wingerson replied, it is one tree per living unit.

Councilman Art Hammen said, so with a duplex on a given lot that would really be two trees per lot?

Director of Community Development Scott Wingerson answered that was correct.

Councilman Anita Newsom asked if these will be units for sale that are to be owner occupied and will the exterior maintenance be done by a home owners corporation or by the individual owners?

Mr. Matthews answered, by a home owners association.

City Manager Jim Norris clarified that the issue of owner occupied is a provision that Council may ask here, but the owner may rent the unit after purchasing it if he so desires. Owner occupied units are the applicant's intention at this time.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL 97-67**, rezoning property at NW 71<sup>st</sup> Terrace, approximately 100' west of N. Broadway, from R-1 (Single Family Dwelling District) to R-2 (Two-Family Dwelling District). Applicant: Jon Matthews Owners: Beatrice E. & Anthony C. Kendzora Trust and Lawrence E. & Sylvia K. Whitton/Lawrence D. Whitton. (File #1019)

Councilman Art Hammen moved to place **Bill No. 97-67** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Councilman Anita Newsom stated that this sounds like a good solution to problems that were created a long time ago.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-67**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-67** and enact it as Ordinance No. 3.637; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. FIRST READING BILL 97-68**, accepting Temporary Construction Easements, a Quit Claim Deed and a Subordination Agreement in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-68** on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-68**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-68** and enact it as Ordinance No. 3.638; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 97-69**, authorizing acquisition of the interests of certain property owners adjacent to the NE 72<sup>nd</sup> Street reconstruction project by purchase or condemnation, declaring the public necessity of the same and authorizing the City Manager and City Counselor to take such action as may be required or necessary to carry out the intent of this ordinance. (Project #9417)

Councilman Anita Newsom moved to place **Bill No. 97-69** on First Reading; Councilman Art Hammen seconded.

Discussion:

City Manager Jim Norris noted that this is one of the steps the City must take in the long process to ultimately reconstruct 72<sup>nd</sup> Street. As the memorandum attached to the ordinance states, staff commenced negotiations with 58 properties along 72<sup>nd</sup> Street in April 1997. Staff has acquired 44 of those properties; including two that were a complete outright purchase of the entire unit and relocation of those residents. Of the remaining 14 properties, staff has reached verbal understanding with six. Staff feels confident that they will reach verbal agreement with five more, leaving approximately three out of the original 58 that may have to go through a formal condemnation process. That is a very, very low number considering the magnitude and size of the project. This is due to Assistant City Manager Laura Gay's efforts; City Counselor Nancy Thompson's efforts; and Scott Brandom's efforts in Community Development. They have all done an excellent job in meeting with the property owners and, where necessary and within reason configuring a plan to try and deal with the property owners individual issues. Again, this is one of the legal hurdles that the City has to take to go through a condemnation process. Hopefully the City will not have to go to condemnation for more than three properties and maybe less than that.

Mayor Roger Norris stated that this is a very large project that seemingly has had no bumps in the road. The City has had a lot of much smaller projects that have had a lot

more headaches. Obviously he is not an attorney looking at all the paperwork, but on the surface this project seems like it is going much better than a number of the smaller projects the City has attempted in the recent past.

City Counselor Nancy Thompson acknowledged that Assistant City Manager Laura Gay has done a really good job in trying to coordinate the project and in making sure that things run smoothly. The City does have a couple of holdout property owners that are starting to fall into place even since the memorandum Council received was written. This project is going to happen. It is on the calendar and it is going to progress timely. It is very exciting.

City Manager Jim Norris stated that the best thing about this project is that it is 80% federally funded.

Mayor Roger Norris recalled going to the first meeting down at MARC with City Manager Jim Norris when the City was first asking for federal money for this project. To see this project all the way through has been cool.

City Manager Jim Norris noted that the engineer estimates that this will be a 364 construction day project; which means phasing through one complete winter season if it can't all be done in one full construction year. This is a huge project for the City.

City Counselor Nancy Thompson commented that there are going to be some residents that are going to be inconvenienced for quite some time. It will be difficult and staff has their concerns in mind.

Mayor Roger Norris stated that fortunately this neighborhood dealt with the Hy-Vee construction, the Wal-Mart construction and the 72<sup>nd</sup> Street construction so they know that while it is terrible while it is happening, things are better later.

City Manager Jim Norris noted that with Indiana Street being widened and extended the residents now have an alternate outlet from their neighborhood where there never was an alternate before, so the City has helped with that situation as well.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-69**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-69** and enact it as Ordinance No. 3.639; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 15. on the Agenda.** **FIRST READING BILL 97-70**, amending Chapter 34 of the City Code by the addition of Division VI relating to "**Composting**" in the City of Gladstone.

Councilman Art Hammen moved to place **Bill No. 97-70** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris stated that this is what staff refers to as a scrivener's error. When BACO was being adopted and staff was going through all the amendments, revisions, additions, deletions, etc., composting was inadvertently deleted. Staff did not mean for composting to be deleted from the City Code, so staff is asking for composting to be added back into the City Code so people can compost legally in the City of Gladstone.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-70**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris commented that had read an article about a man who composts his yard. This man has a four acre yard and he piles his grass up all summer. He has copper pipes running through the composting area and heats his house all winter. As the composting disintegrates it heats his water to 140 degrees, just from composting.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-70** and enact it as Ordinance No. 3.640; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 16. on the Agenda.** **FIRST READING BILL 97-71**, accepting a Permanent Easement and Quit Claim Deed from a property owner in conjunction with the Old Pike Road Reconstruction Project from 50th Street to Vivion Road in conjunction with the Home Depot Construction Project.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-71** on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-71**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes. These easements are from Home Depot themselves for work adjacent to their property.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-71** and enact it as Ordinance No. 3.641; Councilman Dave Fricke seconded.

Discussion:

City Manager Jim Norris stated that Home Depot is very happy because the first legal description they sent the City for these Quit Claim Deeds included half of their Garden Center. Staff engineers caught the error, sent the legal description back to Home Depot, and they revised it so that now the City does not own half of their Garden Center.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 17. on the Agenda. Other Business.**

City Manager Jim Norris stated that the *Mayor's Christmas Tree Lighting Ceremony* would be held on Sunday evening, November 30, 1997, in Central Park.

Councilman Anita Newsom noted that she felt the communication sent to Hamilton Heights residents about the Hamilton Heights Park project was very nice and informed them about the progress in their neighborhood.

Mayor Roger Norris stated he was also pleased the Hamilton Heights communication had been sent as his phone has stopped ringing from area residents with questions.

**Item 18. on the Agenda. Questions from the News Media.**

**Jack Miles, Dispatch,** had no questions.

\* \* \* \*



Councilman Art Hammen moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

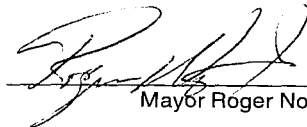
\* \* \* \*

There being no further business to come before the regular October 13, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:20 pm to Closed Executive Session.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Roger Norris

MFA/sak

**GLADSTONE, MISSOURI**  
**MONDAY, OCTOBER 27, 1997**  
**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 13, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-103**, authorizing execution of a Settlement Agreement with Stonebrooke, L.L.C. and Bernard Madel regarding reconstruction and change of grade on NE 72<sup>nd</sup> Street.

**RESOLUTION R-97-104**, authorizing execution of a contract with Kaw Valley Engineering for the design of Old Pike Road at 55<sup>th</sup> Terrace. Total Contract Amount Not to Exceed: \$12,306. Fund: Capital Improvements Sales Tax Fund. (Project #9719)

**RESOLUTION R-97-105**, authorizing the City Manager to enter into a Second Amendment to Development Agreement with Home Depot, U.S.A., Inc. relating to the development of property at the intersection of Vivion Road and Old Pike Road.

**RESOLUTION R-97-106**, authorizing the City Manager to accept the Proposal of Words & Pictures Corporation for Design Consulting Services for the Development of a Signage Master Plan for the City of Gladstone's Municipal Facilities. Total Contract Amount Not to Exceed \$17,500.00. Fund: Capital Improvement Sales Tax Fund (Project #9710)

**RESOLUTION R-97-107**, authorizing the City Manager to enter into a Cooperative Agreement with Clay County, Missouri and the Clay County Assessor's Office for an Intergovernmental Data Access and License Agreement.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) (**AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, NOVEMBER 10, 1997 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.**)

10. **PUBLIC HEARING:** On a request for a Site Plan Revision on property in a CP-2 zone at 6724-6750 N. Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai (File #1017)
- 10a. **FIRST READING BILL NO. 97-72**, approving a Site Plan Revision in a CP-2 zone for property at 6724-6750 N. Oak. Applicant: Larry LeFever for Northtowne Hyundai (File #1017)
11. **PUBLIC HEARING:** On a request for a Special Use Permit for operation of a Hair Salon on residential property at 2223 NE 73<sup>rd</sup> Street. Applicant: Grace Bale (File #1022)
- 11a. **FIRST READING BILL NO. 97-73**, approving a Special Use Permit subject to certain conditions for operation of a Hair Salon on residential property at 2223 NE 73<sup>rd</sup> Street. Applicant: Grace Bale (File #1022)
12. **PUBLIC HEARING:** On a request to renew a Special Use Permit for Knights of Columbus Father Hager Council #7604 for purposes of a meeting hall in an R-1 zone at 1500 NE Englewood Road. Applicant: Father Robert Hager Council #7064, Knights of Columbus (File #1023)
- 12a. **FIRST READING BILL NO. 97-74**, approving a Special Use Permit subject to certain conditions for Knights of Columbus Father Hager Council #7604 for purposes of a meeting hall in an R-1 zone at 1500 NE Englewood Road. Applicant: Father Robert Hager Council #7064, Knights of Columbus. (File #1023)
13. **PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District-Planned) to CP-2 (General Business District-Planned), property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)
- 13a. **FIRST READING BILL NO. 97-75**, rezoning from CP-1 (Local Business District-Planned) to CP-2 (General Business District-Planned), property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)
- 13b. **FIRST READING BILL NO. 97-76**, approving a Site Plan subject to certain conditions in conjunction with a rezoning of property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)
- 13c. **FIRST READING BILL NO. 97-77**, approving a Final Plat of "Margarita's North", 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)
14. **APPROVAL OF BUILDING PERMIT** for installation of screened windows in existing open patio eating area at Margaritas, 7013 N. Oak. Applicant: Larry Gromer. (BP#97-0851)
15. **APPROVAL OF BUILDING PERMIT** for 1,200 sq. ft. new building at 5900 N. Oak Trafficway for McCarthy's Nissan. Applicant: McCarthy's Nissan. (BP#97-0881)
16. **FIRST READING BILL NO. 97-78**, accepting Temporary Construction Easements in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)
17. **Other Business.**
18. **Questions from the News Media.**
19. **Adjournment.**

**AGENDA ADDITIONS:**

**RESOLUTION 97-108;** rescinding Resolution R-97-93 and authorizing acceptance of the rebid proposal of Scherer Truck Equipment for the purchase of two stainless steel material spreaders for the amount of \$9,434.00 General Fund

**RESOLUTION 97-109,** authorizing acceptance of proposal from Scherer Truck Equipment for purchase of (1) 8' snow plow to be used by the Park Department on 1996 F350 4x4 truck. General Fund

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 27, 1997

Mayor Roger Norris called the Regular October 27, 1997 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sonda Kasserman

#### Item 3. on the Agenda. Pledge of Allegiance.

Scouts Brian Crane, Chris Blackwell and Justin Flowers, from Boy Scout Troop #247 of the Gashland Presbyterian Church, presented the colors and led the Pledge of Allegiance in which all joined. Mayor Norris thanked the scouts and noted that they are working on their *Citizenship in the Community* badge.

#### Item 4. on the Agenda. Approval of Regular October 13, 1997 City Council Meeting Minutes.

Councilman Art Hammen moved to approve the regular October 13, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Dave Fricke moved to approve the Consent Agenda as written; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### CONSENT AGENDA DETAIL.

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-103**, authorizing execution of a Settlement Agreement with Stonebrooke, L.L.C. and Bernard Madel regarding reconstruction and change of grade on NE 72<sup>nd</sup> Street; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-104**, authorizing execution of a contract with Kaw Valley Engineering for the design of Old Pike Road at 55<sup>th</sup> Terrace. Total Contract Amount Not to Exceed: \$12,306. Fund: Capital Improvements Sales Tax Fund. (Project #9719); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-105**, authorizing the City Manager to enter into a Second Amendment to Development Agreement with Home Depot, U.S.A., Inc. relating to the development of property at the intersection of Vivion Road and Old Pike Road; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-106**, authorizing the City Manager to accept the Proposal of Words & Pictures Corporation for Design Consulting Services for the Development of a Signage Master Plan for the City of Gladstone's Municipal Facilities. Total Contract Amount Not to Exceed \$17,500.00. Fund: Capital Improvement Sales Tax Fund (Project #9710); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-97-107**, authorizing the City Manager to enter into a Cooperative Agreement with Clay County, Missouri and the Clay County Assessor's Office for an Intergovernmental Data Access and License Agreement; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.    Communications from the Audience.**

None.

### **Item 7. on the Agenda.    Communications from the City Council.**

Councilman Dave Fricke asked if the City was going to distribute the pamphlet on methamphetamines that the Council received from the Nursing Students at the Open Study Session at the last City Council meeting?

City Manager Jim Norris stated that staff has taken the pamphlet that the Nursing Students had prepared and both Bryan Richison, Management Assistant, and the Public Safety Department are working to turn it into a more usable form. The Nurses narrative and research were good, but staff thought a bi-fold with pictures and more information would be more useful.

Councilman Dave Fricke stated he found the brochure very interesting. He would like to have access to some of the pamphlets as he has talked to a principal and some teachers at school and they were not quite sure what a methamphetamine lab was or how to spot one. He would like them to have the pamphlet.

City Manager Jim Norris stated that staff felt the pamphlet needed to go further in talking about some of the other common substances and items that anyone can buy at local stores that contain some of the ingredients that are being used to make methamphetamines. Staff will be working on this.

Councilman Anita Newsom thanked Terry Hoppenthaler for the Gladfest pen. It is a nice memento.

Councilman Art Hammen congratulated Councilman Anita Newsom on her recent promotion within the North Kansas City School District.

Mayor Pro Tem George Nodler and Mayor Roger Norris also thanked Terry Hoppenthaler for their pen.

Mayor Roger Norris said last Friday evening he and Public Safety Director, William P. Adamo, and the Fire Captain attended a Fire Safety Award Ceremony and passed out award to area elementary school children. During the evening several principals came up to him and stated how much they like PSO Richard Carroll. They think he is awesome.

City Manager Jim Norris said that those compliments would be passed along to PSO Carroll. PSO Carroll has been getting compliments from those who have seen the City's Fire Prevention Program move upwards in how it is being accepted in the schools.

Mayor Roger Norris noted that these kids were excited. They were all dressed up and loved it. A couple of them grabbed their trophies out of his hand and just hugged them all the way back to their seats.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris stated that he had four items for the Council this evening. Sent to the Council last Friday was an addition to the agenda of two resolutions. **Resolution No. 97-108** rescinds Resolution No. 97-93 and authorizes the acceptance of the rebid proposal of Scherer Truck Equipment for the purchase of two stainless steel material spreaders for the amount of \$9,434.00. These funds are authorized from the General Fund. City Manager Jim Norris asked for the Council's acceptance of the resolution and that bid.

Councilman Anita Newsom moved to accept **Resolution No. 97-108**; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris stated that **Resolution No. 97-109** authorizes the acceptance of the proposal from Scherer Truck Equipment for the purchase of one 8 foot snow plow to be used by the Park Department on their 1996 F350 4x4 Truck for the total purchase price of \$3,172.00. These funds are authorized from the General Fund.

Mayor Pro Tem George Nodler moved to accept **Resolution No. 97-109**; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris announced the City's Annual Fall Brush Disposal would be held in November on the days of Friday, November 7<sup>th</sup> from noon to 5 pm; Saturday, November 8<sup>th</sup> from 8 am to 5 pm; and Sunday, November 9<sup>th</sup> from noon until 5 pm at the City's Public Work's Building, 76<sup>th</sup> & N. Antioch Road, just north of the Happy Rock Park tennis courts. Residents may dispose of their tree limbs, brush and/or yard waste on these dates. Residents will need to show proof of Gladstone residency, such as their water bill etc.

\* \* \* \*

City Manager Jim Norris noted that his fourth item was the Agenda addition of a One Day Limited Beer and Wine License for St. Charles Borromeo Parish at 804 Shady Lane Drive. They have requested a Limited One Day Beer and Wine License in connection with their annual Harvest Moon event which occurs on Saturday, November 8<sup>th</sup> from 7 pm to 11 pm. Mr. Paul Dannaher will serve as the managing officer. The parish has held this event for the past several years and Gladstone Public Safety and Missouri Liquor Control have had no negative information reported; therefore staff is recommending approval of the One Day Limited Beer and Wine License for St. Charles Borromeo Parish.

Mayor Pro Tem George Nodler moved to approve the One Day Limited Beer and Wine License for St. Charles Borromeo Parish; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 9. on the Agenda.** PUBLIC HEARING: On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) **(AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, NOVEMBER 10, 1997 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.)**

Mayor Roger Norris opened the Public Hearing and noted that the applicant has asked that this item be continued to the November 10, 1997 City Council Meeting. Mayor Roger Norris continued this Public Hearing to the Monday, November 10, 1997 City Council Meeting and closed the hearing.

**Item 10. on the Agenda.** PUBLIC HEARING: On a request for a Site Plan Revision on property in a CP-2 zone at 6724-6750 N. Oak. Applicant/owner: Larry LeFever for Northtowne Hyundai (File #1017)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.



**Applicant:**

**Larry LeFever, 404 NW Briarcliff Parkway, Kansas City, Missouri**, stated they have submitted a Site Plan Revision to improve property at 6724 N. Oak. This improvement proposal is going to bring down a building that has been there about 30 years; the Old Malt Village building. They are proposing to replace it with a 3,000 square foot contemporary building to match the existing building to the north. This improvement would also involve the expansion of the parking lot to the west, in a very limited manner, and improvement to the North Oak side of the property which would involve berms, displays for vehicles, and landscaping consistent with the Streetscape plan for the North Oak section of Gladstone.

Councilman Anita Newsom ask for clarification, it is her understanding that they plan to leave the existing building in place until the new building is completed?

Mr. LeFever replied that is correct. They will leave the old building up and work out of it until the new building is completed; then they will knock the old building down prior to the issuance of the permanent Certificate of Occupancy.

Mayor Pro Tem George Nodler asked Mr. LeFever if he had any problems with any of the recommendations that staff listed on the Staff Report?

Mr. LeFever answered no. He is in agreement with all of staff's recommendations as listed.

Mayor Roger Norris asked if there was anything else Mr. LeFever would like to add?

Mr. LeFever stated that he feels this will be a good look for North Oak. It is going to take the Old Malt Village building out of there so no one has to look at it anymore. He hopes the Council can approve it tonight.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Director of Community Development Scott Wingerson stated he wanted to highlight two areas of the draft ordinance. This ordinance reflects the recommendation of the Planning Commission. The Planning Commission performed, a site visit prior to their actual vote and they focused on two issues: Condition #1 and Condition #4. Condition #1 has to do with the horizontal distance of the buffer area. The original proposal was eight feet. Originally staff recommended approximately fifteen feet. The Planning Commission felt that due to the existing condition of the property to the west, a large expanse of unusable property and residences with very large backyards, that an eight

foot buffer yard would be acceptable with the provisions of a solid privacy fence and evergreen plantings.

Director of Community Development Scott Wingerson noted that Condition #4 deals with the Comprehensive Plan. The intent of the Comprehensive Plan, as it relates to car dealerships, is that there be some sort of screening mechanism between the first row, considered the display row of vehicles, and the remainder of the storage lot. Mr. LeFever, the Commission and staff have worked together to come up with a berming system that they believe will be unique to car dealerships along North Oak and also meets the goals and intentions of the Comprehensive Plan. The Planning Commission voted unanimously for approval of this request.

Councilman Anita Newsom noted, on the recommended conditions it talks about the building and then states the dumpster shielding "should be of colors that are compatible with primary building". She would like to know if staff is talking about what the dumpster is "compatible with" or does staff mean what the dumpster is "similar to" or "consistent with"?

Director of Community Development Scott Wingerson answered, they mean "similar to" or "consistent with". The main building in this proposal will be similar and consistent with the main dealership just to the north. The intention is that the dumpster enclosure be similar and consistent with the main building on the project they are talking about.

Councilman Anita Newsom pointed out that a yellow tie may be *compatible* with a blue blazer, but it is not *similar* to a blue blazer.

City Manager Jim Norris noted that Councilman Anita Newsom's point is a very good one. Both he and the City Counselor have had discussions around this same type of wording, but in another circumstance. If staff wants these to be "similar to" then Section 1 #5 and #6 needs to state, "*similar to*" instead of, "*compatible with*".

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL NO. 97-72**, approving a Site Plan Revision in a CP-2 zone for property at 6724-6750 N. Oak. Applicant: Larry LeFever for Northtowne Hyundai (File #1017)

Councilman Art Hammen moved to place **Bill No. 97-72** on First Reading with change of wording in conditions number five and six from "*compatible with*" to "*similar to*"; Councilman Anita Newsom seconded.

Discussion:

Mayor Roger Norris commented that on the west side of this lot when there is a cloudy or foggy night it seems like daytime in Hamilton Heights because of the lighting at Hyundai. Is there anyway that when the lights are erected in this new building area the lights can be directed downward away from the residential houses?

Mr. LeFever replied that they could.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Amended Bill No. 97-72**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Amended Bill No. 97-72** and enact it as Ordinance No. 3.642; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 11. on the Agenda. PUBLIC HEARING:** On a request for a Special Use Permit for operation of a Hair Salon on residential property at 2223 NE 73<sup>rd</sup> Street. Applicant: Grace Bale (File #1022)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Dick Modine, 13485 N. Skyview, Kansas City, Missouri** stated it was his pleasure to represent his good friend Grace Bale. She is requesting a Special Use Permit to operate a single chair hair salon in her residence two days a week. Grace has been a hairdresser for about 50 years and she has around 8 to 10 ten customers, that she calls "her ladies", and she has been doing their hair for about 40 years. Grace is 77 years old and she would like to continue to take care of these customers until she is 80 if her health permits. She will be doing this two days a week. She has a double wide driveway so there is no reason anyone would ever be parking on the street. Mr. Modine stated he would be available to answer any questions.

Mayor Roger Norris asked if this was now an ongoing operation?

Mr. Modine answered that Grace Bales recently moved from a salon. She was working in a salon off of North Oak about 6 weeks to a month ago. She has been using her residence the last couple of weeks. She just had a radical mastectomy 4 weeks ago so she hasn't been doing much of anything.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Director of Community Development Scott Wingerson added that the Planning Commission unanimously recommended that this request be approved in accordance with the proposed ordinance.

Councilman Dave Fricke said, in the ordinance it states she will work only two days, what two days is that and how can that be enforced?

Director of Community Development Scott Wingerson stated that the applicant has proposed 8 am to 4 pm on Thursday and Friday as the two days and those days are specified in the ordinance.

City Manager Jim Norris pointed out that in proposed Bill No. 97-73, in condition number 4, the days and times are stated, and yes the City can enforce this. Ms. Bale sought this Special Use Permit as soon as she left the salon she was and has gone about this in the correct way.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 11a. on the Agenda. FIRST READING BILL NO. 97-73**, approving a Special Use Permit subject to certain conditions for operation of a Hair Salon on residential property at 2223 NE 73<sup>rd</sup> Street. Applicant: Grace Bale (File #1022)

Councilman Anita Newsom moved to place **Bill No. 97-73** on First Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-73**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-73** and enact it as Ordinance No. 3.643; Mayor Pro Tem George Nodler seconded.

Discussion:

Councilman Anita Newsom stated that she admired the professional way that Ms. Bale has gone about obtaining this permit.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12. on the Agenda. PUBLIC HEARING:** On a request to renew a Special Use Permit for Knights of Columbus Father Hager Council #7064 for purposes of a meeting hall in an R-1 zone at 1500 NE Englewood Road. Applicant: Father Robert Hager Council #7064, Knights of Columbus (File #1023)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Dean Nugent, 7818 NE 51<sup>st</sup> Terrace, Kansas City, Missouri**, stated that he is currently the Grand Knight of Father Hager Council #7064. He did not feel he needed to go into a long discussion of all the good things that the Knight's do. They have already sent a letter along with their letter of intent explaining all that to the City Council. His comments tonight are the same as those he made before the Planning and Zoning Commission a few weeks ago, and they are that when the Knights moved in there neighbors found out they were more grownup than they expected them to be. As far as he knows there have been no problem with the neighbors. They have made substantial improvements to the outside of the building; they have installed siding on all the exposed wooden areas of the brick building; put on a new roof; have the yard mowed once a week and are good neighbors.

**In Favor:**

**Harley Sprague, 1405 NE 56<sup>th</sup> Terrace**, stated that he lives diagonally across Flora Street from this building. The Knight's keep their grass mowed, their building looking well, the parking lot free of trash and they don't make any noise. He could not conceive of any usage that this property could have that would be less offensive to the neighborhood.

**In Opposition:**

None.

**City Staff:**

Director of Community Development Scott Wingerson stated that the Planning Commission unanimously recommended that this request be approved. He noted that the ordinance in front of the Council tonight for all practical purposes is the same ordinance as in 1994. The only difference is the length of term to twenty-five years and the kind words from the residents in the neighborhood compared to the last time.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL NO. 97-74**, approving a Special Use Permit subject to certain conditions for Knights of Columbus Father Hager Council #7064 for purposes of a meeting hall in an R-1 zone at 1500 NE Englewood Road. Applicant: Father Robert Hager Council #7064, Knights of Columbus. (File #1023)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-74** on First Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-74**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-74** and enact it as Ordinance No. 3.644; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District-Planned) to CP-2 (General Business District-Planned), property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)

Mayor Roger Norris opened the Public Hearing and explained the hearing process that the Applicant would speak first, followed by those In Favor, then those Opposed, with City staff comments last.

**Applicant:**

**Larry Gromer, 8501 N. Oregon, Kansas City, Missouri**, stated he is requesting a rezoning of this property as he wants to put in a parking lot adjacent to the *Margarita's Restaurant* to enhance the parking for his customers and to relieve a lot of congestion around the area. He will be putting in approximately 67 parking spots that will hopefully alleviate some of the parking problems on the side streets. He has talked to Ben Rose and to the Elks Lodge and he is willing to share the parking lot with them. He will be putting in twice the parking spots he really needs. He has offered to share some of those parking spaces to help relieve the congestion and parking problems that they have in the backside area. The First Bank of Missouri has been very kind and let him use six to nine of their parking spaces for his employees over the last six or seven years. He has greatly appreciated that. *Margarita's* has a good business and they have progressed to where he could buy this lot and he is now requesting it be rezoned so he can make a parking lot out of it.

Councilman Anita Newsom stated she understands this parking lot is being proposed to help eliminate parking on the street. Does Mr. Gromer have any plans to ask the City to sign the street to eliminate parking on the street?

Mr. Gromer stated that he hopes this parking lot will eliminate people parking on the street. He would prefer not to have signs put up. There are signs on both corners. People do tend to park wherever they want. Hopefully this parking lot will relieve the parking problems. Friday and Saturday nights are the main times people park on the street. It has been patrolled as he has requested that be done. It is hard to control. Parking on the north side of the street really started only two or three months ago, people have always parked on the south side.

Councilman Anita Newsom noted she had gone by the other night and people were parked everywhere.

Mr. Gromer said he has always observed that in the suburbs everyone wants to park as close as possible to where they are going and complain when they have to walk a little bit. Yet if they go to Westport or the Plaza everyone walks and no one complains. He has asked if he put in a parking lot in back would they walk 50 yards? If people can't

park right up front they always say something about it to him. He feels he is going to a lot of trouble and spending a lot of money to try alleviate this problem.

Councilman Anita Newsom commented that recently she and three friends met to have dinner and they each drove to the restaurant. In a suburban community everyone drives to the destination and meets there, instead of meeting somewhere and then driving to the destination.

Mr. Gromer stated the parking lot is going to be as nice as Council can see on the plans. It is an expensive plan and will cost him a fair amount of money. Mr. Rose has a problem with the Elks Lodge and he (Mr. Gromer) is a member of the Elks and a big supporter of the organization. They do a lot of good for the community. They cleaned up a building that was going to be non-existent. For the time that they are open, and for what they do, he believes they are a great organization. Mr. Gromer stated he has personally approached Mr. Rose and offered share this new parking lot with him and the Elks if he will take the fence down between the Elks property and this parking lot. Taking the fence down would make this whole area look a lot better.

Mr. Gromer noted that when the pawn shop went in he was a little skeptical about it. But to be honest, they have been about as low key as he could ever have imagined. They have been good neighbors and have cleaned up their building a bit. Developing the ground behind *Margarita's* with a parking lot will help everyone around that area. His dad has been mowing the lot for him since he bought it and it was even used as an auxiliary lot during Gladfest.

Mr. Gromer felt that if he could get his employees out of the bank lot and have twenty-five to thirty spots for his patrons in this new lot, it would help everyone. When the Elks have Bingo it would help stop some of the congestion. He has offered to Mr. Rose to let some of his employees use his lot so his lot wouldn't be so congested. This would help everyone. Mr. Gromer stated he is trying to enhance his business, but he is also willing to share with his neighbors.

**In Favor:**

None.

**In Opposition:**

None.

**City Staff:**

Director of Community Development Scott Wingerson noted that the Planning Commission unanimously recommended approval of the zoning change, site plan and the final plat if approved in accordance with the draft ordinances.

Councilman Dave Fricke commented that when he was on the Board of Zoning Adjustment one of the problem with doing things in Gladstone was always the parking. He doesn't know what this lot is worth, nor does he care, but he feels that Mr. Gromer is

going to a lot of trouble and expense to help the parking situation which is only going to help the City. He feels this is a good move.

Councilman Anita Newsom noted that she did not recall seeing anywhere a proposal for signage. This is going to be *Margarita's* lot and they are going to be sharing usage with other entities, she doesn't know if signage is something they should allow for or not.

City Manager Jim Norris stated that if Council wanted they could add a condition to the Site Plan as Condition 4 in Section 1 to deal with signage.

Councilman Anita Newsom commented that she is not sure that is a condition that Mr. Gromer would want, but since *Margarita's* will be providing multiple service to others with the lot they should get credit for what they are doing.

City Manager Jim Norris commented that at minimum the issue of a monument sign versus other types of signage should be addressed in the ordinance in keeping with Council policies. The other thing Council needs to be careful about is to not go too far tonight to limit the sharing arrangement Mr. Gromer is proposing. It is very much in the City's interest, *Margarita's* interest, the Elks interest and potentially other parties in the areas interest, for this shared parking to work out. Frankly, from the City's future development interests of our "downtown plan", this type of parking facility is what we would like to see put in. A limitation to a monument sign would be good; Council just needs to be careful how far they go with that.

Councilman Anita Newsom stated that the parking lot is not immediately attached to the current property.

City Manager Jim Norris noted that is correct and since this is not the main premises of the business, they are not entitled to the same signage sizes. This is an off-premise sign so it is regulated to that extent. The Council could specify an off-premise monument sign and take the condition a step further to keep the architectural design standards the same as those that the City tries to deal with on all new building requests. This sign would be similar to the UMB off-premise sign and the Old Chicago off-premises sign. A variance would be needed and the City's code does deal with that. If they choose to use a variance there is no need for it to be a condition in the Site Plan ordinance unless the Council wants to put their intent into the ordinance itself. But, there is no overwhelming reason to do that.

Mayor Roger Norris asked Mr. Larry Gromer what he would like?

Mr. Gromer stated that he and Mr. Wingerson had discussed this. Down the road he would definitely like to put up some type of sign but they did not want to confuse the issues as this progresses. If the Council wants to put a condition in the ordinance about a sign it is okay with him. He would like to eventually put up a sign and will ask for a variance somewhere down the road when needed. He would like to have a sign put up that would be similar to the one he already has in front on North Oak. If he could have a sign similar to the one up front it would be nice as this is a back street and would give his business visibility.



Mayor Roger Norris asked if he would have a sign in his current lot that says additional parking can be found half a block to the east?

Mr. Gromer replied not at this time. This parking lot is incurring quite a bit of money. To do a sign similar to what he currently has in front would cost from \$5,000 to \$10,000. It took \$6,000 to do what he has up front now and that was seven years ago and he already had the pole.

City Manager Jim Norris stated that either way Mr. Gromer would like to go it would still be an off-premise sign that would require a variance. Whatever the style of the sign it would have to come forward in its totality to the Council for approval.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 13a. on the Agenda. FIRST READING BILL NO. 97-75**, rezoning from CP-1 (Local Business District-Planned) to CP-2 (General Business District-Planned), property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-75** on First Reading; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris commented that he was out at a veterinarian clinic in Olathe today picking up all his stuff as the doctor couldn't make a go of it. This man would give his eye teeth to have the problem that Mr. Gromer is having. Gladstone is glad that Mr. Gromer has stayed in Gladstone and is able to solve the parking problem for his customers.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-75**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-75** and enact it as Ordinance No. 3.645; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13b. on the Agenda. FIRST READING BILL NO. 97-76**, approving a Site Plan subject to certain conditions in conjunction with a rezoning of property at 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)

Councilman Anita Newsom moved to place **Bill No. 97-76** on First Reading; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes sir.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-76**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-76** and enact it as Ordinance No. 3.646; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13c. on the Agenda. FIRST READING BILL NO. 97-77**, approving a Final Plat of "Margarita's North", 7013 N. Locust and 7014 N. Cherry. Applicant: Larry Gromer. Owner: Three Amigos. (File #1025)

Councilman Art Hammen moved to place **Bill No. 97-77** on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-77**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-77** and enact it as Ordinance No. 3.647; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. APPROVAL OF BUILDING PERMIT** for installation of screened windows in existing open patio eating area at *Margaritas*, 7013 N. Oak. Applicant: Larry Gromer. (BP#97-0851)

Mayor Pro Tem George Nodler moved to approve the **Building Permit** for installation of screened windows in existing open patio eating area at *Margaritas* subject to staff conditions; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 15. on the Agenda. APPROVAL OF BUILDING PERMIT** for 1,200 sq. ft. new building at 5900 N. Oak Trafficway for McCarthy's Nissan. Applicant: McCarthy's Nissan. (BP#97-0881)

Councilman Anita Newsom moved to approve the **Building Permit** for 1,200 square foot new building at 5900 N. Oak Trafficway for McCarthy's Nissan; Councilman Art Hammen seconded.

Discussion:

Councilman Anita Newsom asked if the existing building would remain or be removed?

Director of Community Development Scott Wingerson answered that it would remain.

Councilman Anita Newsom asked the purpose of this new building?

Director of Community Development Scott Wingerson replied that it will be a show room and office space for salesmen.

City Manager Jim Norris stated that this is a straight zoned parcel and there is room on the parcel for this structure. They are architecturally going to be using brick, glass and the same blue gray metal design that they have in the existing building. The architectural compatibility is there.

Councilman Dave Fricke inquired if they would have to comply with all the electrical, plumbing and city code requirements?

Director of Community Development Scott Wingerson replied yes.

Councilman Dave Fricke asked if there would be any signage on the building?

Director of Community Development Scott Wingerson answered there will be typical Nissan signage that is not shown in Council's packet, but will be compliant with code. He believes the Nissan dealership is proposing to shift things around a little bit within the lot to provide a different style and approach to their business and that is the reason for this new building.

Councilman Anita Newsom noted that what is confusing her this evening is the different format of the Staff Report.

Mayor Roger Norris stated that when the Community Development Department comes out and says in their Staff Report in number 1, "Footing needs to be a minimum of 36" below finished grade," it makes him a little concerned about the quality of work that is going in.

City Manager Jim Norris explained that sometime the applicants choose to review their plan to meet staff comments in advance of the Council meeting on major, major projects. In other instances, the Staff Report is to change the plan and the applicant doesn't have to go the expense of having something redrawn. In this case that is what happened, the plan has not been redrawn.

Councilman Art Hammen asked for a clarification on Public Safety's comment #1 regarding fire hydrants which reads, "Need a fire hydrant within 150' of proposed building". Is that 150' as the crow flies or as directed around existing structures?

Director of Community Development Scott Wingerson answered that the way Public Safety generally measures it is, as the crow flies in a radius. So it would be a circle. That leads to varying dimensions, but 150' allows them to pull their hose where they need it regardless of how they have to get there.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 16. on the Agenda.** **FIRST READING BILL NO. 97-78**, accepting Temporary Construction Easements in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)

Councilman Anita Newsom moved to place **Bill No. 97-78** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris commented that Assistant City Manager Laura Gay has done an outstanding job on obtaining these easements. He asked Laura how many more are left?

Laura Gay replied seven.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-78**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-78** and enact it as Ordinance No. 3.648; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 17. on the Agenda.** **Other Business.**

None.

**Item 18. on the Agenda.** **Questions from the News Media.**

None.

. . . .

Councilman Art Hammen moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

There being no further business to come before the regular October 27, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:33 pm to Closed Executive Session.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Roger Norris

MFA/sak

**NEXT ORDINANCE #3.649**

**GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 10, 1997**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 27, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-110**, authorizing acceptance of work under contract with Surdex Corporation for Aerial Photography and related services under Project #PDD 95-001 and authorizing final payment. Grand Total Contract: \$65,804.60; Final Payment Due: \$15,655.40. Fund: General Fund.

**RESOLUTION R-97-111**, authorizing the City Manager to enter into a Cooperative Maintenance Agreement with the Maplelane Homeowners' Association and accepting a Standard Easement in connection with said Agreement.

**RESOLUTION R-97-112**, declaring certain City-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy.

**RESOLUTION R-97-113**, authorizing the City Manager to enter into a Loan Agreement with City Employees for the purchase of Computer Equipment.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE #3.649**

9. **RESOLUTION R-97-114**, authorizing purchase of (20) Portable MTS2000 Radios from Motorola Communications (\$34,576.00) and (20) Microphone Interfacing Cables from Telex Communications (\$2,340.00) for a combined total purchase amount of \$36,916.00. Fund: General Fund.
10. **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) (**AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, NOVEMBER 24, 1997 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.**)
11. **FIRST READING BILL NO. 97-79**, amending **SCHEDULE VIII** OF THE Model Traffic Ordinance (City Code Section 18-12) to establish a "Stop" Sign location at NE 77<sup>th</sup> & Antioch Road.
12. **FIRST READING BILL NO. 97-80**, accepting Temporary Construction Easements, Quit Claim Deeds and a Standard Easement in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, NOVEMBER 10, 1997**

Mayor Roger Norris called the Regular November 10, 1997 City Council Meeting to order in the City Council Chambers at 7:38 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Boy Scouts from the audience led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular October 27, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the regular October 27, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, City Manager Jim Norris stated he wanted to clarify Resolution R-97-111 for the Council. He reminded Council that several months ago representatives from the Maplelane Homeowners Association had come and talked to them about their lift station. The Cooperative Maintenance Agreement with Maplelane Homeowners Association authorized by this resolution is the culmination of that process. The Association is very satisfied with the outcome and have agreed to grant the easement. Councilman Art Hammen moved to approve the Consent Agenda as written; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### **CONSENT AGENDA DETAIL.**



Councilman Art Hammen moved to adopt **RESOLUTION R-97-110**, authorizing acceptance of work under contract with Surdex Corporation for Aerial Photography and related services under Project #PDD 95-001 and authorizing final payment. Grand Total Contract: \$65,804.60; Final Payment Due: \$15,655.40. Fund: General Fund; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-111**, authorizing the City Manager to enter into a Cooperative Maintenance Agreement with the Maplelane Homeowners' Association and accepting a Standard Easement in connection with said Agreement; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-112**, declaring certain City-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-113**, authorizing the City Manager to enter into a Loan Agreement with City Employees for the purchase of Computer Equipment; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Harold Page, 101 NE 64<sup>th</sup> Street**, stated that he lives at the bottom of the hill of Main and Grand and wanted to talk about Project #9605 (63<sup>rd</sup> Terrace Drainage Improvement Project). He said this street was widened in 1993 by 7 ½ feet and the culverts were taken out on both sides of the street and curbs and sidewalks were installed. There were two drains on each side of his property and one across the street. All this water went through a 15" pipe that was put in back in 1990 at the rear of his property to keep the storm water from running across his yard. This drain worked well until the street was widened. He now gets excess water, gravel, trash, leaves, etc. in his yard. When this 15" storm drain was built, the culvert went about 30 feet to the rear of his fence and then the storm water would drain down through the fence for about 160 feet to the west and down to another storm drain. When there is a hard rain now it forms a lake back there.

Mr. Page stated that he has been going to Capital Improvement Meetings the last several years. He noted that in the February 1997 CIP Meeting Minutes it states that the engineering was completed and funded for Project #9605 to be done. The Campbell's and Howard's live on 63<sup>rd</sup> Terrace at the south end of this project and they wouldn't sign the easements because they wanted the drainage to be run down to Main Street. At that February CIP Meeting he and Assistant Director of Community Development Norman LeClerq tried to explain to the Campbell's and the Howard's that

Project #9605 was engineered and funded as is. If this project was extended to run down to Main Street then the people on Main would just want it to run it further all the way down to Northtowne. It is engineered and funded now, but the two property owners won't sign the easements.

Mr. Page stated that Scott Brandom, Assistant to the Director of Community Development, called him last week and told him that this Project had been re-engineered and he thought the Campbell's and Howard's might now sign the easements. He said he understands that they haven't signed the easement so he is asking if the CIP Committee would consider completing the project on the northside to 63<sup>rd</sup> Terrace and stop there. He stated the Howard's and Campbell's have deep ditches behind them and they are going to get the water anyway. He felt this would save the City some money and yet it would make five people happy.

City Manager Jim Norris advised that Mr. Page had called him at home the other evening and they had talked about this for awhile. The Manager said Mr. Page is more updated than he is because last week when he spoke to Scott Brandom he had not yet contacted the last two easement property owners. As of today the City has received one of the two easements needed to proceed with this project. These two property owners are the two farthest downstream on this project and are the two which will ultimately receive the water. Even though they already have ditches they asked the CIP Committee that part of it be enclosed. The CIP Committee went out on their bus tour, looked at the area and determined it was a legitimate request. They added additional money to the project and asked that it be re-engineered. They then asked staff to get back with the two property owners who hadn't signed. The re-engineering is done and Mr. Brandom is trying to contact those property owners. It is staffs hope that those easements can now be obtained. When he had spoken with Mr. Page on the phone the other evening, he encouraged him to come to this coming Thursday night's Capital Improvements Committee Meeting and be updated there because Scott Brandom had assured that by that meeting date he will have contacted all the property owners in question and would know what their reaction was to the redesign.

City Manager Jim Norris noted a developer is looking at development just south of where this project would conclude. If there is development south of here the developer would be responsible for taking the drainage even further south and it might tie into this project. The timing is very good. As for Mr. Page's request to consider doing the project and stopping at 63<sup>rd</sup> Terrace, that decision would have to be made at the discretion of the engineers and the Capital Improvements Committee. There is still a storm sewer that runs south of 63<sup>rd</sup> Terrace, down from Main so that if the City upgrades north of there it would still get the flow. He defers to the engineers at the Capital Improvements Committee Meeting Thursday night to answer Mr. Page's questions further.

City Manager Jim Norris stated that he feels it is in the City's and the neighborhood's best interest to acquire all the easements and do the bigger project. Since the City now has one of the two easements that were remaining it is likely that the City can get the final one.

Mayor Roger Norris asked City Manager Jim Norris to update the Council at the next City Council Meeting.

Mr. Page asked if another project was developed further south would that mean that his project will be delayed another four years?

City Manager Jim Norris said no because that development would not be a City project. That would be a private development that ultimately would pick up where the City's project ends and go on south. That development would be privately funded and privately built, but it would compliment this project and make the City's project better.

Mr. Page asked if the City had to wait on this developer?

City Manager Jim Norris answered no, the City does not have to wait.

Mr. Page noted that surely one can see his point. The Campbell's and Howard's have that deep ditch so they are going to get the water anyway. If the City just did his phase of the project it would help four of his neighbors and himself. If there is a hard 3" rain there is a large lake back there.

Mayor Roger Norris asked what the possibility is of the City doing what Mr. Page requests if the other property owner does not sign?

City Manager Jim Norris replied that it really depends upon what the engineers and the Capital Improvements Committee determine. The City would then have to look at this project again. Mr. Page's residence is the most uphill portion of this project and when you start constructing stormwater from uphill-downhill you are ultimately pushing the water to a point where it has to spill out and go somewhere. It is always better to design and construct stormwater to go from downstream-upstream and that is in essence what is happening here. The final two property owners weren't going to grant the easements unless the City upgraded this to pipe the portion that was adjacent to their property and the CIP Committee has agreed to do that and it has been re-engineered.

City Manager Jim Norris stated if the current design of the project was stopped at 63rd Terrace, he does not know whether or not there is enough capacity in the two box culverts to keep from overloading the system as it goes into the antiquated pipe that is further downstream. He cannot answer that question and that is why he encourages Mr. Page to come to the Thursday evening CIP Meeting when the engineers will be there and have this same discussion. After Mr. Page's call last week he told staff that Mr. Page would be attending this weeks CIP Meeting and to have answers to Mr. Page's questions.

**Item 7. on the Agenda.**    **Communications from the City Council.**

Councilman Dave Fricke thanked Jana Miller, Gladstone Area Chamber of Commerce President, for his commemorative Gladfest tile.

Councilman Anita Newsom updated the Council on the National League of Cities (NLC) Committee activities. There will be a reception held in Philadelphia to promote the Kansas City conference to the Board of Directors and the NLC organization. She asked Council to reserve that night, when they don't have sessions, to attend the reception in Philadelphia. She noted that volunteers are still needed to work the booth in Philadelphia. The Committee feels things are coming together and getting organized.

\* \* \* \*

Councilman Anita Newsom said her other issue was the appearance of the fence constructed on the North side of City Hall.

City Manager Jim Norris noted that Ms. Newsom has an aesthetic concern about the fence that was erected by the north side employee entrance of City Hall to screen all the utility meters and wires. He and Director Buschor will be addressing that issue and looking for a solution.

Councilman Art Hammen also extended his thanks to Jana Miller for his Gladfest tile.

Mayor Pro Tem George Nodler asked when Shady Lane would be open?

City Manager Jim Norris answered that even if the sidewalks are not in by the end of this week the road will be opened to traffic and the contractor will have to work around the traffic if he still wants to put the sidewalks in this year. Part of the hold up of opening the street has been the unforeseen replacement of two culverts that were completely rotten and had to be replaced. Staff was trying to keep the road closed until the sidewalks were in because of the school children walking along that street, but it is to the point that even if the sidewalks are not in the road has to be opened. The pavement is ready to be used.

Mayor Pro Tem George Nodler and Mayor Roger Norris added their thanks for the Gladfest mementos.

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris stated that he had five items for the Council's attention this evening. The City Fall Brush Disposal was held this past weekend at the City's Public Works facility by Happy Rock Park and 1,182 loads of brush were unloaded in the three days. This is more loads than last year, but last year the Fall Brush Disposal was preceded by the October snow storm and people were not able to get their limbs cut and dropped off before the scheduled Fall Brush Disposal weekend.

\* \* \* \*

City Manager Jim Norris noted that on Wednesday, November 19, 1997 the City of Gladstone will turn 45 years old.

\* \* \* \*

City Manager Jim Norris asked the Council for their approval to hold the Hamilton Heights Groundbreaking at 10:00 am on Saturday, November 22<sup>nd</sup>. Council agreed to this date and the City Manager said we will proceed with plans unless the Council becomes aware of a conflict and notifies staff.

\* \* \* \*

City Manager Jim Norris stated that the Gladstone Economic Betterment Council (GEBC) is without a Council liaison and the City Council needs to make that appointment. Council was made aware of this vacancy at a previous Council meeting when the Mayor was absent and the Council had decided to wait until the Mayor returned before making a nomination because the Mayor had expressed interest in serving on GEBC. Jana Miller has that this position be filled so a full compliment of members are present for GEBC meetings. GEBC meeting are almost always at 7:30 am on a Thursday or Friday morning. The GEBC by-laws state that the City Council needs to make a nomination to the GEBC Board and the Board then approves the nomination.

Following Council discussion, Councilman Anita Newsom moved to nominate Mayor Roger Norris as the GEBC Council liaison; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris announced that the City had received confirmation by phone today that the City's Insurance Services Office (ISO) rating will move from a Class 5 to a Class 4 rating. Formal written communication will be forthcoming within the next week and this change will be effective December 1, 1997. To determine the rating, the ISO organization measures fire preparedness, equipment, staffing, training, dispatch, communications, equipment maintenance, water system, hydrant flows and a multitude of other issues. The lower the number the better the rating and the lower the homeowners and business owners premium for insurance. In this instance, from research staff has done, the owner of a \$100,000 home in Gladstone will save approximately 12% to 15% on their insurance premium which equates to a \$45 to \$50 per year savings in their insurance premium. Staff will continue to do more research on what this can mean to Gladstone homeowners. Once formal written communication is received of this Class change, press releases will be prepared and distributed and an appropriate celebration for employees will be held.

City Manager Jim Norris noted that this is a major accomplishment for the City of Gladstone. It was accomplished by the help of everyone. The Council's involvement in

terms of having the fortitude to move ahead with 1994 Water Bond issues, where hydrants were moved to within 400 feet of every structure, was a major factor in the rate change. The City has not received the final grading sheets yet to see where the City actually improved the most from the 1991 survey to this survey, but those will be interesting to see. From the resident's perspective, they should contact their insurance agent for information on a decrease in their insurance premium. Their insurance agent should already have notification of this change.

Mayor Roger Norris congratulated City staff and asked that former Councilman Bill Reynolds be notified of the City's ISO Class as he played an integral part in pushing the City to strive to accomplish this. Congratulations to staff and to the Public Safety Department for all their efforts.

City Manager Jim Norris stated that not only do you have to congratulate Public Safety but also the Central Garage Mechanics who were able to produce all the mechanical work that was done on all the equipment over the past number of years; the water service personnel who were documenting the work done on water mains; the engineering department; the dispatch center manning, procedures and protocols; the staffing in Public Safety and all the equipment.

Councilman Anita Newsom asked if Gladstone had helped Kansas City with water last week when their water main had broken at Vivion Road and North Oak?

City Manager Jim Norris answered yes. The City of Kansas City called Gladstone the morning of the Vivion Road break and we did a cross-connection at Linden and sold Kansas City approximately one million gallons of water. At \$2.00 per 1,000 gallons it is not a lot of revenue for Gladstone, but Kansas City has helped us in the past when we have had problems and we were happy to have been able to help them.

**Item 9. on the Agenda. RESOLUTION R-97-114**, authorizing purchase of (20) Portable MTS2000 Radios from Motorola Communications (\$34,576.00) and (20) Microphone Interfacing Cables from Telex Communications (\$2,340.00) for a combined total purchase amount of \$36,916.00. Fund: General Fund.

Councilman Art Hammen moved to adopt **Resolution R-97-114**; Mayor Pro Tem George Nodler seconded.

Discussion:

Councilman Art Hammen asked if these radios were from the same company that was furnishing radios for Kansas City?

Director of Public Safety Bill Adamo replied, absolutely not.

City Manager Jim Norris explained that this is what staff would characterize as an extraordinary purchase because it wasn't something that was fully funded or budgeted for in this fiscal year. The City did budget for a certain number of radio replacements

this fiscal year, but with the ongoing problems that the City has had with the older radios, some of them dating back to 1988, and with the number of covert tactical team operations that the City has had in the last two to three weeks where we have not had communication between the perimeter team and the entry team on a tactical entry where the radios failed, we can't continue to put those officers in harms way with that type of equipment. Staff does know that the ten radios bought from the same vendor as part of this year's budget worked appropriately and that these should also. The City has a fund balance for just such situations and that is why it is being brought forward to the City Council I at this time.

Mayor Roger Norris asked if this has anything to do on a related subject, the county-wide radio system request that has been made from Clay County?

City Manager Jim Norris answered this will tie into that request. These radios are 800 megahertz trunkable and if the trunk system ever gets moving in Clay County to a county-wide system, these radios can be interfaced and upgraded to that level. Staff is buying the appropriate radios so that we are not pushing ourselves away from that opportunity, but at the same time we can't wait for that opportunity to proceed.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) **(AUDIENCE NOTE: THIS PUBLIC HEARING WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MONDAY, NOVEMBER 24, 1997 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.)**

Mayor Roger Norris opened the Public Hearing and noted that the applicant has asked that this item be continued to the November 24, 1997 City Council Meeting. Mayor Roger Norris continued this Public Hearing to the Monday, November 24, 1997 City Council Meeting and closed the hearing.

**Item 11. on the Agenda. FIRST READING BILL NO. 97-79,** amending **SCHEDULE VIII** of the Model Traffic Ordinance (City Code Section 18-12) to establish a "Stop" Sign location at NE 77<sup>th</sup> Street & Antioch Road.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-79** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked how this "stop" sign location came about?

City Manager Jim Norris answered that this stop sign is proposed due to the new subdivision at 77<sup>th</sup> & Antioch Road. It is typical that when the streets are completed that stop sign locations are established.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-79**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-79** and enact it as Ordinance No. 3.649; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12. on the Agenda. FIRST READING BILL NO. 97-80**, accepting Temporary Construction Easements, Quit Claim Deeds and a Standard Easement in conjunction with the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)

Mayor Pro Tem George Nodler moved to place **Bill No. 97-80** on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-80**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes.

Mayor Roger Norris asked Assistant City Manager Laura Gay how many easements are still necessary for the project.

Assistant City Manager Laura Gay answered that there are approximately six properties left. What the Council is seeing right now are easements that were acquired some time ago, but required additional documentation and release from the mortgage companies. These easements were held until the appropriate documentation was received and are now being brought forward for Council approval.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-80** and enact it as Ordinance No. 3.650; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).



**Item 17. on the Agenda. Other Business.**

None.

**Item 18. on the Agenda. Questions from the News Media.**

None.

\* \* \* \*

Councilman Art Hammen moved to adjourn to Closed Executive Session after a brief recess for picture taking, for purposes of Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

There being no further business to come before the regular November 10, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:15 pm to Closed Executive Session.

Respectfully submitted:

\_\_\_\_\_  
Marilyn F. Ahnefeld, City Clerk

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

\_\_\_\_\_  
Mayor Roger Norris

MFA/sak

**NEXT ORDINANCE #3.651**

**GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 24, 1997**

**Open Study Session: 6:45 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular November 10, 1997 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-97-115**, authorizing acceptance of work under contract with Asphalt Plant Sales, Inc. for the Happy Rock Park Parking Lot Improvements Project. Total Contract Amount: \$93,385.55; Final Payment Due: \$1,897.71. (Project #9705)

**RESOLUTION R-97-116**, authorizing the City Manager to accept the proposal from Westfall O'Dell Ford for the purchase of one 1998 Chevrolet ½ Ton Pickup Truck for a purchase price of \$14,962.59.

**RESOLUTION R-97-117**, authorizing the City Manager to purchase six 1998 Ford Crown Victoria patrol vehicles from Bill Woods Ford for a total purchase amount of \$115,572.00.

**RESOLUTION R-97-118**, authorizing acceptance of work under contract with City Wide Asphalt Co., Inc. for the 1997 Street Maintenance Program Phase I; and authorizing Final Payment in the amount of \$58,924.18. (Project 9801)

**RESOLUTION R-97-119**, declaring certain City-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy.

**RESOLUTION R-97-120**, authorizing the City Manager to accept a Bill of Sale from Home Depot U.S.A., Inc. and Walton Construction Company, Inc. conveying to the City a water line and storm sewer for City maintenance. (File #970)

**RESOLUTION R-97-121**, accepting a Temporary Construction Easement from a property owner in conjunction with the Hamilton Heights Park Improvements. (Project #9608)

**NEXT ORDINANCE #3.651**

**RESOLUTION R-97-122**, accepting Temporary and Permanent Easements from a property owner in conjunction with the East Fork Old Maid's Creek Embankment Protection Project. (Project #9601)

**APPROVAL OF FINANCIAL REPORTS** for September 1997.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) **AUDIENCE NOTE: The applicant has requested this item be withdrawn from consideration.**
- 9a. **MOTION** to accept Applicant's request for withdrawal.
10. **FIRST READING BILL 97-81**, approving Final Plat of "Kingston Court Condominium Buildings 9, 10, & 11", property at the southwest corner of NE 72<sup>nd</sup> Street and North Antioch Road. Applicant: Gabel Companies. Owners: Ron Topham/Gary Gabel/Teresa Gabel. (File #1027)
11. **FIRST READING BILL 97-82**, amending Section 18-45 of the Gladstone City Code designating certain streets as "Snow Emergency Routes" in the City of Gladstone, Missouri.
12. **FIRST READING BILL 97-83**, calling a General Councilmanic Election for Tuesday, April 7, 1998; describing the form of the Ballot; and directing the City Clerk to submit certification of such election ballot to the Clay County Board of Election Commissioners pursuant to RSMO 115.125.
13. **RESOLUTION R-97-123**, establishing a Policy for the use of Tax Increment Financing (TIF) within the City of Gladstone, Missouri.
- 13a. **APPOINTMENTS** of Tax Increment Financing Commission.
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**

**See Attached Add-on Items.**



OFFICE OF THE CITY MANAGER  
MEMORANDUM JHN #180-97

DATE: NOVEMBER 24, 1997

TO: ROGER NORRIS, MAYOR  
GEORGE NODLER, MAYOR PRO TEM  
ANITA NEWSOM, CITY COUNCILMAN  
ART HAMMEN, CITY COUNCILMAN  
DAVE FRICKE, CITY COUNCILMAN

FROM: JAMES H. NORRIS, CITY MANAGER

RE: AGENDA ADD-ON ITEMS

Three items have come forward today and since there are three weeks before the next City Council meeting, which will be held on Monday, December 15, 1997; it is requested that the Council go ahead and approve these three items tonight under my comments.

1. Approval of **Class A, 6 day Liquor by the Drink License** for *The End Zone*, 7633-7636 North Oak. Managing Officer: Bill Ray Armstrong.

New Liquor License request is for *The End Zone*, a restaurant/bar. Their request is for a 6 Day Liquor by the Drink License at 7636 North Oak. Public Safety has conducted their review and background check of managing officer: Billy Ray Armstrong, and recommends approval.

2. **Resolution R-97-124**, authorizing issuance of a Massagist Business Permit to Stacy Flathers, massage therapist at *Clarissa & Company*, 6401 N. Antioch, for one year pursuant to Chapter 17.1 of the Gladstone City Code regulating massage.

This resolution grants Stacy Flathers a permit to administer massage therapy within the City of Gladstone at *Clarissa & Company*, 6401 N. Antioch. Public Safety has reviewed the application and finds everything in order. Approval is recommended.

3. Approval of **Building Permit** for 3,386 square foot tenant finish at 2900 NE 60<sup>th</sup> Street. Applicant/Owner: Jury & Associates.

Applicant seeks approval of building permit for tenant remodeling of 3,386 square foot at 2900 NE 60<sup>th</sup> Street for 2900 Business Center. Approval is subject to 11-24-97 Staff Report enclosed for City Council review.

If the Council has any questions on any of these agenda add-ons, staff will be happy to respond this evening.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 24, 1997

Mayor Roger Norris called the Regular November 24, 1997 City Council Meeting to order in the City Council Chambers at 7:33 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Roger Norris led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular November 10, 1997 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the regular November 10, 1997 City Council Minutes as written; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### CONSENT AGENDA DETAIL.

Councilman Art Hammen moved to adopt **RESOLUTION R-97-115**, authorizing acceptance of work under contract with Asphalt Plant Sales, Inc. for the Happy Rock Park Parking Lot Improvements Project. Total Contract Amount: \$93,385.55; Final Payment Due: \$1,897.71. (Project #9705); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-116**, authorizing the City Manager to accept the proposal from Westfall O'Dell Ford for the purchase of one 1998 Chevrolet ½ Ton Pickup Truck for a purchase price of \$14,962.59; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-117**, authorizing the City Manager to purchase six 1998 Ford Crown Victoria patrol vehicles from Bill Woods Ford for a total purchase amount of \$115,572.00; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-118**, authorizing acceptance of work under contract with City Wide Asphalt Co., Inc. for the 1997 Street Maintenance Program Phase I; and authorizing Final Payment in the amount of \$58,924.18. (Project 9801); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-119**, declaring certain City-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-120**, authorizing the City Manager to accept a Bill of Sale from Home Depot U.S.A., Inc. and Walton Construction Company, Inc. conveying to the City a water line and storm sewer for City maintenance. (File #970); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-121**, accepting a Temporary Construction Easement from a property owner in conjunction with the Hamilton Heights Park Improvements. (Project #9608); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-97-122**, accepting Temporary and Permanent Easements from a property owner in conjunction with the East Fork Old Maid's Creek Embankment Protection Project. (Project #9601); Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **FINANCIAL REPORTS** for September 1997; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

Councilman Anita Newsom said the groundbreaking ceremonies at Hamilton Heights Park last Saturday were very nice, well thought out and very well executed. A parent whose son participated in the commemorative tree planting ceremony came up to her afterwards and stated that this may not mean much to her son right now, but it meant a lot to her and it will mean a lot to her son later.

\* \* \* \*

Councilmembers Anita Newsom and Art Hammen wished everyone a happy and safe Thanksgiving.

Mayor Pro Tem George Nodler commended all the employees and staff who helped in planning the Hamilton Heights Park groundbreaking activities. It was great.

\* \* \* \*

Mayor Pro Tem George Nodler congratulated Mayor Roger Norris on his son's achievement of the rank of Eagle Scout yesterday.

Mayor Roger Norris stated that he normally gets calls in the spring time about why the City does not own a street sweeper but this time he got a call in the fall from a resident who had also talked to several staff members about it. Mayor Norris said he would like to know the cost of a street sweeper and why the City does not have one?

\* \* \* \*

Mayor Roger Norris also offered his congratulations to everyone involved with the Hamilton Heights Groundbreaking Ceremony for an outstanding job. He came very close to shedding tears when he was speaking on Saturday, as his whole life is in that area. It was the most outstanding groundbreaking he has ever seen, we should do them all like that.

\* \* \* \*

Mayor Roger Norris also wished everyone a Happy Thanksgiving.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris stated that he had five items for the Council this evening.

His first item is a list of three agenda additions this evening. These three items came forward Friday and today. It is three weeks before the next City Council meeting, which will be held on Monday, December 15, 1997, therefore Staff requests Council consideration and approval of the items this evening.

The first agenda addition is a request for Approval of **Class A, 6 day Liquor by the Drink License** for *The End Zone*, 7633-7636 North Oak. Managing Officer: Billy Ray Armstrong. This is located in *Quality Plaza*, lower level where the Elks Lodge used to be and the applicant will operate a restaurant/lounge. Public Safety has conducted their review and background check and found everything to be in order.

Councilman Anita Newsom moved to approve a **Class A, 6 day Liquor by the Drink License** for *The End Zone* at 7633-7636 North Oak; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris advised the second agenda add-on item is **Resolution R-97-124**, authorizing issuance of a Massagist Business Permit to Stacy Flathers, massage therapist at *Clarissa & Company*, 6401 N. Antioch, for one year pursuant to Chapter 17.1 of the Gladstone City Code regulating massage.

Councilman Anita Newsom moved to adopt **Resolution R-97-124**; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

The third agenda addition is Approval of **Building Permit** for 3,386 square foot tenant finish at 2900 NE 60<sup>th</sup> Street. Applicant/Owner: Jury & Associates. Everything is in order and the motion would be subject to staff conditions.

Councilman Anita Newsom moved to approve the **Building Permit** for 3,386 square foot tenant finish at 2900 NE 60<sup>th</sup> Street; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \* \*

City Manager Jim Norris announced that Gladstone City Hall will be closed for Thanksgiving on Thursday, November 27<sup>th</sup> and Friday, November 28<sup>th</sup>.

\* \* \* \*

City Manager Jim Norris also thanked City Counselor Nancy Thompson for her research to determine that easements may be approved by Resolution and may be placed on the Consent Agenda, as they were tonight, instead of having to approve them by Ordinance.

\* \* \* \*

City Manager Norris said his last item of business was to thank the park staff and other employees who did such an outstanding job on the Hamilton Heights Groundbreaking Ceremony last Saturday, November 22<sup>nd</sup>. 116 people were in attendance and the



reason there was such a large turnout is because this is a true example of what happens when you involve your citizenry in your decision making. Those in attendance were the people who showed up at the *Planning Your Park* meetings and read the newsletters that were sent to them. You will see City staff using more of this type of neighborhood process in the future. This was by far the largest turnout that he has seen at any type of ribbon cutting or groundbreaking and was that much more rewarding from a staff standpoint.

\* \* \* \*

City Manager Jim Norris stated that his last item is in response to Mayor Roger Norris' earlier questions about a street sweeper. A resident had called City Hall and talked with several staff members and he had given him the Mayor's phone number. This issue came about from a code enforcement complaint. A letter of response to the resident has been drafted and will be sent tomorrow. (Copies were handed to the Council.) This resident has had difficulty with his neighbors several years in a row because they have caught him blowing leaves out of his yard into the street and everywhere. The resident had a lawn service up until a month ago and the leaves have fallen since then. He blows the leaves into the street and onto others property. The City has formal complaints from neighbors on this. The resident's solution is for the City to have a street sweeper and a yard waste program.

To answer the Mayor's questions, a street sweeper for a City the size of Gladstone, where it would be used to benefit all the residents would be in the range of \$85,000 to \$125,000 for the sweeper itself. Then you have to add a person to operate it, with salary and benefits, so add another \$40,000. Then the City has to pay for the gasoline to run the street sweeper. There is also a charge to dispose of what is taken off the streets. That includes not only yard waste, but any toxic items as well. Street sweeping is very expensive to start up.

If the Council wanted to start a street sweeping program, staff would suggest the question be placed on a ballot with other items that our residents could look at funding. Or, since citizen participation has just been talked about, he mentions that one of the things that came out of staff's Strategic Planning is the need for this City to do a Citizen Attitude Survey on a variety of subjects. After the Council has their Strategic Planning session, one of the survey questions to residents could be are you interested in a street sweeping program and if so, are you willing to pay for it and how much? That is one way to gauge public reaction to items. This particular resident is involved in a neighborhood dispute with his neighbors and it is staff's hope to mediate the dispute.

Councilman Anita Newsom noted that this goes on all around town. On Saturday she saw two different people with leaf blowers and they were literally blowing the leaves out into the street.

City Manager Jim Norris stated what residents don't realize is that those leaves go into the storm sewers and they block the basins and storm sewers.

Councilman Anita Newsom noted that when just a little rain mixes with the leaves they turn to slime on the road.

City Manager Jim Norris advised that staff has taken phone calls from residents who ask whose responsibility it is to rake them if their neighbors trees drop leaves into their yards. Staff wants the Council to be prepared for questions like this since this resident called.

Mayor Roger Norris noted that his company had just gone through a customer survey and it was frightening at the beginning. Some of the things they got back were mean, but they are now a better company because they knew what the problems were and have addressed them. A citizen survey might be something to look at for spring.

City Manager Jim Norris stated that there are four to five issues out there that Council is aware that staff is going to have to address. There is public safety manning, the issue of a community recreation center and one might be street sweeping. There may be several other issues that residents have interest in, not just from a Council or staff standpoint, but from a resident at large standpoint. This City hasn't done anything like this for several years. The City Clerk showed him one survey that was done some time ago. If the City wants to have resident participation and the type of approval rating that the Hamilton Heights Groundbreaking showed, that is how the City has to go about doing it. The culmination of staff's Strategic Planning was: here are our priorities but we really need to find out if we are in line with what our residents think, and before we do that, we have to make sure we are in line with what the Council is thinking. Then if the Council agrees that we should go ahead with a citizen survey it should be done.

Councilman Anita Newsom stated they need to know if this is how the citizens want their tax money spent.

City Manager Jim Norris noted if there is something new residents want, and it is a quality of life program, the question needs to be asked if residents are willing to add additional tax moneys to do that additional program or enhancement.

**Item 9. on the Agenda.** **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 4941 Old Pike Road. Applicant/owner: InSite Real Estate Development for Petcare Superstore. Owner: Home Depot. (File #1018) **AUDIENCE NOTE: The applicant has requested this item be withdrawn from consideration.**

**Item 9a. on the Agenda.** **MOTION** to accept Applicant's request for withdrawal.

Councilman Anita Newsom made a motion to accept Applicant's request for withdrawal of the Site Plan Revision on property at 4941 Old Pike Road; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris stated for the record, the reason for the withdrawal is that General Pet Co has now bought the Pet Save Mart Store in North Kansas City and they don't want two locations that close to each other.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda. FIRST READING BILL 97-81**, approving Final Plat of "Kingston Court Condominium Buildings 9, 10, & 11", property at the southwest corner of NE 72<sup>nd</sup> Street and North Antioch Road. Applicant: Gabel Companies. Owners: Ron Topham/Gary Gabel/Teresa Gabel. (File #1027)

Councilman Art Hammen moved to place **Bill No. 97-81** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris said staff asks that the motion and the enactment motion for approval of this bill be contingent upon conveyance of necessary easements and right-of-way for the 72<sup>nd</sup> Street project including North Antioch Road before this plat is filed.

Motion maker, Councilman Art Hammen, and second, Mayor Pro Tem George Nodler, both concurred.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of **Bill No. 97-81**, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of **Bill No. 97-81** and enact it as Ordinance No. 3.651; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 11. on the Agenda. FIRST READING BILL 97-82**, amending Section 18-45 of the Gladstone City Code designating certain streets as "Snow Emergency Routes" in the City of Gladstone, Missouri.

Mayor Pro Tem George Nodler moved to place **Bill No. 97-82** on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 97-82**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 97-82** and enact it as Ordinance No. 3.652; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12. on the Agenda. FIRST READING BILL 97-83**, calling a General Councilmanic Election for Tuesday, April 7, 1998; describing the form of the Ballot; and directing the City Clerk to submit certification of such election ballot to the Clay County Board of Election Commissioners pursuant to RSMO 115.125.

Councilman Anita Newsom moved to place **Bill No. 97-83** on First Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 97-83**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 97-83** and enact it as Ordinance No. 3.653; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. RESOLUTION R-97-123**, establishing a Policy for the use of Tax Increment Financing (TIF) within the City of Gladstone, Missouri.

Councilman Art Hammen moved to approve **RESOLUTION R-97-123**; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked that the Open Study Session Minutes on the TIF discussion be transcribed and attached to these minutes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13a. on the Agenda. APPOINTMENTS** of Tax Increment Financing Commission.

City Manager Jim Norris stated that Council found a memorandum at their place this evening, listing six individuals who have agreed to be appointed to the City of Gladstone Tax Increment Financing Commission. Initially two individuals will be appointed for two year terms, two individuals for three year terms and two individuals for four year terms. Thereafter all Commissioners shall be appointed for four year terms. The Mayor appoints with the advice and consent of the Council. The first Chairperson of the Commission is appointed by the Mayor and the Vice Chairperson is elected by the Commission at their initial meeting. Thereafter the Commission elects their officers at the Commission's annual meeting.

The following persons have agreed to serve and appointment is recommended: **Two Year Terms:** Brian Hill, 3201 NE 70<sup>th</sup> Place and James "Pete" Hall, 5621 Clinton Place from 11/97 to 1/99; **Three Year Terms:** Les Smith, 300 NW 72<sup>nd</sup> Street and Dave Stanley, 3917 NE 60<sup>th</sup> Street from 11/97 to 1/2000; **Four Year Terms:** Terry O'Hara, 1628 Rosewood Drive and Kelli Clayton, 7525 N. Lydia from 11/97 to 1/2001.

Councilman Anita Newsom moved to endorse the appointment of the six named individuals to the TIF Commission for terms stated; Mayor Pro Tem George Nodler seconded.

Discussion:

Councilman Dave Fricke noted that these individuals are all good people.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. Other Business.**

Councilman Art Hammen said the new stop lights blinking at 72<sup>nd</sup> and North Euclid/North Woodland were blinking this evening and asked how long it would be before they are operating?

City Manager Jim Norris replied that they will be blinking for a couple to days to let motorists become aware that stop lights have been added to this intersection. If everything works correctly the lights will be operational Wednesday or Thursday of this week and if not, it will be next week before the lights are switched over.

Mayor Roger Norris stated that the City has been offered a 40 foot pine tree to be used as the Mayor's Christmas Tree this year. He would like to accept that offer.

City Manager Jim Norris asked if the Council realized the cost of getting a crane to move a 40 foot tree? Staff will check into the request.

\* \* \* \*

City Manager Jim Norris stated that he had had lunch with the new *Dispatch* editor, Mr. Don Ledford, last week. Mr. Ledford stated that the *Dispatch* wants to change their philosophy toward community journalism and will be moving in that direction. They believe that the *Dispatch* needs to be reporting on what's going on in the incorporated municipalities of the county rather than solely what is going on at the county level. The *Dispatch* will be hiring a new reporter and when hired that reporter will be attending our City Council meetings on a regular basis.

**Item 18. on the Agenda. Questions from the News Media.**

None.

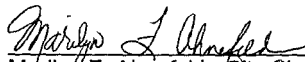
\* \* \* \*

Councilman Art Hammen moved to adjourn to Closed Executive Session for purposes of Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

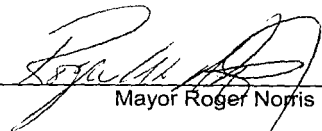
\* \* \* \*

There being no further business to come before the regular November 24, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:08 pm to Closed Executive Session.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Roger Norris

MFA/sak

**OPEN STUDY SESSION MINUTES - ITEM #2 DISCUSSION OF  
TAX INCREMENT FINANCING (TIF) POLICY**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI**

**MONDAY, NOVEMBER 24, 1997**

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

City Manager Jim Norris stated that the second Study Session Item was a discussion of Tax Increment Financing (TIF). He noted that before walking through the policy itself he wanted to take a step back and talk about tax increment financing and how it is supposed to work both theoretically and conceptually.

Tax increment financing is and was originally intended to be a tool primarily for redevelopment. It started on the west coast in the 1970's and is now employed in approximately 40 states across the country. All of Missouri's surrounding states have their version of tax increment financing. In essence, what tax increment financing proposes to do is to capture the increased tax revenue created through redevelopment and to use a portion of those funds, typically less than 50%, to reimburse a developer or to pay off bonds that would be issued to pay for part of a project's cost. TIF captures the property taxes and those taxes which are considered economic activity taxes--all the incremental growth. For a theoretical example, take *Prospect Plaza*. The revenue derived from *Prospect Plaza* today is the existing property taxes, all the sales tax from all the stores located there, and any other economic activity taxes. Capture them from all the taxing jurisdictions, look at what the current level is right now, and draw a line. Then one looks at what would happen if three or four pad sites were developed there; if the east end of the property were developed into one large anchor tenant with that anchor tenant generating something in the range of what a *Hy-Vee* or *Wal-Mart* would. Then we look at all those revenues in and above of what is currently being generated, and those revenues would be the funds that would go into a pool that would be used to pay whatever was agreed to be part of the Tax Increment Financing Agreement.

This can happen in two ways, one where the developer takes 100% of the risk, they front the money and they are then reimbursed back; or the other is through the

issuance of bonds. Those bonds don't go against the City's indebtedness and the risk is still on the developer. However, just like when the City utilizes a Certificate of Participation type of financing, the issue isn't the same as a General Obligation Bond where the full faith and credit of the City goes against it. The City would not want to see a default because it would impact the City's financial ranking.

Under Missouri State Law, and under the City's policy, the Mayor, with the advice and consent of the Council, appoints six members from the City of Gladstone. Two members will be appointed by the North Kansas City School District and one member from a combination of all the other taxing entities that service Gladstone's boundaries.

Mayor Roger Norris asked who decides who is who is that one combination member?

City Manager Jim Norris replied that all the taxing entities will get together and decide on one person. When the Legislature met in Emergency Session because the State of Missouri didn't have a budget, there were several other issues the Legislature looked at at that time. The Legislature passed an Economic Development Omnibus Bill which had in it revisions to the Tax Increment Financing Legislation. One of those revisions was an increase in the commission from nine members to eleven. The two additional members are to be representatives appointed by the county commission. This revision becomes effective December 23, 1997.

Mayor Roger Norris asked if the two additional representatives would be voting members?

City Manager Jim Norris answered yes, they are voting members. After the law goes into effect on December 23<sup>rd</sup>, a Tax Increment Financing Commission will consist of six city representatives, two school district representatives, two county representatives and one person representing all of the remaining taxing entities.

City Counselor Nancy Thompson explained that those additional representatives are only appointed once an application is filed and they serve to look at and examine that particular application. Once that application is heard and recommendation is forwarded by the Commission, those five representatives from the other taxing districts are no longer members of the Commission and the Commission is again constituted of six permanent members.

City Manager Jim Norris noted that each time an application is filed the two school district representatives, two county representatives and the one representative from the remaining taxing entities become a separate appointment. The six members appointed by the City serve four year terms. As the policy suggests, at the start two individuals will be appointed for two year terms, two individuals for three year terms and two individuals for four year terms. Thereafter all Commissioners shall be appointed for four year terms.

City Manager Jim Norris stated that there are statutory qualifications that have to be met before Tax Increment Financing can be utilized. Again that will change by



December 23, 1997. In the past eligible areas could be blighted areas, conservation areas or economic development areas. The State Legislature took a look at some of the abuses and decided that the conservation areas would be eliminated. What is left in the Bill are the blighted areas and the economic development activity areas.

City Manager Jim Norris explained that the "But For" test in the Bill was strengthened. "But For" means this development would not take place *but for* the revenue derived; so if the public part of the public/private partnership was not there, this development activity would not take place. This part of the Bill was strengthened so that now the applicants must actually prove this in their application to the TIF Commission and ultimately to the City.

City Manager Jim Norris explained that the definition of whether an area is a blighted or an economic development activity area. While there is broad statutory language on this, it is ultimately up to the City's TIF Commission, their recommendation and the Council to determine whether or not an area is a blighted or economic development activity area. Economic development activity areas can be defined by the creation of jobs; increased sales tax; increased property tax; impact upon the surrounding residential area; all those things can affect how that occurs.

Mayor Roger Norris asked if this was a *last resort* type of financial thing?

City Manager Jim Norris replied no.

Mayor Roger Norris noted that Resolution No. R-97-123, under B. Policy Guidelines, 5a. states that the applicant "has thoroughly explored alternative financing methods." He suggested this gives the impression that this is a last resort.

City Manager Jim Norris stated that he does not believe TIF is a last resort. 5a. was put in the City's TIF Policy as the City wanted to be sure, for the applicant's benefit, that they have looked at all alternative financing methods. The City of Gladstone has been very successful at looking at the potential use of Neighborhood Improvement Districts and sales tax rebate type of financing and wants an applicant to first look at those types of financing alternatives. Gladstone has primarily been dealing with green field development. When Gladstone gets to the point where they are looking at existing plazas - and potentially even residential areas adjacent to these plazas - to redevelop the plaza, acquire them, and/or expand them; higher economic costs and higher economic returns would be examined. At that point in time, capturing just the incremental increase in revenue for the City alone might not be enough. One of the things that the City wants to be careful about is long maturities. In the proposed Resolution, under Policy Guidelines from numbers 6. to 13., those sections very clearly delineate that the City of Gladstone primarily wants to see a TIF Application if it deals with retail development and redevelopment. A pecking order is created by those paragraphs where retail is first, office is second, redevelopment of residential is third, with manufacturing and industry last. That comes right out of the City's Comprehensive Plan where the emphases were placed by the City Council and Planning Commission, and also out of the City's financial plan. The City wants an applicant to explore those

other options because one of the things the applicant has to do when they submit their application is show why this amount of revenue is necessary to make this development happen and the City doesn't want to spread it over the 23 years. It is very unusual to see a retail business last 23 years.

Councilman Anita Newsom asked where the 23 year number came from?

City Manager Jim Norris replied it is in the State Statutes.

Councilman Anita Newsom asked what is the origin of that odd number?

City Counselor Nancy Thompson said that the rule of perpetuity, which has to do with lifetimes plus 21 years, is commonly used, but where 23 years comes from she does not know. It could have been someone's reasonable life of a business. It is a long time.

Councilman Anita Newsom stated that it is a long time for investments and financial ventures to be tied up.

City Manager Jim Norris stated that staff felt the City's Policy was flexible, yet it very pointedly advises potential developers of the things that this City would consider in a favorable light. In number 3, it states, "The total amount of TIF assistance provided for a project generally will not exceed fifteen percent (15%) of the total project costs. This limitation may be modified for major projects that involve the redevelopment of existing structures or the assembly and clearance of land upon which existing structures are located. Projects with equity contributions from the developer in excess of fifteen percent (15%) will be viewed more favorably." So in essence we have almost a 70% range of flexibility. In doing some research, staff found out from the Missouri Tax Increment Financing Commission, which is made up of cities that have used TIF, there has been an average of 35% public involvement. The 23 years has rarely been used except for a major plaza where there are multiple new tenants brought in that would be considered anchors. This could be a *Wal-Mart*, a grocery store, and a 18 theater cinemplex for example, where it is assumed that at least one or two could be occupied throughout the entire tenure. TIF is a redevelopment tool. Unfortunately, it has caused counties, in some instances, and the school districts specifically to look at it with a slanted opinion. He stated that in Illinois it was never looked at that way because it wasn't used for green field development. It was used to go into areas where redevelopment needed to occur. It's looked at as a "jump start" economic development financing tool.

Mayor Roger Norris asked how is this going to impact the City, the State and the County taxing entities and school districts? Second, based on what was just stated, how are you going to suggest the City use TIF?

City Manager Jim Norris replied that he is going to suggest the Council and City use TIF in accordance with the proposed Policy and Guidelines and this will change with every single application. It is going to change based upon the economic analysis that is

presented by each applicant and what each applicant brings to the City. What are you going to redevelop and what will be produced in new revenues? What is the impact on the other taxing entities? How long do you want the amortization to be? It will be very similar to how the City looked at *Home Depot*. What revenues are you going to produce? How long are you going to be there? Are you going to own it? What else are you looking at in terms of the other out-parcels that you have? How long is the public part going to take to pay off? What is the economic activity we think we will have during that same time frame? We can't tell exactly how the City will use it until an actual application is received and brought forward. The City doesn't really capture any State revenue under this scheme. From the other taxing entities, the City will primarily capture that amount of property tax that would be generated in excess of what they would have received under what they have right now.

Mayor Roger Norris suggested that applicants would not be losing. The potential is not there for gain until after the thing has run its course, how are they going to lose? He also noted that he did not want every teacher in town coming after them when this is approved.

City Manager Jim Norris said the information furnished to the Council in their FYIN packet included the North Kansas City School District TIF Policy. The TIF Policy states that each application will be looked at on a case-by-case basis and where it doesn't add students and where it doesn't damage the District financially they are going to be supportive, especially if it serves to help bolster the community. He can't think of anything in Gladstone unless the City would rip out single family homes to put in high rise apartments where support to the school district wouldn't be given. Typically the school districts in the State of Missouri are reacting to where cities have used TIF where they have had a broad expanse of flat farm land or undeveloped land. As an undeveloped parcel, the amount of revenue that the school district was getting was minimal and some sort of development was approved that had few obstacles. It wasn't a piece of property like *Home Depot's* that had huge development obstacles.

Mayor Roger Norris suggested opposition would occur where residential property was developed that brought in more students and the school district received no more money.

City Manager Jim Norris reported in some instances where staff has seen mixed use developments where there is commercial plus residential, but again the developments were on pieces of land that had no development obstacle. He said he very easily understands the school district's reaction of "why are you giving an abatement or a subsidy on the residential portion?" *Home Depot* originally asked for a TIF when we didn't have this in place. It turned out they got the assistance they needed and if the portion of that assistance had been done in terms of TIF, it would have resulted in about 15% of their total investment in their project. So, that is well within the Guidelines of the proposed TIF Policy, but the City would have had to go through the exercise of dealing with other taxing entities. If the City can avoid that for their sake and for ours, frankly, for the ease of administration, we will. However, TIF is very, very grounded in State Statute. It is a very legally safe financing option for the City and it is one that the

City needs to have in place. The Council has recognized the fact as they drive around the City, that the City is starting to have some of its retail centers show significant rates of vacancies. That doesn't do this City any good. To keep our residential neighborhoods up, people have to be able to get the goods and services that they need within their community and vice versa. As a community we look at these things all the time. It is very obvious that the Council is now looking at how they can maintain the quality of life, how it can provide adequate Public Safety protection, and how it can encourage investment in property. It can be by encouraging investment in residential property through property maintenance, or by investment in commercial property through redevelopment. Tax increment financing is one of those tools. When the Council adopted the Land Development Ordinance (LADO) it had the TIF enabling legislation in it, this Policy merely lays out the framework for how it could potentially work in Gladstone and the next thing that will happen is that there will be, under 13a. on the Agenda, a request to appoint a Commission. They in turn will develop by-laws for their operation. Again, they are advisory to the City Council only, and staff will be finalizing procedures for how they will receive and deal with TIF applications.

There will be a fee for TIF Applications. Both the TIF Commission and the Council will have the benefit of using up to three consultants to help consider each TIF Application. Available, will be, if needed, a legal consultant, a financial consultant, and/or a planning consultant since these correlate with the three components of any TIF Application. The developer is going to be required to submit an economic analysis that will show that their plan can do "x", "y" and "z" and will produce an incremental pool of "a". The City will want a Financial Feasibility Study to determine if the numbers are correct. After that has been done the Application will go before the TIF Commission, which will conduct a hearing. They will consider the application and then it will come before the City Council.

Mayor Roger Norris noted that he had several questions. Item B. 16. states, "TIF applications that do not involve other taxing jurisdictions will be viewed favorably." What does this mean?

City Manager Jim Norris replied that a TIF could be done that would only capture the City's sales taxes and property taxes. This type of TIF would only encompass the City of Gladstone's revenues.

Mayor Roger Norris stated that either the North Kansas City School District's Policy or the proposed City of Gladstone's Policy, suggested that the Commission would only consider a TIF that brings in higher than average jobs for the area and that type of thing.

City Manager Jim Norris noted that it is in both the North Kansas City School District and City of Gladstone TIF Policies. Both deal with the creation of jobs. In ours it is in B. 6., "(d) potential for executive relocation to create jobs", and also in B. 11., "projects based upon the projected employment per square foot." Job creation is one of those factors that would determine whether the TIF was an economic activity type TIF or a blight TIF.

Mayor Roger Norris noted that veteran City staff members remember that before he was a Councilman, one of the things he liked to say was, "I don't think it is the City's responsibility to make sure that a developer makes money". He does not want the City to use a TIF Policy, or this type of a tool, to help insure that a developer profits. That is the developer's risk. He wants the TIF Policy used to improve the City's blighted areas.

City Manager Jim Norris stated that the Council needs to quickly think about the level of decline. "Would it surprise the Council if I stated that three of Gladstone's strip shopping center's assessed value decreased last year?" That means that both the school district and the City, along with everyone else, are already receiving less property tax from those shopping centers than they have in the past.

Mayor Roger Norris stated that is surprising. Why?

Councilman Anita Newsom asked if it was due to age, upkeep, or occupancies of the shopping centers?

City Manager Jim Norris explained that it is due to age, upkeep, and that occupancy only enters in a small way because you are basically looking at the value and age of the structure. Remember that the City's three major sales tax generators are not shopping centers, they are stand-alone businesses. The sales tax generated from several of the City's three centers has decreased as well. So, at what point in time does the City say we are in competition with Barry Road; we're in competition with I-29 and we are in competition with the City of Liberty in terms of getting businesses like *Chili's*, the *Boston Market*, and the 18 cinemaplex type theaters. We need to look at it from the standpoint that we need to create, if we want both quality residents and quality commercial, the two have to go hand in hand. If we don't have the amenities in this suburb to give to our residents, they're not going to stay in this suburb. Those that can afford to move out will do so, and those that don't will stay—others will come in and buy the houses and then move out. It is a vicious cycle.

Right now is the time for the City to start looking to where we need improvements to occur. I'll give you an example. *Prospect Plaza* is ripe for some type of redevelopment. You have an *Allergy Clinic/Bonanza* that has been vacant for nine years. The whole east side of the shopping center has had turnover tenants in that back court area and along the side, every year since I have been here. There is 50% of the old *Wal-Mart* building that has been vacant since they moved. *Prospect Plaza* has declined in the amount of sales tax it has provided to the City and it has declined in property taxes paid. If somebody would come in tomorrow and say to the City, we want to come in and change how the anchor tenants were laid out—we want to put out three or four pad sites--and especially, if they are going to put the money up front instead of using bonds, we'd listen. If they wanted a shorter amortization and a small percentage of the City's involvement – we don't know what that means until we see how many dollars they are willing to put in *Prospect Plaza* as an investment, the staff would probably favorably recommend that to the TIF Commission. In essence, this is what the City did with *Home Depot*.

Mayor Roger Norris noted that was right.

City Manager Jim Norris stated that in essence the City also did this with *Hy-Vee* and *Wal-Mart* by dissolving the Neighborhood Improvement District. He said what the City is doing is not helping developers make money, the City is helping to revitalize our own community. He looks at TIF totally differently. For example, if someone wanted to build single family homes on one of the last vacant parcels that the City has, such as the Johnson farms, and they wanted to use TIF, he would laugh. That is not the way to use TIF.

Mayor Roger Norris stated that when the City first started having this discussion, some seven years ago, the City was scared of it. We weren't ready. Are you now telling us that the City is ready because we are now out of ground?

City Manager Jim Norris answered no. He thought he had been understood as saying that he has never been afraid of TIF. As a City Manager he has used it in other states. The State of Missouri enacted its first TIF Legislation seven-or-eight years ago. With the changes that the State of Missouri recently made, they have finally moved into the 21<sup>st</sup> Century. Other taxing entities, the school district and the county, are slowly going to realize that fact when they see how we will use TIF and that it will be used as they will want it to be used. The other taxing entities certainly don't want to see areas decline, either.

Councilman Anita Newsom said she thinks there have been some locally inappropriate uses of TIF that have left a really, really bad taste in a lot of people's mouths. She felt that the TIF's that were used were totally political in nature.

Mayor Roger Norris stated that is the Council's fear.

City Manager Jim Norris noted that the City's proposed TIF Policy prohibits that from happening and that the Council is the final decision maker. Nothing gets approved until the Council approves it as a Council. The Council has seen where TIF has been used inappropriately. The Council can reexamine its own guidelines and thought processes to remember how it utilized another innovative financing redevelopment tool with *Home Depot*. Let's put TIF in the same type of similar context as we go along.

Mayor Roger Norris stated that City Manager Jim Norris has made this summary of TIF to the Council for the whole time he has served on the Council. He said that makes him feel good to hear that the Council has the final say. He just worries about the next Councilman that sits on the Council, and added, "We trust us."

City Manager Jim Norris said the Council ultimately has to put some trust in the people that will succeed them. Hopefully, those Councilmen will come from the City's Boards and Commissions, and from other people who will be involved in helping with these matters.

Councilman Art Hammen noted that Councilman Dave Fricke is a prime example. (Councilman Dave Fricke was appointed to the Council in July, 1997 to fill the unexpired term of Mayor Bill Reynolds whose unexpired term will be filled by election in April, 1998.)

City Manager Jim Norris stated that the TIF Policy contains language about a financing component and legal aspects, but one real important thing to remember is that there is a plan component. The developer has to come forward with the actual plan. Each TIF will have to be site-planned.

Councilman Dave Fricke noted that he probably "does not understand all he knows" about TIF. Is there an exchange of money? Where do the dollars come from? He noted that City Manager Jim Norris mentioned 15% that possibly would have gone to *Home Depot* had it been a TIF project. Where does the up-front money come from? Is that money to be obtained in the future or is it money already on hand?

City Manager Jim Norris explained that in essence it comes from the owners of the property. In a variety of ways. For example, take a Plaza that is owned by an ownership group. There may also be anchor tenants that have part shares in the Plaza and they could actually advance the money up front to develop the project. They could get a conventional loan or employ some other loan mechanism to finance the project.

Councilman Dave Fricke asked if this would provide for 100% financing?

City Manager Jim Norris stated it would be for 100% financing, but, with the understanding with their financial sources that they would be assisted in paying that loan off because a portion of the money would be coming back through Tax Increment Financing. TIF could give back as much as 35% of that incremental revenue which would serve to pay back a certain portion of the debt each year.

Councilman Dave Fricke noted that is actually an exchange of money.

City Manager Jim Norris stated yes there is an exchange of money. That is one way to do it. The other way it can happen is that a developer can come to the City and say that they want to issue bonds for the amount of public sector's involvement. Then the City will deal with length of amortization and instead of giving them the money, we put it into an incremental pool where the money is all true growth money. It's new money. We pay the debt off for that year, pay the principal and interest for that year, and whatever is left goes to the taxing jurisdictions it would originally have gone to.

Councilman Dave Fricke asked if TIF is an effort similar to the Industrial Development Authority (IDA)?

City Manager Jim Norris explained that the Industrial Development Authority is a little bit different. With IDA, bonds were issued by the City for a specific project. The bonds were attractive because they were tax exempt. The City was never really paying

anything toward the debt. With TIF, the City would be paying a certain portion towards the debt on those bonds.

Councilman Dave Fricke asked, "What is TIF going to cost the City of Gladstone in citizen tax dollars?"

City Manager Jim Norris replied that he would not be able to answer that until he examines each individual application. He did say this it won't cost the citizens anything over what services they are getting now.

Councilman Dave Fricke stated it is already costing us. We are here tonight. It is already costing us bucks.

City Manager Jim Norris stated that it will not cost the City anything in terms of the Application because the Application Fee will be paid by the developer. The City is looking at an Application Fee somewhere in the range of \$10,000.00.

Councilman Dave Fricke stated that the City is already spending money getting a Committee together, meeting about TIF; that sort of thing.

City Manager Jim Norris noted that is correct.

Councilman Dave Fricke asked if City Manager Jim Norris was encouraging the Council to go ahead and get involved in TIF?

City Manager Jim Norris stated absolutely that he is--because of the return on it. Let's say, for example, that a new grocery store would generate \$300,000.00 a year in sales tax. Let's not even look at the other taxes it would generate. Using just sales tax alone, and the City's proportion of payback at 30%, that would be \$90,000.00. If the grocery store wouldn't come into Gladstone without that TIF involvement of \$90,000.00, the City would lose \$210,000.00 each year in sales tax.

City Manager Jim Norris stated that If the City allows *Prospect Plaza* to continue to go like it is now, with no new occupants, it will continue to deteriorate. He is not only talking about using TIF for *Prospect Plaza*, but also for *Meadowbrook Plaza*, and the blighted structures on North Oak. An important part of the TIF process is that there are actually two ways TIF can happen. One is for the City to delineate an area and have the City Council and Planning Commission sit down and say, "We want this area to be a TIF area," or the City can then prepare a Request For Proposal to be sent out to developers asking them to come in and present development plans and financing plans to redevelop the entire area.

Councilman Dave Fricke asked, as a City can we advertise for that?

City Manager Jim Norris answered, yes sir. The City can use its eminent domain.

Councilman Dave Fricke stated that he had not read that in the TIF Policy.



City Manager Jim Norris explained it is not mentioned in the City's TIF Policy, it is in the State Law.

City Counselor Nancy Thompson noted that is a radical method.

City Manager Jim Norris said he didn't regard it as being really radical. As a matter of fact, it is something that is suggested strongly in the new State Law. It is true, however, that the more common way for TIF to occur, is for a developer to come to the City and apply for TIF.

City Counselor Nancy Thompson noted that she wanted to follow-up with the cost aspect. She said that anytime an application is filed, the developer would have to enter into a Funding Agreement with the City.

Councilman Dave Fricke asked if that is the same as type of Funding Agreement as used by the Industrial Development Authority (IDA)?

City Counselor Nancy Thompson stated that she is not sure what type of Funding Agreement the Industrial Development Funding Agreement is. The TIF Funding Agreement serves to specifically account and pay for City staff time, as well as any outside legal consultants needed.

Councilman Dave Fricke stated that it is like IDA wherein there are specific funds set up by developers to pay for just those things.

City Counselor Nancy Thompson explained that TIF is actually a Reimbursement Agreement where the developer comes in and pays \$10,000.00 up front as the Application Fee. The City continually pays costs as they are justified by the developer so there is no out of pocket expense.

City Manager Jim Norris stated that he is not sure that this is explained in the City's TIF Policy. He believed it is in the Application Form that staff is drafting.

There being no further questions or information requested, Mayor Roger Norris proceeded to the regular November 24, 1997 City Council Meeting.

GLADSTONE, MISSOURI  
MONDAY, DECEMBER 15, 1997

Open Study Session: 7:15 PM

Regular Meeting: 7:30 PM

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular November 24, 1997 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating December 1997 as "Drunk and Drugged Driving Prevention Month" in Gladstone, Missouri. Sponsor: Missouri Division of Highway Safety.
5. **CONSENT AGENDA**

**RESOLUTION R-97-125**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the two year period January 1, 1998 through January 1, 2000.

**RESOLUTION R-97-126**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation for the period January 1, 1998 through June 30, 1999. Total Gladstone Local Share: \$23,520.00

**RESOLUTION R-97-127**, accepting Temporary Construction Easements, Quit Claim Deeds, a Deed of Release, and Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417)

**RESOLUTION R-97-128**, authorizing the City Manager to execute an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services for the period January 1, 1998 through December 31, 1998. Contract Amount: Not to exceed \$17,435.25. Fund: General Fund.

**RESOLUTION R-97-129**, accepting Temporary Construction Easements required from property owners in conjunction with the Englewood Road Guardrail Removal Project (File #9812)

## **NEXT ORDINANCE #3.654**

**RESOLUTION R-97-130**, accepting work under the contract with Industrial Roofing, Inc. for roof replacement at City Hall and the Water Treatment Plant and authorizing final payment. Grand Total Contract: \$114,697.00; Final Payment Due: \$11,469.70. Fund: Capital Improvements Sales Tax.

**RESOLUTION R-97-131**, authorizing the City Manager to enter into an agreement with the law firm of Withers, Brant, Iggoe & Mullenix to provide legal services in connection with the NE 72<sup>nd</sup> Street reconstruction project. Contract Amount: Not to exceed \$12,000. Fund: Transportation Sales Tax. (Project 9417)

**RESOLUTION R-97-133**, authorizing execution of an Escrow Agreement with Federal Employees Credit Union for certain public improvements to Englewood Road and Englewood Court.

**ACCEPTANCE OF 1996 - 1997 CITY OF GLADSTONE ANNUAL AUDIT AND MANAGEMENT LETTER** for year ended June 30, 1997.

**APPROVAL OF FINANCIAL REPORTS** for October, 1997.

### **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on a request to vacate an easement on property at 4949 Old Pike Road. Applicant/Owner: Credit Suisse Leasing for The Home Depot. (File #1030)
- 9a. **FIRST READING BILL 97-84**, vacating a Sanitary Sewer Easement located on property at 4949 Old Pike Road. Applicant/Owner: Credit Suisse Leasing for The Home Depot. (File #1030)
10. **PUBLIC HEARING:** on a request to extend a Special Use Permit to Karen Kay Kalmus for operation of Travel Agency Accounting Systems Inc. on property at 6306 North Prospect. Applicant/Owner: Karen Kay Kalmus (File #1031)
- 10a. **FIRST READING BILL 97-85**, approving the extension of a Special Use Permit subject to certain conditions to Karen Kay (Belbeck) Kalmus for operation of Travel Agency Accounting Systems, Inc. on residentially zoned property at 6306 North Prospect. (File #1031)
11. **PUBLIC HEARING:** on a request for a Special Use Permit to operate a child care center at 5940 North Flora. Applicant: Ellen Tucker. Owner: Mary Dana. (File #1035)
- 11a. **FIRST READING BILL 97-86**, granting a Special Use Permit subject to certain conditions to Ellen Tucker for operation of a child care center on property at 5940 North Flora. Applicant: Ellen Tucker. Owner: Mary Dana. (File #1035)

**NEXT ORDINANCE #3.654**

12. **PUBLIC HEARING:** on a request for a Site Plan Revision at 6001 North Antioch Road.  
Applicant/Owner: Burger King (File #1036)

12a. **FIRST READING BILL 97-87**, approving a Site Plan Revision in a CP-3 zone for property at 6001 North Antioch Road subject to certain conditions. Applicant/Owner: Burger King (File #1036)

12b. **APPROVAL OF BUILDING PERMIT** for Burger King Corporation for the addition of an enclosed playground and miscellaneous remodeling at 6001 North Antioch Road. (BP #97-1095)

13. **RESOLUTION R-97-132**, establishing the Gladstone Local Law Enforcement Block Grant Advisory Board as required by Federal Guidelines and establishing the membership composition for such Advisory Board.

13a. **GLADSTONE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD APPOINTMENTS.**

1) Representative from Local Law Enforcement Agency

**Recommend:** William P. Adamo

2) Representative from Prosecutor's Office

**Recommend:** Prosecutor Debbie Kaminski

3) Representative from Court System

**Recommend:** Judge Richard Rose

4) Representative from North Kansas City School District

**Recommend:** Dr. Dave Crockett

5) Representative from a Non-Profit Group

**Recommend:** Gladstone Economic Betterment Council  
Mr. Pete Hall

6) Designation of Council Liaison -

14. **RESOLUTION 97-134**, granting the City Manager the authority to enter into a contract with Tasco Construction for the Hamilton Heights Park Sediment Basin & Dam Breaching Project. Contract Amount: Not to exceed \$35,900. Fund: Capital Improvements Sales Tax.

15. **Other Business.**

16. **Questions from the News Media.**

17. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, DECEMBER 15, 1997**

Mayor Roger Norris called the Regular December 15, 1997 City Council Meeting to order in the City Council Chambers at 7:33 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Deputy City Clerk Sondra Kasserman

#### **Item 3. on the Agenda. Pledge of Allegiance.**

**Scouts Craig and Kent Richie from Troop #747** led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular November 24, 1997 City Council Meeting Minutes.**

Councilman Art Hammen moved to approve the Regular November 24, 1997 City Council Minutes as written; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.** Mayor Roger Norris read a Proclamation designating December 1997 as "Drunk and Drugged Driving Prevention Month" in the city of Gladstone as sponsored by the Missouri Division of Highway Safety.

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

Following the City Clerks reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-125**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle

towing and storage services for the two year period January 1, 1998 through January 1, 2000; Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-126**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation for the period January 1, 1998 through June 30, 1999. Total Gladstone Local Share: \$23,520.00; Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-127**, accepting Temporary Construction Easements, Quit Claim Deeds, a Deed of Release, and Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417) Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-128**, authorizing the City Manager to execute an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services for the period January 1, 1998 through December 31, 1998. Contract Amount: Not to exceed \$17,435.25. Fund: General Fund. Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-129**, accepting Temporary Construction Easements required from property owners in conjunction with the Englewood Road Guardrail Removal Project (File #9812) Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-130**, accepting work under the contract with Industrial Roofing, Inc. for roof replacement at City Hall and the Water Treatment Plant and authorizing final payment. Grand Total Contract: \$114,697.00; Final Payment Due: \$11,469.70. Fund: Capital Improvements Sales Tax. Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-131**, authorizing the City Manager to enter into an agreement with the law firm of Withers, Brant, Iggoe & Mullennix to provide legal services in connection with the NE 72<sup>nd</sup> Street reconstruction project. Contract Amount: Not to exceed \$12,000. Fund: Transportation Sales Tax. (Project 9417) Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-97-133**, authorizing execution of an Escrow Agreement with Federal Employees Credit Union for certain public improvements to Englewood Road and Englewood Court. Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved for **ACCEPTANCE OF 1996 - 1997 CITY OF GLADSTONE ANNUAL AUDIT AND MANAGEMENT LETTER** for year ended June 30, 1997. Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS** for October, 1997. Councilman Hammen seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Mr. Roy Patton, 5810 N Garfield,** addressed the City Council on the problems he experienced with Missouri Gas Energy who recently changed a gas meter on his next door neighbor's property. Mr. Patton said he lives on a corner lot and there is a 5' easement along the back of the property. The utility company tore out 20 ft. of his yard, parked all over his yard and there was nothing he could do about it. He said the foreman had a 4-wheel drive pickup truck and he drove back and forth across his yard when he would drive up to talk to the workers.

Mr. Patton said he came to City Hall to get Public Safety to come down to the property and he would like to stress before he goes any further that nothing he says should reflect on the Chief of Police because he has always found him responsive and he respects him deeply. The Officer who responded did not know to check on the easement and listened to the contractor who told him there was a 15' easement. The Officer said there was nothing he could do because they had a 15' easement although Mr. Patton said he insisted to the Officer that the easement was not 15'. The trucks deliberately tore his yard all to pieces and the Officer said he could not arrest him. Mr. Patton said the Officer was off sick for a week and he called him up when he returned to work and told him he made a mistake because there was only a 5' easement and the officer told him there was nothing he could do about it because they (Missouri Gas Energy contractor) just made a mistake.

The contractor wants to take a roller to fix the area torn up but Mr. Patton said that will flood it. He was here to attempt to sign a warrant out on them because they were trespassing. He said nobody wants to talk to him about trespassing but that is his property and it was torn up. He said if he comes to somebody's house with a truck and tears the yard up and then says he can do anything he wants in the yard you would be upset too. They broke the back window out of the house of an 84 yr. neighbor and turned around and walked away. Mr. Patton said he told her to call city hall and city hall referred her to the gas company. Mr. Patton said if you want to get a hold of somebody at the Gas Company; he will call Santa Clause and you call the Gas Company and we'll see who gets there first. Mr. Patton said he is very upset when you get in this situation where somebody is tearing your property up and you call the police and are told the person can't be arrested. He believes that when a man is destroying

his property it does not matter if it is President Clinton he has a right to stop him and if he had taken his shot gun out there he would be in the Clay County jail. These guys had a time with his yard and he can bring people in here to prove it. He had three big trucks sitting in his backyard at one time. He said there are yards torn up all over his neighborhood. Councilman Fricke asked the date of this incident. Mr. Patton said it was around November 13<sup>th</sup>.

Mr. Patton said he did make contact with somebody at the Gas Company today and they will take care of the woman with the broken window he spoke of and he was quite upset. Mr. Patton said he wanted the City Council to be aware of the situation, because he does not think it was right.

Mr. Patton also addressed a situation this spring when he had a code enforcement officer give him ten days to move a boat out of his back yard. He dutifully pulled his boat out and rented a spot to put it in storage and the guy next door had trash cans sitting on gravel and he poured a concrete slab and had to do \$800 dollars worth of work. Mr. Patton said he told the Code Officer that he would pour some gravel like all these other people have and park the boat on that; ad he said "oh no you can't do that it's against the law". Mr. Patton said he moved his boat, the guy next door took care of everything at his house but there has not been anybody else in that neighborhood and in Gladstone from his observation that did. There are old junk cars sitting in people's backyard or sitting between the houses and two out of three houses have a boat. They put gravel driveways in his neighborhood all summer long and nothing has been said about it and he called City Manager Norris this spring and asked him why nothing was being done about the rest of the people in Gladstone and he said some people abide by the law and some people don't. Mr. Patton said if we are not going to enforce the law on everybody then brother don't put it on nobody else.

Mayor Roger Norris said City Manager Jim Norris is exactly accurate because the City Council sees some of the reports that go through and we do have some of the same people paying fines for the same thing over and over. A recent report indicated there were over 4,000 inspections by our Codes enforcement personnel this year which was an 80% increase, so we are trying. Mr. Patton asked how much the fines are because he paid over \$800.00 to store his boat. The Mayor responded that the amount of the fine is up to the Judge.

City Manager Norris said when Mr. Patton called him about his boat issue, he told him that we do Code Enforcement two different ways. One is we either go block by block through a neighborhood or on a complaint basis. On the recreational vehicle/boats not being parked on a paved surface that is being done block by block, neighborhood by neighborhood and we are doing it in such a way so that when people have a financial hardship and they say they are going to comply by a certain time we are giving them that ability to meet that time schedule and are not immediately citing them into court. We are going block by block, subdivision by subdivision. There are whole sections of the city that we have not gone into yet to enforce that. We have two people and 10,000 homes. Mr. Patton said there were three boats in one yard in his neighborhood sitting on the ground and they have not moved yet and his is moved. He has seen people come putting gravel driveways all summer long and there is



nothing being done about it. City Manager Norris clarified that you can still have a gravel driveway, but if they are storing vehicles on them permanently, they have to be paved. Mr. Patton said there are cars sitting on them and cars sitting between houses all around Gladstone which he sees during his daily walks with no licenses and some are rusted to the ground. He agrees with the enforcement because his neighborhood is going downhill fast and he is all for the enforcement.

City Manager Norris said our two Code enforcement officers dealt with 4,400 violations divided by the number of working days a year that is approximately 20 inspection/violations per day that those two gentlemen are writing. We do have a problem and Council is aware of it because we did increase the number of Code Enforcement Officers from one a year ago to two this year, and will probably have to look at increasing the number but we are only going to be able to do as much as we have the manpower to do. We don't have Public Safety Officers doing codes enforcement. We have had a steady increase in the number of law enforcement and fire related calls so you are not going to pull your law enforcement in to do junk cars and boat parking but rather non-commissioned personnel for these tasks.

Mayor Norris pointed out that we really only created this position six years ago and City Manager Norris said we did not initiate the parking on the grass violations until about a year ago. We started with weeds and other issues first. We do have to walk before we fly and we are doing as much as we can with the resources that we have.

Mr. Patton suggested that if we bring the violators to Court and fine them we will have the resources.

On Mr. Patton's earlier issue with the gas utility, City Manager Norris said he and Scott Brandom met with Mr. Patton and Mr. Brandom went out that day and took pictures of the damage to the property which was included in the Council's November 13, 1997 packet. The City Manager said to be quite blunt and honest, Mr. Brandom who is a civil engineer saw tire tracks and minor rutting and we pulled out the old topographical survey and there is not what we would consider major damage to the storm water run-off area in Mr. Patton's yard. City Manager Norris said so he and Mr. Patton have to agree to disagree on this issue. The subcontractor advised both Captain Clark and Mr. Brandon that they would do the type of repairs that we felt were necessary. We believe that rolling done the right way in November versus now that snows and water have thoroughly infiltrated the soils would have resolved the issue but you can't do it now. The sub-contractor and the gas company had agreed to that and that was it. Beyond that, it is a civil matter.

The City Manager said as far as why not trespassing, Mr. Patton is a witness but it is an extremely hard issue to prove in Court and ultimately up to the Detective and the City Prosecutor to determine whether or not it is a prosecutable offense. He said Mr. Patton gave all the information to Captain Clark and he does not know where it went after that because he has not followed up on the criminal side of it because he thought the issue would be resolved between the subcontractor and Mr. Patton in terms of doing the rolling. The Manager said he drove by the same day that Mr. Patton came in and you can see where there was some rutting as shown in the pictures but the issue

that Mr. Patton is upset with, and legitimately so, is that the subcontractor was rude and did not listen to him and they violated his property. Mr. Patton's recourse is to have his damages restored which he can do through civil action against the sub-contractor which is why he suggested an attorney. Their conversation had nothing to do with criminal charges. The Manager said in the engineer's opinion, the damage is minor and can be rolled out and the storm drainage will work.

Mr. Patton said he spoke with the gas company today and they are going to put a meter in his yard and they agreed they had done a lot of damage and are coming out tomorrow to put the property back to where it should be. Mr. Patton said if you roll it he will have a ditch out there. He said his yard is the only one that will let the water out. The guy in back of him had his filled in. When the first rain comes we better have a bunch of pumps because every basement up through there is going to be flooded.

Mayor Norris said we need to make sure that the contractors who work for the utilities understand the boundaries of the easements. City Manager Norris said the City can't because that responsibility lies with the utility company who give the plans to the subcontractors and the utility must hold the subcontractors accountable. We don't even know on a daily basis where the utility companies are going in. The Mayor questioned how we would every know if our books and their books are the same in terms of easements. The City Manager said you have to rely on the Clay County Recorder of Deeds records unless something was changed by a platting or a private easement acquisition by a utility company that was not recorded, that would be the one time they would not coincide. Councilman Anita News said the utility company has the responsibility to enforce keeping their contractors within the easement. The Manager said that was exactly why MGE was so concerned when Mr. Patton finally reached somebody. They are now agreeable because they know that if they were outside of the easement they are responsible for the damage done. City Manager said MGE has orders to replace the old service lines as a result of the explosions six or so years ago and they hire sub-contractors to do the work and they may be from out of state and Mr. Patton described the discussion that took place in his backyard.

The Mayor and Councilmember Newsom both agreed we have had situations before where there is rudeness on the part of the utility. The Mayor said Mr. Patton has the right to make the Council aware of this situation in the hope that some attitudes can be changed. The City Manager said we have been trying to do just that because the City does not have the authority to order MGE to do anything. Mr. Patton said when he told MGE that a TV Action Reporter would be going to the residence of the woman with the broken window, they did get in gear.

Mr. Patton said he does hate to be up here because he feels like a fool but he is upset because these people tore up yards all through there not just his, and they just don't care. Mayor Norris assured Mr. Patton that the City Manager and his staff will do everything they can although obviously that is very limited and he told Mr. Patton that he need never feel like a fool.

City Manager Norris pointed out that when all of us contract for our utility service whether it be KCPL, SW Bell, MGE, or the cable company, you are not only granting

the company an easement for the main transmission line, you are granting them access to your property to do whatever they need to do to the service line and meter that is on your property. MGE has been going into all the older neighborhoods especially and they are not just replacing a piece of the line but all the service line and the meters and slip lining and they are going to do some damage when this occurs and they will do restoration. Whether or not that restoration occurs the next day or three months later because of the type of season they are doing the work in, they still will do it. And they have probably replaced more than 70% of the city now and we've had probably ten complaints. His point is let's put it into perspective. Mr. Patton got into a major altercation with the foreman and that is one of the reasons we think that the foreman disregarded Mr. Patton's request and drove his 4x4 over his yard but the pictures display that the damage is not severe.

Mayor Norris said from our perspective the damage may not be severe but from Mr. Patton's perspective of mowing and tending that yard it is and sometimes we have to look through other people's filters and not our own. Of those ten complaints to the City all are lacking simple common courtesy of people dealing with people and that is what makes it sad. The Manager said some of this started when MGE offices were moved from Kansas City north to just north of St. Joseph and the personal contact and service level has dropped.

Councilman Art Hammen said dealing with utility companies in his business on a regular basis he can state unequivocally that MGE is the best reason he can think of to do away with monopolies for utilities.

Councilman Fricke said if he understands this discussion, no city ordinances were broken by the contractor. City Manager Norris said the contractor was licensed and was outside of the easement which our ordinance does not cover. However, state law addressees trespassing but obviously there was not enough for the prosecutor to make a case.

Councilman George Nodler asked if Public Safety should have checked on the size of the easement if the contractor was still working at the property when Public Safety arrived. The City Manager acknowledged that is an area where some change could have been made and it has been discussed. Although unfortunately the damage had been done and when the officer arrived he dealt with it from the standpoint that the sub-contractor laid out plans that showed he was in the easement. We are dealing with the access to the easement and access to the service line and that is where it becomes a little bit gray. There was an agreement from the sub-contractor that Scott Brandom had worked out where they would go in and repair the damage within a week of the November 13, 1997 letter, but Mr. Patton denied them access so it was not done. If not for that, the situation would have been resolved a month ago. Mr. Nodler asked if the City could have cited the contractor for working outside of the easement at that time. City Counselor Nancy Thompson explained that there is a technical trespass case that could be made in this area but the problem is that it does not really get Mr. Patton what he wanted. Mr. Nodler asked who is responsible for making sure contractors don't violate the easements and that they can't just take 20'-30' when it is only a 5' easement. Counselor Thompson said the property owner has the right

to bring an inverse condemnation action against a public utility or entity which is not acting within an easement area. There is also a civil trespass and a criminal trespass. The problem with the criminal trespass is that it does not give Mr. Patton the type of resolution that he wanted. You can fine the contractor under a criminal trespass or you can put the contractor in jail but with jail crowding this is not a violent type of crime where you can put someone in jail; and a fine is not necessarily going to work in this instance.

The City Manager said if the Public Safety Officer had called in for a Community Development Inspector to come out to the site with easement documents from the plat he could have told the contractor right then --- you are working and accessing outside the easement and are subject to arrest. City Manager Norris said the officer did take the word of the contractor rather than calling an inspector to come out to the scene to look into the situation and discussions have been held with Public Safety as to how such a situation can be handled differently in the future. The City Manager stressed that the charge against the sub-contractor would be trespassing on private property and it is not something that the City is party to other than the law enforcement officer issuing the summons or a ticket.

Mayor Norris said he is bothered by that fact that Public Safety would defer to the word of an out-of-town contractor or sub-contractor over one of our own Gladstone residents.

**Item 7. on the Agenda. Communications from the City Council.**

Mayor Roger Norris and all members of the City Council wished everyone a Merry Christmas and Happy, Healthy, New Year; and also complimented those responsible for the nice annual City Employee Recognition Dinner held the previous weekend.

**Councilman Anita Newsom** also announced that she had tickets available to the North Kansas City School District's Education Foundation fund-raiser this week at the new AMC/Odyssey Theater

**Councilman Art Hammen** commented that he appreciated the opportunity to attend the National League of Cities Conference recently and expand his base of knowledge to better serve our citizens. He found it a very good experience.

**Mayor Roger Norris** said he recently saw *The Christmas Carol* movie and in it the Spirit of Christmas Present said "we spirits of Christmas don't live just one day out of the year but all 365". The Mayor said he hopes that for the next ten days we can all think about how we will keep that spirit alive all 365 days of next year and wished everyone present at the meeting and especially all Gladstone residents, a Merry Christmas

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Jim Norris** complimented the City Staff and the City Council on the efforts the City of Gladstone put forth at the Northland Christmas Store this year. The organization is financially supported through our Mayor's Christmas Tree fund each year but the commentary that has come back to us is that the actual physically working volunteer support was more than they have ever seen from the City although we have always had substantial volunteerism. They were thrilled that the entire City Council showed up one evening last week and that almost the entire management team and 6-7 employees worked another evening. The Manager said he would especially thank Parks Director Steve Buschor and Recreation Supervisor Sheila Lillis for actually being part of the ongoing operation of the store. Mr. Buschor managed the food pantry this year and he took the same drive and determination that we see on City related projects and put it to work for that group. City Manager Norris extended his compliments to all for this effort which served well over 1,000 families

**Item 9. on the Agenda. PUBLIC HEARING:** On a request to vacate an easement on property at 4949 Old Pike Road. Applicant/Owner: Credit Suisse Leasing for The Home Depot. (File #1030)

Mayor Roger Norris opened the Public Hearing and explained the process that the Applicant is invited to make his presentation followed by comments from those in Favor and those Opposed ending with City Staff comments.

**In Favor:** No representative of the applicant was present and no persons were present to speak in favor of this vacation request.

**Opposed:** None

**Staff Comments:** Director of Community Development Scott Wingerson explained that prior to the development of the Home Depot property there was an existing 10' sanitary sewer easement. During the platting of that property, the applicant replatted that easement as a 15' sanitary sewer easement. At the current time, Credit Suisse who is a holding company for Home Depot real estate is attempting to transfer that property to another portion of the Home Depot Corporation and for that transfer of property they have requested that the original 10' sanitary sewer easement be vacated. Staff is recommending approval of this request, the Planning Commission voted unanimously in favor of this application and Mr. Wingerson said he can assure the City Council that the necessary easements will remain in place after this request to maintain the sanitary sewer across the property.

There were no further comments or questions and Mayor Roger Norris closed the Public Hearing.

**Item 9a. on the Agenda. FIRST READING BILL 97-84,** vacating a Sanitary Sewer Easement located on property at 4949 Old Pike Road. Applicant/Owner: Credit Suisse Leasing for The Home Depot. (File #1030)

Councilman Art Hammen moved to place **Bill 97-84** on First Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of **Bill 97-84**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill 97-84** and enact the Bill as **Ordinance No. 3.654**; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda. PUBLIC HEARING:** on a request to extend a Special Use Permit to Karen Kay Kalmus for operation of Travel Agency Accounting Systems Inc. on property at 6306 North Prospect. Applicant/Owner: Karen Kay Kalmus (File #1031)

Mayor Roger Norris opened the Public Hearing and explained the process that the Applicant is invited to make his presentation followed by comments from those in Favor and those Opposed ending with City Staff comments.

**Applicant Karen Kay Kalmus, 6306 N Prospect,** advised that this request is a continuation of an existing use on this property for the operation of her company. The City had offered an additional two years Special Use Permit with the same conditions as the present special use permit and that is acceptable to her and she hopes it is acceptable to the City Council as well.

**In Favor:** None

**Opposed:** None

**City Staff Comments:** Director of Community Development Scott Wingerson advised that both Staff and the Planning Commission recommend approval of this request and pointed out that it is only an amendment which extends the period of time and all the conditions are the same as previously approved. It was noted the extension is to April 30, 1999.

There were no further comments and Mayor Roger Norris closed the Public Hearing.

**Item 10 a. on the Agenda. FIRST READING BILL 97-85,** approving the extension of a Special Use Permit subject to certain conditions to Karen Kay (Belbeck) Kalmus for operation of Travel Agency Accounting Systems, Inc. on residentially zoned property at 6306 North Prospect. (File #1031)

Councilman Art Hammen moved to place **Bill 97-85** on First Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of **Bill 97-85**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill 97-85** and enact the Bill as **Ordinance No. 3.655**; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 11. on the Agenda.** **PUBLIC HEARING:** on a request for a Special Use Permit to operate a child care center at 5940 North Flora. Applicant: Ellen Tucker. Owner: Mary Dana. (File #1035)

Mayor Roger Norris opened the Public Hearing and explained the process that the Applicant is invited to make his presentation followed by comments from those in Favor and those Opposed, ending with City Staff comments.

**Applicant Ellen Tucker, 5940 North Flora**, said this property has been a day care center for about twenty years. She does not believe it has operated under a special use permit previously but as the new owner she is requesting one.

Councilman Hammen noted there are nine conditions staff is recommending as a part of this permit and asks if Ms. Tucker has any problem with any of them. Ms. Tucker acknowledged she is in agreement with all nine conditions.

**In Favor:** None

**Opposed:** None

**City Staff Comments:** Director of Community Development Scott Wingerson said as noted, there are nine conditions in the draft ordinance authorizing the special use permit and the Planning Commission and Staff unanimously recommend approval of the permit for a period of five years.

There were no further comments and Mayor Roger Norris closed the Public Hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL 97-86**, granting a Special Use Permit subject to certain conditions to Ellen Tucker for operation of a child care center on property at 5940 North Flora. Applicant: Ellen Tucker. Owner: Mary Dana. (File #1035)

Councilman George Nodler moved to place **Bill 97-86** on First Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman George Nodler moved to accept the First Reading of **Bill 97-86**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill 97-86** and enact the Bill as **Ordinance No. 3.656**; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 12. on the Agenda. PUBLIC HEARING:** on a request for a Site Plan Revision at 6001 North Antioch Road. Applicant/Owner: Burger King (File #1036)

Mayor Roger Norris opened the Public Hearing and explained the process that the Applicant is invited to make his presentation followed by comments from those in Favor and Opposed ending with City Staff Comments.

**Applicant Representative Mike Ortego, Construction Manager with Burger King Corporation,** requested City Council approval of the site plan revision as shown on the color rendering he displayed. He is present to answer any questions Council may have.

Mayor Roger Norris inquired how far this addition will be from the street; Mr. Ortego said it will be the same frontage as the existing building. The Mayor said he assumes this enclosed play area is prompted by what Burger King and competitors are doing nationwide. The Applicant acknowledged they are doing these play areas in many locations where it seems feasible with a lot of children and neighborhoods.

**In Favor:**

None

**Oppose:**

None.

**City Staff Comments:** Community Development Director Scott Wingerson said to respond to earlier questions, this addition will be approximately 40' from Antioch Road. There are three recommended conditions in the Site Plan Ordinance: Installing sidewalks where there are no sidewalks now; enclose the trash; no additional signage other than what is shown on the rendering. He advised that the Planning Commission unanimously recommended approval of this request.

There were no further questions or comments and Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL 97-87,** approving a Site Plan Revision in a CP-3 zone for property at 6001 North Antioch Road subject to certain conditions. Applicant/Owner: Burger King (File #1036)



Councilman Art Hammen moved to place **Bill 97-87** on First Reading; Councilman Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of **Bill 97-87** Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill 97-87** and enact the Bill as **Ordinance No. 3.657**; Councilman Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 12b. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for Burger King Corporation for the addition of an enclosed playground and miscellaneous remodeling at 6001 North Antioch Road. (BP #97-1095)

Councilman George Nodler moved to approve the Building Permit as submitted; Mr. Hammen seconded. The vote: all "Aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 13. on the Agenda.** **RESOLUTION R-97-132**, establishing the Gladstone Local Law Enforcement Block Grant Advisory Board as required by Federal Guidelines and establishing the membership composition for such Advisory Board.

Councilman Art Hammen moved to adopt Resolution R-97-132 with appointments to the **GLADSTONE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD** as follows: Ms. Newsom seconded. The vote: All "Aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

- 1) Representative from Local Law Enforcement Agency  
**Director of Public Safety William P. Adamo**
- 2) Representative from Prosecutor's Office  
**Prosecutor Debbie Kaminski**
- 3) Representative from Court System  
**Judge Richard Rose**
- 4) Representative from North Kansas City School District  
**Dr. Dave Crockett**
- 5) Representative from a Non-Profit Group (Gladstone Economic Betterment Council) **Mr. Pete Hall**
- 6) City Council Liaison  
**Mayor Roger Norris**

**Item 14. On the Agenda. RESOLUTION 97-134**, granting the City Manager the authority to enter into a contract with Tasco Construction for the Hamilton Heights Park Sediment Basin & Dam Breaching Project. Contract Amount: Not to exceed \$35,900. Fund: Capital Improvements Sales Tax.

Councilman Anita Newsom moved to adopt Resolution 97-134, Mr. Nodler seconded.

Discussion:

City Manager Norris said the bid received was over the estimate of Shafer, Kline, & Warren and they discuss the potential reasons in their letter attached to the resolution. The resolution authorizes this contract to be signed and allows us to sit down with the low bidder and determine if some of the things that both Shafer, Kline & Warren and our Staff came up with caused the bids to be higher and see if we can't remedy some of those issues before we actually enter into a contract and thus lower the bid price. If not, this is the lowest and best bid and therefore we need to go with it and keep this project on time.

**Item 15. On the Agenda. Other Business.**

None.

**Item 16. on the Agenda. Questions from the News Media.**

None.

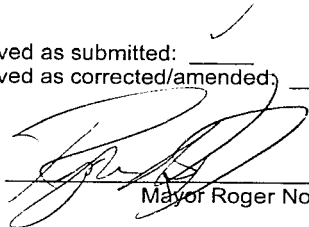
\* \* \* \*

There being no further business to come before the Regular December 15, 1997 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:33 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor Roger Norris

MFA

**GLADSTONE, MISSOURI  
MONDAY, JANUARY 12, 1998**

**Open Study Session: 7:15 PM**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately following Adjournment of Regular Meeting  
Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3)  
for Privileged Communication, Litigation, Land Acquisition and Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance led by Boy Scouts from Troop #137.
4. **Approval of Regular December 15, 1997 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating Thursday, January 15, 1998 as "**E. SUE HENNING DAY**" in the City of Gladstone honoring Gladstone Retiring Director of Finance Sue Henning.
5. **CONSENT AGENDA**

**RESOLUTION R-98-1**, accepting temporary construction easements from property owners in conjunction with the North Oak Water Main Replacement. (Project 9817)

**RESOLUTION R-98-2**, accepting work under contract with Pyramid Excavating & Construction, Inc. for 1209 NE 65<sup>th</sup> Street & 1402 Englewood Road drainage improvements. Total Contract Amount: \$37,718.50; Final Payment Due: \$1,748.53. Fund: Capital Improvements Sales Tax. (Projects #9614 & 9716)

**RESOLUTION R-98-3**, authorizing the City Manager to accept a Bill of Sale from Charter Funerals of Missouri LLC and Central Plumbing Heating and A/C, Inc. conveying to the City a water main serving 77 NE 72<sup>nd</sup> Street. (File #968)

**RESOLUTION R-98-4**, authorizing the City of Gladstone, Missouri's participation in the State of Missouri Cooperative Procurement Program.

**RESOLUTION R-98-5**, authorizing the City Manager to accept the proposal of Action Target, Inc. for purchase of a Weapons Target System in the amount of \$27,774.30. Fund: Capital Improvements Sales Tax Fund.

**APPROVAL OF FINANCIAL REPORTS** for November 1997.

**NEXT ORDINANCE #3.658**

**REGULAR AGENDA**

**6. Communications from the Audience.**

**7. Communications from the City Council.**

a) Board and Commission Appointments/Reappointments.

**8. Communications from the City Manager.**

a) Distribution and Discussion of Five Year Street Rehabilitation Plan Progress Report.

**9. APPROVAL OF BUILDING PERMIT** for interior remodeling of existing building at 231 NW 72<sup>nd</sup> Street. Applicant: Douglas Brothers Construction Co., Inc. Owner: Gladstone Dental (BP #97-1137)

**10. APPROVAL OF BUILDING PERMIT** for remodeling of existing structure at 6303 N. Antioch Road. Applicant: WRS Architects. Owner: Lawson Bank (BP #97-1141)

**11. APPROVAL OF BUILDING PERMIT** for interior remodeling of existing building at 5815 N. Antioch Road. Applicant: Express Permits Owner: SuperCuts (BP #97-1148)

**12. PUBLIC HEARING:** to rezone R-1 (Single Family District) to RCHP-1 (Cluster Housing District-Planned) property at NE 75<sup>th</sup> and North Troost. Applicant/Owner: Larry Mitchell, LLC. (File #1033)

**12a. FIRST READING BILL 98-1**, approving the rezoning from R-1 (Single Family District) to RCHP-1 (Cluster Housing District-Planned), property at NE 75<sup>th</sup> Street and North Troost. Applicant/Owner: Larry Mitchell, LLC. (File #1033)

**12b. FIRST READING BILL 98-2**, approving a Site Plan for development of property at NE 75<sup>th</sup> Street and North Troost in a RCHP-1 zone. Larry Mitchell, LLC. (File #1033)

**13. FIRST READING BILL 98-3**, approving the Final Plat of **Northaven Village Condominium**, property at NE 68<sup>th</sup> Street and North Olive. Applicant/Owner: Northaven Village LLC. (File #1041)

**14. Other Business.**

**15. Questions from the News Media.**

**16. Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JANUARY 12, 1998**

Mayor Roger Norris called the Regular January 12, 1998 City Council Meeting to order in the City Council Chambers at 7:34 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Scouts from Troop #137 led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda. Approval of Regular December 15, 1997 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular December 15, 1997 City Council Minutes as written; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.** Mayor Roger Norris read a Proclamation designating Thursday, January 15, 1998 as "**E. Sue Henning Day**" in the City of Gladstone honoring Gladstone Retiring Director of Finance Sue Henning. He then presented the Proclamation to Sue Henning and thanked her for her 29 years of service to the City of Gladstone.

**E. Sue Henning** thanked everyone present and exclaimed that no one could know how much this means to her.

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

City Clerk Marilyn Ahnefeld advised the Liquor License approval listed on the Agenda has been removed at the Applicant's request. Following the City Clerks reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as modified; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-98-1**, accepting temporary construction easements from property owners in conjunction with the North Oak Water Main Replacement. (Project 9817); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-2**, accepting work under contract with Pyramid Excavating & Construction, Inc. for 1209 NE 65<sup>th</sup> Street & 1402 Englewood Road drainage improvements. Total Contract Amount: \$37,718.50; Final Payment Due: \$1,748.53. Fund: Capital Improvements Sales Tax. (Projects #9614 & 9716); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-3**, authorizing the City Manager to accept a Bill of Sale from Charter Funerals of Missouri LLC and Central Plumbing Heating and A/C, Inc. conveying to the City a water main serving 77 NE 72<sup>nd</sup> Street. (File #968); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-4**, authorizing the City of Gladstone, Missouri's participation in the State of Missouri Cooperative Procurement Program; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-5**, authorizing the City Manager to accept the proposal of Action Target, Inc. for purchase of a Weapons Target System in the amount of \$27,774.30. Fund: Capital Improvement Sales Tax Fund; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve the **FINANCIAL REPORTS** for November 1997; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.    Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said he had several items this evening. The first was to thank Public Safety for their time in giving him a tour and showing him department equipment.

\* \* \* \*

On the subject of Public Safety, Councilman Fricke noted recently in Gladstone and Clay County there have been a lot of comments made about methamphetamine labs. In a recent newspaper article Clay County Prosecutor Mike Reardon stated that methamphetamine labs will be the top problem for Clay County this year. Last year in Clay County there were 37 cases of meth labs. In comparison, the entire state of Kansas had a total of 37 meth labs shut down. Gladstone Public Safety has been active in meth labs and have conducted several raids and made some arrests. Councilman Dave Fricke stated that he was not pleased that Gladstone had methamphetamine labs, but that we are on top of them. He felt that Public Safety should continue to put the pressure on and continue to advertise the fact that Gladstone is and will continue to pursue methamphetamine labs.

\* \* \* \*

Councilman Dave Fricke thanked the City Manager for his invitation to the Employee Recognition Dinner last month. He enjoyed the evening as it gave him a chance to meet more City employee's and he appreciated that.

\* \* \* \*

Councilman Dave Fricke said Colin Powell spoke at the National League of Cities Conference he attended last month and if there is a video tape available of that address he would like to have one.

City Manager Jim Norris replied that videos are available through the National League of Cities and we will look into getting one.

\* \* \* \*

Councilman Dave Fricke also noted that the residents who applied and participated in the Board and Commission interviews last month were outstanding people. He was pleased that they wanted to serve and were ready to make a time commitment.

**Councilman Anita Newsom** asked the Scouts who had led the Pledge of Allegiance this evening to give their names for the record. The Boy Scouts from Troop #137 stood and introduced themselves: Richard Sheets from North Kansas City, Jacob Gilham from North Kansas City, Jason Gilham from North Kansas City, and Dominic Salerino from Gladstone.

\* \* \* \*

Councilman Anita Newsom asked what the situation is with our water because over the weekend she noticed the water from her faucet had such a really bad taste.

City Manager Jim Norris responded that the City continues to have sporadic complaints about chlorine taste and smell. It is not located in anyone particular place. There are two different levels of chlorine as noted in Director Menefee's report one is free chlorine and one is not. The Department of Natural Resources increased the level of **free chlorine** that needs to be present in all water systems and many cities are having trouble with that. The free and non-free chlorine's must balance and counteract each other. An odor and taste occurs when the two chlorine's are not balanced. During the budget sessions, when Capital Budget was discussed, there were funds for the entire renovation of the City's Chlorine Room. The renovation was originally being done for safety reasons because of what chlorine gas can do. All the original chlorinators at the water plant are being replaced.

The City Manager explained that staff now knows that there has been what is called "bleed-by" through those chlorinators of chlorine into the system; but the City still tests the chlorine in the system at 20 different monitoring points within the City on a weekly basis and it changes everywhere. It is normal for the chlorine to change everywhere, but what is abnormal is that we have the free and non-free chlorine out of balance with each other in some places. Staff feels that it will be resolved by the chlorine room renovation. We had scuba divers go into the clearwell tank to see if there was something in the tank itself that could be causing this to happen. They have taken chlorine level readings from 15 to 20 different areas of the tank, at different levels, and there was nothing that showed any reason why this is happening. There is some theory that when you do as much flowing of water mains as the City did this year, you actually scour the inside of the water mains by the velocity of the water and that you cause a film that has been on the inside of the mains to come loose and that then causes a change in how the free chlorine interacts. It is not something that has been completely resolved, but staff is in the process of resolving it. It is a very complicated issue. DNR has been in, water plant experts and Mr. Don Deister, one of the City's consultants has looked into it, and at this point no one can come up with a conclusive answer. Part of the problem is that it is not in any one location at any given time, it jumps around.

Councilman Anita Newsom noted that previously when citizens made complaints to her, she was not experiencing what they were because it wasn't in her faucet. Normally she drinks her water through iced tea, but this weekend she ran out of tea, attempted to drink the water and it was nasty. She could not come up with any reason for it to be that way as it was not a high use period and there was no heat wave like this past summer.

City Manager Jim Norris asked Councilman Anita Newsom if she drank the water straight out of the tap? Ms. Newsom said she yes.

Mayor Roger Norris said that is how Gladstone residents are supposed to be able to drink their water.



City Manager Jim Norris explained that the reason for his question was that some people run their water through a system in their refrigerator so it comes out cold after being held in a plastic reservoir in the refrigerator. Those plastic reservoirs can absorb the taste of the chlorine and will hold the chlorine taste longer. If that happens the reservoir has to be flushed out. In some instances that has been part of the issue. The City Manager said this issue came up at last week's Planning Commission meeting and since that time staff has been even more involved with trying to find out what the problem is. Staff feels that it is something that will not be 100% resolved until the chlorine room is redone and new chlorinators are actually in place. The bid award for the chlorine room and chlorinators will be on the next Council Agenda.

\* \* \* \*

Ms. Anita Newsom said she was very pleased to see the City's street crews out on top of the slick streets this morning. She asked if there was some way that the distance of the broadcast can be adjusted on the salt spreaders because she had salt within three feet of her garage door.

City Manager Jim Norris answered yes we can on the newer spreaders and trucks because they have computerized systems that are very adjustable and they automatically change with the speed of the truck. Whenever there is ice, salt is going to skip and jump everywhere because two slick surfaces are contacting each other. The spray on the older salt spreaders has to be manually adjusted and their spray doesn't change with the speed of the truck.

\* \* \* \*

**Councilman Art Hammen** said it is good to be back after a busy holiday season and thanked all the citizens who were present at this evening's City Council Meeting.

Councilman Art Hammen made a motion that the Council endorse and recommend that its citizens support and approve the 1/8 cent Clay County Sales Tax for the next 12 years at the February 3, 1998 election; Mayor Pro Tem George Nodler seconded.

Discussion:

Mayor Roger Norris stated that the last time the Clay County Sheriff asked for the City's support it was much more expensive. He can think of no better reason to support the Sheriff and the County than this. Citizens have to know that when the police are out there, not only are they doing their jobs but that there is place to take the person once the police have arrested them. Space has been a problem in the past and he is certain that it would be a problem in the future. This Council supports the 1/8 cent sales tax and certainly would concur that they want Gladstone residents to support this issue.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Mayor Pro Tem George Nodler** thanked all the very qualified Gladstone residents who applied for the various City Board and Commission seats.

**Mayor Roger Norris** stated that it is nice to be back and hopes that everyone had a very good holiday season, and for those who didn't he trusts that it will be better next year.

**Item 7a. on the Agenda. Board and Commission Appointments/Reappointments.**

Mayor Roger Norris read the list of appointments and reappointments to City Boards and Commissions attached to these minutes as Agenda Item 7a.

Councilman Dave Fricke moved to approve the appointments and reappointments to City Board and Commissions as read by Mayor Roger Norris; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Jim Norris stated that he had a couple of items. First item:

**Item 8a. on the Agenda. Distribution and Discussion of Five Year Street Rehabilitation Plan Progress Report.**

City Manager Jim Norris noted that Director Wingerson was passing out this report to the Council. He stated that he was not going to comment very much on this item tonight as it will be an Open Study Session Item at the next City Council Meeting. He asked Council to bring the report with them to the next Council meeting.

City Manager Jim Norris stated that in November of 1995 the City of Gladstone had a ballot proposition in front of its voters that dealt with a Transportation Sales Tax. The voters passed that proposition and in 1996 we started to collect the tax. In 1997 the City completed its first two years of resurfacing programs from that tax. Staff has taken a very hard look at how they have performed those programs. The Report talks about where the City has been, where it is going and gives a financial status report and summary. The Report includes a map that shows the streets that were done in 1996, those done in 1997 and the streets that are still remaining from the original five year plan that was presented to Gladstone residents when they voted for the Transportation Sales Tax. 45% of the streets that were in the original five year plan were completed in the first two years. Because of how the projects were put together and bid in lump sum ventures, the City has received better pricing. There are some recommendations contained in this Report that staff will go into more detail on at the next City Council Meeting. Staff feels they can further streamline the process, make it better in the long run, still met the five year plan, the promises that were made to our residents and, at the same time, offer better maintenance for all the roads in the City.

City Manager Jim Norris asked the Council to peruse the report and if they had any questions between now and the next City Council Meeting to contact either Director Wingerson, Assistant City Manager Gay or himself and they would be happy to try and

answer them. A formal presentation on this report will be made at the Open Study Session at the Monday, January 26, 1998 City Council Meeting.

\* \* \* \*

City Manager Jim Norris invited the City Council and the public to the retirement luncheon for Sue Henning to be held this coming Thursday, January 15, 1998, in the City Council Chambers beginning at 11:30 am.

**Item 9. On the Agenda.** **APPROVAL OF BUILDING PERMIT** for interior remodeling of existing building at 231 NW 72<sup>nd</sup> Street. Applicant: Douglas Brothers Construction Co., Inc. Owner: Gladstone Dental (BP #97-1137)

Mayor Pro Tem George Nodler moved to approve the remodeling Building Permit for the Gladstone Dental Building; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris asked if everything was in order?

City Manager Jim Norris replied yes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for remodeling of existing structure at 6303 N. Antioch Road. Applicant: WRS Architects. Owner: Lawson Bank (BP #97-1141)

Councilman Anita Newsom moved to approve the Building Permit for Lawson Bank; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris stated that the architect for Lawson Bank was present this evening to talk about the elevations of this structure for the record.

**Cheryl Ninemire, WRS Architects**, showed the Council a rendering of the former Shoney's structure. The rendering showed the structure shell. She pointed out where the sunroom currently exists and noted that this would be removed to make room for drive-through lanes. The front entrance would be moved to the north side of the building and where the current front entrance is located there would be an ATM area. They will be adding landscaping, trees and fencing. There will be a masonry structure around the trash enclosure. Most of the roof top equipment and vents will be removed and the transformer will be relocated. The stone on the front entry area will remain. The brick of this building has been painted and the paint will be removed to return the brick to its original red brick color. The red brick color of the drawing is what they

expect the brick to look like when the paint is removed. She asked if Council would have any problem if the colors of the building varied from what they propose?

Mayor Roger Norris and Councilman Anita Newsom stated as long as there were no teal and mauve colors used.

Ms. Ninemire noted that the rendering of the fence did not show the pickets that would be on the fencing. The look will be more formal than what the rendering shows.

Councilman Anita Newsom asked if the picket fencing was for property division or screening?

Ms. Ninemire answered a little for screening, but on the backside to differentiate between adjacent properties. She then pointed out the elevations at the front and back of the property.

Councilman Art Hammen asked what the approximate timetable was for the completion of this bank?

Ms. Ninemire replied that the owner is very anxious to start so they will be starting as soon as possible. They have allowed for 115 construction days.

City Manager Jim Norris stated that typically the Council reserves the privilege to approve the exterior and colors. Staff's suggestion is for Council to approve the masonry finish with the earthtone trim tonight. If when the brick is uncovered there is a problem they will come back to Community Development to see if it meets the intent of the Council's motion. If staff feels it does not; it will be brought back to the Council at a future meeting. Staff does not foresee this being a major obstacle. Obviously they want to use a stone and masonry finish versus a drivit or some other type of finish.

Councilman Anita Newsom stated that if her memory serves her correctly it is a dark red brick that is on that building. City Manager Jim Norris said that is what he recalls also.

Mayor Roger Norris asked if Lawson Bank had standard colors?

Ms. Ninemier answered just a green awning.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 11. on the Agenda.** APPROVAL OF BUILDING PERMIT for interior remodeling of existing building at 5815 N. Antioch Road. Applicant: Express Permits Owner: SuperCuts (BP #97-1148)

Councilman Art Hammen moved to approve the Building Permit for SuperCuts subject to the Staff Report; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 12. on the Agenda. PUBLIC HEARING:** to rezone R-1 (Single Family District) to RCHP-1 (Cluster Housing District-Planned) property at NE 75th and North Troost. Applicant/Owner: Larry Mitchell, LLC. (File #1033)

Mayor Roger Norris opened the Public Hearing and explained the process that the Applicant is invited to make his presentation, followed by comments from those in Favor of the rezoning, then those Opposed to the rezoning and ending with City Staff comments.

**Applicant:**

**Lee Bussinger, 3031 NE 73<sup>rd</sup> Terrace**, representing the Applicant/Owner, Mr. Larry Mitchell, who is out of the City. Mr. Bussinger said he would read from a prepared statement so that he did not overlook anything.

Mr. Bussinger read, *"Mr. Mitchell, a resident of Gladstone since 1964 is a respected Gladstone developer. He has purchased the 12 acres beginning at 75<sup>th</sup> and Troost and running west to approximately North Campbell. A total area of nearly 12 acres. There is a demand from many retiring residents that reside in Gladstone to eliminate the exterior maintenance of their family home and move into a townhome where all of it is done for them and allow them to remain in the city limits of Gladstone. This proposal will allow this.*

*"First let me say a few things about Mr. Mitchell's building history in Gladstone. He has completed two town home developments of this size. The first being Meadowlane at 72<sup>nd</sup> and North Brooklyn and the second being Maple Lane at 74<sup>th</sup> and North Prospect, across from Wal-Mart. He plans this proposed development exactly like the one across from Wal-Mart. We are aware with planned zoning we strictly have to adhere to plans submitted and approved by the City.*

*"These are not rental units, but will be sold individually for \$125,000 and up. People will own their own unit, land it sits on, have front yard and back yard, attached garages, patios or decks like most homes. The only difference is that exterior work will be maintained by a home owners association which includes lawn, snow removal, painting, shrubbery, etc. They will be at least 1,200 square feet, true ranches with attached car garages, 2 bedrooms, 2 baths, first floor utilities, very few steps, and other things seniors like.*

*"This request is for 51 units, well within the density maximum. Mr. Mitchell has left the required open area. There is an existing pond on the north side that will be reduced, but remain there and we have been informed that this will have to be a combination of a pond and detention basin. There are some big oak trees around this area which we are planning on saving.*

*"Some neighbors have informed us of storm water concerns and we have passed this information along to our engineers, one being Harrison Street at the south boundary and also at the west entrance of 75<sup>th</sup> Terrace.*

*"We plan to do whatever engineers require and more. There is a major drainage ditch running diagonally on the eastern half that will become underground and the area filled in.*

*"We understand the City is planning on improving 76<sup>th</sup> Street soon and we will certainly cooperate with the City to accept their storm sewers.*

*"The two most important issues with our on-site visit with the Planning Commission were storm water and the connection of North Harrison Street to the project.*

*"Storm water is certainly a concern for us as well as residents that may be affected by this development. We assure you that our engineers have been instructed to insure the volume of storm water leaving this project will not be any greater than present. As you will not in the Planning Commission's site visit report, Mr. Mitchell has agreed to build the eastern detention basin, being a decorative wall, which will be aesthetically as well as serve for water detention.*

*"The North Harrison Street connection certainly has pros and cons either way. We can provide a good development with or without the connection, however, it is our opinion that matching existing streets is proper.*

*"Street lights are important and would be willing to put them in if the City will use normal procedure working with KCP&L. Mr. Mitchell is agreeable to escrow money for such purpose.*

*"We agree with the Planning Commission's recommendation concerning the Home Owners Association covenants conclude with the language and recorded simultaneously."*

Mr. Bussinger noted that there was considerable discussion with a few residents who were concerned about the drainage coming off of this property and going to the east side of Troost. They can't control what happens east of Troost, but they can control that there will not be anymore water going east of Troost than what is going there now. He noted that he felt the Planning Commission had pretty well covered all the pros and cons of this project, but that he would be happy to answer any questions the Council might have.

Councilman Anita Newsom asked if North Harrison Street was not cut through if that would change the site plan in any way?

Mr. Bussinger answered, probably a little bit. The way the recommendation from the Planning Commission is now, at the southwest intersection of 75<sup>th</sup> Street and North Campbell, they recommended having 75 feet rather than 50 feet, which would probably

cause them to lose one unit; but, they would have more continuity without North Harrison. Their personal opinion is that for fire, safety, etc. it might be more feasible to have North Harrison constructed; but that is the Council's decision.

Councilman Anita Newsom asked the engineering staff if there had been any traffic studies done for the ingress and egress of 75<sup>th</sup> Street? Are there any safety concerns at the crest of hill for people trying to pull out and/or turn when someone is coming down that slope on Troost at 75<sup>th</sup> Street?

Director of Community Development Scott Wingerson explained that traffic would not be looked at until the developer submits their construction plans for the roadway. At that time staff engineers would make sure the intersection at Troost was safe.

City Manager Jim Norris noted that this is only the site plan. The engineering and buildings have to work within the existing site. If there is a problem with grades the developer may be required to go out onto Troost and do something with grades there as well. You can't change the "L" on 75<sup>th</sup> Street unless you change Troost. Since staff does not know exactly where this intersection will fall on the site until it is surveyed and marked, they can't make those type of judgments. Once surveyed and marked, staff will be able to see where it lines up and what the actual grades are. Frankly, when you look at the vertical curve on that hill you can't tell what the stopping distances and site distances actually will be.

Mr. Bussinger stated that they are quite willing to cooperate.

Councilman Art Hammen wanted to clarify one point. Under Staff Recommendations, Item 10, talking about yard lighting or street lighting, Mr. Bussinger said something about escrowing money or dealing with KCP&L.

Mr. Bussinger stated that if the City will work with KCP&L on street lights, as they do normally, they would be willing to escrow money so street lights can be installed.

Councilman Art Hammen stated that he is not sure what staff's intention is here, and he will ask that question in just a minute, but he knows that other communities require the developer to put in the street lights, not deal with KCP&L or escrow money, but physically install the street lights. Is that a problem?

Mr. Bussinger answered they could probably work that way.

Councilman Art Hammen asked Director Wingerson to explain what staff's intention was with Item 10?

Director Wingerson explained that because the City does not have a regulation that requires the developer to install street lights, knowing that the Planning Commission and City Council desires some sort of general lighting for these types of developments, they gave the developer a choice. Either they could install yard lights, that are used frequently in developments in Gladstone, or install street lights. The secondary option

in option two is a way for the developer to pay for the street lights if the City requested that they be installed. That is what Mr. Bussinger was referring to. They would escrow money for the installation of those street lights if the City requests they be installed.

Councilman Art Hammen asked if staff was comfortable doing it that way if the developer desired?

Director Wingerson replied, sure.

City Manager Jim Norris noted the City has done it that way in the past.

Mr. Bussinger stated that he felt it would behoove them, as well as the City, to work it that way because the City's connection with KCP&L is probably better than theirs.

Mayor Roger Norris noted that when Councilman Art Hammen and he walked this area with Mr. Bussinger they had stood down by the existing pond and as they had looked up the hill you couldn't see the houses very well. How close are the houses on the south side of 75<sup>th</sup> Street? What are the setbacks before we get to property lines?

City Manager Jim Norris answered 35 feet.

Mayor Roger Norris asked if it was standard all the way. Bussinger replied that he felt they had 35 feet all the way up.

Mayor Roger Norris asked about the buffer zone from the townhome back to the existing property line. City Manager Jim Norris answered it is 35 feet with the exception of patios or decks and there are four of those proposed. Under our code we allow that patio or deck intrusion into the 35 foot rear yard. This is the typical 35 foot residential rear yard.

Mayor Roger Norris noted that on the map provided there is a round circle with a long extension and asked if that is a proposed detention pond.

Mr. Bussinger said it is the proposed detention pond. The engineers said that may not be necessary, but they want to put it up as a decorative wall, circular pond detention basin, with an overflow that would handle the water onto Troost. It may also help that flow of water that is going to the east of Troost.

Mayor Roger Norris said once again that is to control the flow of water leaving the property so that it does not exceed the existing water drainage which is DNR's requirement.

City Manager Jim Norris noted it is also Gladstone's standard code. It is a typical flood ordinance for most cities. Once they get it engineered, undergrounding the storm water that is there now by adding a detention basin will probably improve the situation.



Mr. Bussinger said the Mayor might recall that some months ago the applicant was in asking for this type of development over on Antioch Road. After they took a hard look at that with their engineers, water was a possible problem and they decided to back off a little. They don't want to have water problems or cause anyone else to have water problems.

Mayor Roger Norris asked how many units are sold, how many are vacant and what is the average age of the owners in the other two locations where Mr. Mitchell has built this type of development.

Mr. Bussinger stated that in the development by Wal-Mart he believes there is only one unit vacant, he does not know about Meadowlane. The average age of the owners west of Wal-Mart is 60, maybe 55. Another point he would like to make is that this should not add children to the school district. This type of housing is primarily for people whose families are grown. There is only one child that lives in the 47 units by Wal-Mart. These are three unit and four units structures that are maintained very well by the Association and written into the by-laws accordingly.

**In Favor:** None.

**In Opposition:**

**Mr. Francis Gollhofer, 7413 N. Troost,** noted that he lives right across the street from this proposed development and he feels they think this little pond will stop all the water that is coming out of that 12 acres. The water that runs through that area comes from the park, goes into the one pond that they plan to reduce and the other pond by Harrison Street that will be done away with. All the water that comes from Harrison Street, from the park and down 74<sup>th</sup> Street goes into the little creek behind him at 7413 N. Troost. The little creek is not shown on the plans because it is on the east side of Troost, which is his backyard. His property is 120' by 330'. All the storm water goes through that creek now. He had a little bridge built across the creek so he could get across to mow the other side. The bridge is gone now because of the additional water coming down, due to the trees that have been removed and work that has been done on this property, washed it out. The water has to go in to this creek, he understands that. There is no other place for that water to go. If they believe that one little pond is going to stop all that water they are wrong.

Mr. Gollhofer showed Council a picture of an 18" pipe he had installed in a pond on out-of-town property he owns to take care of the water that flowed into his pond from over 20 acres. Two-thirds to three-fourths of this property will be covered with either blacktop or cement with this development so the water will not soak in anymore. No one has come over and even asked him anything about the water. He never has seen an engineer walk up and down his property or say let's take a look at this. The water problems all started when they put in the sewers a long time ago. The ground was cut along the bottom of the bridge so they could use the property. When they got through putting the sewers in they made something like a small basin. When the water came it cut its own way through there. Then when the new road was built and sewer and

gutters were put in, he brought the water issue up again. He was told there would be no additional water. Mr. Gollhofer said he told him when there is dirt water soaks in. When you have cement there is more water. He got a lot more water. He now feels he is going to get a heck of a lot more water.

Mr. Gollhofer stated he would like Mr. Mitchell to develop the land across from him. All he is asking for is some kind of help with the water or for someone to come out and help him figure out what can be done with the water. If they think there is not going to be more water coming off this property and through the creek they are kidding somebody. More water is going to come through and he is going to get a lot more water. When they put the road in he complained and three different groups of people came out and they all took a walk up the creek. That is all he got out of it; a nice walk up the creek three different times. He wonders what he is going to get out of it this time; another nice walk up the creek? He hasn't seen anyone come out and look nor has anyone asked him what they can do to straighten this out or what his problems are.

Mayor Roger Norris stated that those questions will be asked before the night is over.

#### **Staff Comments:**

Director of Community Development Scott Wingerson stated that Mr. Bussinger did a good job of explaining the project. In summary, this is a request to change the zoning, as well as the site plan, which was included in the Council's packet. The total number of units is 51, contained in 16 buildings. Overall the project is compliant with the zoning ordinance with the minor encroachments discussed earlier regarding the decks.

Staff anticipated two main areas of discussion prior to the original Planning Commission Public Hearing: storm water and North Harrison Street. In terms of storm water concerns brought up tonight, there are four areas of concern with the whole project. The first area is the small portion off of 75<sup>th</sup> Terrace on the west end of the project. The first condition in the draft ordinance references this in that the developer has agreed to install curb and gutter. Currently this is an unimproved street. Channeling that water and getting it onto this property where it can be addressed properly is key to solving some of the residents concerns in that area.

The second area of concern is the northeast area of the property, about 200 feet west of Troost. It runs behind the houses that front on Troost and Harrison Circle. There is currently a swale from 76<sup>th</sup> Street south to this property that has silted in over time and the developer has agreed to ask his engineer to take a look at that. The third area of concern is the development itself. Staff is confident that the developer will engineer and solve those issues.

The fourth area of concern is taking water from this development across Troost to Mr. Gollhofer's property. Mr. Mitchell, Mr. Bussinger, their engineer and City staff have looked intensely at the issue of Troost. The main issue in the area of discussion is the size of the culvert underneath Troost. That is the maximum amount of water that can go through there. The original pond at the north end of the property is being decreased

in size slightly. That will allow for better contouring and holding of storm water. Although the preliminary engineering said that the second detention area down at the southeast corner of the property may not be necessary for strong storm water, engineering practices or principles are strongly in favor of allowing this to be almost a standing pond with a rock wall. The pond would be two or three feet all the time and rise in elevation when the water came. That pond will basically hold the water, slow the water from leaving the smaller detention basin and crossing under Troost. There is a lot of water that goes through there now. There is a lot of water that will go under Troost in the future. Staff's hope is to improve the situation for the people that live east of Troost, going down through Jamestown and that area of town by holding some of that water back for a short period of time, releasing it more slowly under Troost and then allowing it to go downstream.

The other issue has to do with Harrison Street. Staff agrees with what Mr. Bussinger said here tonight and asks Council to endorse the Planning Commission's recommendation for the installation of Harrison Street. Yard lighting was discussed a little bit. The only other thing he wanted to summarize was the requirement of the planting of trees in the front yard and rear yard of each unit. Mr. Wingerson stated he would be glad to try and answer any questions that Council might have.

City Manager Jim Norris said he wanted to add a little to the storm water picture. The ponds that are there now, the City's pond in Oak Grove Park and the two ponds that are on this property now, do not serve as detention basins. Just because they are ponds and they hold water they do not serve as detention basins as they don't have restricted outflows that allow water to get into a pipe at a reduced rate. These ponds literally have to fill up and overflow, and then they overflow at the rate they want to based upon the velocity of the rain, they don't overflow based upon the size of the pipe. What the City has to have out of the developers, and they don't have now but they will have before any building permits will be issued based upon City Ordinance, is proof that these ponds can work in concert with each other and that they can and will detain flow. No more water than what now leaves this property can leave it in the future.

He noted that staff will go and walk the property across the street as it has been a long time since that has been done, but he feels that what is happening across Troost will be an issue for the Capital Improvements Committee to look at. What can be regulated tonight through this development is what is happening on this property and what is going to the culvert under Troost. When the engineers finish with their engineering they will have to hydrologically prove to staff that the water runoff is no worse and potentially better. He wanted to underscore that the present pond is not a detention basin. They are two completely separate animals even though they might look the same. Basins will work in concert with each other where ponds will not. Ponds fill up at the same time and then overflow. Staff cannot resolve the problems across Troost without going over and looking at them and potentially involving the Capital Improvements Committee.

Mayor Roger Norris told Mr. Gollhofer's they can certainly understand his concern that people previously came out and walked his property but nothing came of it. The Mayor said when he first got on the Council seven years ago if it sprinkled outside their

phones rang off the hook. He said he went crazy and staff was out digging wherever they could to get the water through. Over the years, the City has instituted some storm water basins to control water. One basin that was thought to be needed behind Meadowlane was actually eliminated from the city's plan because it wasn't needed. Basins do work in concert with each other. On other building projects involving a lot of asphalt, engineers did their tests and put in their pipes and it did help control what was going on downstream.

City Manager Jim Norris explained that when this development is built, there will be storm sewers built underneath the street and catch basins will be put in the street. The catch basins themselves will have so much room in which to hold water. The basins will have pipes that will be at certain elevations below ground and the basins will have to fill up to a certain point before the water will run into the pipe. All of this works in concert. The street will actually hold and detain water. Looking at the site plan and the existing pond, and looking at where this is in relation to the proposed underground storm sewer pipe that will run diagonally from the northwest to the southeast to the decorative rock basin, in essence those two ponds will be connected by that underground storm sewer and those two basins will work in concert with each other. The ponds there now are not interconnected other than by an overland flow; therefore they can't work with each other. There is no underground storm water system there at all. From an engineering standpoint, what Mr. Mitchell and Mr. Bussinger are talking about can work. Staff will need to see the plans and see the calculations. Engineers can tell, during a certain rainfall, how much rain will fall on 12 acres of land and by knowing what's in this watershed within this 12 acres they can project an overall hydrological picture. That is why the culvert in Troost is the size that it is today, because engineers knew the total amount of water that would drain to it. With these two ponds working as basins, they can potentially improve the situation.

Mr. Gollhofer stated that the water coming off the property itself will not be all that great, but what is coming through the property from everywhere else will be great.

City Manager Jim Norris explained that under the City's Ordinances engineers have to deal with both what comes through their property and what originates on their property.

Mr. Gollhofer stated that he wished somebody would come out and sit in his living room when it rains during one of those frog drowners we have every once in awhile, because the water comes down west 74<sup>th</sup> Street, hits Troost, comes down to the bridge and is that deep (showed with his hands apart). Whoever put those drains in put them in the bottom of the creek. When the water gets up high the drains won't take it. It just sets there as a big puddle of water across the top of the bridge and people, especially young boys, have fun hitting that water and sending it across yards and everywhere else.

Mayor Roger Norris clarified that if he heard City Manager Norris correctly, right now because the ponds are just ponds, not basins, there is no control of the water that comes through or on that site. Basins should improve the water situation, if not, it certainly will not be any worse. When the City has its next hard rain he will go and sit in Mr. Gollhofer's living room with him.

City Manager Jim Norris stated what Council is hearing is what they have become accustomed to hearing from residents. When the City has a gully washer, a high velocity of rain over a short duration of time, ponds aren't made to deal with that; detention basins are. Detention basins siphon off the first flow of fast water and let the elevation of the pond go up which allows the water to go through slower which means that the creeks and the bridges and the culverts downstream have a chance to let that initial water go through at a lower level and then as the water level drops down it releases water out. That is the theory behind detention basins. Staff has seen it work in basins in various places in town. Again, we are just looking at a site plan tonight, not the final engineering. When staff gets in the final engineering they will visit that issue.

Mr. Gollhofer stated that he has no complaints about Mr. Mitchell building houses there. He thinks it is a great deal. He just needs help with the water.

Mayor Roger Norris assured Mr. Gollhofer that since the Council is only dealing with the site plan tonight, if the engineers mathematical calculations don't work this development won't be built. He noted that three of the current Council members are here as a result of zoning issues, one dealing specifically with water. He promised Mr. Gollhofer the water isn't going to get any worse.

City Manager Jim Norris stated that the engineers in Director Wingerson's staff will go out and look specifically at Mr. Gollhofer's yard and his problem.

Mayor Roger Norris stated if they find that this is an issue that the Capital Improvements Committee needs to address it will be referred to them.

City Manager Jim Norris stated that this would at least be something for the Capital Improvements Committee to put on their long range storm water plan.

Mayor Roger Norris asked Mr. Gollhofer if he was comfortable with the Council going ahead with the site plan tonight and coming back later with calculations to see if they will work?

Mr. Gollhofer answered yes sir.

Mayor Roger Norris asked Mr. Bussinger if he had problems with anything stated?

Mr. Bussinger replied no.

Mayor Roger Norris asked the if there was anyone else in the audience that did not want them to approve this site plan? (No one answered.)

Councilman Art Hammen stated that he had one question for Director Wingerson to make sure that he had understood what was said earlier. Based on the Public Hearing at the Planning Commission, the recommendation now is to delete Item 2. of the original 11 recommendations dealing with North Harrison?

Director Scott Wingerson replied that he completely supports the Planning Commission recommendation.

Councilman Art Hammen asked if that was for North Harrison be connected?

Director Scott Wingerson answered yes sir.

City Manager Jim Norris explained that both Mr. Wingerson and he were initially overly concerned with what they thought they had heard out of the neighbors to the south. It was one of those instances where, from a planning theory perspective, they thought North Harrison would be better if connected, but they were trying to be sensitive to what they thought they would hear from neighbors and therefore they went in the opposite direction. Then it turned out that they didn't hear what they expected to hear.

Councilman Art Hammen noted that is perfectly understandable. For the nine plus years that he has been on the Planning Commission and Council he has often heard: "let's connect the dead end streets." He just wanted to make sure he knew where the City stood.

Councilman Anita Newsom stated that when she lived in Jamestown, Flora was connected to 72<sup>nd</sup> Street and there was a neighborhood upheaval about connecting it. They signed petitions stating that they did not want to have all of the cut-through traffic. The cut-through traffic took place the first couple of months the street was opened and then people realized it wasn't that expeditious of a cut-through and the traffic slowly dissipated. Of course, having an officer sit in his patrol car at the corner of the cul-de-sac also helped raise the level of concern.

There being no further comments Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda. FIRST READING BILL 98-1**, approving the rezoning from R-1 (Single Family District) to RCHP-1 (Cluster Housing District-Planned), property at NE 75<sup>th</sup> Street and North Troost. Applicant/Owner: Larry Mitchell, LLC. (File #1033)

Mayor Pro Tem George Nodler moved to place **Bill No. 98-1** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Councilman Art Hammen noted that again he brings up Item 2. on the Staff Report. Is the motion subject to deleting Item 2. so it would be supporting Item 1, and Items 3 through 11?

Director Scott Wingerson stated that the draft ordinance the Council has in front of them has already been changed to reflect the Planning Commission's recommendation.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 98-1**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 98-1** and enact it as Ordinance No. 3.658; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 12b. on the Agenda. FIRST READING BILL 98-2**, approving a Site Plan for development of property at NE 75<sup>th</sup> Street and North Troost in a RCHP-1 zone. Larry Mitchell, LLC. (File #1033)

Mayor Pro Tem George Nodler moved to place **Bill No. 98-2** on First Reading; Councilman Dave Fricke seconded.

Discussion:

Mayor Roger Norris noted to Mr. Bussinger and City staff that his word to Mr. Gollhofer is on the line.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 98-2**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 98-2** and enact it as Ordinance No. 3.659; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. FIRST READING BILL 98-3**, approving the Final Plat of **Northaven Village Condominium**, property at NE 68<sup>th</sup> Street and North Olive. Applicant/Owner: Northaven Village LLC. (File #1041)

Mayor Pro Tem George Nodler moved to place **Bill No. 98-3** on First Reading; Councilman Anita Newsom seconded.

Discussion:

City Manager Jim Norris stated that everything is in order and that the Planning Commission recommended 10 "yes" to 0 "no" to approve the plat.

Councilman Anita Newsom asked for clarification if this ordinance was to provide for individual ownership of the units? City Manager Jim Norris agreed it was. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the First Reading of **Bill No. 98-3**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mayor Pro Tem George Nodler moved to accept the Second and Final Reading of **Bill No. 98-3** and enact it as Ordinance No. 3.660; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 14. on the Agenda. Other Business.**

Mr. Lee Bussinger said he worked with retiring Finance Director E. Sue Henning for 15 years and wanted the public record to show that he expresses his appreciation and thank to her for the fine job she did for the City.

**Item 15. on the Agenda. Questions from the News Media.**

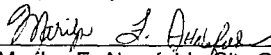
None.

\* \* \* \*

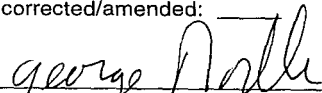
Councilman Art Hammen moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

There being no further business to come before the regular January 12, 1998 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:46 pm to Closed Executive Session.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Pro Tem George Nodler

MFA/sak



**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS  
FOR CITY COUNCIL ACTION JANUARY 12, 1998**

**PLANNING COMMISSION**

**TERM EXPIRATION**

Reappointment	Pamela Morrow	December 2001
	Mark Tankesley	December 2001
New Appointment	J. C. Sanders	December 2001

**CAPITAL IMPROVEMENTS PROGRAM COMMITTEE**

Reappointment	<b>Citizen Member</b> Dan Bishop	December 2000
New Appointment	<b>Citizen Member</b> Bev Johnson	December 2000
Reappointment	Planning Comm. Member Bill Duncan	December 1998
	Planning Comm. Member Edward O'Neill	December 1998
	Planning Comm. Member Les Smith	December 1998
	Parks & Rec. Member David Stanley	December 1998
	Road District Member Charles Carmack	December 1998
New Appointment	Parks & Rec. Member John Houlihan	December 1998
<b>Chair</b>	<b>Pete Hall</b>	

**PARKS AND RECREATION ADVISORY BOARD**

Reappointment	John Houlihan	December 2000
Reappointment	Freddie Nichols	December 2000
New Appointment	Phil Summers	December 1999
New Appointment	Freshman Student Member <b>Jackie Porter</b> Oak Park High School	October 2000

AGENDA ITEM 7a.

**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS  
FOR CITY COUNCIL ACTION JANUARY 12, 1998**

**BOARD OF ZONING ADJUSTMENT**

**TERM EXPIRATION**

Reappointment	Richard Wagner	June 2002
New Appointment	Ron Pashen 1st Alternate	June 2000
New Appointment	Staci Hagen 3 <sup>rd</sup> Alternate	June 2002

**UNIFORM CODES BOARD OF APPEALS**

Reappointment	Ken Christenson	December 2000
<b>Chair</b>	<b>Charles Logan</b>	

**CABLE TV ADVISORY BOARD**

Reappointment	James P. Collier	December 2000
New Appointment	David Peironnet	December 2000

**GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE**

Reappointment	Julie Linscott	December 2000
	Walt Patterson	December 2000
New Appointment	Lori LeMunyon	December 2000
Chair	Walt Patterson	December 1998

NEXT ORDINANCE #3.661

GLADSTONE, MISSOURI  
MONDAY, JANUARY 26, 1998

Open Study Session: 6:45 PM

Regular Meeting: 7:30 PM

**Closed Executive Session: Immediately following Adjournment of Regular Meeting  
Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3)  
for Privileged Communication, Litigation, Land Acquisition and Personnel Discussion**

### **A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular January 12, 1998 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

**J.P. Rand, Planning Commission Member**  
January 1996 - December 1997

**Amanda Swenson, Parks & Recreation Advisory Committee Member**  
November 1994 - September 1997

#### **5. CONSENT AGENDA**

**RESOLUTION R-98-6**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company for the 1996 Street Maintenance Program; and authorizing final payment for Project 9612. Revised Final Contract Amount: \$1,321,428.41. Final Payment Due: \$39,642.85. Fund: Transportation Sales Tax Fund.

**RESOLUTION R-98-7**, authorizing acceptance of work under contract with Turner & Michael Construction, Inc. for the Chapel Hill School Sidewalk; and authorizing final payment for Project 9717. Revised Final Contract Amount: \$16,864.52. Final Payment Due: \$843.23. Fund: Capital Improvements Sales Tax Fund.

**RESOLUTION R-98-8**, authorizing the City Manager to accept North Norton and NE 72<sup>nd</sup> Terrace streets constructed in the Stonebrooke Second Plat Subdivision for City maintenance. (File #927/958)

### **NEXT ORDINANCE #3.661**

**RESOLUTION R-98-9**, accepting work under contract with Entrust Energy Solutions, Inc. for interior lighting installation at City Hall, Water Treatment Plant and Municipal Pool and authorizing final payment. Total Contract Amount/Final Payment Due: \$34,245.58. Fund: Capital Improvements Sales Tax.

**RESOLUTION R-98-10**, authorizing a Temporary Construction Easement, a Quit-Claim Deed, a Partial Deeds of Release, and a Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project, Project 9417.

**RESOLUTION R-98-11**, authorizing acceptance of a proposal from KCR International of Kansas City, Missouri for the purchase of two 2-½ Ton Dump Trucks with Snow Equipment for the purchase amount of \$147,060.00, less trade-in allowance of \$20,000.00, plus \$1,458.00 for specified options, for a total net purchase price of \$128,518.00. Fund: General Fund - \$73,180.00, and the Combined Waterworks and Sewerage System - \$55,180.00.

**APPROVAL OF FINANCIAL REPORTS** for December 1997.

### **REGULAR AGENDA**

6. **Communications from the Audience.**

**Communications from the City Council.**

8. **Communications from the City Manager.**

9. **APPROVAL OF BUILDING PERMIT** for interior addition of an elevator in existing building at 2900 Kendallwood Parkway. Applicant: CDFM<sup>2</sup> Architecture, Inc. Owner: Woodbine Limited Partnership. (BP #98-0015)

10. **PUBLIC HEARING:** on vacating parts of slope easements at 101 NW Englewood Road, Humana Medical Building. Applicant/Owner: Dorsey Equities. (File #1043)

10a. **FIRST READING BILL 98-4**, vacating parts of slope easements at 101 NW Englewood Road, Humana Medical Building. Applicant/Owner: Dorsey Equities. (File #1043)

11. **Other Business.**

12. **Questions from the News Media.**

13. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JANUARY 26, 1998**

Mayor Pro Tem George Nodler called the Regular January 26, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor Nancy Thompson  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

**ABSENT:** Mayor Roger Norris

**Item 3. on the Agenda. Pledge of Allegiance.**

Scout Keith Langabee from Troop #288 led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda. Approval of Regular January 12, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular January 12, 1998 City Council Minutes as written; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**4a. PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

Mayor Pro Tem George Nodler read the Certificate of Service Plaque which he then presented to **Ms. J.P. Rand**, who served as a Planning Commission Member from January 1996 to December 1997.

**Ms. J. P. Rand** thanked the Council.

Mayor Pro Tem George Nodler read the Certificate of Service Plaque which he then presented to **Ms. Amanda Swenson**, who served as one of the student members to the Parks & Recreation Advisory Committee from November 1994 to September 1997.

Councilman Anita Newsom stated she understood that Amanda Swenson will also be receiving a National Award.

**Amanda Swenson** stated that she won the *Tandy Technology Scholarship*, which is a scholarship that is presented to only the top 100 students across the United States. Her picture will appear in *Time* and other magazine publications.

Councilman Anita Newsom noted that it is a nice scholarship and she extended congratulations to Amanda and her parents.

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

Deputy City Clerk Sondra Kasserman noted that the Council had a revised copy of Resolution No. R-98-10 at their place this evening that added another Temporary Construction Easement and a Quit-Claim Deed that the City had received for the 72<sup>nd</sup> Street Widening Project since the packet was sent out to the Council. Following the Deputy City Clerks reading of the Consent Agenda, Councilman Anita Newsom asked if the delivery time for the trucks in Resolution No. R-98-11 was really 320 days? Director Jerry Menefee explained that all the bids received had a long lead time; but the trucks would probably be ready in July or August. These trucks all have diesel based equipment rather than traditional combustion engines so additional time is necessary to have them built. Councilman Art Hammen moved to approve the Consent Agenda as modified; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-98-6**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company for the 1996 Street Maintenance Program; and authorizing final payment for Project 9612. Revised Final Contract Amount: \$1,321,428.41. Final Payment Due: \$39,642.85. Fund: Transportation Sales Tax Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-7**, authorizing acceptance of work under contract with Turner & Michael Construction, Inc. for the Chapel Hill School Sidewalk; and authorizing final payment for Project 9717. Revised Final Contract Amount: \$16,864.52. Final Payment Due: \$843.23. Fund: Capital Improvements Sales Tax Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-8**, authorizing the City Manager to accept North Norton and NE 72<sup>nd</sup> Terrace streets constructed in the Stonebrooke Second Plat Subdivision for City maintenance. (File #927/958); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-9**, accepting work under contract with Entrust Energy Solutions, Inc. for interior lighting installation at City Hall, Water Treatment Plant and Municipal Pool and authorizing final payment. Total Contract Amount/Final Payment Due: \$34,245.58. Fund: Capital Improvements Sales Tax; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-10**, authorizing a Temporary Construction Easement, a Quit-Claim Deed, a Partial Deeds of Release, and a Subordination Agreement from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project, Project 9417; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-11**, authorizing acceptance of a proposal from KCR International of Kansas City, Missouri for the purchase of two 2-½ Ton Dump Trucks with Snow Equipment for the purchase amount of \$147,060.00, less trade-in allowance of \$20,000.00, plus \$1,458.00 for specified options, for a total net purchase price of \$128,518.00. Fund: General Fund - \$73,180.00, and the Combined Waterworks and Sewerage System - \$55,338.00; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Art Hammen moved to approve the December 1997 **FINANCIAL REPORTS**; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

Councilman Dave Fricke asked the status of the pamphlet on methamphetamines that was being worked on by the nursing students?

City Manager Jim Norris replied that the students were going to look into donations to cover printing costs. With projects such as this, what usually happens is that once the

students have received a grade for their work they drop the ball. Public Safety believes the pamphlet needs to be changed in order to be of benefit to them.

\* \* \* \*

Councilman Dave Fricke noted that he had a draft copy of the next *Gladstone Reporter* and wanted to comment that he liked the items that are being covered and would recommend continuation of the same type of resident information articles in the future.

Councilman Anita Newsom respectfully requested that the Mayor replace her as one of the two Council Liaisons to the Planning Commission when Council Liaison appointments are next made. Her new job makes it hard for her to attend Monday meetings.

City Manager Jim Norris noted that traditionally the Council Liaisons are changed after the Council election in April. This can wait until April or the Council may want to look at changing the Liaisons to the Planning Commission only at this time.

Councilman Dave Fricke stated that as the newest Councilmember he has been attending the Planning Commission Meetings as it helps him understand the issues and how he will vote. If he is not out of line he would be happy to volunteer to take Councilman Anita Newsom's place.

City Manager Jim Norris noted that there is nothing that would preclude the Council present this evening from authorizing Councilman Dave Fricke to be the Planning Commission Liaison replacement for Councilman Anita Newsom until April 1998 when Council Liaisons are chosen for the next year.

Councilman Art Hammen moved to replace Planning Commission Liaison Councilman Anita Newsom with Councilman Dave Fricke until new Council Liaison appointments are made after the April 1998 election; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 8. on the Agenda.    Communications from the City Manager.**

City Manager Jim Norris noted that the Council had a draft copy of the *Gladstone Reporter* in front of them. He asked them to review the copy and if they had any changes to let Laura Gay know tomorrow, Tuesday, January 27th as it is scheduled to go to the printer on Wednesday.

City Manager Jim Norris stated that Council is aware the City's Director of Finance, Sue Henning, retired after 29 years with the City. Due in part to her retirement the department was reorganized as the Management Services Department and Dianna Wright was named the Administrator of Management Services. This left a technical financial position open in that department and he asked Dianna to introduce the individual hired for that position.



Dianna Wright, Administrator of Management Services, introduced Mr. Michael Cash Sweiven as the Chief Finance/Budget Officer. He comes to the City from the accounting firm of KPMG as indicated in the information sent to Council in their packets several weeks ago. He has been on board now for three weeks. Ms. Wright also noted that the City had received notice today that the City has received the '97 Budget Award. Sue Henning, former Director of Finance, will be advised.

Mayor Pro Tem George Nodler welcomed Cash Sweiven.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for interior addition of an elevator in existing building at 2900 Kendallwood Parkway. Applicant: CDFM<sup>2</sup> Architecture, Inc. Owner: Woodbine Limited Partnership. (BP #98-0015)

Councilman Art Hammen moved to approve the Building Permit for the interior addition of an elevator in existing building at 2900 Kendallwood Parkway; Councilman Dave Fricke seconded.

Discussion:

Director of Community Development Scott Wingerson stated that Woodbine wants to add an elevator to an existing structure. Everything is in order and the architects are complying with staff's request of compliance with City Codes.

Councilman Anita Newsom asked which Woodbine building?

Director of Community Development Scott Wingerson answered in the retirement home building. They are calling this a service elevator to move patients from floor to floor that are not able to do stairs.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 10. on the Agenda.** **PUBLIC HEARING:** on vacating parts of slope easements at 101 NW Englewood Road, Humana Medical Building. Applicant/Owner: Dorsey Equities. (File #1043)

Mayor Pro Tem George Nodler opened the Public Hearing and explained the process that the Applicant is invited to make his presentation, followed by comments from those in Favor of the rezoning, then those Opposed to the rezoning and ending with City Staff comments.

**Applicant:**

Director of Community Development Scott Wingerson stated there was no one present to represent the Applicant this evening. This request seeks to vacate a slope easement on the south side of Englewood Road in front of the Humana Medical Building. The slope easement was originally acquired in conjunction with the construction of

Englewood Road. That easement is no longer necessary due to the construction of the retaining wall for the Humana facility. No other utilities are involved. The Planning Commission unanimously recommended that the Council approve this request.

**In Favor:** None.

**In Opposition:** None.

There being no further comments Mayor Pro Tem George Nodler closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL 98-4**, vacating parts of slope easements at 101 NW Englewood Road, Humana Medical Building. Applicant/Owner: Dorsey Equities. (File #1043)

Councilman Anita Newsom moved to place **Bill No. 98-4** on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 98-4**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 98-4** and enact it as Ordinance No. 3.661; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler. (4-0)

**Item 11. on the Agenda. Other Business.**

None.

**Item 12. on the Agenda. Questions from the News Media.**

**Laura Clark, a Reporter with the *Dispatch***, stated that she was happy to be here and asked how and when she can get the Council Press packet in the future?

City Manager Jim Norris explained that Press Packets were available on the Press Table at each Council Meeting or could be picked up starting the Friday before a Council meeting from the City Clerk here at Gladstone City Hall.

Mayor Pro Tem George Nodler welcomed Laura Clark and stated they were happy to have her here.

\* \* \* \*

Councilman Art Hammen moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Councilman

Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler.  
(4-0)

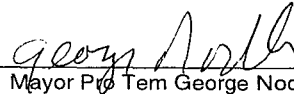
There being no further business to come before the regular January 26, 1998 City Council Meeting, Mayor Pro Tem George Nodler adjourned the regular meeting at 7:50 pm to Closed Executive Session.

Respectfully submitted:



Sondra A. Kasserman, Deputy City Clerk

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



Mayor Pro Tem George Nodler

/sak

**AUDIENCE NOTE: PUBLIC HEARING ON REZONING REQUEST FROM CASEY'S STORE, 72<sup>ND</sup> & BROADWAY WILL BE OPENED AND CONTINUED TO THE MARCH 9, 1998 CITY COUNCIL MEETING APPLICANT'S REQUEST.**

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**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 9, 1998**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition and Personnel Discussion**

## **A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular January 26, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating March 19, 1998 as the Second Annual "Absolutely Incredible Kid Day" in the City of Gladstone sponsored by Camp Fire Boys and Girls.
5. **CONSENT AGENDA**

**RESOLUTION R-98-12**, authorizing execution of a contract with Foley Company for the Chlorine Room modification, Project 9712. Total Contract Amount: \$162,936.00. Fund: Combined Water & Sewerage System Fund.

**RESOLUTION R-98-13**, accepting Quit Claim Deeds, Temporary and Permanent Easements from property owners in conjunction with the Old Pike Road Reconstruction Project, Phase II. (Project 9818)

**RESOLUTION R-98-14**, accepting Temporary Construction Easements, Standard Easements, Quit Claim Deeds, an Access Easement, Partial Deeds of Release and Subordination Agreements from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project 9417)

**RESOLUTION R-98-15**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company for the 1997 Street Maintenance Program, Phase II; and authorizing final payment for Project 9802. Revised Final Contract Amount: \$875,739.23. Final Payment Amount Due: \$17,514.78. Fund: Transportation Sales Tax Fund.

**RESOLUTION R-98-16**, affirming and ratifying the actions of the City Manager and City Counselor relating to the lease and purchase of certain real property at **7520 NE Antioch Road** from the **Sandra Franelle Ford Revocable Trust**; authorizing the execution of a Lease Purchase Agreement and directing the recording of same with the Clay County Recorder of Deeds. Total Lease Purchase Amount: \$75,000.00. Fund: General Fund.

**AUDIENCE NOTE: PUBLIC HEARING ON REZONING REQUEST FROM CASEY'S STORE, 72<sup>ND</sup> & BROADWAY WILL BE OPENED AND IMMEDIATELY CONTINUED TO THE MARCH 9, 1998 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.**

**NEXT ORDINANCE #3.662**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 9, 1998**

**Regular Meeting: 7:30 PM**

**Closed Executive Session: Immediately following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition and Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular January 26, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating March 19, 1998 as the Second Annual "*Absolutely Incredible Kid Day*" in the City of Gladstone sponsored by Camp Fire Boys and Girls.

**5. CONSENT AGENDA**

**RESOLUTION R-98-12**, authorizing execution of a contract with Foley Company for the Chlorine Room modification, Project 9712. Total Contract Amount: \$162,936.00. Fund: Combined Water & Sewerage System Fund.

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**RESOLUTION R-98-15**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company for the 1997 Street Maintenance Program, Phase II; and authorizing final payment for Project 9802. Revised Final Contract Amount: \$875,739.23. Final Payment Amount Due: \$17,514.78. Fund: Transportation Sales Tax Fund.

**RESOLUTION R-98-16**, affirming and ratifying the actions of the City Manager and City Counselor relating to the lease and purchase of certain real property at **7520 NE Antioch Road** from the **Sandra Franelle Ford Revocable Trust**; authorizing the execution of a Lease Purchase Agreement and directing the recording of same with the Clay County Recorder of Deeds. Total Lease Purchase Amount: \$75,000.00. Fund: General Fund.

## **NEXT ORDINANCE #3.662**

**RESOLUTION R-98-17**, affirming and ratifying the actions of the City Manager and City Counselor relating to the purchase of certain real property at **7512 NE Antioch Road** from the **Estate of John Edward Hughes**; accepting the Deed transferring such property to the City; and directing the recording of such Deed with the Clay County Recorder of Deeds. Total Purchase Amount: \$68,000.00. Fund: General Fund.

**RESOLUTION R-98-18**, authorizing execution of a one year contract for concession services at the Gladstone Municipal Pool, Happy Rock Park and special events to AMC Concessions and Catering for a payment to the City of 22% of the gross receipts.

**NEW LIQUOR LICENSE APPROVAL** for *Innis O'Neil Pub & Eatery*, 7413 North Oak, Class "A", Six Day Liquor by Drink License. Managing Officer: Bill Rumbaugh.

## **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for remodeling and adding 104 square feet to store front at 2590 NE 72<sup>nd</sup> Street. Applicant/Owner: Quik Trip. (BP #98-0029)
10. **APPROVAL OF BUILDING PERMIT** for remodeling and adding 104 square feet to store front at 6309 NE Antioch Road. Applicant/Owner: Quik Trip. (BP #98-0051)
11. **PUBLIC HEARING:** on request to rezone from CP-1 to CP-2, property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)
- 11a. **FIRST READING BILL 98-5**, rezoning from **CP-1 (Local Business District Planned)** to **CP-2, (General Business District-Planned)** property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)
- 11b. **FIRST READING BILL 98-6**, approving a Site Plan subject to certain conditions in conjunction with the rezoning of property at 7200 North Broadway. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)
12. **FIRST READING BILL 98-7**, amending Schedule V of the Gladstone City Code to establish **"NO PARKING"** locations along NE 60<sup>th</sup> Street and North Chestnut at Kendallwood Parkway effective in 30 days.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 9, 1998**

Mayor Roger Norris called the Regular February 9, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright  
Deputy City Clerk Sondra Kasserman

**Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda. Approval of Regular January 26, 1998, City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular January 26, 1998 City Council Minutes with correction on Page 7 to reflect that Mayor Pro Tem Nodler adjourned the meeting as the Mayor was absent. Councilman Nodler seconded.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.** Mayor Roger Norris read a Proclamation designating March 19, 1998, as the Second Annual "*Absolutely Incredible Kid Day*" in the City of Gladstone sponsored by Camp Fire Boys and Girls.

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

Following the City Clerks reading of the Consent Agenda, Councilman Art Hammen asked to remove the approval of the **New Liquor License** for *Innis O'Neil Pub &*

*Eatery, 7413 N Oak.* Mayor Roger Norris designated the Liquor License Approval as Item 5a. on the Agenda. Councilman Art Hammen moved to approve the Consent Agenda as amended; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

### **CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to approve **RESOLUTION R-98-12**, authorizing execution of a contract with Foley Company for the Chlorine Room modification, Project 9712. Total Contract Amount: \$162,936.00. Fund: Combined Water & Sewerage System Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **RESOLUTION R-98-13**, accepting Quit Claim Deeds, Temporary and Permanent Easements from property owners in conjunction with the Old Pike Road Reconstruction Project, Phase II. (Project 9818); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **RESOLUTION R-98-14**, accepting Temporary Construction Easements, Standard Easements, Quit Claim Deeds, an Access Easement, Partial Deeds of Release and Subordination Agreements from property owners in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project 9417); Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **RESOLUTION R-98-15**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company for the 1997 Street Maintenance Program, Phase II; and authorizing final payment for Project 9802. Revised Final Contract Amount: \$875,739.23. Final Payment Amount Due: \$17,514.78. Fund: Transportation Sales Tax Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **RESOLUTION R-98-16**, affirming and ratifying the actions of the City Manager and City Counselor relating to the lease and purchase of certain real property at **7520 NE Antioch Road** from the **Sandra Franelle Ford Revocable Trust**; authorizing the execution of a Lease Purchase Agreement and directing the recording of same with the Clay County Recorder of Deeds. Total Lease Purchase Amount: \$75,000.00. Fund: General Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to approve **RESOLUTION R-98-17**, affirming and ratifying the actions of the City Manager and City Counselor relating to the purchase of certain real property at **7512 NE Antioch Road** from the **Estate of John Edward Hughes**; accepting the Deed transferring such property to the City; and directing the recording of such Deed with the Clay County Recorder of Deeds. Total Purchase Amount: \$68,000.00. Fund: General Fund; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)



Councilman Art Hammen moved to approve **RESOLUTION R-98-18**, authorizing execution of a one year contract for concession services at the Gladstone Municipal Pool, Happy Rock Park and special events to AMC Concessions and Catering for a payment to the City of 22% of the gross receipts; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **NEW LIQUOR LICENSE APPROVAL** for *Innis O'Neil Pub & Eatery*, 7413 North Oak, Class "A", Six Day Liquor by Drink License. Managing Officer: Bill Rumbaugh.

Councilman Art Hammen moved to approve a New Liquor License for *Innis O'Neil Pub & Eatery*, 7413 North Oak, Class "A", Six Day Liquor by the Drink License; Councilman Anita Newsom seconded.

Discussion:

City Clerk Marilyn Ahnefeld noted that Applicant/Managing Officer Mr. Bill Rumbaugh was present in the audience should Council have questions of him.

Councilman Art Hammen asked Mr. Rumbaugh if he really anticipated food to generate 40% to 50% of their retail gross revenues when they are just offering appetizers and sandwiches?

**Bill Rumbaugh, 1409 NE 87<sup>th</sup> Terrace, Kansas City, MO 64155**, answered that they will be serving deli sandwiches; tall stack roast beef, ham, pastrami and turkey sandwiches, along with soups on their lunch menu.

Mayor Roger Norris asked if he felt they would be able to generate 40% to 50% of their revenue with just sandwiches and soups?

Mr. Rumbaugh answered yes, they do believe that. He explained that they have done some demographics and found that people are getting tired of fried foods, like fried wings and such. People just want to have a sandwich or something that is healthy. A lot of their appetizers are going to be things like thick sliced summer sausage with cheese and crackers. They will not be offering a lot of appetizers that are deep fat fried food. People are becoming more health conscious and just are not eating that much fried food any more.

Mayor Roger Norris stated that in the City of Gladstone the Council is not accustomed to having pubs or bars on City corridors. They are quite concerned and they like to have business come to Gladstone and be really good neighbors. They don't want North Oak to turn into a strip of bars.

Mr. Rumbaugh stated that he understands that. He had written up a business plan for City Clerk Marilyn Ahnefeld explaining they want this to be an upper class, upper scale

kind of place. They are looking at doing something like 54<sup>th</sup> Street Bar & Grill without the grill. They are initially not looking at a grill partly because they want to first see how their sandwiches will work. They believe sandwiches will work very well and a grill is something they could expand to. They are not trying to be a *Donovan's* or a *Ruby's Road House* like on Antioch; but they want to be a good neighbor. With sports undertones they are going to try to bring in people who like baseball. They will offer a satellite system where people who may want to watch the Royals and don't have it on their home cable system can come and watch the game and hopefully they will also have a sandwich and a drink. They plan to offer Dart Leagues which bring in a pretty good class of people. They are not like Pool Leagues. Currently they show two pool tables but they are strongly considering only one because they would like to put in a shuffleboard. They also believe they can control the type of clientele with the jukebox. A lot of the places that are having concerns that the Council mentioned have gone to jukeboxes that draw a different type of clientele. They are going to put on Dean Martin, Frank Sinatra, and Glenn Miller records and really try to make it upscale.

City Manager Jim Norris noted that under City Code the threshold of sales other than liquor that Mr. Rumbaugh has to meet is 50%. That is not just food, it includes gaming and incidental items purchased there. If the Council thinks about other proprietorships in Gladstone, like *The Firehouse*, they will see the type of clientele that Mr. Rumbaugh is looking for. Each year, as part of the application for renewal of their liquor license, they will have to have an auditor prove that more than 50% of their sales came from sales other than liquor. If they can't, they won't be able to keep their liquor license.

Mayor Roger Norris stated that as a Council they just wanted to make sure what Mr. Rumbaugh's plans were. He commended Mr. Rumbaugh on his statements and explained that he just wanted him to understand and know where this Council is coming from.

Mr. Rumbaugh stated he understands that. He commented that he only lives five blocks outside of Gladstone and chose this location on North Oak because he wanted to deal with Gladstone. If he has a problem with a licensing issue, etc. it is much more convenient to drive five blocks to Gladstone City Hall rather than having to drive downtown. This is a very appealing location for them. They believe that they can pick up some business right now that other bars and eateries are losing due to being overrun by a younger clientele.

Councilman Dave Fricke asked Mr. Rumbaugh if he understood that this is just a Six Day Liquor License?

Mr. Rumbaugh said yes.

Councilman Dave Fricke noted that in Mr. Rumbaugh's statement the hours are given and states, "Currently there are no plans to be open on Sunday's, but we intend to purchase the license in case it becomes a viable option in the future." Does he understand that this license won't allow them to sell liquor on Sunday?

Mr. Rumbaugh answered he was aware of that. He stated he is not sure of Gladstone's restrictions; but in Kansas City one has to be open six to eight months and show that you are doing "x" amount of business in food and other revenue before a Sunday License would even be granted. They know that a Sunday License is not available now. However, if this goes like they want, they would like to be able to come back before the Council in six months with a request to be open on Sunday's for Chief's football.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 6. on the Agenda.**    **Communications from the Audience.**

None.

**Item 7. on the Agenda.**    **Communications from the City Council.**

None.

**Item 8. on the Agenda.**    **Communications from the City Manager.**

City Manager Jim Norris noted that the Council found several items at their places this evening. The first is **RESOLUTION NO. R-98-19** appointing Assistant City Manager Laura H. Gay as Acting City Manager for the City of Gladstone, Missouri effective March 4, 1998 and until such time as a permanent City Manager appointment is made,

Councilman Anita Newsom moved to approve **Resolution No. R-98-19**; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris stated he would like to say a couple of things. The City Council has received the resignation of City Manager, James H. Norris. It is the Council's intention to go through the process of hiring a new City Manager without one ripple occurring within the City. Not one change will be made directionwise. Gladstone will continue to do business as a first class city. The City has had the opportunity to be led and managed by Mr. Norris, who has done an outstanding job, for almost ten years. The Council does not intend to change their behavior or have the attitudes about Gladstone changed by anyone in the state of Missouri.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

City Manager Jim Norris thanked Mayor Roger Norris for his kind comments.

\* \* \* \*

City Manager Jim Norris referred to the copies of the **1997 Annual Report of Services** Council found at their places. He noted that little by little staff is trying to introduce and use more of the technology that they have available. The picture of the Council on the front cover, is one of the photos taken with the City's digital camera a couple months

back. Staff has not yet mastered the technique of defining facial features on small grade pictures, but they will improve with practice.

Mayor Roger Norris noted that there is a program for digital pictures called *Thumbs Plus* that is outstanding and does a lot of fixes. Staff may want to check into it.

\* \* \* \*

City Manager Jim Norris announced that Gladstone City Hall would be closed on Monday, February 16, 1998, in observance of President's Day.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for remodeling and adding 104 square feet to the store front at 2590 NE 72<sup>nd</sup> Street. Applicant/Owner: Quik Trip. (BP #98-0029)

Mayor Pro Tem George Nodler moved to approve the Building Permit for remodeling of the Quik Trip at 2590 NE 72<sup>nd</sup> Street subject to the Staff Report; Councilman Dave Fricke seconded.

Discussion:

City Manager Jim Norris advised that both of tonight's building permits are for Quik Trip stores and are the same except for the store location. Quik Trip will be changing their look by adding 104 square feet to the front of their stores by pushing the windows out a little. It is a very minor cosmetic change.

Councilman Anita Newsom asked if Quik Trip was still going to be using the same kind of glass, just have it moved forward?

City Manager Jim Norris answered that the store front will still be glass, but it will look a little different.

Councilman Anita Newsom stated that she was thinking about the public safety aspect of being able to see inside.

Councilman Art Hammen asked what are Quik Trip's hours of operation?

City Manager Jim Norris replied that they are open 24 hours a day, 7 days a week.

Councilman Art Hammen asked why then do they have locks on their doors?

City Manager Jim Norris replied that he did not know.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for remodeling and adding 104 square feet to the store front at 6309 NE Antioch Road. Applicant/Owner: Quik Trip. (BP #98-0051)

Councilman Anita Newsom moved to approve the Building Permit for remodeling of the Quik Trip at 6309 NE Antioch Road subject to the Staff Report; Councilman Art Hammen seconded.

Discussion:

Mayor Roger Norris asked if this building permit was exactly the same as the previous building permit, except for the location?

City Manager Jim Norris replied that was correct.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 11. on the Agenda. PUBLIC HEARING:** on request to rezone from CP-1 (Local Business District Planned) to CP-2 (General Business District Planned), property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation (File #1040)

Mayor Roger Norris noted that the Council had received a letter today from the applicant asking to have the Public Hearing continued to the March 9, 1998, City Council Meeting.

**Mayor Roger Norris opened the Public Hearing and immediately continued it to the March 9, 1998, City Council Meeting.**

It was noted that Agenda Item's 11 and 11a which relate to this rezoning request will also not be introduced this evening because of the continuation of the public hearing.

**Item 12. on the Agenda. FIRST READING BILL 98-7,** amending Schedule V of the Gladstone City Code to establish "NO PARKING" locations along NE 60<sup>th</sup> Street and North Chestnut at Kendallwood Parkway effective in 30 days.

Councilman Anita Newsom moved to place **Bill No. 98-7** on First Reading; Mayor Pro Tem George Nodler seconded.

Discussion:

City Manager Jim Norris explained that staff has been working with Woodbine and Curry Co. for almost a year trying to resolve parking concerns in this area. The Curry Company proposed a plan to Woodbine which wasn't well accepted in terms of where an additional parking lot could be built. Woodbine is now looking at bussing their employees from a parking lot and are looking for a vehicle with which to transport them. Parking on both sides of these streets has gotten so bad that an emergency vehicle cannot get through. Trying to snowplow these streets this year was horrible. Staff has worked as hard as they could with the area business owners, but parking has gotten to the point where the businesses on the north side of 60<sup>th</sup> Street have complained. The office building has been remodeled and is fully occupied. Woodbine admits and

understands the problem and has been trying hard to find a solution. It is hoped that Woodbine will have their shuttle service in place within the next 30 days before this ordinance goes into effect.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of **Bill No. 98-7**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of **Bill No. 98-7** and enact it as Ordinance No. 3.662; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

**Item 13. on the Agenda. Other Business.**

None.

**Item 14. on the Agenda. Questions from the News Media.**


None.

\* \* \* \*

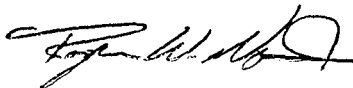
Councilman Dave Fricke moved to adjourn to Closed Executive Session for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion; Mayor Pro Tem George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

There being no further business to come before the regular February 9, 1998 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:00 pm to Closed Executive Session.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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



Mayor Roger Norris

MFA/sak

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 23, 1998**

**Closed Executive Session: 6:30 PM**

**Pursuant to Missouri Open Meeting Act Exemptions 610.021(1) and 610.021(3) for  
Privileged Communication, Litigation, and Personnel Discussion**

**Open Study Session: 7:00 PM**

**Regular Meeting: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 9, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-98-20**, authorizing the City Manager to accept a **Bill of Sale** from Federal Employees Credit Union and Garney Companies, Inc. conveying water line built to serve 301 NW Englewood Road to the City for maintenance. (Construction solely at developer's expense)

**RESOLUTION R-98-21**, authorizing acceptance of work under contract with Corporate Express for the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture Units in Gladstone City Hall. Total Contract Amount: \$49,507.79; Final Payment Due: \$2,429.69 from the **General Fund** utilizing Certificates of Participation, Series 1997

**RESOLUTION R-98-22**, amending the 1997/1998 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$10,960.665; Expenditures \$10,893,270); **Revised CWSS Fund Budget** (Revenue \$4,690,680; Expenses \$4,455,105); **Municipal Pool Fund Budget** (Revenue \$133,895; Expense \$157,560)

**RESOLUTION R-98-23**, authorizing the purchase and installation of a wireless RF radio link from Gateway Communications. Total Purchase Amount: \$24,722.00 (**General Fund: \$14,772.00; Clay County Funds: \$10,000.00**)

**APPROVAL OF FINANCIAL REPORTS** for the month of January 1998.

**APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** for St. Charles Parish Annual Auction, 804 Shady Lane Drive, Saturday, April 18, 1998. Hours: 6:00 PM - 11:00 PM. Managing Officer: Paul G. Danaher

**NEXT ORDINANCE #3.663**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
  
9. **APPROVAL OF BUILDING PERMIT** for **Innis O'Neil Eatery & Pub, 7413 N Oak**, tenant finish of 2,600 ft. of existing space, Owner: Garney Construction. Business/Property Name: Innis O'Neill (BP#98-0059)
  
10. **FIRST READING BILL 98-8**, amending Schedule V of the Model Traffic Code to establish **"No Parking"** zones on N Woodland and N Euclid south of NE 72<sup>nd</sup> Street. .
  
11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment.**



## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, FEBRUARY 23, 1998**

Mayor Roger Norris called the Regular February 23, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager James H. Norris  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld  
Assistant City Manager Laura Gay  
Administrator of Management Services Dianna Wright

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Roger Norris led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular February 9, 1998, City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular February 9, 1998 City Council Minutes as written. Councilman Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerks reading, Councilman Art Hammen moved to approve the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### **CONSENT AGENDA DETAIL.**

Councilman Art Hammen moved to adopt **RESOLUTION R-98-20**, authorizing the City Manager to accept a **Bill of Sale** from Federal Employees Credit Union and Garney Companies, Inc. conveying water line built to serve 301 NW Englewood Road

and constructed solely at the developer's expense to the City for maintenance. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-21**, authorizing acceptance of work under contract with Corporate Express for the purchase and installation of Phase II of the Haworth Premise System Modular Office Furniture Units in Gladstone City Hall. Total Contract Amount: \$49,507.79; Final Payment Due: \$2,429.69 from the **General Fund** utilizing Certificates of Participation, Series 1997 Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-22**, amending the 1997/1998 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$10,960,665; Expenditures \$10,893,270); **Revised CWSS Fund Budget** (Revenue \$4,690,680; Expenses \$4,455,105); **Municipal Pool Fund Budget** (Revenue \$133,895; Expense \$157,560); Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-23**, authorizing the purchase and installation of a wireless RF radio link from Gateway Communications. Total Purchase Amount: \$24,722.00 (**General Fund: \$14,772.00; Clay County Funds: \$10,000.00**) Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved for **APPROVAL OF FINANCIAL REPORTS** for the month of January 1998; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved for **APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** for St. Charles Parish Annual Auction, 804 Shady Lane Drive, Saturday, April 18, 1998. Hours: 6:00 PM - 11:00 PM. Managing Officer: Paul G. Danaher; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

## **REGULAR AGENDA**

### **Item 6. On the Agenda. Communications from the Audience.**

None.

### **Item 7. On the Agenda. Communications from the City Council.**

**Councilman Anita Newsom** said she had the opportunity to review the Missouri Park and Recreation Association's conference brochure for their conference being held in

Kansas City this week and found the brochure very well organized. Gladstone Parks & Recreation Director Steve Buschor is the Program Chair for this conference; and City Counselor Nancy Thompson as well as Senior Recreation Programmer Paige Robbins are scheduled speakers. Ms. Newsom said she is unable to attend but extends her wishes for a successful conference.

Ms. Newsom also noted that Council packets included information on the Missouri Assessment Program (MAP) which is a series of assessment tests used to measure the progress of Missouri students towards the Show-Me-Standards, which define what all students should know and be able to do by the time they leave high school. The Missouri Department of Elementary and Secondary Education is seeking nominations of non-school employees to serve on a panel to set achievement levels for the assessment tests. Ms. Newsom said she believes it is important that we participate. Mayor Roger Norris asked Councilman Anita Newsom if she would be in charge of suggesting nominees to serve on this panel. Ms. Newsom agreed to do so.

\* \* \*

Councilman Anita Newsom noted that this is the last Council Meeting for City Manager James Norris and she said working with him has been sometimes exciting and sometimes a challenging process and at times she and the Manager have agreed to disagree. Because of City Manager Jim Norris' efforts, we have moved this community to a new professional level of management that many cities only strive to attain and we have the opportunity to continue that with the staff we have on board. She told the City Manager that she will miss him and wishes him well in his new endeavors and not to forget that Gladstone is his home town.

**Councilman Art Hammen** told City Manager Norris said that when he took this job things were a "snake pit" and everyone in the City owes him a great deal of credit for turning that around. This is a fantastic city to live in and City Manager Norris has seen to it that it is a city that it is a whole lot better than when he came and Mr. Hammen said he for one, along with a lot of people appreciate that. Our city's loss is Hoffman Estates' gain. Mr. Hammen said he knows this is a nice step for Mr. Norris in his career and he certainly congratulates him. He told City Manager Norris that he will be missed but he also looks forward to Laura Gay having the opportunity to serve as Acting City Manager in the interim and he knows that because of Jim's great training, the City won't miss a beat.

**Mayor Pro Tem George Nodler** said that Gladstone has a long tradition of excellent City Managers and Jim Norris certainly fits into that mold very well. He has done an excellent job for the City of Gladstone and our citizens will miss him. When Jim Norris came to this position there was a lot of turbulence politically in Gladstone and shortly after Jim was hired the Council majority also changed. It is certainly a tribute to Jim that 9 ½ years later, he is still here and that changes in the City Council did not change our City Manager. Mr. Nodler told Jim that he will miss him and wished him good luck.

**Councilman Dave Fricke** said he especially wanted to thank City Manager Norris for helping him in his transition to the City Council position. The Manager took the time

and effort to see that he was introduced and acquainted with the departments and their managers and took him on tours of the city. Mr. Fricke told the City Manager that the people in this city owe him a debt of appreciation even though unfortunately he will probably never receive most of it. Mr. Fricke said he knows Jim Norris has to go because he has bigger trees to chop and he wishes him every success and encourages him to come back and see us from time to time.

Mr. Fricke also told City Manager Norris that it is a tribute to him that he has such a great management team in place; and that although he will be missed, the city will go on just like he was here which is certainly a tribute to him.

**Mayor Roger Norris** described the process the Council went through in replacing City Manager Jim Norris. He said there are three positions which actually work for the City Council, those being the City Clerk, the City Counselor and the City Manager. None of the present City Council had hired a City Manager before and their benchmark was Jim Norris; and when they were listing what they should be looking for in a City Manager it was a Jim Norris and those are huge shoes for somebody to fill. When the Council was polled as to the direction they wanted to take, the Mayor said it was amazing to him that the name of Kirk Davis kept coming up on the lists of all five councilmembers. The Council decided they would handle the selection process by going to an outside search firm if their contact with Mr. Davis did not work out; either because Mr. Davis was not interested in the position or he gave them wrong answers to a series of pretty tough questions the council asked.

Mayor Norris said a meeting was posted, Council met and interviewed Kirk Davis, and the Council was very impressed not only with his answers to their questions but with his attitude and his words about Jim Norris. The Council is very conservative and they don't like ripples and waves. The Mayor reminded that the Council who hired Jim Norris was totally gone in two years yet City Manager Norris is still here and that shows a lot about his ability to work with the Council.

The Mayor continued that the responses Kirk Davis gave to the questions Council asked were absolutely outstanding. Kirk was involved in this community when he left the City of Gladstone three and a half years ago to get some added experience he thought he needed --- and he thinks he got that. The fact that Jim Norris hired, trained, and mentored Kirk Davis made the decision of this Council pretty easy. The Mayor said the city council does not want to change the direction of the City and Kirk Davis knows where the Council is and he was here to help put that together and hopefully he knows where the Council is going and the Mayor said he believes he will be an outstanding City Manager.

Mayor Norris told City Manager Jim Norris that he had spent more than ten years and half of his adult life here in Gladstone, his children were born here; and, he has CHIEFS tickets. The Mayor said that Councilman Art Hammen credited City Manager Norris for making this a better city and he can tell us that the first year he went to a Newly Elected Officials meeting in Jefferson City he was immediately deflated when he told people he was from Gladstone because they asked why anyone would want to live there. Now he receives a different response when people learn he is from

Gladstone because people want to live in our city. The Mayor said when word got out that the City Manager resigned, his telephone did not ring which speaks well for the organization.

Mayor Roger Norris told City Manager Jim Norris that he will miss him and thanked him for helping him be a better Councilman and helping him understand that you can't do everything you want to overnight. He told the City Manager that he had worked for twelve different Councilmembers and any one of the twelve would tell him the same things he is telling him. He knows he will see great things coming from Jim Norris and knows that some day he will look in the paper and read of his appointment to a large city. He told Mr. Norris that he has said it before but will again and that is that Jim Norris was number one in his class and number one in his eyes as a City Manager and Jim Norris will always be what he thinks city managers are supposed to be and he congratulates him on his new position.

**Item 8. On the Agenda. Communications from the City Manager.**

**City Manager Jim Norris** asked the Council for a motion to approve the **72<sup>nd</sup> Street Road Improvement** funding scenario presented in the study session this evening. Councilman Art Hammen moved for approval; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

\* \* \*

**City Manager Norris** said he had not thought his parting would be emotional for him but after hearing the Council comments tonight he knows it will be. As Mayor Norris said, he has worked for 12 different councilman with 9 having served as Mayor. The City Manager said his service has been challenging and extremely rewarding and he really can't think of a better place to live, work and raise a family. Making the decision to leave this position and move away from Gladstone is the toughest decision he has ever had to make both personally and professionally. Deciding to get married was an easier decision and deciding to buy a house the first time was an easier decision. As he indicated in his letter of resignation there are obvious professional reasons such as a much larger community, different challenges, new attractions and there are personal reasons as well with grandparents and brothers and sisters living close in that area. He has been truly blessed. He came to realize that the Council who initially hired him really did not want anything very much different than the present Council. They wanted the best for Gladstone but just had a slightly different way of wanting to get there.

City Manager Norris said looking at former City Manager Patrick Reilly's notes when he arrived as to where he thought Gladstone was going and looking at it now, Gladstone was going that direction then and he has carried on that lineage which is kind of the beauty of the City Manager system. He noted that the Council makes \$100/year and they burn more than that in gasoline for several months of meetings which makes them a volunteer legislature. When the Council dedicates themselves like they do they create the environment for those who work for the Council to do positive things. It makes it easier to succeed and he thanks the Council for that because he has been blessed in having great City Councils to work with who have pushed him to be involved

in national, state and regional organizations which benefit Gladstone. Because of the Council's support he has held leadership positions which have benefited Gladstone not only financially but in the professional staff we are able to attract. The Manager said he has been blessed with a great staff both from a loyalty standpoint and from a quality of work standpoint. The Manager said Councilman Fricke is absolutely right, the staff won't miss a beat. They may have looked at him as the person who was ultimately making the decisions but over time he accepted staff's recommendations the majority of the time because staff is so good at what they do in their respective areas. It has been a pleasure to work with his staff and a pleasure to work here. He has enjoyed the Council and the business community and he thanks everyone for the opportunities afforded him and his family.

The City Manager said although Kirk Davis had previously worked for Jackson County he had hired him for his first city job in Gladstone back in 1988 when there was turmoil. Because of what they weathered together a great bond grew between them both professionally and personally. Their wives had children born within ten days of each other which they jokingly blamed on the coffee in city hall and that was just another one of those unifying forces. The Manager said Kirk and Phyllis Davis were also there to support them through two miscarriages. He can't think of a better person to assume the City Manager position for Gladstone. He said he is currently Vice President of the Missouri City Management Association and is involved on a regional level with City Manager's because of that position not only in this state but regionally in the Midwest, and he really means that there is no better person the Council could select.

Kirk brings a marvelous work ethic and a phenomenal personal attitude about what local government is about to the job. He believes in the quality of life that needs to be afforded residents and he believes in the integrity of what local government should be. He has very strong allegiances to Gladstone and always has had because he cut his city management teeth here as Assistant City Manager and can be proud of the fact that he is the one who ran the project at Happy Rock Park.

When the council approved that project, he told Kirk it was his project and to bring it in on time and on budget and Kirk did that. As the Mayor mentioned Kirk Davis went on to Lee's Summit and has some phenomenal experience there in development issues and infrastructure issues and will be a great great addition to the City of Gladstone and he knows that Kirk will carry on the legacy that the Council thinks he has.

In closing, City Manager Norris said he loves it here and has enjoyed his experience immensely and will always love Gladstone as his first full City Manager opportunity and it will be difficult leaving. He thanks all the employees and staff of the City because it takes all to ensure the success of the city, one person does not do it.

**Item 9. on the Agenda.** APPROVAL OF BUILDING PERMIT for Innis O'Neil Eatery & Pub, 7413 N Oak, tenant finish of 2,600 sq. ft. of existing space. Owner: Garney Construction.

Mayor Pro Tem George Nodler moved to approve the Building Permit subject to conditions of the Staff Report; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda.** **FIRST READING BILL 98-8**, amending Schedule V of the Gladstone City Code to establish "**NO PARKING**" locations on N Woodland and N Euclid at 72<sup>nd</sup> Street.

Councilman George Nodler moved to place **Bill No. 98-8** on First Reading; Councilman Dave Fricke seconded.

**Discussion:**

Councilman Anita Newsom pointed out that the description in the Bill of the "No Parking" zone for N Euclid indicates from NE 72<sup>nd</sup> Street *south* for 500 ft. which is in error; this should correctly read "**from 72<sup>nd</sup> Street north for 500 feet**". The City Clerk acknowledged the correction. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of **Bill No. 98-8**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of **Bill No. 98-8** and enact it as Ordinance No. 3.663; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

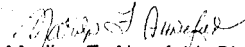
**Item 11. on the Agenda.** **Other Business.**

Mayor Pro Tem George Nodler said given the length of City Manager Jim Norris' remarks without the benefit of notes, he questions if we should allow him notes at the reception on Thursday in his honor. The Manager said he did not realize he had spoken at length - whereupon he was met with laughter from the city council and staff.

**Item 12. on the Agenda.**

There being no further business to come before the regular February 23 1998 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 8:20 PM.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted:  
Approved as corrected/amended:

  
Mayor Roger Norris

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 9, 1998**

**Closed Executive Session: Immediately following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(1) 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 23, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-98-24**, authorizing the City Manager to execute an agreement with Hi-Gene's Janitorial Service, Inc. for janitorial services at certain City facilities including the City Hall, Animal Control Facility, and Community Services building at an annual contract amount of \$30,524.00. General Fund

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for tenant interior finish of 1,116 sq. ft. Podiatry Office, 7711 N Oak Trafficway, Suite N. Applicant: Bryan M. Sheehan. Owner: Isac & Elaine A. Rosenberg (BP #98-0082)
10. **PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District Planned) to CP-2, (General Business District Planned), property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040) **Audience Note:** Applicant requests tabling of this item to the March 23, 1998 City Council Meeting.
11. **PUBLIC HEARING:** On a Site Plan Revision for property at 7116 N Oak. Applicant: Greg Hutton. Owner: Tom Sims (File #1044)
- 11a. **FIRST READING BILL 98-10**, approving a Site Plan Revision in a CP-3 Zone for property at 7116 N Oak Trafficway subject to certain conditions. Applicant: Greg Hutton. Owner: Tom Sims (File #1044)
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 9, 1998

Mayor Roger Norris called the Regular March 9, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke  
  
Acting City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor Roger Norris led the Pledge of Allegiance to the Flag in which all joined.

#### Item 4. on the Agenda. Approval of Regular February 23, 1998, City Council Meeting Minutes.

Councilman George Nodler moved to approve the Regular February 23, 1998 City Council Minutes as written. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the City Clerks reading, Councilman Dave Fricke moved to adopt the sole Consent Agenda item: **RESOLUTION R-98-24, authorizing the City Manager to execute an Agreement with Hi-Gene Janitorial Service, Inc. for janitorial services at certain City facilities including the City Hall, Animal Control Facility, and Community Services building at an annual contract amount of \$30,524.00.** Fund: General Fund. Councilman Art Hammen seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### Item 6. On the Agenda. Communications from the Audience.

None.

**Item 7. On the Agenda. Communications from the City Council.**

**Councilman Anita Newsom** said she had no communications other than to pass on a comment she heard today from a bus driver at school with reference the snow storm, that if all the streets were in Gladstone, there would have been school today.

**Councilman Art Hammen** advised that the City lost a very important citizen this past Friday evening in the death of Mr. Everett Smith who served this City honorably for many years. Mr. Smith had served as Mayor and was recognized several years ago with the Key to the City and is the father of Planning Commission Chairman Les Smith. Councilman Hammen invited all present to join him in a moment of silence in memory of Everett Smith and advised that funeral services will be held on Tuesday at 11:30 A.M.

**Mayor Pro Tem George Nodier** commended City crews on the great job they did today with snow removal.

**Mayor Roger Norris** said he concurs with Mr. Nodier that the street crews did an outstanding job.

The Mayor said it is sad when we lose a City Father and noted we have lost several in the past two years and it is appropriate that we pay our respects to Everett Smith. Growing up in the same subdivision, the Mayor said he well remembers in his own youth walking by the Smith residence on his way to the Hamilton Heights Pool. Mr. Smith had lived in Arizona for some time and just recently moved back to Gladstone to be nearer his family.

**Item 8. On the Agenda. Communications from the City Manager.**

**Acting City Manager Laura Gay** advised that the new **Gladstone Parks and Recreation Spring/Summer/Fall 1998 Brochure** which provides information on all of the programs and services offered this year is available and will be distributed to the City Council later this evening. Ms. Gay complimented the Parks and Recreation Department on a very nice brochure.

Ms. Gay also announced that the Gladstone Parks & Recreation Advisory Board will be taking a bus tour this coming Sunday, March 15<sup>th</sup> to Warrensburg, Missouri to take a look at their Community Center and extend an invitation to members of the City Council to join them on this trip. Plans are to leave from City Hall at 12:45 with a return time of 5:30 - 6:00 PM and lunch will be provided.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for tenant interior finish of 1,116 sq. ft. Podiatry Office, 7711 N Oak Trafficway, Suite N. Applicant: Bryan M. Sheehan. Owner: Isac & Elaine A. Rosenberg (BP #98-0082)

Councilman Anita Newsom moved to approve the Building Permit as requested subject to the conditions of the February 26, 1998 Staff Report; Mr. Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodier, Norris. (5-0)

**Item 10. On the Agenda.** **PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District Planned) to CP-2, (General Business District Planned), property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)

Mayor Roger Norris opened the Public Hearing and immediately continued the hearing to the **Monday, March 23, 1998 City Council Meeting as requested by the Applicant.**

**Item 11. On the Agenda.** **PUBLIC HEARING:** On a Site Plan Revision for property at 7116 N Oak. Applicant: Greg Hutton. Owner: Tom Sims (File #1044)

Mayor Roger Norris opened the Public Hearing and explained the hearing process.

**Property Owner Tom Sims, 1904 NE 76<sup>th</sup> Street, Gladstone, Missouri,** was present to represent this application and explained that this property is at the southwest corner of 72<sup>nd</sup> & N Oak and houses Royal Transmission and they request the addition of a third bay next to Sonic Drive-in and closure of the northern driveway. Presently there are three drives, one on 72<sup>nd</sup> Street and two on N Oak, and this proposal would eliminate the northern drive on Oak.

Mr. Sims noted that the City approached them about 6-8 months ago about closing one of the drives and re-doing the corner for cosmetic reasons and Mr. Sims said he told them while that was being done he would like to add the 3<sup>rd</sup> bay and he has been working with Mr. Scott Wingerson on this. They met at the corner several times and discussed both his needs and the City's, and this application is the result.

There were no persons present to speak in favor or in opposition of this request and no additional comments were made, whereupon the Mayor closed the public hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL 98-10,** approving a Site Plan Revision in a CP-3 Zone for property at 7116 N Oak Trafficway subject to certain conditions. Applicant: Greg Hutton. Owner: Tom Sims (File #1044)

Councilman Art Hammen moved to place **Bill 98-10** on First Reading; Councilman Anita Newsom seconded.

Discussion:

Acting City Manager Laura Gay advised that Community Development Director Scott Wingerson apologizes that he is out of the city. She stated there is not a lot to highlight on this application, as Mr. Sims noted basically this is an addition of a 3<sup>rd</sup> bay on the southern portion of this property; the northern drive on N Oak will be closed; and the streetscape plan and features will be incorporated on that corner. Ms. Gay noted the Planning Commission unanimously recommend approval of the request.

Councilman Newsom asked if she reads that they are going to a monument sign. Tom Sims advised that they may not put a sign on the corner at all and use only the one on the building. If a sign is used on the corner it will be a monument sign. He noted the pole sign has been removed.

Councilman Fricke said he likes what they are doing at the 72<sup>nd</sup> & Oak corner and believes it will help.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of **Bill No. 98-10**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill No. 98-10** and enact it as **Ordinance No. 3.664**; Councilman Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0).

There being no further business to come before the regular March 9, 1998 City Council Meeting, Mayor Roger Norris adjourned the regular meeting at 7:45 PM.

\* \* \*

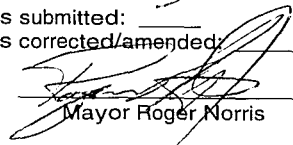
Councilman Dave Fricke moved to adjourn to Closed Executive Session in the City Manager's Office Pursuant to **Missouri Open Meeting Act Exemptions 610.021(1) 610.021(2), 610.021(3) for Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion**; Councilman Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnfeld, City Clerk

Approved as submitted: \_\_\_\_\_

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

  
Mayor Roger Norris

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 23, 1998**

**Closed Executive Session 6:45 PM**

Pursuant to Missouri Open Meeting Act Exemptions 610.021(1) 610.021(2), 610.021(3) for  
Privileged Communication, Litigation, Land Acquisition, and Personnel Discussion

**OPEN STUDY SESSION: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 9, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating April 5<sup>th</sup>-11<sup>th</sup> as "INTERNATIONAL BUILDING SAFETY WEEK" in the City of Gladstone, Missouri. Sponsor: International Conference of Building Officials
- 4b. **PROCLAMATION:** designating April 6<sup>th</sup>-12<sup>th</sup> as "PUBLIC HEALTH WEEK" in the City of Gladstone, Missouri. Sponsor: Clay County Health Department
5. **CONSENT AGENDA**

**RESOLUTION R-98-25**, affirming and ratifying the actions of the Acting City Manager relating to the purchase of certain real estate at 5115 Old Pike Road necessary for construction of public improvements in conjunction with the Old Pike Road reconstruction project; accepting a Temporary Construction Easement and a Quit Claim Deed conveying such property to the City; and directing the City Clerk to file such conveyances with the Clay County Recorder of Deeds. Purchase Amount: \$25,000. Fund: Transportation Sales Tax

**RESOLUTION R-98-26**, accepting Temporary and Permanent Easements from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project. (Project 9605)

**RESOLUTION R-98-27**, authorizing the Acting City Manager to enter into a Third Amendment to the Development Agreement with Home Depot, U.S.A., Inc. relating to the construction of public improvements on Old Pike Road.

**RESOLUTION R-98-28**, authorizing acceptance of a Bill of Sale from Stonebrooke, LLC and Havens Construction Company, Inc. conveying water line, sanitary sewer and storm drainage improvements constructed to serve Stonebrooke 2<sup>nd</sup> Plat to the City for maintenance. (Construction entirely at developer's expense.)

**RESOLUTION R-98-29**, authorizing acceptance of a Corrective Temporary Construction Easement and Corrective Quit Claim Deed from property owners and authorizing the Acting City Manager to execute a Corrective Quit Claim Deed in conjunction with the 72<sup>nd</sup> Street widening project. (Project #9417)

**RESOLUTION 98-30**, appointing a City Manager for the City of Gladstone, Missouri, and authorizing the Mayor to execute an Employment Agreement for such purposes with Kirk L. Davis effective April 6, 1998.

**RESOLUTION 98-31**, authorizing the Acting City Manager to execute a contract with Superior Bowen Asphalt Company for the 1998 Street Rehabilitation and Reconstruction Project (Project 9901) for a total amount not to exceed \$1,109,951.80 Fund: Transportation Sales Tax

**RESOLUTION 98-32**, authorizing the Acting City Manager to execute an agreement with the Greater Kansas City Umpiring Association to provide umpire services for the City of Gladstone at the cost of \$28.25 per league game utilizing dual umpires and \$16.50 per tournament game utilizing one umpire. Fund: General Fund

**APPROVAL OF FINANCIAL REPORTS** for February 1998.

**NEXT ORDINANCE #3.665**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for interior remodeling of Quik Trip Store at 2590 NE 72<sup>nd</sup> Street. Applicant/Owner: Quik Trip (BP# 98-0087)
10. **APPROVAL OF BUILDING PERMIT** for interior remodeling of Quik Trip Store at 6309 NE Antioch Road Applicant/Owner: Quik Trip (BP# 98-0088)
11. **APPROVAL OF BUILDING PERMIT** for construction of new 800 sq. ft. service bay at Royal Transmission, 7116 N Oak Trafficway. Owner: Tom Sims Applicant: Hutton Enterprises (BP #98-0110)
12. **CONTINUED PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District Planned) to CP-2, (General Business District Planned), property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (Continued from 3-9-98 City Council Meeting.) (File #1040)
- 12a. **FIRST READING BILL 98-5**, rezoning property from **CP-1 (Local Business District Planned)** to **CP-2, (General Business District Planned)**, property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)
- 12b. **FIRST READING BILL 98-6**, approving a Site Plan in conjunction with a rezoning for property at 7200 N Broadway subject to certain conditions. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)
13. **PUBLIC HEARING** on a request to rezone from **RCHP-1 (Cluster Housing District-Planned)** to **R-1 (Single Family District)** property described as the east side of North Woodland and NE 77<sup>th</sup> Street. Applicant/owner: Sheila Gadd. (File #1045)
- 13a. **FIRST READING BILL 98-11**, rezoning property at North Woodland and NE 77<sup>th</sup> Street, from RCHP-1 to R-1. Applicant/owner: Sheila Gadd. (File #1045)
- 13b. **FIRST READING BILL 98-12**, approving the Final Plat of "**Sullivan Place**" at North Woodland and NE 77<sup>th</sup> Street. Applicant/owner: Sheila Gadd. (File #1045)
14. **FIRST READING BILL 98-13**, approving the Final Plat of "**Shady Lane Estate**" at the SW corner of Shady Lane & N Flora. Applicant/owner: William Jones. (File #1048)
15. **FIRST READING BILL 98-14**, approving the Final Plat of "**Replat of Tract A Stratford Park Fourth Plat**" at the NW corner of NE 72<sup>nd</sup> Street & N Euclid. Applicant/owner: J.A. Peterson Enterprises. (File #1050)
16. **Other Business**
17. **Questions from the News Media**
18. **Adjournment**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 23 1998

Mayor Roger Norris called the Regular March 23, 1998 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

Acting City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

Scout Kyle Harris led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda.**      **Approval of Regular March 9, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular March 9, 1998 City Council Minutes as written. Councilman George Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.**      Mayor Roger Norris read a Proclamation designating April 5<sup>th</sup> -11<sup>th</sup> as "INTERNATIONAL BUILDING SAFETY WEEK" in the City of Gladstone, Missouri as sponsored by the International Conference of Building Officials. Gladstone Building Inspector Alan Napoli was present to accept the proclamation from the Mayor.

**Item 4b. on the Agenda.**      Mayor Norris read a Proclamation designating April 6<sup>th</sup> -12<sup>th</sup> as "PUBLIC HEALTH WEEK" in the City of Gladstone, Missouri as requested by the Clay County Health Department.

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

Following the City Clerks reading, Councilman Anita Newsom asked to remove Item 98-30 for placement on the regular agenda. The Mayor designated the item as 5a. on the Agenda.

Councilman Art Hammen moved to adopt the Consent Agenda as amended. Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**CONSENT AGENDA DETAIL:**

Councilman Art Hammen moved to adopt **RESOLUTION R-98-25**, affirming and ratifying the actions of the Acting City Manager relating to the purchase of certain real estate at 5115 Old Pike Road necessary for construction of public improvements in conjunction with the Old Pike Road reconstruction project; accepting a Temporary Construction Easement and a Quit Claim Deed conveying such property to the City; and directing the City Clerk to file such conveyances with the Clay County Recorder of Deeds. Purchase Amount: \$25,000. Fund: Transportation Sales Tax. Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-26**, accepting Temporary and Permanent Easements from property owners in conjunction with the 63<sup>rd</sup> Terrace Drainage Project. (Project 9605); Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-27**, authorizing the Acting City Manager to enter into a Third Amendment to the Development Agreement with Home Depot, U.S.A., Inc. relating to the construction of public improvements on Old Pike Road; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-28**, authorizing acceptance of a Bill of Sale from Stonebrooke, LLC and Havens Construction Company, Inc. conveying water line, sanitary sewer and storm drainage improvements constructed to serve Stonebrooke 2<sup>nd</sup> Plat to the City for maintenance. (Construction entirely at developer's expense.) Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-29**, authorizing acceptance of a Corrective Temporary Construction Easement and Corrective Quit Claim Deed from property owners and authorizing the Acting City Manager to execute a Corrective Quit Claim Deed in conjunction with the 72<sup>nd</sup> Street widening project. (Project #9417); Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION 98-31**, authorizing the Acting City Manager to execute a contract with Superior Bowen Asphalt Company for the 1998 Street Rehabilitation and Reconstruction Project (Project 9901) for a total amount not to exceed \$1,109,951.80 Fund: Transportation Sales Tax; Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)



Councilman Art Hammen moved to adopt **RESOLUTION 98-32, authorizing the Acting City Manager to execute an agreement with the Greater Kansas City Umpiring Association to provide umpire services for the City of Gladstone at the cost of \$28.25 per league game utilizing dual umpires and \$16.50 per tournament game utilizing one umpire. Fund: General Fund;** Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Councilman Art Hammen moved for **APPROVAL OF FINANCIAL REPORTS for February 1998.** Councilman Dave Fricke seconded. The vote: All "aye" Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 5a. on the Agenda. RESOLUTION 98-30, appointing a City Manager for the City of Gladstone, Missouri, and authorizing the Mayor to execute an Employment Agreement for such purposes with Kirk L. Davis effective April 6, 1998.**

Councilman Anita Newsom moved to adopt Resolution 98-30; Councilman Hammen seconded.

Discussion.

Ms. Newsom said the decision this Council made in appointing Mr. Kirk L. Davis to the position of City Manager is too important a decision to be on the consent agenda. The City Council has recruited this qualified individual to lead our professional staff and Kirk Davis has the qualities to perform those duties well and she is glad to make this motion to appoint him and approve his contract. Her fellow Councilmembers applauded her comments.

Mayor Roger Norris said for those who are unfamiliar, Gladstone City Manager James Norris resigned his position effective March 3, 1998 to accept a similar position in a Chicago, Illinois suburb. Assistant City Manager Laura Gay was appointed Acting City Manager and will serve in that position until April 6, 1998 at which time Kirk L. Davis will assume the City Manager position.

The Mayor noted this is a homecoming as such for Mr. Kirk Davis because he was previously employed with the City of Gladstone for five years in the position of Assistant City Manager. He left our city to assume a similar position with the City of Lee's Summit for three years and his responsibilities and assignments there resulted in additional valuable training which will make him an outstanding City Manager and we are glad to have him back.

The vote on the Resolution: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 6. On the Agenda. Communications from the Audience.**  
None.

**Item 7. On the Agenda. Communications from the City Council.**

Councilman Dave Fricke congratulated the Parks & Recreation staff on the Spring/Summer/Fall 1998 Parks & Recreation program of activities brochure. This is a

really fine publication and he hopes Gladstone residents will use it as their activities bible for this summer because it certainly has something for everyone.

**Councilman Anita Newsom** reported that a week ago Sunday she accompanied the Parks & Recreation Advisory Committee and City Staff on their tour of the Warrensburg, Missouri community center which was most impressive. Following this visit, the Committee endorsed a study to look at Gladstone's needs for a community recreation center.

Ms. Newsom also advised that a recent article in the **Kansas City Star** provided statistics of area animal control shelters and their animal adoption/destruction rates and although Gladstone's percentages were not as poor as some communities they could be improved and she suggests that we look at other alternatives for publicizing adoption opportunities.

Mayor Norris said he did not know how accurate the 45% destruction rate attributed to Gladstone was. He agrees there are ways to encourage people to adopt pets and suggests we do more to advertise the adoption hours and even review the hours of our animal control facility to see if we need to change them.

Ms. Newsom said in light of the recent publicity surrounding a puppy mill in another County and the number of people who responded she feels we can do a better job of adoption.

Acting City Manager Laura Gay said as a result of the article Ms. Newsom mentions, staff members today discussed those statistics and will pursue examination of the policies and issues that surround this issue.

**Councilman Art Hammen** said a resident approached him on the problem of citizens not properly yielding to emergency vehicles and fire trucks in particular, and he asked Director of Public Safety Bill Adamo if this is becoming a bigger problem. Director Adamo said he does not believe it is any more of a problem than it has always been but agreed not all motorists yield to emergency vehicles. Mr. Hammen suggested this is a subject we might publicize in our **Gladstone Reporter** and tell residents what is expected of them.

Councilman Anita Newsom said she did recently pull over and stop for an emergency vehicle and another motorist impatiently honked and gestured at her for stopping, so there is a misconception by some motorists that as long as you pull to the right it is **ok to keep moving**.

Director Bill Adamo advised that **properly, motorists should pull all the way to the right and stop.**

Acting Manager Laura Gay advised that we do have an edition of the **Gladstone Reporter** that is in the layout stage and we have a spot to fill so we can easily include an article on this subject.

**Mayor Pro Tem George Nodler** also commended the Parks & Recreation Department on the brochure published.

**Mayor Roger Norris** congratulated Parks & Recreation staff on the nice brochure and welcomed Kirk L. Davis who was in the audience and told him he looks forward to his coming which is now only three weeks away.

**Item 8. On the Agenda.**      **Communications from the City Manager.**

**Agenda Addition:** Acting City Manager Laura Gay requested that Council consider an Agenda Addition for the **Approval of Building Permit for Interior Tenant Finish at 2900 Business Center. Applicant/Jury & Associates. (BP#98-0124).** She noted that timing is such that it is three weeks until the next City Council Meeting.

Mr. Nodler moved to approve the Building Permit subject to the 3/23/98 Staff Report Conditions; Mr. Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 9. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for interior remodeling of Quik Trip Store at 2590 NE 72<sup>nd</sup> Street. Applicant/Owner: Quik Trip (BP# 98-0087)

Councilman George Nodler moved to approve the Building Permit for 2590 NE 72<sup>nd</sup> Street subject to the 3/10/98 Staff Report Conditions; Mr. Hammen seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 10. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for interior remodeling of Quik Trip Store at 6309 NE Antioch Road. Applicant/Owner: Quik Trip (BP# 98-0088)

Councilman Dave Fricke moved to approve the Building Permit for 6309 NE Antioch Road subject to the conditions of the 3/10/98 Staff Report; Mr. Nodler seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 11. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for construction of new 800 sq. ft. service bay at Royal Transmission, 7116 N Oak Trafficway. Owner: Tom Sims Applicant: Hutton Enterprises (BP #98-0110)

Councilman George Nodler moved to approve the Building Permit for 7116 N Oak Trafficway subject to the conditions of the 3/16/98 Staff Report; Mr. Fricke seconded.

Discussion.

Mr. Fricke said he understands that the elimination of one of the drives at this business will make this intersection safer and asked if this construction will be in keeping with our streetscape designs for this corner. Staff said yes.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 12. on the Agenda.**      **CONTINUED PUBLIC HEARING:** On a request to rezone from CP-1 (Local Business District Planned) to CP-2, (General Business District Planned), property at

the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (Continued from 3-9-98 City Council Meeting.) (File #1040)

Mayor Roger Norris opened the Public Hearing and explained the hearing process.

**IN FAVOR:**

**Applicant Representative, JoAnne Dyar, Store Development Coordinator for Casey's General Stores**, 4820 Callaway Court, Pleasant Hill, Iowa, stated she was here tonight to request the rezoning of property at 7200 N Broadway from CP-1 to CP-2 to allow gasoline pumps.

She said she would provide background on Casey's Stores for those who might be unfamiliar. They are a convenience store chain based in Ankeny, Iowa and located in nine states surrounding Iowa with 1,105 stores. 85% of their stores are located in populations of less than 5,000 which makes them more of a neighborhood commercial situation because they are right in there with their residential neighbors in most locations. They are not a typical interstate location. Hours of operation are 6:00 AM - 11:00PM and never later than 11:00 PM. They do not have sit down areas or videos which would tend to encourage loitering and they are there to provide a service to the neighboring residents.

Ms. Dyar displayed a blow up of the Gladstone Land Use Plan and circled the location of the 72<sup>nd</sup> & Broadway location. The red areas denote a general commercial area and red is shown at that corner. She recited the definition of general commercial as "establishments who engage in retail trade or provide services including restaurants, gas stations, banks, grocery stores, car dealerships and building material stores". She said Casey's fits the bill for four of those because they are kind of a grocery store and kind of a bank because they have ATM machines and a restaurant of sorts because they have some fast food items and they are definitely a gas station. She also read the commercial goal for the City of Gladstone which is to "create, initiate and coordinate a system which encourages and expedites quality commercial development thereby providing residents with required goods and services; bring in outside revenue into the local economy and ultimately stabilizing and improving the city's tax base". She said they are a very quality commercial development and they do provide a good service to the residents. The uses that surround this corner are to the north: residential R-1; south: CP-2; east: C-3 and west is Kansas City. Some of the businesses located at this intersection are the bowling alley, post office, used cars and a deli-liquor store.

Ms. Dyar reviewed the plot plan explaining the building size is 40'x68'; there are three pumps shown although typically Casey's has four pumps and only a very few locations have six pumps, so they are not a "super pumper". Two approaches are planned and the developed part of the property is approximately 150'x219' and the total size of the property is 150'x 354' which leaves a total of approximately 135' of unused property which will act as a buffer between them and the residential. She noted the required setback is 35' for this zone.

She pointed out other convenience stores in Gladstone and their proximity to their neighbors: **Conoco**, 58<sup>th</sup> Terr & Antioch Rd, 50ft. in between the buildings and 24 ft. between the property

line of the commercial and the property line of the residential; **Quick Trip**, Antioch Rd & 63<sup>rd</sup> Terrace, 120 feet in between the buildings between the residential and the commercial and only 30' feet between the property line and the building. **Quick Trip**, 72<sup>nd</sup> & N Prospect, 65' in between the buildings and 30 ft. between the property line and the building; **Phillips 66**, 73<sup>rd</sup> Terr. & N Oak, 50 ft. between the building and residential building and 30' in between the property line and the building; **Total Petroleum**, N Oak & 58<sup>th</sup> Street; 100 ft. in between the building and residential and 40' between the property line and the residential. At **Casey's** proposed location they will have 275' distance between the building and residential and 206' between property line and the building. So they have tried to stay as least intrusive as they can into the neighboring residential. She provided pictures of the convenience stores she recited as well as Casey's.

Ms. Dyer said when people think of Casey's they think of the old style building they used to build years ago. The new building and style proposed here is an all brick building that is brown brick with brown facade and she displayed pictures of two locations with this building one being the Blue Springs store. She said her point in distributing the pictures of the other convenience store locations was to show that Casey's is line with the precedent that has been set as far as distances and they are consistent with some of the uses in Gladstone. Casey's is more or less a football field away from the house to their nearest neighbor. The City Staff recommended approval of this project but they were turned down by the Planning Commission because the Commission did not feel they were appropriate although Ms. Dyer said she never knew the exact reason for sure. City Staff had two major concerns, one was the impact to the residential, which she feels by keeping their development to one corner away from the residential will protect them somewhat plus they have provided a privacy fence, there will be landscaping which will tie in and make it feel a bit more residential and the other was the impact at the intersection. It was suggested that they widen 72<sup>nd</sup> Street and add a center turn lane and also improve the signals at the corner which they are prepared to do.

Ms. Dyer invited questions and asked that she be allowed to address any concerns raised at the conclusion of public hearing testimony.

Councilman Anita Newsom inquired about plans for the property immediately north; Ms. Dyer explained that is actually part of this property and it will be left natural. To the edge of the site plan area where they will build, it will be re-graded and seeded and sodded back to a portion to make it more conducive to drainage, etc. It will greatly improve this site. Ms. Newsom said the plans show trees instead of brush; Ms. Dyer agreed trees are planned.

Mayor Norris asked what would happen if times got tight with Casey's and it is decided that a 80'x150' section of property in Gladstone is valuable. Ms. Dyer said they have not addressed that because they intend to maintain and use it as proposed. She asked if the Mayor is suggesting they might make their store larger or sell off a portion because that has not been mentioned. Mayor Norris said his question was only because he has seen a lot of things happen. Ms. Dyer said she understands but does not know the answer to his question.

**Les Smith, 300 NW 72<sup>nd</sup> Street**, said he is here in two capacities. One is to represent the current owner of the property which is Willow Creek Development Corporation; and the

second is that he is the largest property owner in the area with ownership of the Gladstone Bowling Center on the opposite corner.

Mr. Smith said he would provide information on the history of the project as far as the density of the land. It is currently zoned CP-1 which would allow for a 37,000 sq.ft. office and retail center with a 302 stall parking lot and it is anticipated that it will be built close to street grade which in effect would bring a 25-35 ft. wall in the backyards of the residents to the north plus a 2-3 story office and retail center on top of that. The current buffer on the approved zone is only 20' and the approved driveway coming off of N Broadway currently at that buffer line which means that approximately 25' away from the backyards of the existing neighbors would be a point of ingress and egress for 302 parking stalls. That is only relevant because past Councils and Planning Commissions and also those who approved the Master Plan felt that this area is not a neighborhood but a commercial corner and that the density that this project is requesting is way below what was already approved in 1984.

Part of the important part of this proposal is that Casey's quite frankly has scaled their project down a bit in order to leave the natural treed area which acts as a natural buffer between this project and the single family residential to the north. There are two homes in the Gladstone portion of Willow Creek that back up to this property yet they have chosen to leave the trees and to keep all the traffic as far a way as possible. Regarding traffic, which he knows is a big issue, convenience store studies and traffic studies of professionals will show that convenience stores do not generate traffic but serve traffic. Probably if you ask the folks from Casey's they hope that all the traffic that heads down to Highway 169 in the morning that gets stacked up trying to get to Texaco and Quick Trip at 68<sup>th</sup> & Highway 169 will decide not to fight that traffic and dive into Casey's instead but they will not be generating traffic. He pointed out that a 37,000 sq. ft. office and retail complex will generate a lot of traffic. As a point of reference that is one and half times the size of the Gladstone Bowl structure.

Mr. Smith said the other concern raised at the Planning Commission level and important to note here is that whereas gas tanks and leakage etc., may not be specifically tied to what you have before you, what staff has said is that so long as those things are done in accordance with local and state laws and deemed to be installed correctly and safely that this project deserves your approval. That is a condition of Casey's and it is not something they can be turned loose on and is a condition that not only the city but the state will monitor as the tanks are installed and so long as that is done properly that is an issue for Casey's and the local authority as well as the state to deal with.

Mr. Smith said that concludes his brief summary of the project and he would also appreciate being given the opportunity to make clarifications or respond to testimony at the close of the public hearing.

**Larry Whitton, 6400 N Highland**, advised that he is the owner of property at the SE Corner of 72<sup>nd</sup> & Broadway. As a 30 year businessman on that corner he has seen that vacant lot sitting there making no money for the city all these years. He does not think anybody can deny that this is a good corner for this project. If it is not commercial it is not anything. It will make revenue for the City in both property tax and sales tax. He agrees with Mr. Smith's comments about the traffic and it taking a load off of the congestion at the bottom of the hill at 68<sup>th</sup> Street. It is a

beautiful building and certainly better looking than his own building which he admits may be one of the worst in town. Mr. Whitton said however that will be taken care of this year because he will be changing his business format and constructing a new building for a service center.

Mr. Whitton said with his own addition and construction of the Casey's project that intersection will improve. He said as far as traffic problems, 60% of the wrecks on that corner are because **of no turn arrow for the southbound traffic on Broadway.** When people are turning east they think the northbound traffic has to stop which they don't and they turn right in front of them. If that was changed, 60-70% of the accidents could be eliminated. When you are headed south on Broadway and want to go up to Oak and make a left turn, drivers turn right in front of those people because they think that the northbound traffic has to stop there and they don't. Mr. Whitton said being there 30 years he can tell us if we made changes to the traffic light that would take care of a lot of it.

### **Opposed**

**Tom Frisby, 407 NW 72<sup>nd</sup> Terrace,** thanked the City Council for this opportunity to speak. He said he is sure Council has had time to look over the Planning Commission report which indicates their vote to deny this request. It is his understanding that 90% of the time the Council goes along with the Planning Commission's recommendation and residents are hoping the Council does that this time. In regard to Casey's, the neighborhood has nothing in general against them and feel like they run a fine establishment but they do question the need. He runs the streets of Gladstone everyday and he can go a mile from his house in three directions and get any service that Casey's will offer at that location. Eventually Kansas City has plans for a bridge at 72<sup>nd</sup> Street across Highway #169. Residents feel Casey's should wait until that time because there will be better locations down closer to 169 for this establishment. Regarding the property around 72<sup>nd</sup> & Broadway, Mayor Norris brought up a good question in what happens should Casey's decide to sell out, move to Mexico and sell all their buildings. Would we have another used car lot, a book store, Priscillas, etc. in their backyard and they don't want to see that. You can drive up and down N Oak right now and see all the areas that used to be gas stations and are now other uses.

The deli that is presently close to that corner used to be a Shop N Go and 7-Eleven and he does not know what has changed but the concept did not work before. He said Mr. Whitton's business used to include a gas station which it does not now so obviously that did not work on this corner. He said the Casey's representative said Casey's would do nothing but improve the area but residents think that is solely their opinion.

Mr. Frisby said the majority of the neighborhood signed a petition requesting the office building project be built there because at least they would know what was there from 9-5 each day. They do not want car stereos, fast food and dumpsters within 100 ft. of their house. With the predominantly SW winds nine months a year in this area, it will not matter if they build a nice building around the trash containers so they can't see them they still will be able to smell them.

In regards to the land itself, they want to bury fuel tanks here and he can understand they are federally, state and locally regulated but that does not stop accidents from happening.

On the brush issue, the only brush he knows of is buried along with everything in the world which is buried there, from chunks of asphalt to you name it, and they do not think it would be safe to put underground storage of gasoline in that area.

Mr. Frisby said the Planing Commission noted that a normal building slope is 3:1 and they indicated that the slope on the north side of that property is virtually up and down and a 1:1 grade and Casey's indicated at the last meeting that this could be engineered out. The only thing they have said so far is that they will throw some bushes and grass seed in that area. They still have not gotten a firm commitment on how they are going to take care of this slope. The only reason they are leaving that 35' buffer is for storm drain because they are going to run all that stormwater and drainage to the northeast corner of the property and dump it down into the 35' buffer. The neighborhood residents have been maintaining that 35' buffer because the owners of the property up to now have not maintained it. That is another concern they have.

**Ken Eitel, 419 NW 72<sup>nd</sup> Terrace,** said Mr. Frisby certainly did a good job outlining the resident's concerns who live directly to the north on 72<sup>nd</sup> Terrace and in the Subdivision of WillowCreek. The representative from Casey's mentioned that they had not planned what to do in a future situation where it became unfeasible for Casey's to continue. He would submit to the Council that presently there are four convenience stores, gas station and several bay gas stations within 6/10ths of a mile of that location and currently a convenience store deli on the SW corner of that intersection. So the area is inundated with that type of establishment and he knows they have done market surveys but in the event that the business does not go what about the white elephant that still might exist. He does not think the traffic congestion problem has been significantly addressed because there is a problem at that intersection now with people coming directly adjacent to it from the west and north and would create more problems than already exist there. The traffic light has helped the potential for traffic problems but with increased traffic it still creates a problem. There also is a problem with light and noise for this type of establishment particularly for the adjacent north and west residents at all hours of the day. That would not exist with an office building that would create standard 9-5 work hours. The other concern the residents have particularly those on 72<sup>nd</sup> Terrace where the creek backs up to their residence, is what about the parking lot oil and gas. If the spills were not cleaned up could it drain into the creek or are there adequate provisions to contain anything on the Casey's parking lot.

**Robert Quackenbush, 3309 NE 68<sup>th</sup> Terrace,** said he is not necessarily opposed but he does own property in Willowcreek and property at 201 NE 74<sup>th</sup> Street and his concern would be the traffic and how the city would handle it. His other concern is how the store is going to maintain the buffer zone between the houses, is there going to be a fence and if so how will the other side of it be maintained and what is it going to look like. These issues are very important to him as a property owner.

**Debbie Ebbert, 414 NW 72<sup>nd</sup> Terrace,** said a lot of points have been raised this evening. Mr. Smith brought up the fact that there are only two houses that run through the development that are in the city of Gladstone and that is correct. She said you will notice the number of signators



to the petition which included both Kansas City and Gladstone residents and their concerns have been enumerated this evening. She stated that Mr. Smith tried to put the office building in a negative light and she suggests that the members of the City Council take a poll of residents present tonight to see if there is any question as to which residents would prefer. She personally has no problem with Casey's but has a problem with Casey's in her neighborhood. There are tons of children in the area and they play every evening on the street. The office building would afford something that Casey's will not and that is they will not be open until 11:00 PM like Casey's will. To her, everyone benefits. WillowCreek gets to sell their property, the City of Gladstone earns revenue from the office building just like they would from Casey's although she does not know the difference in revenue from the two. On traffic, people are going to that interstate and they are stopping because there is a gas station and a Quick Trip but the major reason people are going that route is to get to the interstate. There is not a more direct route to 169 than down Broadway.

She said her neighbors, the Marshall's, maintain the property owned by WillowCreek now. They pickup the trash, plant the flowers and police the area and they do a great job. They even called her friend who had sent her mail which had somehow missed the mailbox and blown onto the property. The Marshalls have done a great deal to take care of the property in this area when nobody else.

Ms. Ebbert said she had no further comments but suggests a poll of those present would show they favor an office building and therefore requests that the zoning remain as it is and that we not allow underground gasoline tanks be put in that area. Obviously an office building would not require tanks, revenue would be earned, the neighborhood would be maintained and there is nobody there at 11:00 PM.

Councilman Fricke said Ms. Ebbert had mentioned the number of children at play in the street and asked her if she felt Casey's would add traffic to their street (72<sup>nd</sup> Street Terrace). Ms. Ebbert said she believed it would add traffic to their neighborhood.

**David Kline, 501 NW 72<sup>nd</sup> Street,** said area residents are not marketing people but when they first heard about this proposal their comments were "what - you've got to be kidding". There are two convenience stores close by and no one has said we need another convenience store so it makes you wonder what is the real motive. He asked what contractual assurances Casey's can give that this will remain a Casey's and adhere to the same standards for umpteen number of years. He said those were his only points to be made and thanked the City Council.

**David Green, 418 NW 72<sup>ND</sup> Terrace,** said speaking from an experienced point of view he did work for the Quick Trip Corporation for six years. As far as marketing research done on traffic it indicates the store won't create more traffic but what they are concerned with now is congestion as opposed to traffic and he wanted to make sure we understood that point. Right now we have a light that allows that traffic to flow and this (Casey's) would cause a backup for congestion in traffic.

The other thing he has not heard is the fumes from cars being there for an extended period of time which was brought up to the Planning Commission. He can also say from experience that gas tanks leak and there has not yet been created a gas tank that won't leak to some extent.

Backflow happens, gas is spilled on lots and the drainage that is currently proposed in their plan is a natural drainage which would cause any on-service or topical spills to flow directly through the natural drainage process.

Councilman Fricke asked Mr. Green to clarify what he meant by his statement that they are questioning congestion not traffic. Mr. Green said he meant Casey's does not believe their project will generate additional traffic but residents are concerned about the congestion caused by traffic slowing down because of Casey's. They are concerned that the congestion that is currently at 68<sup>th</sup> Street & Highway 169 will now be at 72<sup>nd</sup> & Broadway.

**Jeff Edson, 504 NW 72<sup>nd</sup> Terrace, Kansas City, Missouri,** advised that he is a project geologist for a geo-technical engineering firm dealing in foundation and slope stabilization. One of his main concerns is the slope on the northside of the property. The only reason there is brush left on the northside is because the slope has not taken it over yet. It is much steeper than a 1:1 slope at the present time and is approximately anywhere from 20-30' in height which is a very unstable slope and that is a main concern of theirs because they do not want any of Casey's greenery or shrubbery ending up in their backyards or down in the drainage basin. If the store does go in let's put it (shrubbery/trees) in to stay where it is supposed to stay. One more concern is if the office building was approved in 1984 what is the hindrance to bringing the office building in to Gladstone.

Mayor Norris responded that although the zoning was approved that long ago, no applicant has come forward to develop the property until now. He pointed out that a delay of that number of years is not necessarily unusual and mentioned that as example the property where Home Depot was built was rezoned in 1962 yet Home Depot was not constructed until last year.

Mr. Edson said Casey's is an out of town/out of state company and he does not want to see us sell the baby just for sales tax when an office building will generate perhaps more revenue.

**John Haynie, 402 NW 72<sup>nd</sup> Street, Gladstone, Missouri,** said he did not have anything to add to the comments made this evening but would like a show of hands of those present in the audience who were opposed to the Casey's project, the audience complied with the request.

**Harold Allison, 402 NW 73<sup>rd</sup> Terrace,** said one of the things that we haven't talked about this evening is "gas and goes" (getting gas and leaving without paying). He said those people don't care who is out in the street. They take off, they are gone. A neighborhood like this doesn't need that type of activity. One of the highest crime rates are at Quick Trips, 7-11s, Casey's. He doesn't know their history, this is what is reported to us in the news and he does not personally feel we need that kind of activity in our neighborhood. As some of the residents have said, there are several young kids in the area and he just does not agree with allowing this business. What happens with that site, as many people have asked tonight, when they close up shop. Like the 7-11, when these people leave it sits there empty. He works for an environmental company and they remediate gas stations because they get closed up. Somebody has to go in there, dig the soil up, haul it away, and bring in fresh and he just doesn't see that in our neighborhood. He does not have a problem stopping at Texaco, at Quick Trip, going over to Phillips '66 or the King's Store. There are many choices for gas in our area. Who controls the hours of operation? The Mayor responded that the City does.

Mr. Allison continued that Ms. Dyar indicates the hours are 6:00 AM - 11:00 PM, so if that goes in the contract they cannot come back and say we want to stay open 24 hours. The Mayor agreed. Mr. Allison said he does not back right up to that area, but maintaining the facilities, stormwater runoff, is also an issue with them.

**Barbara Foster 213 NW 80<sup>th</sup> Street**, cafeteria manager of Linden West Elementary School, expressed her concern for the children crossing from the school and going to Casey's and maybe the younger ones hanging out with some older children they shouldn't be hanging out with. She does not know if anybody addressed that but that would be her big concern.

Councilman Fricke said that the children from Linden West Elementary was an issue he had not thought of.

**John Trender, 406 NW 72<sup>nd</sup> Terrace**, said the residents of the apartments on 72<sup>nd</sup>, have children who catch the school bus for the North Kansas City School District on 72<sup>nd</sup> Terrace at N Broadway so they are currently crossing that vacant lot. He feared for the children's safety having to walk a sidewalk that has an exit and entrance into Casey's General Store.

#### **City Staff Presentation:**

**Director of Community Development Scott Wingerson**, stated the Council has heard a lot of testimony tonight about the pros and cons of this development. He highlighted two significant issues from the staff's perspective. Number one, that staff too is concerned about traffic, not in terms of volume but in terms of congestion as has been discussed here tonight. In response to that, in the draft ordinance presented to Council is a recommended condition which would require the improvement of NW 72<sup>nd</sup> St. west of Broadway. Part of that request is to create a three lane cross section, in effect creating a center turn lane for people leaving this facility, the Post Office, the apartment complex and future uses that are constructed along 72<sup>nd</sup> St.

The other issue has to do with stormwater. As is many times the case in public hearings, stormwater becomes an issue. We try to provide as much information as possible to the City Council. In this particular request the applicant is proposing a small detention basin at the NE corner of the developed limits of the property. In addition to improvements to the slope that was discussed earlier he would like the opportunity to answer any questions the Council may have. A memo dated March 17<sup>th</sup> in Council's packet serves as a summary because it has been some time since consideration by the Planning Commission. There is information in your packets concerning underground storage tanks and the operation of those tanks and an assortment of other issues.

Councilman Nodler interjected to Mr. Wingerson that an office complex was mentioned this evening, but at this time we are not deciding between an office building and the present plan.

Mr. Wingerson responded that was correct. The currently approved plan prior to consideration of this application tonight was for a 37,000 sq. ft. retail and office building. There is nothing in the file we can find that gives a percentage of those uses. But the current C-1 zoning indicates

there was a significant retail portion otherwise that zoning classification would not be necessary and it would be C-0 or CP-0.

Councilman Newsom asked what kind of businesses could go in with the current office building zoning?

Mr. Wingerson responded that - in the existing C-1 zoning classification there could be all professional offices not included in the C-0, and that would be your accountants, attorneys, those sorts of uses; post office; utility billings; shops and stores for retail sales of notions, gifts, novelties, jewelry, printed materials, flowers, tobacco, photographic equipment, artist and hobby supplies and music supplies; shops and stores for the retail sale of food and beverage for human consumption, soft goods, clothing, shoes, drugs, cosmetics, furniture, appliances, hardware and paint, kitchen toys, etc. etc.; eating establishments, dry cleaning and laundry, and businesses providing drive-up window service, bakeries, donut shops, and all the special use categories.

Councilman Nodler said any of those uses could be built without a rezoning? Mr. Wingerson answered if they were going to change the existing site plan it would require a site plan revision without the zoning change. If they were going to build in the current footprint, any of those business could go into the current footprint.

Councilman Nodler clarified and not come before the City Council? Mr. Wingerson said they would not except for building permit approval.

Councilman Fricke asked if that would encompass that whole area with parking spots and building. Mr. Wingerson said yes.

Councilman Fricke noted on the fuel storage, there were a number of the people who mentioned not only the fuel storage but fumes. He has no experience as far as the amount of fumes that come from three pumps at a service station. He read all the reports and the Planning Commission memorandums and asked if the tanks don't have to meet some kind of criteria before they are dropped. They just don't drop tanks, do they check the soil, or what happens?

Mr. Wingerson told Mr. Fricke that two things happen. Number one they need to determine the soil quality that exists on site. That is part of the recommended conditions from staff tonight. In terms of the tanks themselves, all of that will have to be certified and presented not only to the City and the Fire Division, but also to Missouri DNR and potentially the EPA to obtain their approval prior to the installation of those underground tanks.

Mr. Fricke asked what happens if the fill is not compatible. Mr. Wingerson said it is either Casey's responsibility to make it compatible or do a different project. Mr. Fricke asked if he means take out, put in new in. Mr. Wingerson said could be, but not likely. Mr. Fricke said so the City would not proceed if this was not compatible with the storage tanks. Mr. Wingerson said that is absolutely correct. The Mayor also noted that the approval is not only from the City but from DNR. Mr. Wingerson said that is correct.

Mr. Fricke asked if a complete geotechnical testing is done on the site. Mr. Wingerson said any site that is composed of fill materials would have a recommendation from staff that those types

of studies be done. It is partially because of the underground storage tanks but is mainly because of construction of the building because we want to ensure that it is on solid soil and built properly to stay in place and solid for the life of the building.

Mr. Fricke said this whole weekend for him was Casey's weekend. He has compiled a lot of information and tried to summarize a lot of it. He said the north slope is getting a lot of attention and asked how that slope will be improved as far as the view from residents on 72<sup>nd</sup> Terrace when they are out on their decks and backyard and how is it maintained and what can hold it.

Mr. Wingerson said the slope will be recontoured to be less steep than it is today but he cannot not tell us the final grading at this time, the area that is not developed will be left in its natural state. That does not mean leave it alone and not touch it but means remove the underbrush and those types of material, recontour the slope as much as practical with the existing significant vegetation, the trees back there to preserve that visual buffer and provide some kind of hardy ground cover like a Crown Vetch or that type of material. If the slope in certain places remains too steep, the applicants will be required to provide some sort of physical erosion control and that may be a planting mat of some sort that would hold that slope in place. That slope is integral to the design of the property and needs to be maintained.

Mr. Fricke asked if the privacy fence has been resolved because it was an issue with the residents. Mr. Wingerson said staff is recommending a wood privacy fence approximately 4' north of the developed limits of the property. The Planning Commission discussed bringing that fence to the south and tie it in with the northwest corner of that building so it completes a two sided enclosure of that portion of the property. He said he would ask that the Council consider adding that to the draft ordinance for consideration. The Casey's representatives have agreed to the construction of both fences.

Mr. Fricke asked about sidewalks. Mr. Wingerson said they will be provided both along 72<sup>nd</sup> Street and N Broadway for the entire length of the property. Mr. Fricke said so those children coming from the apartments to the west won't have to walk in the street or mud anymore. Mr. Wingerson said there will be sidewalk. Mr. Fricke asked if the walk was going clear around the corner on the southside also. Mr. Wingerson said the sidewalk will go on the entire width on the north side of 72<sup>nd</sup> Street and the length of N Broadway on the west side.

Mr. Fricke asked if the dumpster location is resolved. The Planning Commission recommended moving it way from the north limits of the property but he will defer this issue to Ms. Dyer.

Mr. Fricke had questions about the detention basin and Mr. Wingerson pointed the location out on the plans.

Mr. Fricke asked if there is any chance that the City would change the Comprehensive Plan so that this corner would not go to general commercial. He realizes no one is going to build a home on that corner but asked what apartments would require. Mr. Wingerson advised that the Planning Commission and the City Council would have to amend the land use plan and change the philosophy of commercial in the City and this would possibly impact other commercial areas that are in similar circumstances. He told Mr. Fricke a very large portion of our commercially

zoned property is located in some proximity to residential structures and N Oak is a very good example.

Responding to Mr. Fricke's comments, Mayor Norris adamantly said we aren't going to have apartments there. Mr. Fricke said his questions had been in the vein that there could be something worse at that location than what is proposed.

**Councilman Anita Newsom** said Mr. Fricke had discussed a number of the issues that were also on her list. She asked if the fence to be installed would be board on board and intended to help contain some of the trash that would be blown on the property. Mr. Wingerson said that was correct. Ms. Newsom asked if other than our own City Codes enforcement can we add some reference to frequency of trash pick on the site plan conditions so that trash/litter is picked up frequently like some fast food establishments do.

Counselor Thompson said it would be primarily a Codes Enforcement issue but because it is a planned district it could be added to the ordinance but it is not addressed in the draft ordinance at this time.

Ms. Newsom also asked if the State of Missouri or Gladstone itself have any regulations about the handling of minor gasoline spills or run-off as some states do.

Mr. Wingerson said Director of Community Services Gerald Menefee can correct him if he is mistaken but he believes we are regulated by the State which would make this development as well as all others regulated by the state. He noted that some of the information provided by Casey's talked about the monitoring they do several times daily that is computer generated to address any leak that may happen. A testing device gathers the fluids that drop from the gas pump so they have those kinds of safeguard measures built in to ensure that as little of that type of product leaves the site as possible. In addition, the curb and gutter on the site will assist and require that the materials pool in certain low spots on the property before actually leaving the property which are more easily cleaned up.

Ms. Newsom mentioned the gasoline spillages on the drives and asked how they take care of it as well as blowing trash on the property.

Ms. Dyar said as part of their routine procedures addressed in their operations manual, a driveway compound is used to absorb those spillages of oil and gasoline. These small spillages are typical of any parking lot and they feel they go above and beyond to address it. Trash collection is also an operation that must be done during each shift. As far as gas tanks, DNR guidelines are followed and Casey's is the largest single owner of underground storage tanks in the State of Missouri so they are very well versed in the regulations and they have done their installations in all types of soil situations and both DNR and their own tank specialists are there constantly during installation.

Ms. Dyar said as far as the dumpster location there is an easement area on the side of the building where the dumpster location is proposed and the dumpster must be kept out of the easement. The easement is for a joint approach with the westerly lot. The Mayor confirmed the enclosures are brick.

Ms. Dyar said they are so much further away than an average commercial building to a residential development and that with the buffer and the trees and the fence and the vegetation and landscaping she thinks they have done a good job of trying to protect the residents.

Ms. Newsom asked Ms. Dyar if they use remote speakers. Ms. Dyer said they are not as noisy as one might think and the speaker message says something like: "welcome to Casey's, pump six is on". They do not have to use them if Council would rather they didn't. It is more of a courtesy to let people know the pumps are on.

Mayor Norris said he can hear "welcome to Taco Bell, etc." at his house even through the woods 2-3 blocks away. Ms. Newsom said she too can hear a neighboring Quick Trip at her residence.

Councilman Fricke noted a number of neighbors have mentioned that we don't need another convenience store and not at that location. He admitted he is not a consumer specialist or economist and asked how Casey's knows when they go in there.

Ms. Dyar said she does not know how you ever really know for sure. When she grew up there was a gas station on every corner in town and lot of them went out of business because of ill management or the government put a lot out of business and that will continue this year because it is a big year for older gas stations. Casey's don't have per se educated consultants views on what needs to be where, but rather they go by their gut feeling. They have a good success story and they say they have method in their madness and tend to say they don't like people telling you where you have to go. If you only get three choices, it's like having five doctors in a town of 1,000 - five is ok, but six is not. The public usually weeds out what they seem to want to go to. She likes to have a choice herself and it is somewhat a restraint of trade issue if you let so many in town but you can't let one more. She does not think that is a rezoning issue but a personal preference. They feel there is plenty of need there, the traffic dictates that. They go to a location because of the traffic, they don't cause the traffic and feel competition is good to everybody.

Councilman George Nodler asked Ms. Dyar if she knows the percentage of Casey's stores that close in a year after opening.

Ms. Dyar said the numbers are very low, they have 1,105 stores and the reason they close a store is usually in order to replace it with a better one by purchase of additional property, to enlarge it or go across the street, etc. They have a very good success story. They are geared for success and would never go to a location with the idea of being out of there in five years. Casey's has been around since 1967 and as far as numbers she would say probably less than thirty. They are here for the long haul and actually in any business who can say they are going to be here forever. Economics takes place and she feels they are a well managed, conservative company and geared to be there for the long haul and no intent to be there for 5-10-15 years whatsoever. When they have left a location the stores are appraised and put up for sale but they are maintained which a lot of the small mom and pop stores don't have the luxury of doing.

As far as the hours of operation they do not and will not ever stay open all night because they are not an interstate location where those extended hours would be needed. With respect to crime, they have kind of gotten a bad rap and noted that a lot of heat has been taken off of convenience stores because the banks have had a rash of robberies recently. She believes it is a sign of the times rather than a certain business that is attracting crime. Their stores do not attract crime and in fact have a very very low crime rate and it is basically because they go to the neighborhoods for the same reasons those residents go to the neighborhoods because it is a good decent neighborhood with a good police force and quality people around.

Councilman Dave Fricke said a lot of neighbors are concerned about the gas and asked what percentage of their operation is fuel and what percentage is convenience store. She said they are a full service convenience store and don't have any stores that don't have both gasoline and convenience items. In this day and age you won't find a convenience store without gas pumps because they compliment each other. As far as sales, every store is a little bit different but sales of gas are probably about 50%, groceries and insides purchases are a good percent with liquor the smallest percent. It is a nice combination and they always have gas at a station.

Councilman George Nodler asked if Casey's was willing to comply with condition #4 of the site plan bill: *"72<sup>nd</sup> Street (west of N Broadway) shall be upgraded to a three lane cross-section and necessary signal improvements performed. The intent of this condition is to provide a north bound turn lane from 72<sup>nd</sup> Street. Construction plans shall be approved prior to consideration of building permit. A 4' sidewalk shall be installed with a 4' parkway. Improvements shall be performed in conjunction with the development. Driveway radii shall be 10'. Additionally, a 4' sidewalk shall be provided along N Broadway with a 4' green space. Any damaged existing improvement shall be replaced."*

Ms. Dyar said yes they are prepared to comply with #4 conditions.

Councilman Anita Newsom said her last question was a clarification that there will be an upgrade in signalization, proper turn lanes and turn arrows to keep people from pulling out in front of one another because the post office can be real risky. Ms. Newsom said it could be described as a collaborative congestion in that area.

Ms. Newsom said she understands that the signage is to be monument style. Ms. Dyar agreed it was.

Mayor Roger Norris asked about the lighting after dark. Will it be directed so that it does not shine toward residents. Ms. Dyar said they have a one or two low lights inside and there is a low voltage security light at the rear of the building. All of their approach lights are directed downward anyway, the lights under the canopy are recessed and are downward lit. The Mayor asked if they would be receptive to using shields to keep the light downward and Ms. Dyar said most of their lights are shielded already because 85% of the locations are in residential areas. And they are very sensitive to the neighbors wants and needs. They do need to maintain a security light behind for everybody's well being.

Mayor Norris said it is expected that you be good neighbors. Ms. Dyar said they have no problem with that. They are good neighbors and good corporate citizens.



The Mayor noted Mr. Quackenbush spoke about traffic concerns and maintenance of the buffer zones which is well over 100 ft. and it is Council's opinion that Casey's is responsible for that maintenance and he sees on the plans that 11 trees are shown and he is hoping there is really going to be more than 11 trees.

Ms. Dyar asked their landscaper, Mr. Danny Malone, if he could discuss what is proposed in the buffer zone between the building and the homes. Mr. Malone said trees are planned for Broadway but nothing down at the bottom of the hill. Mr. Malone said there are existing trees there and acknowledged they are going on Director of Community Development Scott Wingerson's recommendation.

Mayor Norris said as example at the 72<sup>nd</sup> & Prospect Quick Trip there is a 60' buffer and they required certain diameter trees, etc. and he does not see tree diameter mentioned in this proposed bill.

Mr. Wingerson said it is the applicant's responsibility to present to staff as well as the Planning Commission and City Council a landscape plan which they have done. They are basically proposing 6' tall 2" caliper trees which is the normal standard which staff recommends. In terms of the lower areas, that was the applicant's desire not staff's desire to have the area remain in a natural state and they have done a very nice job with that and will provide erosion control for the slope but additional landscaping in that area did not seem to be necessary because of the extended square footage or linear footage of the buffer. If the Council would like to see additional landscaping in that area he is sure that Casey's would be amenable to doing that.

Danny Malone, landscaper, said although he and Scott Wingerson have met 2-3 times, some of the items have not been decided upon but basically anything that was disturbed had to be replaced. He pointed out that crown vetch is a tremendous erosion control product particularly where it is sunny. He said Kansas City uses it on all of the bridge abutments and it is very low maintenance and usually does not need to be mowed.

Mayor Norris asked what the slope will end up being. Mr. Malone said that is not known exactly because everything has not been decided on yet like the detention pond as far as placement and that will affect the slope of the hill. As far as trees, evergreen trees were at least 2" and 6' but the deciduous trees will be a lot bigger and he is guessing 10-12' so there is a difference between the screening and deciduous trees.

The Mayor said Casey's had agreed to added fencing; Ms. Dyar said that was correct and in fact they had agreed to all of the stipulations recommended by staff. The Mayor asked if there is a way sound can be directed or kept low so that you would have to be at the gas pump to hear it. As far as fuel tank storage, the Mayor said he read that Casey's is #1 in safeguards for fuel tank storage. Ms. Dyar said they are the largest single owner of underground storage tanks so they work very closely with Missouri DNR and are the most aggressive on their older tanks. In 1990, when all of this EPA happened they spent all of their money on older tanks to bring them into compliance and did so at record speed so they want a comfort zone more than anyone else wants one for liability purposes plus the fact that Casey's goes above and beyond what the Missouri DNR requires.

Ms. Dyar said the tank test and line test was mentioned, Missouri DNR requires that it be done once a year and they do it nightly and it is all a pressurized test and the lines are all fiberglass as are the tanks. If there is a minute pressure lost, the alarm goes off and it shuts the system down and because the lines are constructed at angle back to the tank, it is all pushed back into the tank where it is contained until you manually check it out and restart those alarms so they go above and beyond what is required.

The Mayor said questions were asked tonight by geologist, Jeff Edson who had concerns with the slope and the fuel. What does Casey's look at. Ms. Dyar said they perform those tests whether they are required or not because they are responsible for putting those tanks there and they want to feel very comfortable that they are going to stay there and it is a very compatible fill and there are very stringent guidelines on how big the pea gravel is and everything that goes into that tank hole so if it is not conducive to tanks going in or a building going there we take out what isn't and put in what is. The Mayor said so Casey's will be doing this. Ms. Dyar said that was correct and that Casey's has their own construction division and do sub-contract to local contractors and plumbers, etc. because local people know what the City requires but they do have construction supervisors who are Casey's employees who oversee all of this.

Mayor Roger Norris asked Ms. Dyar how the company handles gas & goes and what impact it would be on Gladstone's Public Safety Department who has about two blocks to chase these people down before they are out of our jurisdiction. Ms. Dyar said this occasionally happens and she thinks it is because we are a metropolitan location. Their buildings are set up with the pumps right in front so it is not conducive for anybody just taking off and leaving. Some people question why they put the pumps where they do and why they are spread out like they are and what the configuration is, where the approaches are. She said it is all done with a lot of thought and experience to prevent little things like that happening and any little accident coming in or somebody pulling out of the building and backing into a pump. All of this is taken into consideration by their draftsman because of how many sites they have done and for every 1,105 they have, they have four times as many on paper to make sure everything is perfect so there is method in their madness for design.

Councilman Fricke asked Director Wingerson what happens should Casey's belly-up as far as the CP-2 zoning and what is the City's responsibility. Mr. Wingerson said the zoning request tonight is a **Planned** District and any significant change to the building or the configuration of the property in any way would require that it go through a portion of this site plan revision process through the Planning Commission and the City Council. In general, there are not a lot of differences between the C-1 allowable uses read earlier and C-2. Basically, the biggest difference is petroleum products.

Mayor Norris asked Mr. Wingerson if there is a way we can provide assurances that the proposed buffer will stay in the future. Mr. Wingerson said there is a drainage way that runs through there which makes the terrain very difficult to develop to a much greater extent than what is being proposed here today. With a larger development, those types of issues are more easily overcome. So a larger development would have more resources to deal with the stormwater in another way and gain more usable property. Also, it is a Planned District and as

always the Commission and Council has the final say on any additional improvements of that scope that would come forward and be proposed.

City Counselor Nancy Thompson said even if a condition was added to the site plan ordinance, that same ordinance could be amended by a future Council because of the City Code requirements of a sideyard setback. That capability would always exist. In a planned district that capability exists actually down to the lot line so even if you would try to amend that ordinance to try to include a restriction there would still be ways to eliminate that restriction in the future. The currently existing site plan does limit the development and the envelope of that building into the footprint shown on that site plan which means that it could not extend without amendment of that site plan ordinance in the future which would require the same public hearing and public notice that has occurred tonight.

Councilman Fricke asked the height of the proposed wood privacy fence and Mayor Norris asked what could be viewed by adjacent residents. Scott Wingerson said the fence is 6' and he believes that the homes will look up toward the site and will probably see the top of the canopy and the top of the building. The trees will provide a dense cover.

Mayor Norris asked who is going to be responsible for debris thrown on the site. Ms. Dyar asked if he meant pre-construction or all through it. The Mayor said both. Ms. Dyar said they do not like people dumping on their properties and they do maintain their properties and that will be the case with this one. Director Wingerson said he will be clear, Casey's will be responsible for the cleaning of the debris.

Councilman Fricke asked what happens to the added water because of the asphalt. Mr. Wingerson said it will be collected on the north limits of the property in a detention basin and held there until it can outflow to the existing drainage way and that is all part of the recommendations.

Mayor Norris noted Mr. Les Smith had asked to respond to any points that needed clarification and asked him if he desired to do so. Mr. Smith said everything seems to have been covered.

The Mayor asked if there is any other concern that needs to be addressed.

**Charlotte Hanthorn, 401 NW 73<sup>rd</sup> Street,** said although there has been discussion of a fence there has been no mention of a retaining wall and she believes they will be surprised when they start building there with that one slope on the North Broadway side because it is very deep.

Mayor Norris said although we may not like the way it looks, as the geologist and our staff concurred, if the slope is in excess of safe, there will be a retaining wall there. With the amount of footage between the building lots and the property line to your house there should be enough area there that you won't see the retaining wall as much as you will see the privacy fence at the top. You will see a hill.

Ms. Hanthorn asked how it will be maintained so it does not wash away. The Mayor said that is why he asked Mr. Danny Malone what kind of cover would be used. The Crown Vetch once established will do a good job. Until that point DNR requires hay bales and plastic netting, etc.

to keep the silt from getting to the creek because not only is it a menace to homeowners but it is death to fish and wildlife and DNR is very concerned about that, as are we.

There were no further comments, and Mayor Roger Norris closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 98-5,** rezoning property from **CP-1 (Local Business District Planned) to CP-2, (General Business District Planned),** property at the northwest corner of North Broadway and NW 72<sup>nd</sup> Street. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)

Councilman Nodler moved to place Bill 98-5 on First Reading; Mr. Fricke seconded.

Discussion.

Councilman Anita Newsom said over the last few weeks this issue has been cussed and discussed and she has had lots of questions and 99% of them have been answered to her satisfaction so that between the restraints that we have put on the developers, our own code maintenance we have in the City of Gladstone, and the restrictions placed by the state and federal organizations on this, she will be voting in favor of this application which two weeks ago she would not have thought. After researching and looking at what could possibly go in this spot this is a better viable alternative and less obtrusive to the neighborhood than what could go in there.

Acting City Manager Laura Gay said that in light of comments made during the public hearing, staff might recommend some additions to amendments to the conditions contained in the site plan ordinance (Bill 98-6) for the Council's discussion purposes. Condition #5, and amendment is suggested that would deal with extension of the fencing that was discussed and an addition that deals with minimum size for the trees to be included in the landscaping plan.

Condition #9 which deals with signage - it is suggest we add that no pole signage will be allowed on the property; and signage shall be limited to compliant wall and monument signage more specifically addressing what is shown on the plan.

An added new condition #15 which would recommend including a slope analysis in the geotechnical report that is addressed as part of condition #11 to deal with the issues that we've heard this evening about the integrity of that slope.

Condition #16 which would prohibit the use of loud speakers. The Mayor questioned prohibiting but suggested a means to address the volume.

Counselor Nancy Thompson explained that the problem we have with the decibels is that it is a relative term. We do have a noise ordinance which sets forth noises that can be emitted from different types of businesses and it is very difficult to gauge and measure because what some people think is reasonable others think is not reasonable. With a site plan such as this you have the opportunity to restrict or prohibit the noise. It might take some additional research if we want to restrict in some way perhaps even the hours of operation.

The Mayor said they do want it as quiet as possible and Councilman Fricke asked Ms. Dyer how vital the speakers were to their operation. Ms. Dyer said it is not a real powerful issue but the speaker is handy if someone is having trouble with a pump and Casey's can lower the volume on them.

Councilman Nodler said his concern is the other possible projects that could be built on the site and he feels this proposal is not very intrusive into the neighborhood and the fact that there is an approximate 100' wooded buffer is going to maintain and preserve their neighborhood way of life. There are a lot of things that could go in there and be worse. Mr. Nodler said he will be voting in favor of this application.

Mayor Roger Norris said as a salesman driving 42,000 miles annually he visits a lot of Casey's throughout the state and he thinks the Blue Springs store looks really nice and understands that is the style that will be coming to Gladstone if this application is approved.

As Mayor of Gladstone he will tell Casey's that this City does demand excellent neighbors and they do not like problems. They also do not allow flighty businesses to the best of their ability. This is not a Morton building but rather a very nice building and if something happens with Casey's this is a marketable building. The Mayor said he too will be voting in favor of this application based on two things. One is the building construction and secondly, the 200' buffer. There is no office/retail center on this property because there is not one proposed to go here. There will not be a bridge over 72<sup>nd</sup> street as mentioned because that was fought and lost 33 years ago when the 68<sup>th</sup> street on-ramp was built. He told the audience they probably will not like the decision made tonight but he promises it will not be as bad six months from now as you think it will be and certainly not as bad as what could be. The Mayor told the residents of Kansas City that they can feel free to call the City of Gladstone if there are problems with Casey's and they will be taken care of. He also told the audience that he assures that our Gladstone Public Safety Department will take care of any increased public safety needs at that location that might arise.

The Mayor said sometimes the City Council does not go along with the Planning Commission and there are a lot of other people things that Councils need to be concerned about that Planning Commissions don't. From the layout presentation we can tell they have some experience with these stores, and they come with geotechnical studies, and a 200' buffer zone and it is hard to say to **no** to. He commends Caseys on the current building design rather than the Morton building.

Mayor Norris told the Casey's representative that our City will demand good leadership and good neighbors or he will be their worst enemy.

**The vote on First Reading of the Rezoning Bill #98-5;** "Aye" - Fricke, Newsom, Nodler, Norris. Mr. Hammen abstained. (4-0-1) The Clerk read the Bill.

Mayor Pro Tem Nodler moved to accept the First Reading of Bill 98-5, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The Vote: All "Aye": Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mr. Nodler moved to accept the Second and Final Reading of Bill 98-5 and enact the Bill as **Ordinance No. 3.665**; Mr. Fricke seconded. "Aye" - Fricke, Newsom, Nodler, Norris. Mr. Hammen abstained. The vote: (4-0-1)

**Item 12b. on the Agenda.** **FIRST READING BILL 98-6**, approving a Site Plan in conjunction with a rezoning for property at 7200 N Broadway subject to certain conditions. Applicant: Casey's Marketing Company. Owner: Willow Creek Development Corporation. (File #1040)

Councilman Anita Newsom moved to place Bill 98-6 on First Reading with the following amendments as read by City Counselor Nancy Thompson:

Condition #5 would be amended with the addition of a sentence following the second sentence **"A fence shall also be constructed from the northwest corner of the building northward to connect with the fence on the northern developed limits of the property. Add a sentence at end of paragraph to read: "All trees shall be a minimum of 6' tall and 2" caliper diameter at chest height."**

Condition #9 would have the addition of two sentences. **"No pole signage would be allowed on the property." "Signage shall be limited to a compliant wall and monument signs."**

Condition #10 would be amended to read: **"The building shall be constructed on all four sides of brown brick masonry type of construction as shown in submitted photographs."**

Condition #15 would be amended to provide **"The geotechnical report required in paragraph 11 shall include an analysis of the slope located on the north side of the property. The property owner shall comply with the recommendations of such report and at a minimum landscaping and other ground cover shall be installed and maintained on the undeveloped portion of this property as necessary to control erosion"**.

Councilman Nodler seconded.

Discussion.

Discussion was held with Casey's on the necessity for the use of loudspeakers and it was suggested by Mayor Norris that no restrictions would be placed on the loudspeakers and if a problem arises it can be dealt with later.

The vote: "Aye" - Fricke, Newsom, Nodler, Norris. Mr. Hammen abstained. (4-0-1)  
The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 98-6, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The Vote: All "Aye": Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 98-6 and enact the Bill as **Ordinance No. 3.666**; Mr. Nodler seconded. "Aye" - Fricke, Newsom, Nodler, Norris. Mr. Hammen abstained. The vote: (4-0-1)

**Item 13. On the Agenda.** **PUBLIC HEARING** on a request to rezone from **RCHP-1 (Cluster Housing District-Planned) to R-1 (Single Family District)** property described as the east side of North Woodland and NE 77<sup>th</sup> Street. Applicant/owner: Sheila Gadd. (File #1045

Mayor Roger Norris opened the Public Hearing and explained the hearing process.

#### **In Favor**

**Applicant Sheila Gadd, 7523 N Tracy, Gladstone, Missouri,** said their request is to rezone from the present Cluster Housing District back to R-1, Residential to allow the building of a single family home on this property.

**Builder Gary Gabel, 7804 N Chestnut, Kansas City, Missouri,** advised they propose to build a single family \$250,00 residential home which will be all brick front and they plan to retain just as many trees as possible to serve as a barrier between the apartments and Kelsey Estates.

Mayor Norris asked about the buffer areas and Mr. Gabel explained the proposed structure will sit way back from the street in all directions.

**Director of Community Developer Scott Wingerson** stated that as Ms. Gadd indicated two Council actions are sought this evening. First is the request to rezone this property back to R-1 residential to allow construction of a single family residential zone. As Council is aware there is presently an existing single family home on the south portion of the property. The second portion of this request is for the approval of a plat to be known as Sullivan Place which divides two lots, one for the existing single family home which will be fully compliant with today's standards and one for the new home which will also be fully compliant with today's standards.

The Planning Commission ultimately recommends approval of this request to the City Council. The majority of their discussion focused on the extension of a street to the west through this property. The current plan that calls for six living units shows the continuation of the street to its intersection with N Woodland. The request before us this evening does not do that and it was the Planning Commissions concern that dead-end streets were not appropriate in Gladstone. To that end, the applicant has agreed to provide the necessary right of way for a hammerhead style cul de sac at the end of this street. That would include curb, gutter and asphalt and would be a finished street but a dead-end street. Mr. Wingerson invited questions.

Mr. Hammen asked if he understands that the applicant is going to build the cul de sac street at applicant's expense. Mr. Wingerson clarified that the applicant will escrow \$15, 500 for improvements on N Woodland. That is a full width reconstruction and that would be their share of those improvements. It is hoped that if the need arises for the ultimate cul de sacing of that street that the City combine the improvement of the cul de sac with that project at substantially

less cost. The applicants were willing to construct that cul de sac at a cost of \$7,500 but requested that amount be subtracted from their obligation on the Woodlands side because they feel that obligation is outside of their obligation to do on the backside of the property with the addition of a \$15,000 escrow on the Woodland side.

Mr. Hammen asked Mr. Wingerson how he feels about it. Mr. Wingerson responded that he agrees with them that the \$15,000 escrow on Woodland is satisfactory given the impact of one single family home.

Mr. Hammen asked if Public Safety has any concern about not putting that cul de sac through. Mr. Wingerson said the cul de sac does not exist now and Public Safety voiced no objection to the request without the cul de sac.

Mr. Hammen said so the land would be dedicated. Mr. Wingerson said the right of way would be dedicated for a hammerhead style cul de sac.

There were no persons to speak before or against this application and the Mayor closed the Public Hearing.

**Item 13a. on the Agenda.** **FIRST READING BILL 98-11**, rezoning property at North Woodland and NE 77<sup>th</sup> Street, from RCHP-1 to R-1. Applicant/owner: Sheila Gadd. (File #1045)

Mayor Pro Tem George Nodler moved to place Bill 98-11 on First Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mr. Nodler moved to accept the First Reading of Bill 98-11, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mr. Nodler moved to accept the Second and Final Reading of Bill 98-11 and enact the Bill as **Ordinance No. 3.667** Mr. Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 13b. on the Agenda.** **FIRST READING BILL 98-12**, approving the Final Plat of "Sullivan Place" at North Woodland and NE 77<sup>th</sup> Street. Applicant/owner: Sheila Gadd. (File #1045)

Councilman Anita Newsom moved to place Bill 98-12 on First Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 98-12, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.



Councilman Newsom moved to accept the Second and Final Reading of Bill 98-12 and enact the Bill as **Ordinance No. 3.668**; Mr. Fricke seconded. The vote: All "aye"- Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 14. on the Agenda.** **FIRST READING BILL 98-13**, approving the Final Plat of "**Shady Lane Estate**" at the SW corner of Shady Lane & N Flora. Applicant/owner: William Jones. (File #1048)

Mayor Norris advised that the Applicant has requested that this item be **continued to the Monday, April 13, 1998 City Council Meeting.**

**Item 15. on the Agenda.** **FIRST READING BILL 98-14**, approving the Final Plat of "**Replat of Tract A Stratford Park Fourth Plat**" at the NW corner of NE 72<sup>nd</sup> Street & N Euclid. Applicant/owner: J.A. Peterson Enterprises. (File #1050)

Ms. Newsom moved to place Bill 98-14 on First Reading; Mr. Fricke seconded.

Discussion.

Mr. Hammen said he is aware there is a great deal of concern about the drainage along the rear property lines and while he has no problem with the replatting he is concerned about the impact on the neighbors and asked if staff will address that.

Community Development Director Scott Wingerson advised that there are three packets of information at Council places. One is a letter from Mr. Woody who is an adjacent property owner. In summary that letter states that he would suggest that the City use gabion baskets to line the channel to prevent erosion of the existing channel. The second part of that letter is in terms of a solution that some mechanism be used to allow water to cross 72<sup>nd</sup> Street in the event the channel exceeds its capacity, both of which are very very good suggestions from Mr. Woody.

The second packet is photo copies of pictures from Mr. Mueller, who is also an adjacent property owner to the ditch. Those pictures are very difficult to see, however he has the originals in the file if Council would like to view them. They do show that there is some cause for concern in the existing channel.

The third item at Council places is a letter from Brian D. McMillan, John Lutjen & Associates who has been representing the owner in this particular request. That letter basically says that Peterson Company commits to performing the appropriate stormwater analysis and then providing the appropriate solution based on that analysis. Mr. Wingerson said he does not think there is any doubt that slope stabilization needs to occur in that channel and he also does not believe that there is any doubt that the Peterson will provide the appropriate solution to that. There are two schools of thought in deciding the stormwater issue. During his tenure with the City, the City's policy has traditionally been that we try and seek approval of a request and then perform the engineering. We see this crop up on projects of a smaller scale and basically that puts the burden on staff to ensure that those things are accomplished and provided in accordance with our regulations and to the satisfaction of the adjoining property owners who are concerned about their property.

**Mr. John Woody, 7201 N Woodland,** asked if there is a public hearing scheduled on this final plat.

Mayor Roger Norris advised that there is no public hearing held on plat approvals.

Mr. Woody said he would hope that Council would consider deferring any action on this plat in order to maintain leverage. He said he is in favor of the platting and the project proposed but he is concerned for the ditch and the bank. He has lost 8' of bank on that ditch and he used to mow two rows behind the yews on his property and those rows have disappeared, the ditch is moving his direction. As his letter indicates it is important to do something to stabilize that bank and keep it from moving.

Mr. Wingerson said part of the reason for the analysis by Lutjen & Associates is to allow them to make the decision on whether or not the Peterson Company does this project or not. Mr. Wingerson said Mr. McMillan of Lutjen may know more of the timetable for development than he does but his understanding is they want to start right away.

The Mayor asked in the event the Peterson Company doesn't develop this property how do we help Mr. Woody from losing his yard.

Mr. Wingerson said that would be a consideration of the professional staff as well as the Capital Improvements Committee and the City Council.

Mr. Fricke asked if Mr. Woody has been made aware of Mr. McMillan's letter to Mr. Wingerson dated March 20, 1998. Mr. Wingerson said he had showed it to Mr. Woody this afternoon.

Mr. Fricke said from his reading of their letter they agree to retain John F. Lutjen & Associates to provide a channel analysis and recommend channel improvements and prior to the issuance of building permits, the applicant is prepared to enter into an agreement with the city in which the required channel improvements are defined, and provide necessary improvements prior to the issuance of any building certificate of occupancy. To him this is leverage.

Mr. Woody said it does sound good but his problem is that it does not provide any specifics. They are going to do the analysis but what are they going to come up with, what specifically are they going to suggest? His thought is that leverage should be maintained at each point and not just give away one point and go on to the next and then find some reason to give at a point. Mr. Woody said he just believes it is good strategy on the City's part to understand what Mr. Peterson and Company are going to suggest in the way of channel improvements so we can all evaluate what they are planning to do. Because he does not think there is any question that they are going to proceed because the City has cooperated with Peterson Company in order to relocate that street and put in the stop lights and the net result of course is that it increases the value of the property on both sides of the street for Mr. Peterson.

Mr. Fricke said he does not see that we can do anything until we move on to the next step.

Mr. Fricke said at the appropriate time he will ask his fellow Council to add a 9<sup>th</sup> condition to the eight that staff has proposed and he is also going to ask staff to help him with the wording but basically it would be appropriate to add as a condition that the applicant retain John F Lutjen and Associates to complete this analysis and make the recommendations and that those recommendations be agreed to by the city staff prior to any permits being issued so that we do have our hand in this and make sure that the appropriate action is taken with regard to this drainage area and he would hope that would alleviate some of Mr. Woody's concerns.

Mr. Woody said he would hope that the property owners could participate in getting a chance to take a look at those results and what they recommend.

Mr. Hammen told Mr. Woody that we have a civil engineer, land survey architect company that is well respected in the community and a city staff that is second to none in dealing with these issues and he has every confidence together they will come up with an appropriate course of action to remediate the problem.

Mr. Woody told Councilman Hammen that he agrees with him wholeheartedly because of his previous experiences with the city and the fact that he has been met with respect and response and positive solutions. One of the city engineers who came out when he was concerned with the ditch told him that when this property is developed, the city will act and he has full confidence that they will.

Mr. Woody continued that there are a number of points he would like to make and asked again if there will be a public hearing.

Counselor Nancy Thompson said if there is a change in zoning there will be an opportunity for another public hearing. When there is a plat that comes forward to the City Council there is no public hearing. Plats are a non-discretionary act of the City Council and as long as the plat is in compliance with City Code and meets the requirements of the City Code such as providing drainage easements in which storm water management can occur on behalf of the city and setting forth a good lot layout and good lot design, good traffic flow and meets the requirements of the subdivision ordinance relating to plats it is a non-discretionary act on the part of the City Council to approve or deny a plat and therefore there is no provision for a public hearing when Council reviews a plat.

She said the items that Mr. Woody is talking about tonight that deal with the drainage, as long as the drainage issues do not render the lot uninhabitable, they are truly a building permit issue and not a plat issue unless the drainage concerns would render one of the lots uninhabitable. As long as there is provision on the plat for a drainage easement, those issues are taken care of and then it moves on to the building permit stage. So there is no public hearing on a plat per se. Only if it happens to be a rezoning or site plan amendment which this property does not have.

Mr. Woody said and there is no public action on building permits either, it is just a matter of negotiation between the city and the developer? Ms. Thompson said that is correct. It is a city obligation to ensure that drainage within its easement is adequately controlled and maintained.

Mayor Norris told Mr. Woody that the City will do everything they can to protect him.

Mr. Woody addressed the City Council on some 14 points which are attached as Exhibit "A" dated 3/24/98 to these minutes.

Mr. Woody said the point has been made that trees hold the bank and his pictures display that that is not the case because it draws the water out of the bank and then as soil dries up it washes away. Mr. Woody said he just wants to reaffirm his request to participate in these discussions and have a chance to evaluate what the developer recommends and have a chance to study them over.

The Mayor said we do understand Mr. Woody's concern and share it and he invites him to contact Mr. Wingerson and any of the City Council.

Mr. Woody thanked this and preceding City Council's and staff for their indulgence in listening, cooperating and responding to him which he knows will be to do the right thing.

**Glenn Mueller, 7209 N Woodland**, agreed that Mr. Woody said it all but he has provided pictures. In discussion the representative of Peterson Company indicated that the trees were a plus. They did not want to do much work to that bank because it would disturb the trees and he doesn't know if we can see very well in those pictures but those trees are short lived because there is no soil underneath most of those trees. It is a very fast growing ditch even. The duplexes will make it some worse but that is not where all of the erosion is coming from either. He has lived there for eleven years and that ditch has grown a great deal in that length of time. Directly behind his house that ditch is 6' deep with the back straight up on the east side. When he moved there his sons were two and four and they could climb that ditch and play in the woods behind his house and they are now 13 and 15 and they cannot cross that ditch because it is widening rapidly. Regardless of what is built back there something needs to be done with that ditch. He lost his fence about four years ago and the fence to the north of him is about to be lost as is the one to the south.

**Scott Wingerson** said earlier this afternoon he committed Mr. McMillan and himself to share the engineering design for the channel with Mr. Woody and they also open that to Mr. Mueller. Just a few minutes ago, Mr. McMillan agreed to that if that assists the City Council.

Councilman Art Hammen moved to amend the motion to place Bill 98-14 on First Reading to require that plat approval is subject to the staff report recommended conditions dated 3-12-98 with the addition of Item 9. to read as follows:

*9. Applicant shall provide a channel analysis prepared by John F. Lutjen and Associates or such other engineering firm as is agreeable to the City, and the Applicant shall at the Applicant's expense complete the improvements as determined by this study and agreed to by City Staff prior to the issuance of any certificates of Occupancy or Temporary Certificates of Occupancy for the buildings to be built on these lots.*

The motionmaker, Councilman Anita Newsom and seconder, Councilman Dave Fricke concurred. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 98-14, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 98-14 and enact the Bill as **Ordinance No. 3.669**; Mr. Fricke seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

There being no further business to come before the March 23, 1998 Gladstone City Council Meeting, Mayor Roger Norris adjourned the meeting. Time: 10:35 PM

Respectfully submitted:

\_\_\_\_\_  
Marilyn F. Ahnefeld, City Clerk

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

\_\_\_\_\_  
Mayor Roger Norris

*Attachment A*  
*3/23/98 Minutes*

Mayor and City Council  
Gladstone, Missouri

March 24, 1998

re: Storm Drainage-Tract A Stratford Park Fourth Plat (NW corner of NE 72nd St & N Euclid)

At the March 23, 1998 City Council Meeting, the Mayor requested a copy of notes used in the discussion of storm drainage on this property.

1. The west bank of the drainage ditch at the back of my property has eroded 8 feet. I used to mow two lawn mower widths behind the row of yews at the rear of my property. They are now gone. The ditch is moving westward.
2. A past City Engineer promised that the ditch would be stabilized when the Peterson property was developed.
3. Trees and brush do not stabilize the ditch. Pictures of the ditch and its banks clearly show that trees and brush wind up washing into the ditch. During the recent relocation of Euclid and the pipes under the Stratford property, a 15 ft wide stretch of brush and trees lining the east bank of the ditch, was removed. This has accelerated the erosion into the ditch. We have submitted pictures of this.
4. The presenter for Peterson stated that they only had responsibility for maintaining the status quo. They have owned the property for over 30 years. Perhaps we should consider status quo as when they originally purchased the property.
5. Status quo, I presume means preventing future foreseeable problems by stabilizing the west bank with stone gabion baskets.
6. It has been erroneously stated that if the ditch overflows it will overflow onto 72nd St. The drainage ditch, as now configured, will NOT overflow directly onto 72nd St. The ditch flows into an opening at the rear of my property. If the ditch overflows, the overflow would begin at the opening, as the volume of water exceeds the capacity of the opening. It would overflow into my property. This opening is some 50 feet from 72nd St and has a mound of earth that would prevent the water from flowing directly into 72nd St.. A concrete or rockd swail is needed to channel overflow water to 72nd St.
7. Mr Wingenson, Community Development Director, has said the ditch lies 100% within the Petersen property.
8. Request that we be included throughout this process, and not just brought in when decisions have been made. This should include time to study results and to consult among ourselves.
9. Our request for stone gabions baskets for the west bank is reasonable. They would

provide assurances of a permanent solution. We are not asking for tubing or cement culvert. Rip rap or improperly placed timbers could easily wash away in a big storm.

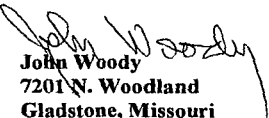
10. The Gladstone Zoning Board Commissioners Les Smith, Wayne Beer, Carol Rudi each made statements at the meeting considering this plat variance, that this problem should be addressed and a permanent solution made.

11. The six duplexes will create more runoff at higher volumes and velocities coming from driveways, roof drains, etc. The open areas absorbing water will be greatly reduced.

12. Occupany of the duplexes will provide many children who will climb in and out of the ditch, further breaking down the banks.

13. The ditch has already undermined the chain link fence at the rear of 7207 N. Woodland.

14. The ditch does not serve the first four properties on Woodland. All of our runoff goes into N. Woodland. This ditch only serves the Peterson property.

  
John Woody  
7201 N. Woodland  
Gladstone, Missouri

436-7596

files\ditch.ltr

CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 13, 1998

REGULAR MEETING: 7:30 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 23, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the week of April 19-25, 1998 as "**NATIONAL VOLUNTEER WEEK**" in the City of Gladstone, Missouri. Sponsor: President's Summit for America's Future.
5. **FIRST READING BILL 98-15**, certifying the results of the Tuesday, April 7, 1998 Gladstone General Councilmanic Election and declaring that candidate **George L. Nodler** has been elected to a **Three Year Term**; and candidate **Dave Fricke** has been elected to a **One Year Term** on the Gladstone City Council.
6. **CITY COUNCIL OATH OF OFFICE:** **George L. Nodler** and **Dave Fricke**
7. **ELECTION OF MAYOR AND OATH OF OFFICE**
8. **ELECTION OF MAYOR PRO TEM**
9. **CONSENT AGENDA**

**RESOLUTION R-98-33**, authorizing the City Manager to accept a Bill of Sale from Aldi, Inc. and Harris Construction Company, Inc. conveying to the City for maintenance a water line built to serve 7604 N Oak Trafficway. (File #940) (Construction entirely at developer's expense).

**RESOLUTION R-98-34**, authorizing issuance of a Massagist Business Permit to Marjorie L. Datwyler for a period of one year all pursuant to Chapter 17.1 of the City Code. Business Location: Fitness for Her, 2707 Brooktree Lane.

**RESOLUTION R-98-35**, authorizing execution of a contract with Bob's Lawn Care for the contractual mowing of certain City of Gladstone parks, facilities and right-of-ways for the 1998 mowing season. Estimated Total Contract: \$24,905.44 Fund: General.

**RESOLUTION R-98-36**, accepting a Corrective Temporary Construction Easement from a property owner in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417).

**RESOLUTION R-98-37**, opposing federal legislation that authorizes or requires the federal courts to take jurisdiction over local issues or intrude into local land use or regulatory decisions unless the claimant has exhausted all state and local remedies.



## **NEXT ORDINANCE #3.670**

**RESOLUTION R-98-38**, authorizing execution of a contract with Little Apple Enterprises for Happy Rock Batting Cages, with total contract amount not to exceed \$78,500; Project #9810 (Funding: Capital Improvements Sales Tax Fund).

**RESOLUTION R-98-39**, authorizing execution of a contract with Commercial Waterproofing for the Water Treatment Plant Secondary Basin repaint, with the total contact amount not to exceed \$39,000; Project #9819 (Funding: CWSS Fund).

**RESOLUTION R-98-40**, accepting a standard easement, a quit claim deed and a bill of sale from the Woodlands Home Association relating to the dedication of public improvements to the City within the Woodlands subdivision.

**APPROVAL OF LIQUOR LICENSE, Class A, Six Day Week License**, 7104-06 N Oak, Janice L. and Robert E. Bates, partnership dba **Uncle Nebo's**. **Managing Officer: Janice L. Bates.**

### **REGULAR AGENDA**

10. **Communications from the Audience.**
11. **Communications from the City Council.**
12. **Communications from the City Manager.**
13. **FIRST READING BILL 98-13**, approving the Final Plat of "Shady Lane Estate" at the SW corner of Shady Lane & N Flora. Applicant/owner: William Jones (File #1048) *Audience Note: This item was tabled from the March 23, 1998 City Council Meeting.*
14. **FIRST READING BILL 98-16**, approving the Final Plat of "Buena Vista", at N Broadway and NW 71<sup>st</sup> Terrace. Applicant/owner: Wingspan Investments, LLC. (File #1053).
15. **PUBLIC HEARING:** On a request for a Special Use Permit for operation of a Hair Salon on residential property at 1909 NE 75<sup>th</sup> Street. Applicant: /Owner: Mary Jane Lombardo. (File #1046).
- 15a. **FIRST READING BILL 98-17**, approving a Special Use Permit subject to certain conditions to Mary Jane Lombardo for operation of a Hair Salon on residential property at 1909 NE 75<sup>th</sup> Street.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

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**YOU ARE CORDIALLY INVITED TO THE LOBBY RECEPTION  
HONORING THE MAYOR AND CITY COUNCIL  
AND WELCOMING NEW CITY MANAGER KIRK L. DAVIS**

**CO-HOSTED BY  
CITY OF GLADSTONE & GLADSTONE AREA CHAMBER OF COMMERCE**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 13, 1998

Mayor Roger Norris called the Regular April 13, 1998 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Roger Norris  
Mayor Pro Tem George Nodler  
Councilman Anita Newsom  
Councilman Art Hammen  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Scouts in the Audience representing several troops led the Pledge of Allegiance to the Flag in which all joined.

#### Item 4. on the Agenda. Approval of Regular March 23, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Regular March 23, 1998 City Council Meeting Minutes as written. Councilman Dave Fricke seconded with correction to Paragraph 1, Page 29 to correctly read "Mr. Hammen said at the appropriate time he will ask his fellow Council to add a 9<sup>th</sup> condition..." The City Clerk acknowledged the correction. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Item 4a. on the Agenda. Mayor Roger Norris read a Proclamation designating the week of April 19-25, 1998 as "**NATIONAL VOLUNTEER WEEK**" in the City of Gladstone, Missouri as sponsored by the President's Summit for America's Future. Gladstone Parks & Recreation Director Steve Buschor accepted the proclamation from the Mayor on behalf of all community volunteers.

Mayor Roger Norris said before the City Council considers the next agenda item he will take this opportunity to comment that he has certainly enjoyed serving as Mayor this year replacing Mayor Bill Reynolds who moved from the city. All five people sitting here love this community and it has been a fun year. We have an outstanding staff and he welcomes new City Manager Kirk Davis.

The Mayor said his father died when he was twelve and he always knew his son would be President some day but he believes being Mayor of the community he loved the most would have sufficed.

**Item 5. on the Agenda.** **FIRST READING BILL 98-15**, certifying the results of the Tuesday, April 7, 1998 Gladstone General Councilmanic Election and declaring that candidate **George L. Nodler** has been elected to a **Three Year Term**; and candidate **Dave Fricke** has been elected to a **One Year Term** on the Gladstone City Council.

Councilman Art Hammen moved to place Bill 98-15 on First Reading; Councilman Anita Newsom seconded.

Discussion.

Mayor Roger Norris commended Councilman George Nodler on his outstanding 3-1 victory which he accomplished in a positive campaign and he believes that is why voters responded as they did.

The Mayor also congratulated Councilman Dave Fricke on his re-election and said that now it is the citizens of Gladstone who have determined he should be a Gladstone City Councilman not just the four member City Council who initially appointed him to his position. The Mayor told Mr. Fricke he has done an outstanding job as a Councilman thus far and he knows that will continue.

The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 98-15, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Mr. Hammen moved to accept the Second and Final Reading of Bill 98-15 and enact the Bill as Ordinance No. 3.670; Ms. Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 6 on the Agenda.** **CITY COUNCIL OATH OF OFFICE:** City Clerk Marilyn Ahnefeld administered the Oath of Office to **George L. Nodler** and **Dave Fricke** for three year and one year terms respectively on the Gladstone City Council.

**Item 7. On the Agenda.** **ELECTION OF MAYOR AND OATH OF OFFICE**

Councilman Anita Newsom nominated Councilman George Nodler to the office of Mayor of the City of Gladstone; Councilman Dave Fricke seconded. No other nominations were made. The vote: All "aye" - Fricke, Newsom, Nodler, Hammen, Norris. (5-0)

The City Clerk gave the Oath of Office to Mayor George Nodler. Mayor Nodler thanked the City Council and audience for their applause.

**Item 8. On the Agenda. ELECTION OF MAYOR PRO TEM**

Councilman Roger Norris nominated Art Hammen to the office of Mayor Pro Tem; Councilman Dave Fricke seconded. There were no other nominations. The vote: All "aye" - Fricke, Newsom, Nodler, Hammen, Norris. (5-0)

**Item 9. On the Agenda. CONSENT AGENDA**

Following the Clerk's reading of the Consent Agenda, City Counselor Nancy Thompson advised that staff would like to **remove Resolution 98-40** (*Accepting a standard easement, a quit claim deed and a bill of sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within the Woodlands subdivision*) for placement on the Regular Agenda for consideration as Item 9a.

Mayor Pro Tem Hammen moved to approve the Consent Agenda as amended; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**CONSENT AGENDA DETAIL:**

Councilman Hammen moved to adopt **RESOLUTION R-98-33**, authorizing the City Manager to accept a Bill of Sale from Aldi, Inc. and Harris Construction Company, Inc. conveying to the City for maintenance, water line built to serve 7604 N Oak Trafficway. (File #940) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION R-98-34**, authorizing issuance of a Massagist Business Permit to Marjorie L. Datwyler for a period of one year all pursuant to Chapter 17.1 of the City Code. Business Location: Fitness for Her, 2707 Brooktree Lane. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION R-98-35**, authorizing execution of a contract with Bob's Lawn Care for the contractual mowing of certain City of Gladstone parks, facilities and right-of-ways for the 1998 mowing season. Estimated Total Contract Amount: \$24,905.44 from the General Fund. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION R-98-36**, accepting a Corrective Temporary Construction Easement from a property owner in conjunction with the 72<sup>nd</sup> Street Widening Project. (Project #9417). Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION R-98-37**, opposing federal legislation that authorizes or requires the federal courts to take jurisdiction over local

issues or intrude into local land use or regulatory decisions unless the claimant has exhausted all state and local remedies. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

*Councilman Roger Norris commented that although he did not want to remove this item from the Consent Agenda he did not want it to go unnoticed. He said it is the view of City Council and everyone he has spoken to in this city that it is not the federal government's business what people in Gladstone do with their property. When residents have a complaint and seek remedy from the City they have somebody here they can talk to. He doubts very much there is anybody in Washington, D.C. that can tell us for example what is going on at 72<sup>nd</sup> & N Broadway or 72<sup>nd</sup> & N Prospect. It is certainly not the Federal government's business it is the business of this city, its citizens and its elected officials.*

Councilman Hammen moved to adopt **RESOLUTION R-98-38**, authorizing execution of a contract with Little Apple Enterprises for Happy Rock Batting Cages, with total contract amount not to exceed \$78,500; Project #9810 (Funding: Capital Improvements Sales Tax Fund). Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

*Councilman Anita Newsom asked if this is a complete package (construction, installation, fencing and grading). Parks & Recreation Director Steve Buschor advised this contract is for the batting cages and the concrete pad. The electrical transformer costs and other costs will be put into the project and total \$87,500 and we are looking at completion in June.*

Councilman Hammen moved to adopt **RESOLUTION R-98-39**, authorizing execution of a contract with Commercial Waterproofing for the Water Treatment Plant Secondary Basin repaint, with the total contract amount not to exceed \$39,000; Project #9819 (Funding: CWSS Fund). Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved for **Approval of a Class A, Six Day Week Liquor License for 7104-06 N Oak, Janice L. and Robert E. Bates, partnership dba Uncle Nebo's. Managing Officer: Janice L. Bates.** Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 9a. on the Agenda.** **RESOLUTION R-98-40**, accepting a standard easement, a quit claim deed and a bill of sale from the Woodlands Home Association relating to the dedication of public improvements to the City within the Woodlands subdivision.

City Counselor Nancy Thompson requested that the City Council table this item until its next regular City Council Meeting on Monday, April 27, 1998 because the legal descriptions for that dedication are not complete and staff is working out some of the issues on title insurance with the Homes Association and that should be complete by the meeting on the April 27<sup>th</sup>. She indicated a meeting is set for Wednesday, April 15<sup>th</sup> at 2:00 PM to meet with the attorneys representing all parties, the staff, surveyor

and title company. Councilman Norris moved to table Resolution 98-40 to the April 27, 1998 City Council Agenda; Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 10. on the Agenda. Communications from the Audience.**

**Mr. Cecil Willens, 9 NW Englewood Court,** told the City Council he was sure they were proud of the Humana Medical Building because it is a nice building but he stated that the developer's have lied to residents and he questions how many City Council members would like to have a trash dumpster right across the street from their front yard and all the racket that it makes every day when it is dumped and all the trash blown over in their yard. He thinks something should be done about it. He has hollered and it does not do any good. They were supposed to put barriers up there and they have not done so and he thinks something should be done.

Mayor Nodler asked City Manager Kirk Davis to check on this matter to see what must be done. Mr. Davis said he certainly will and is aware that Director of Community Development Scott Wingerson has routinely been in contact with them during this construction but he will check to see what can be done to resolve Mr. Willens's issue.

### **Item 11 on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** told Councilman Roger Norris how pleased he was to have him as Mayor for his very first year and how much he learned from him. He felt like he taught him how to do it and he appreciated how Mayor Norris worked with the people in a straightforward, pull no punches, business as usual fashion. Mr. Fricke said as Mayor, Roger Norris told it like it was and he appreciated that and thinks that goes a long way.

Mr. Fricke said he would also like to discuss water problems in Gladstone. He said he is privileged to work with the Planning Commission as their Council Liaison and noted that this body has been wrestling with water problems lately particularly the Stratford Park, 72<sup>nd</sup> & N Euclid project. He intended to bring it up at the last meeting but did not do so because of the length of the meeting. The Commission is faced with some difficult choices because of water problems adjacent to or abutting land being developed. Mr. Fricke said they are approving some projects without a unanimous vote and he is disappointed in seeing that but it is simply because of water sheds, water run off and the like. Their challenge not only to the City Engineers and City Staff but also to the Council is to make sure that these projects and what is built does not develop into a hardship for the adjoining people but that those water problems are taken care of by developers. He knows that our engineers and City staff are going to work diligently on those projects.

Mr. Fricke said the other project that comes to mind is Shady Lane Estate which is a small project but it lies in a bad spot. He realizes that people want to develop their little tracts of land even though there is water there at times. We have the job to be

careful to make those things comply so that we don't have people saying that "the Council promised them ten years ago". He does not want to be on the Council that promised them something ten years ago that never got done. He just calls to the City Council and Staff's attention that the Planning Commission is doing a terrific job but is faced with some hardships on those watershed problems and we need to address them very diligently.

**Councilman Roger Norris** advised that a nice letter was received from residents who attended the last City Council Meeting and indicated that although they did not like the outcome of the 72<sup>nd</sup> & N Broadway rezoning application they appreciated the way the meeting was conducted and that everyone was given opportunity to speak with no time limits. Although Council receives few letters of such nature, Councilman Norris said when it comes good it comes real good.

**Councilman Anita Newsom** said she would like to publicly thank Assistant City Manager Laura Gay for keeping our boat afloat during the last couple of months in her role as Acting City Manager. Ms. Newsom told Ms. Gay she was very much appreciated.

Councilman Newsom also thanked new City Manager Kirk Davis for filling the void here in the City. She also congratulated George Nodler and Dave Fricke on their successful elections.

**Mayor Pro Tem Art Hammen** said it is a very special evening for a number of people in the room and he congratulates George Nodler on his resounding 3-1 election win over his opponent as well as his election as Mayor this evening.

Mr. Hammen also congratulated Councilman Dave Fricke on his unopposed victory which he believes says volumes about the City Council's decision almost a year ago in appointing him to fill an unexpired term of a City Councilman who was very well thought of in this city. The fact that Mr. Fricke was unopposed is an affirmation of Council's decision. He also congratulated Roger Norris on his completion of a very successful term as Mayor and Councilman Anita Newsom who once again has proven that when it comes to the City Council we are a team united.

Mr. Hammen told City Manager Kirk Davis it is exciting to have him here and he knows that will continue and he also thanks Acting City Manager Laura Gay for the outstanding job she did in the interim.

**Mayor George Nodler** said he would certainly echo those comments and welcomes Kirk Davis to the City. He also congratulated Dave Fricke on his election victory and commended Roger Norris on the excellent job he did as Mayor.

Mayor Nodler said he thanks the voters of Gladstone for giving him the opportunity serve this city again and views it not as a personal victory but rather a vote of confidence in the actions taken by the City Council.

**Item 12. On the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said in preparation for the City of Gladstone FY 1999 Annual Budget, we have asked the Missouri Local Government Retirement System (LAGERS) to prepare a supplemental actuarial evaluation which outlines the cost of certain benefit changes. Mr. Davis explained that we must provide this notice 45 days before action may occur on this budget. The actuarial evaluation is available in the office of the Administrator of Management Services, Dianna Wright.

The City Manager also announced that Beautification Week is scheduled for April 24-26, 1998 and dumpsters will be available in Gladstone Central Park for the public's use. He recalls this was quite a popular event and is sure it still is.

City Manager Davis said it is his turn to say thanks to the City Council for the opportunity they have given him and he also thanks Laura Gay for the job she did as Acting City Manager. Ms. Gay works very hard and Mr. Davis said he certainly owes her a debt of gratitude.

**Item 13. on the Agenda. FIRST READING BILL 98-13,** approving the Final Plat of "Shady Lane Estate" at the SW corner of Shady Lane & N Flora. Applicant/owner: William Jones (File #1048)

Councilman Norris moved to place Bill 98-13 on First Reading; Mr. Fricke seconded.

Discussion.

Mr. Hammen asked Staff if we are now satisfied as far as storm water detention or if we have any concerns at all.

Director Scott Wingerson responded that the revised plat under consideration this evening makes two changes from the one considered by the Planning Commission. One is the combining of lots originally proposed as lots 1 and 4 into all of Lot 1 which is a large portion of the property under consideration. The other thing it does is grant the City of Gladstone a drainage easement. The limits of that drainage easement reflect the calculated one hundred year flow. We have taken the directive from the Planning Commission to heart, made the changes accordingly and that is reflected in the plat tonight.

Mr. Hammen said under the recommended conditions in the staff report, conditions 1, 6 and 7 make reference to lot 4 which is no longer and he asks if we need to make any corrections to that. Mr. Wingerson said yes we need to eliminate lot 4.

Councilman Norris asked if it was necessary to amend the Bill.

City Manager Davis clarified it is not necessary because Council does have a revised plat before them and City Counselor Thompson said with no lot 4 being referenced on the plat, the staff report conditions which reference lot 4 are moot so the conditions are fine as they are.



The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 98-13, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 98-13 and enact the Bill as **Ordinance No. 3.671**; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 14. on the Agenda. FIRST READING BILL 98-16**, approving the Final Plat of "**Buena Vista**", at N Broadway and NW 71<sup>st</sup> Terrace. Applicant/owner: Wingspan Investments, LLC. (File #1053).

Councilman Anita Newsom moved to place Bill 98-16 on First Reading; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 98-16, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 98-16 and enact the Bill as **Ordinance No. 3.672**; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 15. on the Agenda. PUBLIC HEARING:** On a request for a Special Use Permit for operation of a Hair Salon on residential property at 1909 NE 75<sup>th</sup> Street. Applicant: /Owner: Mary Jane Lombardo. (File #1046).

Mayor George Nodler opened the Public Hearing and explained the hearing process.

**In Favor.**

**Applicant Mary Jane Lombardo, 1909 NE 75<sup>th</sup> Street**, said she seeks a special use permit to allow operation of a beauty salon from her home for a few hours each week.

Councilman Roger Norris asked Ms. Lombardo if she has any problems with any recommendations of the Staff. Ms. Lombardo assured she did not.

Director of Community Development Scott Wingerson advised that Ms. Lombardo's request is for a special use permit for a period of three years for operation on Fridays (8:00AM - 1:00 PM) and Saturdays (1:00 PM - 4:00 PM) limited to a total number of 15 customers in a given week. Mr. Wingerson invited any council questions.

Councilman Norris said the hours seem pretty restrictive and questioned if the hours are at the applicant's request. Mr. Wingerson acknowledged the operation hours are the applicant's request.

There were no further comments for or against this application and Mayor Nodler closed the public hearing.

**Item 15a. on the Agenda.** **FIRST READING BILL 98-17**, approving a Special Use Permit subject to certain conditions to Mary Jane Lombardo for operation of a Hair Salon on residential property at 1909 NE 75<sup>th</sup> Street.

Councilman Roger Norris moved to place Bill 98-17 on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Roger Norris moved to accept the First Reading of Bill 98-17, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.


Councilman Roger Norris moved to accept the Second and Final Reading of Bill 98-17 and enact the Bill as **Ordinance No. 3.673**; Councilman Anita Newsom seconded. The vote: All "aye"- Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

\* \* \* \*

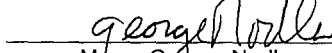
Councilman Roger Norris introduced his wife Teresa, who was in the audience and Mayor George Nodler presented Teresa Norris with a flower bouquet from the City Council in appreciation of her understanding of all the hours necessarily put in by her husband Roger during his tenure as Mayor this past year.

There being no further business to come before the April 13, 1998 Gladstone City Council Meeting, Mayor George Nodler adjourned the meeting and invited all present to the Lobby Reception co-hosted by the City of Gladstone and the Gladstone Area Chamber of Commerce honoring the City Council and welcoming new City Manager Kirk Davis.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

**NEXT ORDINANCE #3.674**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 27, 1998**

**Open Study Session 6:00 PM**

**Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(2) for  
Real Estate Acquisition discussion will immediately follow the Open Study Session.**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 13, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Recognizing the 10<sup>th</sup> Annual International Order of Job's Daughter's Hearing Impaired Kids Endowment Fund Raiser (HIKE) in Happy Rock Park on Saturday, May 2, 1998.
5. **CONSENT AGENDA**

**RESOLUTION R-98-40**, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within the Woodlands Subdivision.

**RESOLUTION R-98-41**, accepting work under contract with Tasco Construction for the Hamilton Heights Sediment Basin & Dam Breaching project and authorizing final payment. Grand Total Project: \$30,222.00; Final Payment Due: \$8,923.94 Fund: Capital Improvements Sales Tax Fund (Project #9608)

**RESOLUTION R-98-42**, authorizing issuance of a Massagist Business Permit to Matthew S. Carpenter for a period of one year all pursuant to Chapter 17.1 of the City Code. Business Location: 72<sup>nd</sup> Street Salon, 2000 NE 72<sup>nd</sup> Street

**APPROVAL OF CLASS A & B LIQUOR BY DRINK LICENSE**, 6221 N Chestnut, Johnny Cascone's Northland dba **Tommy's Grill**. Managing Officer: Larry Cascone (former Old Chicago Pizza location).

**APPROVAL OF CLASS A & B LIQUOR BY DRINK LICENSE**, 5941 NE Antioch Road, **Los Corrales Restaurant**. Managing Officer: David A. Dale (former 21-21 Restaurant location).

**APPROVAL OF MARCH 1998 FINANCIAL REPORTS**

**NEXT ORDINANCE #3.674**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING**, on a request to rezone from R-1 to CP-1, property at the SW corner of NE 72<sup>nd</sup> Street & N Prospect. Applicant: LHE, P.A. for Eckerd Drug Store Owners: Madalyn Westfall and Gladstone Baptist church. (File #1051)  
***Audience Note: This Public Hearing will not be held as applicant has formally withdrawn application.***
10. **PUBLIC HEARING** on a request for a Site Plan Revision on property at NE 64<sup>th</sup> & N Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90.  
***Audience note: Applicant has requested that this Public Hearing be opened and immediately continued to the Tuesday, May 26, 1998 City Council Meeting.***
11. **FIRST READING BILL 98-18**, authorizing issuance and delivery of a tax and revenue anticipation note by the City of Gladstone, Missouri, in the principal amount of \$150,000; prescribing the form and details of said note and authorizing and approving certain other documents and actions in connection with the issuance of said note.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, APRIL 27, 1998**

Mayor Roger Norris called the Regular April 27, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scouts present in the audience led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular April 13, 1998, City Council Meeting Minutes.**

Councilman Roger Norris moved to approve the April 13, 1998 City Council Minutes as written. Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda. PROCLAMATION:** Recognizing the 10<sup>th</sup> Annual International Order of Job's Daughter's Hearing Impaired Kids Endowment Fund Raiser (HIKE) in Happy Rock Park on Saturday, May 2, 1998.

Mayor George Nodler read the proclamation and presented it to representatives of Job's Daughters organization who were present in the audience.

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

Following the Clerk's reading of the Consent Agenda, City Counselor Nancy Thompson requested removal of Resolution R-98-40 for placement on the Regular Agenda. Mayor Nodler designated the item as 5a. on the Regular Agenda

Councilman Hammen moved to adopt the Consent Agenda as modified; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Councilman Art Hammen moved to adopt **RESOLUTION R-98-41**, accepting work under contract with Tasco Construction for the Hamilton Heights Sediment Basin & Dam Breaching project and authorizing final payment. Grand Total Project: \$30,222.00; Final Payment Due: \$8,923.94 Fund: Capital Improvements Sales Tax Fund (Project #9608) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION R-98-42**, authorizing issuance of a Massagist Business Permit to Matthew S. Carpenter for a period of one year all pursuant to Chapter 17.1 of the City Code. Business Location: 72<sup>nd</sup> Street Salon, 2000 NE 72<sup>nd</sup> Street. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved for **APPROVAL OF CLASS A & B LIQUOR BY DRINK LICENSE**, 6221 N Chestnut, Johnny Cascone's Northland dba **Tommy's Grill**. Managing Officer: Larry Cascone; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved for **APPROVAL OF CLASS A & B LIQUOR BY DRINK LICENSE**, 5941 NE Antioch Road, **Los Corrales Restaurant**. Managing Officer: David A. Dale Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved for **APPROVAL OF MARCH 1998 FINANCIAL REPORTS**; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **REGULAR AGENDA**

**Item 5a. on the Agenda. RESOLUTION R-98-40**, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within the Woodlands Subdivision.

City Counselor Nancy Thompson requested that this item be tabled. She noted that this item was also tabled at the April 13<sup>th</sup> meeting but unfortunately there are items which have not been completed. The City is substantially farther along than we were two weeks ago because we now have the legal descriptions and the title commitment and it is just a matter of getting the people together who need to sign the documents and hopefully that will be completed in the next few weeks and it will be back on the agenda.

Councilman Norris moved to table Resolution R-98-40; Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 6. On the Agenda. Communications from the Audience.**

**Mr. Art Davis, City Administrator for the City of Lee's Summit, Missouri,** advised the City Council that he and Gladstone Administrator of Management Services, Dianna Wright, attended the Missouri City Manager's Conference on Thursday April 23<sup>rd</sup> where City Manager Kirk Davis who was unable to attend the conference was awarded the Missouri City Manager's Association's **"Assistant of the Year Award"**.

Art Davis advised that he and former Gladstone City Manager Jim Norris brought this nomination to the Missouri City Management Association in recognition of Kirk Davis' six and one-half years in Gladstone as well as three and one-half years in Lee's Summit. He said he is here tonight to present this award to Kirk Davis in the presence of his governing body. He also introduced Mr. Curt Wenson, Lee's Summit Assistant to the City Manager, who worked closely with Kirk Davis.

Art Davis said that Kirk Davis is an exceptional human being in addition to being an exceptional employee and public servant and Lee's Summit has the utmost respect for Kirk Davis both from the elected officials and the staff and they were extremely happy for Kirk when he accepted the job here in Gladstone because that is what he has wanted to do. Art Davis said in fact that when Kirk Davis took the job in Lee's Summit he told him that if the opportunity in Gladstone ever arose he would be interested so he was not surprised when Kirk approached him on that issue.

Art Davis said he and Curt Wenson just wanted to acknowledge Kirk's tremendous assistance in Lee's Summit and said this is a fantastic award for an exceptional public servant. Art Davis presented the plaque to Kirk Davis and read the inscription that the award recognizes outstanding service in local government and to the profession of city management.

City Manager Kirk Davis said he worked with Art Davis and Curt Wenson for a long time and has learned a lot from them; so if he messes up, we can blame them as well. City Manager Davis thanked them for the award and said he has learned so much in Gladstone and Lee's Summit and just the plethora of issues have helped to provide him with a basis of information and he owes Jim Norris, Art Davis and Curt Wenson a big thank you.

**Item 7. On the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** congratulated the Gladstone Chamber of Commerce on their role in the Worth Harley Davidson Motorcycle dealership grand opening festivities and ribbon cutting this past Saturday. The presence of all the motorcycles and activity just made the event.

**Councilman Roger Norris** told City Manager Kirk Davis that he is glad Art Davis and his peers recognize what Gladstone already knew four years ago when he left

Gladstone. First, was that he would be back; and second, is that he is outstanding. It is nice that he wants to thank everybody else but nobody in this room underestimates Kirk Davis' ability to get the work done. Councilman Norris told City Manager Kirk Davis that he earned this award.

**Councilman Art Hammen** advised the Scouts present we were glad to have them with us this evening, thanked them for leading the pledge of allegiance, and invited them back at any time.

**Mayor George Nodler** asked if we have a report on the number of dumpster loads in connection with our beautification effort this past weekend. City Manager Davis said while he does not have dumpster figures at this time he can report that we had approximately 1,500 customers with over 1,000 on Friday and Saturday so it was certainly well utilized.

**Item 8. On the Agenda. Communications from the City Manager.**

City Manager Kirk Davis had the following announcements:

- The brush pickup part of our beautification effort is scheduled for May 1-3 at the Public Works facility, 76<sup>th</sup> & Antioch Road.
- The City Council held their budget study discussion on the general fund this evening and in two weeks we will be discussing the enterprise funds and the capital improvements budget.
- He is pleased to see two restaurant locations being filled as noted on the consent agenda this evening with the approval of liquor licenses.
- Two important events are coming up: **Gladstone Night at the Royals** is May 21<sup>st</sup>; and we have an **Amphitheater Golf Tournament** scheduled for May 7<sup>th</sup> which is a benefit to help us maintain the amphitheater and he challenges our Lee's Summit guests in the audience tonight to participate.

**Item 9. On the Agenda. PUBLIC HEARING**, on a request to rezone from R-1 to CP-1, property at the SW corner of NE 72<sup>nd</sup> Street & N Prospect. Applicant: LHE, P.A. for Eckerd Drug Store Owners: Madalyn Westfall and Gladstone Baptist church. (File #1051)

**Mayor George Nodler** noted for the Audience that *this Public Hearing will not be held as the Applicant has formally withdrawn their application.*

**Item 10. On the Agenda. PUBLIC HEARING** on a request for a Site Plan Revision on property at NE 64<sup>th</sup> & N Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn., as owner trustee under Trust Agreement dated 5/15/90.



Mayor Nodler opened the Public Hearing and noted that the Applicant has requested that this Public Hearing be continued to the Tuesday, May 26, 1998 City Council Meeting.

Councilman Roger Norris moved to continue the public hearing until May 26, 1998 and stressed that the continuance is at the Applicant's request; Councilman Fricke seconded. The vote: All "aye" Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. On the Agenda. FIRST READING BILL 98-18,** authorizing issuance and delivery of a tax and revenue anticipation note by the City of Gladstone, Missouri, in the principal amount of \$150,000; prescribing the form and details of said note and authorizing and approving certain other documents and actions in connection with the issuance of said note.

**Councilman Norris** moved to place Bill 98-18 on First Reading; Mr. Hammen seconded.

Discussion.

Councilman Norris said he understands this action will allow us to pay off our Wal-Mart debt a year early. City Manager Davis said that is correct. This is the last tax anticipation note and in next year's budget we have \$150,000 recommended to pay it off.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of **Bill No. 98-18**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of **Bill No. 98-18** and enact the Bill as **Ordinance No. 3.674**; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

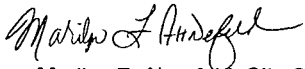
There being no further business to come before the regular April 27, 1998 City Council Meeting, Mayor George Nodler adjourned the regular meeting at 7:53 PM.

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Councilman Norris moved to adjourn to closed Executive Session in the City Manager's Office pursuant to the Missouri Open Meeting Act Exemption 610.021(2) for Real Estate Acquisition discussion. Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

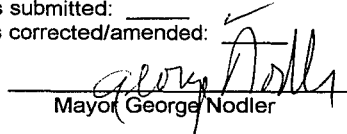
Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

Approved as submitted: \_\_\_\_\_

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

  
Mayor George Nodler

**NEXT ORDINANCE #3.675**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 11, 1998**

**Open Study Session 6:00 PM**

**Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) and 610.021(2) for Privileged Communication and Real Estate Acquisition Discussion will immediately follow the Open Study Session.**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 27, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating the week of May 17-23, 1998 as "Emergency Medical Services Week" in the City of Gladstone, Missouri.
- 4b. **PROCLAMATION:** Designating the week of May 17-23, 1998 as "National Public Works Week" in the City of Gladstone, Missouri.
5. **CONSENT AGENDA**

**RESOLUTION R-98-40**, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within the Woodlands Subdivision.

**RESOLUTION R-98-44**, declaring certain city-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone, Purchasing Policy.

**RESOLUTION R-98-45**, authorizing execution of a contract with Industrial Excavating & Equipment, Inc. for the East Fork Old Maid's Creek Embankment Protection Project. Total Contract Amount: \$37,968.60; Fund: Capital Improvements Sales Tax

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **BUILDING PERMIT APPROVAL** for installation of paint booth in existing tenant space at 700-C NE 76<sup>th</sup> Street. Applicant: Mark Bossert for B & H Automotive. Owner: Tom Sims. (BP# 98-0212) Approval subject to 5/4/98 Staff Report Conditions

**NEXT ORDINANCE #3.675**

10. **RESOLUTION R-98-43**, authorizing the City Manager to engage the firms of Bruce D. Culley, CPA, PC and Cochran, Head & Company to conduct the City of Gladstone annual audit for the year ending June 30, 1998. Total Contract Amount: \$15,650.00  
Fund: General Fund
11. **FIRST READING BILL 98-19**, an ordinance repealing Ordinance No. 3.597 (Code Sections 29-66(A), (B)(1) and (B)(2) and enacting a new ordinance levying sewer billing and commodity charges in the City of Gladstone, Missouri.
12. **FIRST READING BILL 98-20**, approving the Final Plat of "Stonebrooke Estates" at 72nd & N Norton, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/owner: Stonebrooke LLC (File #1056)
13. **FIRST READING BILL 98-21**, amending the Model Traffic Ordinance (Section 18-12 of the Gladstone Municipal Code) to add new **Schedule X - Yield Signs**; and designating Yield Sign locations in the City of Gladstone.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, MAY 11, 1998**

Mayor George Nodler called the Regular May 11, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular April 27, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the April 27, 1998 City Council Minutes with correction to Page #1 to include City Manager Kirk Davis in the attendance listing; the Clerk noted the correction. Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda. PROCLAMATION:** Designating the week of May 17-23, 1998 as "Emergency Medical Services Week" in the City of Gladstone, Missouri to promote public awareness of the vital public service that emergency medical service teams provide nationwide.

Mayor George Nodler read the proclamation and presented it to Gladstone EMS officer Ralph Sutton who was present to accept it on behalf of the department. The Mayor thanked the EMS personnel present in the audience for the great job they do.

**Item 4b. on the Agenda. PROCLAMATION:** Designating the week of May 17-23, 1998 as "National Public Works Week" in the City of Gladstone, Missouri to provide public awareness of the vital public services provided in our community which are an integral part of our citizen's everyday lives.

Director of Community Services Jerry Menefee accepted the proclamation from Mayor Nodler on behalf of his department personnel and the Mayor acknowledged on behalf of the City Council the great job they do.

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

Following the Clerk's reading of the Consent Agenda, City Counselor Nancy Thompson requested removal of Resolution R-98-40 for placement on the Regular Agenda. Mayor Nodler designated the item as 5a. on the Regular Agenda

Councilman Hammen moved to adopt the Consent Agenda as modified; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

**Councilman Art Hammen** moved to adopt **RESOLUTION R-98-44**, declaring certain city-owned property as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone, Purchasing Policy. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Councilman Art Hammen** moved to adopt **RESOLUTION R-98-45**, authorizing execution of a contract with Industrial Excavating & Equipment, Inc. for the East Fork Old Maid's Creek Embankment Protection Project. Total Contract Amount: \$37,968.60; Fund: Capital Improvements Sales Tax. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**REGULAR AGENDA**

**Item 5a. on the Agenda. RESOLUTION R-98-40, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within the Woodlands Subdivision.**

City Counselor Nancy Thompson requested that this item again be tabled. She explained that although this item has been twice tabled, the Woodlands Home Association is now in possession of all the documents necessary to complete transfer of all the public improvements in the subdivision. There were some additional signatures yet to be obtained because residents were away from the city, etc. but it is hoped all the documents can be delivered to the city within the next two weeks so the item can be placed on the next agenda

Councilman Newsom moved to table Resolution R-98-40 until such time as the necessary documentation is returned to the city; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 6. on the Agenda.    Communications from the Audience.**

None.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said he attended the EMS Fair held last Saturday in Oak Grove Park and was certainly impressed with the display of emergency equipment and demonstrations from aerial ladders to helicopters, etc. but was a little disappointed that the crowd was not larger.

**Councilman Roger Norris** acknowledged the Gladstone EMS personnel present in the audience and said Emergency Medical Services personnel are certainly among some of the unsung heroes in Gladstone. We have an impressive "save rate" among organizations in the seven states that surround us and he noted the average response time in Gladstone is around three and a half minutes. He appreciates the outstanding job they do.

**Councilman Anita Newsom** said she happened to be at home last week when she received a call from Fox Hill School that one of the school children had fallen in Oak Grove Park. Although you hate for an accident to happen, she said when she learned that Gladstone paramedics were called she immediately felt more comfortable about the situation knowing that trained personnel would be on the scene.

On another issue, Ms. Newsom said reading the Gladstone Public Safety Citizen Contacts Report, she noted reference to citizens driving through barricades on Old Pike Road. She has seen signage on some projects in the metro area that fines are doubled for violations in construction zones and feels that does make people pause and think about their speed and pay attention to the signs holders and workers in the construction area. Drivers may experience delays but the sign holder is doing it for a reason, yet there are people who just zoom by. Ms. Newsom said perhaps the double fine could be a hammer to keep someone from being hurt. City Manager Davis advised assured that the City Counselor will research the City's ability to impose a double fine in such areas.

Councilman Newsom also asked what regulations we have in place for adequate parking for used car lot customers.

Community Development Director Scott Wingerson advised that the normal ratio for customer parking at any business is one space per 200 sq. of building and the problem with many used car lots is that they are very very small buildings which by ordinance would only require perhaps two parking spaces. That is not generally adequate to serve a used or new car lot that is busy on a particular weekend. We do try to work with the larger dealerships to clear more space for customer parking and it is a very difficult proposition because the value of their business is based on the number of cars they can put on the street frontage. About twice a month, Code Enforcement personnel work to ensure that there is adequate parking on any given day.

Ms. Newsom said she observed the past weekend that cars are parked on paved curb cuts at some of the now closed filling stations. They are parking in the right of way and it is not safe for them to be parking there or for other traffic or pedestrians either. To

her, it is a safety issue. Mr. Wingerson said he agrees and they do work on it constantly.

Ms. Newsom noted to Director of Community Services Menefee, that the pavement has washboarded about knee-deep at Shady Lane and the intersection of Antioch Road. Mr. Menefee reported he believes that there are plans to overlay the area in the current program. Ms. Newsom said we would likely have to mill off about six inches first.

Director Wingerson clarified that the worst part of the washboarded area is actually on the State right of way although a portion is the City's responsibility. As the Street Program progresses and savings are realized, we try to re-program that money based on the priorities for the year. He said this area is, if not the top concern, very very close.

Ms. Newsom also asked if the culverts at the SE corner of 72<sup>nd</sup> & Antioch which were blocking the line of site were moved. Staff indicated they have been moved.

**Mayor George Nodler** said he had no communications other than to echo the earlier comments from Councilmembers on what a great job our Emergency Medial Service teams do in our city.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis had the following announcements.

- The City Council held their budget study session presentations tonight on the Enterprise and Capital Improvement Funds and he and staff appreciate the Council's consideration and indulgence as it was presented. The Budget Public Hearing for the entire budget is scheduled for the City Council Meeting of Tuesday, May 26, 1998. Monday, May 25 is Memorial Day so we will meet on Tuesday.
- Tonight's Consent Agenda included approval of the sale of surplus city-owned property. A public auction of these surplus items is scheduled for the City Hall parking lot on Saturday, May 30<sup>th</sup>.

City Manager Davis also requested an addition to the Agenda of **Building Permit for Smoke House Barbecue, 6304 N Oak**, for the addition of 251 sq. ft. women's restroom to the rear structure. (BP 97-1056)

Councilman Norris moved to approve the Building Permit for Smokehouse Barbecue; Ms. Newsom seconded. The City Manager confirmed that everything is in order. The vote: All "aye" - Fricke, Norris, Newsom, Nodler, Nodler. (5-0)

**Item 9. on the Agenda. BUILDING PERMIT APPROVAL** for installation of paint booth in existing tenant space at 700-C NE 76<sup>th</sup> Street. Applicant: Mark Bossert for B & H Automotive. Owner: Tom Sims. (BP# 98-0212) Approval subject to 5/4/98 Staff Report Conditions



Councilman Norris moved to approve the Building Permit as submitted; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler, Nodler. (5-0)

**Item 10. on the Agenda.. RESOLUTION R-98-43,** authorizing the City Manager to engage the firms of Bruce D. Culley, CPA, PC and Cochran, Head & Company to conduct the City of Gladstone annual audit for the year ending June 30, 1998. Total Contract Amount: \$15,650.00 Fund: General Fund

Councilman Hammen moved to adopt Resolution R-98-43; Councilman Fricke seconded.

Discussion.

Mr. Hammen said it had been his pleasure to sit in on the interviews of the firms who submitted proposals to conduct the City's audit and he found it very enlightening and heard some very competitive proposals. He congratulates the staff for taking a good hard look and coming up with what undoubtedly is the best selection.

City Manager Davis said Administrator of Management Services Dianna Wright would like to introduce the two gentlemen who will head up the team the City will be dealing with.

Administrator of Management Services Dianna introduced Lou Herman with Cochran, Head & Company and Bruce Culley, CPA who is a Gladstone business. Ms. Wright explained this is a different approach for the City because it is a joint venture of two firms. Although not an unusual situation the City has not utilized a joint venture before and we are very excited about it. Councilman Hammen is correct, we did go out for bids and used an audit selection committee of 4-5 individuals including the City Manager Kirk Davis, Assistant City Manager Laura Gay, Finance Officer Cash Sweiven, Councilman Art Hammen and herself. Two firms were interviewed and following references, we are recommending the contract be awarded to the joint venture of Culley, Cochran & Head.

Ms. Wright said both Mr. Herman and Mr. Culley are present and happy to answer any questions Council may have. Councilman Norris said he had no question just the expectation of a great job.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. on the Agenda. FIRST READING BILL 98-19,** an ordinance repealing Ordinance No. 3.597 (Code Sections 29-66(A), (B)(1) and (B)(2) and enacting a new ordinance levying sewer billing and commodity charges in the City of Gladstone, Missouri.

Councilman Dave Fricke moved to place Bill 98-19 on First Reading; Councilman Newsom seconded.

Discussion.

Councilman Hammen pointed out that basically the adjustment in the sewer billing and commodity charge is passing along to Gladstone customers the increase in charges imposed upon Gladstone by the City of Kansas City, Missouri. Councilman Norris noted that for the past several years the amount has exceeded the inflation rate.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Fricke moved to accept the First Reading of **Bill No. 98-19**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Councilman Fricke moved to accept the Second and Final Reading of **Bill No. 98-19** and enact the Bill as **Ordinance No. 3.675**; Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

**Item 12. on the Agenda. FIRST READING BILL 98-20**, approving the Final Plat of "Stonebrooke Estates" at 72nd & N Norton, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/owner: Stonebrooke LLC (File #1056)

Councilman Art Hammen moved to place Bill 98-20 on First Reading; Councilman Norris seconded. vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of **Bill No. 98-20**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Councilman Hammen moved to accept the Second and Final Reading of **Bill No. 98-20** and enact the Bill as **Ordinance No. 3.676**; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

**Item 13. on the Agenda. FIRST READING BILL 98-21**, amending the Model Traffic Ordinance (Section 18-12 of the Gladstone Municipal Code) to add new **Schedule X - Yield Signs**; and designating Yield Sign locations in the City of Gladstone.

Councilman Dave Fricke moved to place Bill 98-21 on First Reading; Mr. Hammen seconded.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

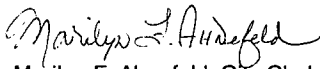
Councilman Fricke moved to accept the First Reading of **Bill No. 98-21**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Councilman Fricke moved to accept the Second and Final Reading of **Bill No. 98-21** and enact the Bill as **Ordinance No. 3.677**; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

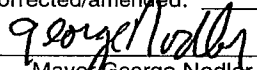
\* \* \*

There being no further business to come before the regular May 11, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

**NEXT ORDINANCE #3.678**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 26, 1998**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 11, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating June 1, 1998 - June 30, 1998 as "**Leave a Legacy Month**" in the City of Gladstone, Missouri. Sponsored by the Greater Kansas City Community Foundation to encourage people to make planned gifts from their estates to charitable nonprofit organizations.
5. **CONSENT AGENDA**

**RESOLUTION R-98-46**, accepting Temporary Construction Easements from property owners in conjunction with the 1998 Street Rehabilitation & Reconstruction Program. (Project #9901).

**RESOLUTION R-98-47**, authorizing acceptance of work under contract with Bruner & Dahlstrom Construction Co., Inc. for the Gladstone City Hall Renovation and authorizing final payment. Grand Total Contract Amount: \$464,357.32; Final Payment Due: \$2,353.00; Fund: Capital Improvements Sales Tax

**APPROVAL OF PARK FESTIVAL USE PERMIT** for the **2<sup>nd</sup> Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, Friday & Saturday, June 19<sup>th</sup> & 20<sup>th</sup>, 1998 under sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**APPROVAL OF LIMITED/TWO DAY LIQUOR LICENSE** to the Gladstone Area Chamber of Commerce for sale of beer at the **2<sup>nd</sup> Annual Gladstone Summertime Blues Fest** in Gladstone Oak Grove Park, 76<sup>th</sup> & North Troost, Friday & Saturday, Managing Officer: Jana Miller (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, Noon to 10:00 pm).

**ANNUAL LIQUOR LICENSE RENEWAL**, Bubbles Wines & Spirits, 7404 N. Oak, Class "C" Package & Sunday Package Liquor License.

**APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF APRIL, 1998**

**NEXT ORDINANCE #3.678**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** on a request for site plan revision in a CP-3 zone, property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052). ***Continued from April 27, 1998 City Council Meeting.***
- 9a. **FIRST READING BILL 98-22**, approving a Revised Site Plan on property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).
10. **PUBLIC HEARING** on a request for site Plan Revision in a CP-2 zone, property at 7112 N. Oak. Applicant/Owner: Gary Simons/Sonic Drive-in (File #1055).
- 10a. **FIRST READING BILL 98-23**, approving a Revised Site Plan in CP-2 and CP-3 zones for property at 7112 N. Oak. Applicant/Owner: Gary Simons/Sonic Drive-in (File #1055).
- 10b. **BUILDING PERMIT APPROVAL** for additional drive up canopies and exterior remodeling of Sonic Drive-in at 7112 N. Oak Trafficway. Applicant: Gary Simons for Sonic. (BP #98-0253)
11. **FIRST READING BILL 98-24**, approving the Final Plat of "Oak Lane Townhomes", 75<sup>th</sup> & N. Troost. Applicant/Owner: Larry R. Mitchell, LLC (File #1058)
12. **PUBLIC HEARING:** On proposed 1998-1999 Annual Operating Budget for the City of Gladstone, Missouri.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**TUESDAY, MAY 26, 1998**

Mayor Pro Tem Art Hammen called the Regular Tuesday, May 26, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**ABSENT:** Mayor George Nodler

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scout Ryan Blair from Troop 260 sponsored by the North Cross United Methodist Church was present in fulfillment of his Community Merit Badge and led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular May 11, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the May 11, 1998 City Council Minutes as submitted; Councilman Norris seconded; The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

**Item 4a. on the Agenda.** Mayor Pro Tem Art Hammen read a **PROCLAMATION** designating June 1, 1998 - June 30, 1998 as "**Leave a Legacy Month**" in the City of Gladstone, Missouri as requested and sponsored by the Greater Kansas City Community Foundation to encourage people to make planned gifts from their estates to charitable nonprofit organizations.

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

Following the Clerk's reading of the Consent Agenda, Councilman Fricke moved to adopt the Consent Agenda as published; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

**Consent Agenda Detail:**

Councilman Fricke moved to adopt **RESOLUTION R-98-46**, accepting Temporary Construction Easements from property owners in conjunction with the 1998 Street Rehabilitation & Reconstruction Program. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

Councilman Fricke moved to adopt **RESOLUTION R-98-47**, authorizing acceptance of work under contract with Bruner & Dahlstrom Construction Co., Inc. for the Gladstone City Hall Renovation and authorizing final payment. Grand Total Contract Amount: \$464,357.32; Final Payment Due: \$2,353.00; Fund: Capital Improvements Sales Tax. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, (4-0)

Councilman Fricke moved for **APPROVAL OF PARK FESTIVAL USE PERMIT** for the **2<sup>nd</sup> Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, Friday & Saturday, June 19<sup>th</sup> & 20<sup>th</sup>, 1998 under sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

Councilman Fricke moved for **APPROVAL OF LIMITED/TWO DAY LIQUOR LICENSE** to the Gladstone Area Chamber of Commerce for sale of beer at the **2<sup>nd</sup> Annual Gladstone Summertime Blues Fest** in Gladstone Oak Grove Park, 76<sup>th</sup> & North Troost. Managing Officer: Jana Miller (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, Noon to 10:00 pm). Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

Councilman Fricke moved for approval of the **ANNUAL LIQUOR LICENSE RENEWAL**, for Bubbles Wines & Spirits, 7404 N. Oak, Class "C" Package & Sunday Package Liquor License. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

Councilman Fricke moved for **APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF APRIL, 1998** Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.** Communications from the Audience.

None.

**Item 7. on the Agenda.** Communications from the City Council.

**Councilman Anita Newsom** said she received some unsolicited positive communication recently from a citizen who rode on our new senior bus to Gladstone Night at the Royals. They indicated they were thrilled with the improvement over the old bus.

Ms. Newsom also noted that last Saturday she happened to be driving around and observed that the parks just looked gorgeous. They looked like a picture book. She also attended an event in one of the parks prior to coming to this meeting and she noted how highly utilized they are. People seem to love the parks and it makes you proud to be a part of it.

Neither **Councilman Dave Fricke** or **Councilman Roger Norris** had communications at this time.

**Mayor Pro Tem Art Hammen** introduced and welcomed Vickie Rudolph, Oak Park High School Student who is here this evening in the audience on assignment for her photography class.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis announced that Saturday, May 30<sup>th</sup> the Surplus City-owned Property Auction will be held starting at 10:00 A.M. in the City Hall back parking lot. This is a public auction and there is an accumulation of interesting items.

The City Manager also noted that the Gladstone Swimming Pool opened Memorial Day weekend and according to Parks & Recreation Director Steve Buschor there was good attendance and hopefully that will continue throughout the summer. Mr. Davis congratulates Director Buschor and his department for their efforts in getting the facility up and running.

**Item 9. On the Agenda. PUBLIC HEARING** on a request for site plan revision in a CP3 zone, property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052). ***Continued from April 27, 1998 City Council Meeting.***

City Manager Davis advised Mayor Pro Tem Hammen that City Staff requests that this public hearing be opened and immediately continued until the June 8, 1998 City Council Meeting.

Mayor Pro Tem Hammen opened the public hearing; Councilman Norris moved that the hearing be continued until Monday, June 8, 1998; Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

Councilman Norris asked that the record show that this continuance was at the request of City Staff; City Counselor Thompson added that it is with the consent of the applicant as well.

**Item 9a. on the Agenda. FIRST READING BILL 98-22**, approving a Revised Site Plan on property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank &



Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).

(The Mayor announced that with continuance of the public hearing under Item 9, Item 9a. will not be introduced).

**Item 10. on the Agenda. PUBLIC HEARING** on a request for Site Plan Revision in a CP-2 zone, property at 7112 N. Oak. Applicant/Owner: Gary Simons/Sonic Drive-in (File #1055).

Mayor Pro Tem Hammen opened the public hearing and explained the hearing process that the applicant or his representative is asked to make their presentation followed by comments from those in favor or opposition and lastly comments from City Staff.

Neither the applicant or his representative was present and there were no persons to speak for or against this application.

**Director of Community Development Scott Wingerson** explained that this site plan revision proposes to add additional canopy service areas to the existing Sonic facility on N Oak and the request is generally compliant with adopted standards. In addition to providing the additional service area it provides 17 new service stations for the service of food, 14 new parking stalls to serve the facility generally designed to provide employee parking as well as the occasional walk-in customer that Sonic experiences.

Mr. Wingerson noted the Planning Commission unanimously recommended approval of the request and he would ask the City Council to consider one change in the draft ordinance. Condition #4 discusses the need for a final plat and presently reads "a final plat shall be approved prior to the issuance of a building permit for the entire project". Mr. Simons has worked very very hard with his engineers to get that documentation put together so the Planning Commission and City Council could consider that final plat but unfortunately they had not been able to do so. Mr. Wingerson recommended changing the condition to read: "**The final plat shall be submitted for consideration within 120 days of building permit approval**". That will allow the project to proceed. The final plat is relatively simple and makes one congruent piece of property to develop instead of two pieces based on additional land acquisition. Mr. Wingerson invited questions.

Councilman Norris questioned why the Sonic representative was not present this evening. Mr. Wingerson said he did not know.

Ms. Newsom said she was curious about the depth this parcels goes back and the amount of fill they will have to add and hopes we will monitor this very very closely.

Mr. Wingerson assured we will and said this is one of the things we looked at very closely. Later on the agenda is the building permit consideration and we looked closely at how physically they would construct these additions. From a construction standpoint it is a very simple request - canopy additions and parking lot. The foundation is what

we spent most of our time focusing on and the applicants have satisfied Mr. Napoli in his review of the project relative to fill and stability of that fill.

Ms. Newsom said they have no place to go without fill and she said she drove through twice so it cost her two limeade purchases to make sure that was the case.

Mayor Pro Tem Hammen asked Mr. Wingerson if he is aware if the applicant has any concerns about the four recommended conditions contained in the staff report other than #4 which Council will modify. Mr. Wingerson said he is not aware of any concerns.

There were no further comments and Mayor Pro Tem Hammen closed the Public Hearing.

**Item 10a. on the Agenda. FIRST READING BILL 98-23**, approving a Revised Site Plan in CP-2 and CP-3 zones for property at 7112 N. Oak. Applicant/Owner: Gary Simons/Sonic Drive-in (File # 1055).

Councilman Anita Newsom moved to place Bill 98-23 on first Reading with amendment to Condition #4 to read as follows: "A final plat shall be submitted for approval within 120 days of approval of the building permit". Councilman Norris seconded.

Discussion.

Councilman Norris said for the record he would comment that when we have applications like this where there will be extensive work and extensive foundations, Councilmembers might have questions of the applicant, and when no one is present it really gets to him.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of **Amended Bill No. 98-23**, Waive the Rule and place the Bill as Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of **Amended Bill No. 98-23** and enact the Bill as **Ordinance No. 3.678**; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

**Item 10b. on the Agenda. BUILDING PERMIT APPROVAL** for additional drive up canopies and exterior remodeling of Sonic Drive-in at 7112 N. Oak Trafficway. Applicant: Gary Simons for Sonic. (BP #98-0253)

Councilman Newsom moved to approve the Building Remodeling Permit for Sonic as submitted. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0)

**Item 11. on the Agenda. FIRST READING BILL 98-24**, approving the Final Plat of "Oak Lane Townhomes", 75<sup>th</sup> & N. Troost. Applicant/Owner: Larry R. Mitchell, LLC (File #1058)

Councilman Norris moved to place Bill 98-24 on First Reading; Mr. Fricke seconded.

Discussion.

Ms. Newsom asked if the drainage concerns/questions raised at the Planning Commission have all been addressed. Mr. Wingerson assured they had.

Mr. Fricke asked about the storm water engineering. Mr. Wingerson said the storm water engineering is underway and comments have been provided back to the design engineer. Mr. Wingerson said the comments from some of the reviewers have suggested that this was a very very sound set of storm water plans and development plans as a whole. We are confident that the solutions to the resident's problem from the public hearings on the zoning change and preliminary plat have been comprehensively addressed.

Councilman Fricke said he had heard that said and wanted the record to include that.

Councilman Norris commended developer Larry Mitchell on the fact that this appears to be a very well designed project and he thanks Mr. Mitchell for going the extra mile in addressing storm water because he had told the concerned neighboring resident that he would walk the creek bed with him if there were problems.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of **Bill No. 98-24**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (40) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of **Bill No. 98-24** and enact the Bill as **Ordinance No. 3.679**; Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen. (4-0).

**Item 12. On the Agenda. PUBLIC HEARING:** On proposed 1998-1999 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Pro Tem Art Hammen opened the public hearing and invited City Manager Kirk Davis to discuss the proposed 1998-1999 proposed budget document.

**City Manager Kirk Davis** said this is his first budget presentation to this body and he is very pleased to present the proposed 1998-99 City of Gladstone Budget which is the result of a tremendous amount of effort by a lot of people sitting to his left and he is pleased with their efforts.

The budget represents the strategic, administrative and financial plan for the City over the next year. In addition to representing the financial plan of the City it is also an operations guide, a communications tool, and a planning guide which reflects our service levels that we intend to provide to the citizens of Gladstone over the next year. The budget proposal is the result of a lengthy and comprehensive process that involves dozens of city employees, the public, our employees, our citizens advisory boards and the City Council.

It is based upon several key principles, including the maintenance of service levels, meeting our financial obligations, providing for our employees, planning, utilizing current operating and financial policies such as existing council policies, goals, the capital equipment replacement schedule, and existing development agreements and things of that nature. The public hearing follows the initial preparation stages of the document itself, two study sessions with the City Council and subsequent to this evening, the staff will prepare an adoption resolution for the Council's meeting on June 8<sup>th</sup>.

City Manager Davis said tonight he would present an overview of the General Fund, and the Enterprise Funds; Dianna Wright, Administrator of Management Services will present the Personnel package; and Assistant City Manager Laura Gay will present the Capital Improvements Program.

Relative to the General Fund, the staff is pleased to present a balanced budget. Revenues are projected to be \$10,811,325 and expenditures are projected to be \$10,784,050. Expenditures are \$27,275 below our budgeted revenues. The proposed revenues are 3.6% over expected revenues for fiscal year '98.

When reviewing a municipal budget and in reviewing revenues, particularly in Missouri, there are three key revenue sources that must be considered and he will focus on them. The property tax, sales tax and franchise taxes constitute most of the revenue picture. In our case that is approximately 63%. Of these revenues, sales tax represents 28.5% of the revenues received by the city. Sales tax is projected to grow by 3.5% in this budget or \$107,000 over expected sales tax revenue for this year.

Property taxes are expected to increase 2.5% or \$37,000 over expected FY '98 expected revenues. Franchise taxes are expected to grow 4.3% or \$89,000 over FY'98 expected based on our trend analysis, rate adjustments, collection calculations and things of that nature. City Manager Davis said as can be seen, we have taken a fairly conservative yet realistic approach to our revenue projections.

Building related revenues are expected to decrease due to an expected decrease in construction activity and intergovernmental revenues are also expected to decrease due to reductions in federal grant revenues to be received by the city.

Charges for services such as recreation activities and municipal court revenues are expected to increase by \$128,000 and \$87,000 respectively.

On the expenditure side of the equation, expenditures in the general funds are projected to be \$10,784,050; which represents a \$247,260 decrease compared to the

FY '98 expected budget. This is a 2.2% decrease. He believes it reflects the job the department heads have done and they believe they are going to be able to maintain service levels, yet they watched their belts and he certainly appreciates that. As in most municipal budgets, the personnel services classification is our largest and in our case it does represent 68% of the City of Gladstone's general fund budget. It is also the only classification to be increased in our FY'99 proposal to the City Council, increasing by \$550,000.

When you look at our expenditures and our departments, Mr. Davis said he thinks the book is pretty self evident; but he would point out that Public Safety again is our largest department and is receiving 42.6% of the budgeted expenditures.

Capital and supplemental - this year we are funding \$414,000 of capital, supplemental and building and technology requests. We are again proposing a fiscally conservative budget and we think we can maintain service levels and part of the reason we can do that is because we have met all of the departmental priorities for capital, supplemental, et. al. Beyond service level maintenance, however, priority was given projects that were underway and required further funding such as accreditation efforts in the Public Safety Department and the Parks & Recreation Department. Capital construction projects that were underway and required further funding were given a priority; FY 2000 technology improvements were a priority; and compliance with debt requirements.

Approximately \$51,000 is recommended to fund supplemental programs and \$321,000 is recommended for funding capital requests including four new patrol vehicles in public safety, an ambulance, two dump trucks and related accessories.

Building requests are funded in the amount of \$32,600 to provide funds for repairs to the Community Services Building, flooring in Station #2, and a Management Information Systems Office.

Mr. Davis said as noted, total funding for capital, supplemental and building and technology related expenditures are \$414,000 and he is pleased to state that those will meet all of the obligations and priorities as suggested by our department heads.

In the combined water and sewer system funds, the budget presented for FY'99 will provide for all operating costs, capital outlay, bond requirements and bond improvements. Operating revenues are estimated to be \$4,686,350 and expenditures are budgeted \$4,584,465, reflecting a positive balance of \$101,885. Due to the positive balance of revenues over expenditures, the FY '99 recommended budget does not contain a rate increase. However, the staff will review and monitor the rate structure and fee basis at the mid-year and obviously monitor revenues and expenditures as we always do.

The staff is continuing to meet with Kansas City on a sewage use agreement and funding is provided for completion of a sewer infiltration and inflow study that will assist us in the preparation of this agreement and funding options for necessary improvements. Capital funding is budgeted for two trucks that are on the capital

equipment replacement schedule, the painting of a secondary basin, and funding for a sanitary sewer project on N Euclid where we will be combining it with other funds from another project where we have back-ups that have been occurring are also recommended for funding.

Finally, the municipal pool projects a positive balance of \$530.00 based upon revenues including interest earnings of \$146,000 and expenditures of \$145,000. No capital projects are scheduled for this year, however the Community Center feasibility study may impact that pool and he and Director Buschor have been talking about our various options in that regard but also a marketing plan for our pool may be changing the way we do business at this point.

City Manager Davis said Administrator of Management Services Diana Wright will review the personnel package portion of the budget.

**Administrator of Management Services Dianna Wright** said when Staff looks at preparing the personnel services for the fiscal year there are four components which we look at. The first is the personnel and staffing requests that come forward from each department, the integrity of our pay classification compensation study, funding for merit increases and the benefit package.

Ms. Wright said she will hit the highlights of those four components but she does refer the City Council and audience to pages IV- VII of the City Manager's transmittal letter which reviews most of these topics in more detail.

On staffing requests, the first thing they look at is funding for current salaries of all positions, part time hours and also overtime hours that are requested by the departments and analyzing their justification. In addition, departments will send forward recommendations for additional or new staffing. The FY'99 budget reflects the upgrade of three part-time positions to two full-time positions. One of those positions is in the Public Safety Department. For the past several years we have had two part-time shelter technician positions. Periodically, either one or both of those positions have been vacant for a majority of one or several fiscal years so staff is recommending that those two positions be combined and that we fund for one full time Animal Control Officer. This will help with the additional work load out there and also assist us with some customer service that we would like to provide out at the shelter.

The other upgraded position is for a part-time office support specialist in the Community Development Department to be upgraded to a full-time secretary position. Back in FY'97, two departments were combined (the Engineering Department and the Planning & Development Department which formed the Community Development department. Due to that reorganization and analyzing the different job functions and also with the adoption of the transportation sales tax there has been a request for additional clerical staff in that department, therefore we are upgrading the part time position to a full time secretary position.

The second component that we look at is the integrity of the pay classification and compensation plan. As the City Council is aware, back in 1997, a new pay plan was

adopted with the philosophy that the mid-point of the City of Gladstone salary ranges would be 7.5% above the market and for Public Safety officers that mid-point would be 17.5% over the market. To maintain the integrity, a very comprehensive market study must be performed annually which was done. We have 54 classifications positions in the City of Gladstone and 34 of those positions are benchmark positions which means those positions are looked at in the market to determine what happened to those positions in the metropolitan area throughout the year. Once that is completed we then have to look at the non-benchmark positions to maintain our internal integrity. What you are seeing in the 1999 Budget is an adjustment to 26 classifications out of 54 classifications.

The third item that we are requesting Council to consider is funding for merit increases. The City of Gladstone in 1997 adopted a Pay for Performance Plan. You will find in this budget that we are asking for a 3% aggregate increase in personnel costs to fund merit increases which equals \$296,800 and be effective in November, 1998.

The fourth item that we look at is our benefit package for our employees. Prior to getting too far along into the budget process, the personnel department met with the City Employee Committee to discuss some of the things we were going to be looking at and proposing in next year's budget for benefit packages. We received their input and also considered items that the Committee wanted the personnel office to look at.

The City Manager's benefit enhancements recommendations are shown in the transmittal letter to the City Council for the FY '99 budget. The first item is an enhancement to the City's existing Retirement Plan (LAGERS) which is a defined benefit plan. The Council is asked to authorize an upgrade to **LT5-65 from our current plan of LT5-62**. What this upgrade would mean is a **temporary benefit** that would continue an **additional three years from age 62 to age 65** which is more in line with when most of our employees would be receiving Social Security and that was the intent of having that temporary benefit. This equates to a 1% increase in personnel costs for the City of Gladstone.

The second benefit enhancement recommendation is an addition to our benefit package and termed "Bereavement Leave". Currently, the City uses sick leave if there happens to be a death of an immediate family member. Employees are allowed to use four days of sick leave per occurrence. We have taken recommendations from the Employees Committee and we are asking the City Council to implement what is called "Bereavement Leave" which would allow employees to take three days of bereavement leave in the event of the death of an immediate family member without having to utilize any accrued leave. In otherwords, they would not have to use their sick leave, vacation or holiday leave or their comp time unless of course, they would require more than three days and then they would utilize their leave.

The last portion of the benefit package looked at was our part-time employee benefit package. It is something that has not been looked at the last several years. We did take a comprehensive look at that and took surveys of what other cities are offering their part-time employees. Currently, part-time employees after they have one year of service receive one weeks paid vacation for however many hours they work which is

typically from 25 - 29.5 - 32 hrs. per week. We are requesting that with tenure, after an employee has been with us for five years, they would accrue two weeks of vacation. In addition we are asking for some sick leave benefit for those employees because currently there is no sick leave benefit for part time employees. The thought had always been that because they are part time there is flexibility that they can make up those sick leave hours and not have any financial impact. But because they are working for us primarily every day and have outside commitments their schedule does not allow them to make up that time. So we are asking that one week of sick leave be given to part-time employees.

In addition, we are asking for Personal Days for our part-time employees. Currently, our full time employees receive two personal days. We are asking that regular part-time employees also be given the equivalent. So if the average hours they work a day is 5.5, then we are asking that they get 11 hrs. on an annual basis for personal leave that can be taken at their discretion.

Ms. Wright said that concludes her overview of the benefit package and personnel section of the FY'99 budget and Laura Gay will discuss the capital projects portion of the budget.

**Assistant City Manager Laura Gay** said as the City Council's aware, in conjunction with the budget process each year, we look at developing and revising and updating our five year capital improvement plan which deals with infrastructure needs throughout the community and insures that we can protect our development interests, maintain the infrastructure that we have and improve our neighborhoods and public facilities. The five year program is funded from two primary revenue sources, the half cent capital improvement sales tax and the half cent transportation sales tax. Each of those are anticipated to generate slightly more than a million and a half dollars in fiscal year 1989-99.

Projects from both the capital improvements sales tax fund and transportation sales tax fund total \$3,404,000 in the proposed budget. The five year plan contains approximately \$16 million dollars in projects in categories such as streets, drainage, parks and public facilities. She referred the City Council and audience to pages 42 - 46 which highlight those projects proposed for the first year of the Capital Improvement Plan which is recommended for adoption in conjunction with the Fiscal Year 1988-99 budget.

Pointing out a few of the projects, Ms. Gay noted that in the facilities category we are recommending for a master plan space needs analysis for the Public Safety Department and also some additional funding to bring signage at our public facilities into compliance with ADA.

In the area of drainage, we have a storm water master plan update as well as several neighborhood drainage projects throughout the City. In the area of parks, we have funding to complete the Hamilton Heights project, funds for Happy Rock West Master Plan which will deal with programming facilities on some property that the City acquired west of the existing Happy Rock Park and some amenities and upgrades of existing facilities in our current park system. Those would all be funded out of the Capital Improvements Sales Tax Fund.



In the Transportation Sales Tax Fund, we have construction funding for the City's 20% match of the 72<sup>nd</sup> Street project which is funded through the Federal ISTEA program with 80% of those funds coming from the Federal Government. The majority of the Transportation Sales Tax Fund is dedicated to the City's Street Reconstruction and Street Rehabilitation Program which is designed to bring us in to a 12-15 year maintenance cycle on all of our residential and collector streets throughout the city. We are now in our third year of the five year program originally proposed and we have approximately 40% of that program completed in the first three years.

The Transportation Sales Tax Fund also includes funding for an Intermediate Maintenance Program which will help protect that investment we have made in the street reconstruction program. Ms. Gay said she would be happy to answer any questions.

Councilman Anita Newsom asked about the City Hall Roof (Project #9721) which is shown on page 44 of the Budget. She had thought that project was completed. Ms. Gay agreed that project was completed this year and explained that the budget sheet shows estimated 1998 projects and that is why it is listed.

Councilman Roger Norris noted that page 42 indicates a Capital Improvement Sales Tax Fund estimated July 1, 1998 fund balance of \$314,613 and a projected fund balance of \$449,613 for June 30, 1999. He asked if we are gearing up to buy something big later or if we are holding this amount because of our 20% fund balance policy.

Ms. Gay said often it is a matter of timing and in some cases we look at splitting design and construction of projects over multiple years so depending on how those are split we may want to carry forward a larger fund balance in one particular year.

Mr. Fricke asked if that is considered a reserve. Ms. Gay said yes it is.

City Manager Davis said he would conclude this budget public hearing presentation by advising the Council that he does feel that staff has done an excellent job in putting together this budget and does think it is a fairly conservative budget but will meet our desire to maintain certain service levels, our fund balances are good and we meet our debt schedules. Future planning is a big part of this budget and it includes several master plans requested for funding. Department priorities have all been met, the personnel package is sound and all of that is based on what he believes to be good revenue projections. Particularly in this regard he would like to thank the City Council for spending two study sessions with staff reviewing a whole stack of documents and providing good input, but he would also like to thank Dianna Wright, Administrator of Management Services, Assistant City Manager Laura Gay, who really spearheaded the budget process this year and all of the department heads for their willingness to work with us and review figures and go back over them and this certainly helped him with his learning curve.

City Manager Davis invited questions.

Councilman Fricke asked if the 3 days Bereavement Leave is credited to employees if not used. Dianna Wright said no, this is not proposed to be a bank of time that is tracked or credited to the employee or has any cash value if not used or when the employee leaves. Of course we hope employees do not have to use this benefit but it is available to them so they don't have to use their sick leave or other leave should the need arise.

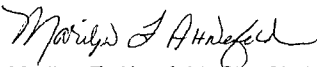
Councilman Norris asked if going to the LT5-65 benefit level means that an employee who wants to retire at 62 is now required to wait until they are 65 years of age. Ms. Wright said not at all. This change actually benefits employees because right now the temporary added percentage under the existing LT5-62 level means that if you retired at age 62 you would not receive that temporary benefit because it is only there until age 62. Under the change to LT-5-65, an employee receives the added benefit until age 65. She clarified that Public Safety Officers can take early retirement at age 50 with full retirement at 55; so in the case of an officer who retired at age 55 they would receive the added benefit for 10 years.

Mayor Pro Tem Hammen asked if there were others who wished to make comment or be heard at this Public Hearing on the proposed 1988-99 Annual Budget. Hearing none, Mr. Hammen closed the Public Hearing.

\* \* \*

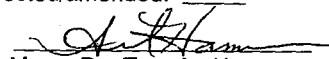
There being no further business to come before the regular May 26, 1998 City Council Meeting, Mayor Pro Tem Art Hammen adjourned the meeting at 8:25 PM.

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Pro Tem Art Hammen

**NEXT ORDINANCE #3.680**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 8, 1998**

**CLOSED EXECUTIVE SESSION 6:30 PM**  
**PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION 610.021(1)**  
**FOR PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 26, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating June 8, 1998 as "**LAVELLE KING RECOGNITION DAY**" in the city of Gladstone, Missouri.
5. **CONSENT AGENDA**

**RESOLUTION R-98-48**, setting a Public Hearing on August 24, 1998 to establish the Annual Property Tax Levy for the taxable year 1998.

**RESOLUTION R-98-49**, adopting the 1999 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditure of funds and amending the Position Classification and Compensation Plan.

**RESOLUTION R-98-50**, adopting a Bereavement Leave Policy and revising the Vacation Leave, Sick Leave and Floating Holiday policies for the City of Gladstone and amending certain sections of the City of Gladstone Personnel Manual to incorporate such policies.

**RESOLUTION R-98-51**, authorizing Change Order No. 2 to the 1998 Street Rehabilitation and Reconstruction Program and authorizing the expenditure of additional funds not to exceed \$10,510.00. (Project #9901, Funding: Transportation Sales Tax Fund)

**RESOLUTION R-98-52**, authorizing execution of a contract with Rhomar H. Construction, Inc. for the 63<sup>rd</sup> Terrace Drainage Improvements and authorizing the expenditure of funds not to exceed \$34,167.43. (Project #9605, Funding: Capital Improvements Sales Tax Fund)

**RESOLUTION R-98-53**, accepting a Quit Claim Deed from a property owner in conjunction with the construction of Worth-Harley Davidson at 6609 N. Oak Trafficway.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS** for **Quick Trip**, 6309 NE Antioch Road, **Quick Trip**, 2590 NE 72<sup>nd</sup>, **Hy-Vee Food & Drug**, 7117 N Prospect.

**NEXT ORDINANCE #3.680**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for remodeling of 2,590 sq. ft. existing office space for Pizza Hut Delivery, 7291 N Oak. Owner: Gladstone Village Center, Inc. (BP#98-0258) Applicant: Mark D. McCluggage, AIA, CCS
10. **APPROVAL OF BUILDING PERMIT** for construction of 6,000 sq. ft. showroom and service building at 6750 N Oak for Northtowne Hyundai. Applicant: Bob DeGeorge Associates, Inc. Owner: K.L. LeFever. (BP#98-0284)
11. **PUBLIC HEARING** on a request for Site Plan Revision in a CP-3 zone, property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052). ***Continued from May 26, 1998 City Council Meeting.***
- 11a. **FIRST READING BILL 98-22**, approving a Revised Site Plan on property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).
- 11b. **RESOLUTION R-98-54**, authorizing the City Manager to execute a Developers Agreement relative to the redevelopment of property at 64<sup>th</sup> & N Prospect (Prospect Plaza Shopping Center). ). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).
12. **FIRST READING BILL 98-25**, electing the Alternate LT-5(65) Benefit Program under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.646, as Amended.
13. **RESOLUTION R-98-40**, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within The Woodlands Subdivision.
14. **FIRST READING BILL 98-26**, amending the Model Traffic Code to designate STOP sign locations under Schedule VIII and adding a new Schedule XI designating a "One-Way Street" within The Woodlands Subdivision.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 8, 1998

Mayor George Nodler called the Regular June 8, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular Tuesday, May 26, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the May 26, 1998 City Council Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### Item 4a. on the Agenda. PROCLAMATION: Designating June 8, 1998 as "LAVELLE KING RECOGNITION DAY" in the city of Gladstone, Missouri.

Mayor Nodler read the proclamation and presented it to retiring City employee Lavelle King and thanked her for 21 plus years of service to the City and our residents as a member of the Management Services Department, the Gladstone Public Safety and Civil Defense Departments in the varied positions she held as Water Cashier, Accounts Payable Clerk, and Clerk for the City Collector and Municipal Court.

City Manager Kirk Davis commented that Lavelle King is one of those special employees who has spent many many years dealing with the public and sometimes with difficult people and in difficult situations. He said he is not aware of anybody who ever left City Hall suggesting they had been treated unjustly or treated rudely by Lavelle King --- and we will certainly miss her at City Hall.

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

Following the Clerk's reading of the Consent Agenda, Councilman Fricke moved to adopt the Consent Agenda as read; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-48**, setting a Public Hearing on August 24, 1998 to establish the Annual Property Tax Levy for the taxable year 1998. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-49**, adopting the 1999 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditure of funds and amending the Position Classification and Compensation Plan. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-50**, adopting a Bereavement Leave Policy and revising the Vacation Leave, Sick Leave and Floating Holiday policies for the City of Gladstone and amending certain sections of the City of Gladstone Personnel Manual to incorporate such policies. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-51**, authorizing Change Order No. 2 to the 1998 Street Rehabilitation and Reconstruction Program and authorizing the expenditure of additional funds not to exceed \$10,510.00. (Project #9901, Funding: Transportation Sales Tax Fund) Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-52**, authorizing execution of a contract with Rhomar H. Construction, Inc. for the 63<sup>rd</sup> Terrace Drainage Improvements and authorizing the expenditure of funds not to exceed \$34,167.43. (Project #9605, Funding: Capital Improvements Sales Tax Fund) Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Dave Fricke moved to adopt **RESOLUTION R-98-53**, accepting Quit Claim Deed from a property owner in conjunction with the construction of Worth-Harley Davidson at 6609 N. Oak Trafficway. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS** for **Quick Trip**, 6309 NE Antioch Road, **Quick Trip**, 2590 NE 72<sup>nd</sup>, **Hy-Vee Food & Drug**, 7117 N Prospect. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda. Communications from the Audience.**

**Mr. Harold Page, 101 NE 64<sup>th</sup> Street,** inquired about the status of the bid award for the 63<sup>rd</sup> Terrace Drainage Improvements ( Project #9605).

City Manager Davis advised Mr. Page that the bid had been awarded to Rhomar H. Construction, Inc. earlier this evening on the Consent Agenda under Resolution R-98-52.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** inquired about the status of the Methamphetamine Brochure previously discussed. Assistant City Manager Laura Gay advised that we do have a draft of the brochure prepared by Gladstone Public Safety and are exploring funding sources to cover printing expense.

Mr. Fricke said it is hard to know what will help, but he would like to see us do something to educate the public on this issue. He said Gladstone has a number of rental homes and they often become prime targets for Meth Labs and if used as a Meth Lab a property is essentially gone and we may as well bulldoze it.

Ms. Gay noted the prices for printing of the brochure range from \$1500 - \$5000 depending on the number of colors and type of paper used for the brochure and method of distribution. Our hope would be to include the information contained in that brochure on a regular basis in the **Gladstone Reporter** which is mailed to our 10,000 households.

Ms. Newsom said we could bring this to the Gladstone Chamber of Commerce and suggest a sharing of the expense.

Mr. Norris suggested a city-wide mailer and then follow up quarterly in the **Gladstone Reporter** to keep the public informed. Meth lab operators have to go someplace and Gladstone could be prime for this. Mr. Fricke said we already have meth labs in Gladstone and Public Safety is being very diligent in addressing them.

**Councilman Anita Newsom** said she assumes Code Enforcement is working weekends right now checking on weed violations as well as temporary sign violations that seem to be cropping up everywhere. Director Scott Wingerson said yes the department is out working those violations. Ms. Newsom said it has been noted by residents how much cleaner Gladstone appears and that we are in better shape.

Ms. Newsom told retiring Gladstone employee Lavelle King that she looked forward to seeing her at the retiree/career change table at the annual Gladstone Employees Holiday Dinner. Mrs. King thanked the Council again and said living in Gladstone all these years as well as working for the City the length of time that she did, if anybody loves this city it is her.

**Councilman Art Hammen** asked if the signalization for north and southbound at 72<sup>nd</sup> & N Oak for the left turn light has been changed. Director Gerald Menefee said as of Thursday it is just a permissive left now, not a yielding left anymore because we have removed the other phases. Mr. Hammen asked if this change is because of high incident of accidents. Mr. Menefee said it was because people were trying to turn on the green light.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis announced that Water Treatment Plant Operator Don Mason is hospitalized having suffered a stroke, but he is improving and will remain in the hospital a few more days for additional tests.

The **Blues Fest** will be held in Oak Grove Park on Friday and Saturday, June 19-20.

The Los Corrales Restaurant ribbon cutting scheduled for this week has been postponed and Council will be advised of the new date.

**Item 9. On the Agenda. APPROVAL OF BUILDING PERMIT** for remodeling of 2,590 sq. ft. existing office space for Pizza Hut Delivery, 7291 N Oak. Owner: Gladstone Village Center, Inc. (BP#98-0258) Applicant: Mark D. McCluggage, AIA, CCS

Councilman Nodler moved to approve the building permit; Mr. Hammen seconded.

Discussion.

Mr. Fricke asked if we have any information on the fate of the former Pizza Hut Restaurant location farther south on N Oak. Director Wingerson advised Staff did make contact with Pizza Hut but no indication was given of their future plans. He said we will continue those contacts to learn of their plans and of course would welcome any new business desiring to move into that location.

Mr. Wingerson said from what he could learn it is a change in corporate philosophy because they indicate the former restaurant location was not doing as well as the delivery business in the Gladstone strip center next to Pepper's Hot Tub. As a result of this increased delivery business, they are moving to the 7291 N Oak location and will have a small eat-in area to catch the lunch crowd as well as increase their delivery business to cover the city better.

Ms. Newsom asked about the ingress/egress. Mr. Wingerson said they will use the existing driveways in the center which are two on Oak and one on 72<sup>nd</sup> Street. He also referred Council to the color elevations provided.

Mr. Hammen asked Mr. Wingerson if the sq. footage at this location is bigger or smaller than the south Oak location since they are providing for both home delivery and some eat-in service. Mr. Wingerson did not know the exact footage at the south Oak location for comparison purposes.



Mr. Norris said there is a parking problem at the old location but it would serve well to run delivery out of it, and he just mentions it for future thought.

Ms. Newsom said she had no further questions but wishes there was a Pizza Hut representative present to explain their corporate philosophy as to their moves.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for construction of 6,000 sq. ft. showroom and service building at 6750 N Oak for Northtowne Hyundai. Applicant: Bob DeGeorge Associates, Inc. Owner: K.L. LeFever. (BP#98-0284)

Councilman Norris moved to approve the building permit; Mr. Fricke seconded.

Discussion.

**K.L. LeFever, 404 NW Briarcliff Parkway, Kansas City, Missouri,** said they will be breaking ground for modernization of their car lot with raised displays that will act as a screen and he believes it will be a nice look for N Oak and will get rid of that 30 year old Malt Village building.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. The Council wished Mr. LeFever good luck.

**Item 11. On the Agenda.** **PUBLIC HEARING** on a request for Site Plan Revision in a CP-3 zone, property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052). ***Continued from May 26, 1998 City Council Meeting.***

Mayor George Nodler opened the Public Hearing and explained the hearing process.

**Applicant representative Richard Carlisle** introduced himself and indicated he is with the law and planning firm of Freilich, Leitner & Carlisle and said his firm primarily represents public bodies throughout the United States. They do a lot of growth management plans, zoning ordinances, impact fee ordinances and a lot of redevelopment law work for their public clients. For example he did the South Beach redevelopment in Miami Beach, Florida and have been very successful in revitalizing a number of older areas around the country.

Tonight he is representing State Street Bank and with him is George Campbell who is the owner's representative and Bo Conrad, Ed Feltman from Kessinger/Hunter and Chris Cline with Ochsner Hare & Hare whose firm has done all the site plans.

Mr. Carlisle said staff has asked him to go through both the site plan issues and the general issues of the development agreement as a part of this public hearing. Chris

Cline will go through the site plans so we all know what we are talking about. Arnold Woker is here from Feingold & Associates and he is our architect. The City retained Kent Crippen who is present in the back of the room and he has been asked to point Mr. Crippen out because he may have some answers to some questions you might have about the grocery store component of this particular project.

Mr. Carlisle said before he turns this over to Chris Cline he would be remiss if he didn't say that this has been a very, very difficult project for all of us. It has not been an easy decision by this owner as to what to do about this particular project. As you all know, Walmart pulled out and left a big hole in the center. That doesn't happen just in the Gladstone, you probably have seen a number of situations like that where Walmart has pulled out and created problems. There are other problems that exist at this center but the main issue financially that the owners have had to deal with is that there is an income strain for a considerable number of years that will come in from Walmart. They just walk away from their leases, build a brand new store and I guess they make enough money that it doesn't make any difference. My client has had an extremely difficult decision in balancing that revenue strain from putting the 9-10 million dollars in the center that it's going to take to turn this thing around. And that just takes time. But, the other thing that's been difficult about this is the time frame itself and also the pressure put on City staff and on your Planning Commission.

Regardless of what happens this evening, Mr. Carlisle said he would like to thank the staff and the Planning Commission. He does not know of too many cities that could have done it, and he has represented literally dozen of cities around the United States, You often times see agreements that can be negotiated in the private sector because you are just dealing with different dynamics. It is extremely difficult to turn something around as hopefully we've done in this situation when you are representing public bodies. Everybody has been very good to give of their time and their respective expertise to get as far as we have. The last thing he would say is that that occurred literally right up until moments before this meeting got started as City Counselor Nancy Thompson and he were still discussing details about this agreement. Win, lose, or draw we appreciate the staff's time and also the fact that the Planning Commission took some steps, that were not out of the ordinary, but they were very responsive and very good with their time as well, so we appreciate that.

**Chris Cline, Landscape Architect with Ochsner Hare & Hare** introduced himself and said their firm has been in business since 1910 here in Kansas City and they have been working on a variety of developments, anywhere from single family subdivisions to mixed used developments, to shopping centers. Recently they have been working on a number of different revitalization efforts for shopping centers. This one is Prospect Plaza, at 64<sup>th</sup> and Prospect. He said his grandmother actually lives about two miles away from here and back in its heyday he would visit his grandmother and they would go down and do most of her shopping at Prospect Plaza. In fact there was a little video arcade that used to be there and they would go to the movies and he and his cousin would go play video games and it was a neat center back then. But times change and tenants change and what we are left with is an aging shopping center.

They are here to discuss revitalizing that shopping center and trying to breathe new life into it. They want to make it an asset to the City of Gladstone and provide a range of products and services for the benefit of the surrounding community. He said he'd like to talk about the site circulation, the landscaping and the architecture of the existing shopping center. Just to let us know what they look at when faced with a project like this, they are given a site and asked what they need to do to fix the shopping center. What do they need to do to make it better. Referring to the drawings, he noted the existing circulation within this center noting that north is up, Prospect is west, 64<sup>th</sup> St. is on the south and the buildings are kind of in an L shape here on the north and east portions of the site. There's also an existing structure on the corner. As one approaches the shopping center and looks at the entrances, we've got an entrance here off of 64<sup>th</sup>, and two entrances off of Prospect. Circulation within the shopping center currently is pretty much non-existent. Once you drive in off of 64<sup>th</sup>, other than some paint on the pavement, there really is nothing there to direct traffic. So once you drive in, it's usually a straight shot to whatever store that you are going to and pretty much the same is true for coming off of Prospect. Once you come down the ramp and enter into the parking lot there's really nothing there to direct traffic, so right now circulation is kind of haphazard at best when you come in. What they are trying to do is to direct traffic a little bit better than that.

In terms of the landscaping, there's a pretty fair amount of turf area along 64<sup>th</sup> and along Prospect, but once you get inside the shopping center, with the exception of some of the landscape material for sale here by Westlake Hardware Store, there really aren't any trees or shrubs or any landscape areas within that mass of parking lot to really break that up or soften it. We are proposing a number of improvements in that area to help break down the appearance of the amount of pavement that's out there in the parking lot. In terms of the architecture, it's been there a while, it's weathered a number of tenant changes, and he feels it's time for a facelift. There's a number of things we're proposing with the architecture to revitalize the look of the shopping center. One of the eyesores, and he thinks everybody would call it an eyesore, is the building out here on the intersection of 64<sup>th</sup> & Prospect. He does not know if it used to be a Ponderosa or a Golden Corral, but it's gone through a number of different changes over the years and it's life cycle is up. They propose to take that out as part of Phase I of the project to get rid of it.

This next board is called a concept diagram and it just kind of puts into words and images what it is they try to do when they look at an existing shopping center like this; what types of things can be done to make it function better than it does today and make it look aesthetically pleasing.

He said he thinks in any shopping center, circulation is one of the key elements in the overall success of a shopping center. What we looked at is how to treat the entry areas and bring traffic into the shopping center without causing a problem with parking areas. And to do that they are proposing curbed landscaped islands on either side of those entry drives so that if you were to come in off of 64<sup>th</sup> you would have curbs and landscape on both sides that would direct traffic and those islands would separate the parking areas from the drive lanes. It allows traffic that exits the center to stack up a little bit better and again provides that separation which is a safety consideration. Off of

Prospect, instead of just coming down with that ramp into this field of parking they propose to curve that entry drive a little bit to the south. So instead of it coming in a straight line like it does now they will introduce some curves and bring that drive lane a little bit further away from the stores. He said that drive does two things. Number #1, it separates the parking from the entry drive, but it also creates a large field of parking out there in front of the major tenants of the center who are going to need more parking. So those two entry drives work together to create a larger field of parking for the existing shopping center and they also serve to create opportunities for new retail development along 64<sup>th</sup> Street.

In terms of the landscaping, with the introduction of islands on either side of those entry drives, they have created a nice softening effect of that drive. It doesn't feel like one big parking lot anymore. It starts to feel like three different areas, with a nice tree lined boulevard drive inside. Mr. Cline said he thinks it's going to improve the overall visibility as one drives on either 64<sup>th</sup> or Prospect looking into the shopping center, just to see the number of trees and shrubs and landscape islands in there. It will really soften that look and give it a high quality feel that is currently not there today.

In terms of the signage, Mr. Cline said they are proposing to renovate it and mimic the architecture that we have proposed for the shopping center and he displayed a board that is just a different color rendered version. It doesn't have all the thoughts and words on it, but it might show you the landscape a little bit better without all the symbols. There are two existing signs and they propose to redo those signs and make them consistent. These are some concepts that we have come up with similar in height to the existing signs that are there now and mimic what we are doing with the architecture. We are also proposing a small monument sign down on the corner that would provide some signage opportunities for some of the smaller tenants.

Mr. Cline said the architecture would be revised and he displayed the south elevations of the buildings and showed the fronts of the buildings. They propose to move the Hobby Lobby store from where they are now in the middle over to the west end of the building and to build on about a 35' - 40' addition on the side of the building with a new loading dock for the Hobby Lobby. They would put a new grocery store in the middle and Westlake Hardware would stay where it is today and they would put a new elevation on the whole front of that building. In terms of the architectural improvements each store entrance of the vestibule entry would be raised in height to create not just a linear looking building but they propose a new canopy for the Hobby Lobby, a new canopy with a drop off area for the grocery store and a new canopy area for the Westlake Hardware. The theater building or the existing retail building will have an entry vestibule enlarged to match the others. The new signage kind of ties in to that feel of the architecture.

In terms of off site improvements and phasing, they are looking at off site improvements based on a traffic study for N. Prospect and 64<sup>th</sup> St. There's a maximum limit to that, and Dick Carlisle will speak about that.

In terms of the phasing of the project, Mr. Cline said as mentioned before they would be tearing down the building at the corner during Phase I. They would also put in the

entry drives that he spoke of and do all the improvements to the existing buildings with the facades and the parking in Phase I.

Phases II and III would happen some time down the road. They would be based on tenant driven schedules. Once they get tenants for those buildings they would come back in with plans for construction. They have pulled the location of the new building a little bit further to the east to open up the feel from that intersection. We didn't like how the existing building is pushed right up there on the corner, so we are also pulling the pavement further away from the property lines in that area to take into account some of the grade that is there. If you look at the existing building there is a retaining wall that was built as part of the building. It is about a 4' to 5' retaining wall, and we are looking at taking out most of that grade out there in the landscape so we can get rid of the walls and create more of a level situation for people so it's more handicapped accessible.

Mr. Cline said in conclusion they feel like they have put together a quality site plan that addresses a number of the liabilities of the existing site that is there today. He said he feels like it will be a quality addition to Gladstone and they ask for Council support.

Councilman Newsom asked if the grocery store will have a drop off or drive-up similar to Hy-Vee; Mr. Cline said yes.

Ms. Newsom asked if they had any thoughts of using landscaping at the front of the building.

Mr. Cline said there was some thought given to it, however, if you look over time at how some of those islands that are placed near the fronts of the centers appear, the landscape that is put there looks great the first day and a year later it really gets trampled. He said he does not know what the long term viability of plant material is along the fronts of the stores.

Ms. Newsom also asked if removal of the bulk of the asphalt and regrading mentioned was in Phase I; Mr. Cline said it is in Phase 1 and the building will come down in Phase I.

Ms. Newsom questioned if the building finish will be resurfaced or repainted; Mr. Cline said Arnie Woker, Feingold & Associates will address that.

Mr. Hammen asked Mr. Cline if he was the appropriate person to talk to about signage. Mr. Cline said he was. Mr. Hammen asked what consideration had been given to converting the existing two signs to monument signs.

Mr. Cline responded that we have a site distance problem out here, with this being the high point and both of these entries being significantly lower. There are also a number of signs that are there now. He thinks there is an Adopt-A-Highway sign on Prospect that really blocks out views to this sign into the shopping center from someone approaching this way. He showed the elevations that are proposed that have more of

a monument sign. They are still up in the air to give the visibility to the tenants but in terms of what's out there today, this is a vast improvement over the existing signs.

Mr. Hammen: said he would certainly agree with and he likes the architecture he sees there , but asked how the height of the proposed signs compares to the height of the existing signs.

Mr. Cline showed where the height of the existing sign comes to and said the top line of the sign itself has not been raised at all. It's about 32 1/2 - 33 foot tall. We have left that basically where it is and we are proposing to come in with a new sign that's about the same size. We have added one extra section down here to the bottom, but we haven't added it in height. The only thing that we have added in height is the architectural element up here to match the architecture.

Mr. Hammen said one of the concerns this Council has had for a long time is the existing pole signs around the City and our goal has been trying to get those closer to the ground. We could probably get that Adopt-A-Highway sign moved for him if that's your main concern about visibility. Would you be willing to consider reducing the overall height of your signs?

Mr. Cline said he thinks the height of the sign is somewhat tenant driven. In this area visibility is a problem regardless of the Adopt-A-Highway sign. If that were to get moved they are not really proposing to heighten that sign at all or raise the height of it.

Mr. Hammen said except for the architectural extension at the top. Mr. Cline agreed.

Mr. Hammen said then ultimately it is still higher than it is now. Mr. Cline said yes, but in terms of the look of it these aren't poles and we can do these with a drive-it type of system that has more of an appearance of stucco with square columns around the inner supports and match the materials we are using on the architecture. It's going to look more like an architectural piece out there than a pole sign, if you will.

Mr. Hammen agreed they are certainly more aesthetically pleasing than what's there now and asked how they are set back in relation to the street.

Pointing to the drawings Mr. Cline said in one area he believes the existing sign is about anywhere from 8 to 15 feet away from the existing right-of-way line. And in another area he thinks it's a little bit closer than that within 5-10 feet.

Mr. Hammen said so the potential exists if some calamity were to occur that that sign could be blown or knocked out into the street, just simply falling over from it's base. Mr. Cline acknowledged that was possible but he can tell us it would be designed not to do that. Mr. Hammen said he would rather see it designed closer to the ground.

Ms. Newsom asked if without replacing the poles they are legally non-compliant under the existing sign code. Counselor Thompson said yes or a variance is required.

Mr. Fricke said he had one question for Mr. Cline. On the east perimeter bordering this property and the church, there is a privacy fence now. That remains basically the same?" Mr. Cline said yes, but he thinks there are some repairs and/or replacement that needs to be done to that fence and he thinks that was part of the conditions.

Responding to Ms. Newsom's question regarding materials and whether the buildings would be repainted or resurfaced, Mr. Cline stated that all of the existing canopies and sidewalks near the building will be removed. All of the new vestibules that you see and the fronts are all new construction with the exception of the light tan areas on some of the existing Hobby Lobby building and the existing Westlake building, those facades are the existing masonry which will be painted. The area between and dividing these long walls into smaller elements is new masonry in a contrasting color, again to give it a more broken effect. There is a new canopy to be constructed starting at the grocery pick-up for the grocery store extending past the grocery entry up to Westlake and then Westlake has its owned defined entry and then the canopy continues on to the east and turns along the east elevation again, another element in the middle of that will stretch also and continues all the way to the south end of the east building. That is all new canopy. It is an inclined metal siding.

Ms. Newsom had questions regarding the canopy and covered walkway. Mr. Cline said where the walkway is, once you leave the grocery pickup area and go across Hobby Lobby that is not covered. On the Hobby Lobby elevation they have a vestibule that extends out and in order to mimic that look we have a teal band of driv-it in the same plane as the canopies are elsewhere. And that wraps around the corner of Hobby Lobby and continues all the way down the west side of Hobby Lobby. Again that is just intended to keep that line a constant and above the canopy line and above the teal band is all new facade and that will be a drivit finish and it is in a medium tan contrasting the lighter tan that is on the base of the building. And at the very top of the buildings is a crown molding also out of drivit and it will be in the darkest of our tan colors and it runs continuous all through the center as a cap and feature element. One other thing we had to consider was lighting. Wherever we have a canopy we have a uniform lighting beneath the canopy that runs continuous with that. Where the canopy stops we needed to address that as well. We basically have sconces that occur at these vertical elements that will provide a scalloping effect and again at night will break up those long walls with scallops of light rather than just long blank walls.

**Dick Carlisle** said as requested by Staff we will now move into the development agreement itself and talk a little bit about the need for the incentives that are built into that agreement. The State of Missouri, interestingly enough, has actually been one of the leaders nationally in providing ways for its cities to revitalize older areas and older projects within their city limits. As an aside, that may or may not last and you all may want to watch the store on that because if those tools are taken away it's going to be very difficult to do projects like this, in fact it's probably going to be impossible. One of those tools is Chapter 70 of the Missouri Revised Statutes which was one of the first cooperation agreement statutes meaning what can we do when the public and private sector get together and cooperate on a project. It was really one of the first statutes of its kind in the United States that was passed.

He said clear back in the 1970's when he was a child lawyer and city attorney for the City of Independence, MO we used Chapter 70 to do exactly what Chapter 70 is being used for tonight. It was augmented by a tax increment financing statute in later years. But even before the TIF statute was passed, cities and private sector companies would get together and they'd talk about how to revitalize an area. The way that was done was to simply recognize that one thing and one thing only is going to increase the values and revitalize older areas and that is spending money. There are two choices. Lots of cities have done lots of projects by spending public funds. In this particular project we are not asking for one dime of city expenditures to do this revitalization. It will be done 100 % by private investment. The city's part of course comes in, in the second thing that we used to do in Chapter 70 and that is when that private money is spent, bricks and mortar, also the soft costs, the stuff necessary to get this stuff done. It is going to create new value in an older piece of property and its going to happen in two ways. It's going to happen with a property tax, which in this particular instance has not been an easy decision; but in this particular instance we are not asking for any of the property tax to be utilized in repaying the private debt that is going to be created on this side. The other thing that private investment does though is that it increases sales.

As you all know, because you go by it all the time, the sales at that center have been declining right along with the physical decline of the center itself. They declined immediately when Walmart pulled out and then when Walmart pulls out that has a ripple effect. You can stop the bleeding by the wise use of Missouri's revitalization laws and again Chapter 70 is one of those. The basic notion here is really pretty simple and I'm sure you understand it. That is, how can we create an economic incentive for the private sector to spend money that otherwise they absolutely would not spend unless those incentives are made available. He said he has always called it is gap analysis. And that is how much of that sales tax that is created purely by the initial private investment, the need to roll back into the project to create a sufficient rate of return that instead of cashing Walmart's check for the next 10 years, and we've got a lease for 10 years at Walmart, instead of simply cashing those checks you create enough of environment and you manage the risk enough that by having a portion of those sales taxes rolled back into the project it then makes sense for the private sector to spend the money. That's how all redevelopment laws work, by creating those sorts of economic incentives for projects to go forward.

Often times with bond financing, where the City actually partners up and actually signs on the dotted line as a part of the debt, again it's important to note in this particular situation that the City is not being asked to go into debt with respect to those initial investments. Of the entire 9-10 million dollars maybe more, that will be required as a private investment, it will be done out of the checkbooks of the guys sitting behind me.

Mr. Carlisle continued that once you have these increments you really have a situation and this is a dynamic that you always have in a proper context or in a proper redevelopment plan, as we think you have here, right now if you did a graph you would see that your tax revenues are doing this and they are going to continue to decline. They are going to decline because of the blight of the area is increasing, they are going to decline because of the hole in the center, the type of tenant that comes in progressively pays less and less rent and the quality of the merchandise goes down in



value. Pretty soon, I won't name names, but pretty soon you get that lower level type of merchandise that is an odd lot or an outlet or a remnant and that becomes a sort of sale and that causes your sales taxes to go down, it's a viscous circle and the property taxes go down as well. Both the applicant and the City staff and Mr. Crippen have had a tough time putting this deal together but Mr. Carlisle said he thinks we are there.

The basic financial terms are as follows:

When we came to this project we knew that we had to have at least \$1.4 million dollars of our debt covered by the increases that would be created in the sales taxes by reason of the private investment that is made. The City staff had real concerns about the fact that one of the tenants that we were proposing is a grocery store. Your staff was concerned that that grocery store tenant would in essence take revenues from other grocery stores in the area and that you would have no net increase in your sales tax by reason of that dynamic. We agreed to something we call a governor, which is to take a look at your current gross sales from grocery stores in the City of Gladstone, which is \$41 million dollars and we agreed that with respect to half of that \$1.4 million dollars or \$700,000 that we would take the risk on that. In other words, we would make the bet that the gross sales in the City of Gladstone would be in excess of what you currently have. We did that for a couple of reasons. The city staff commissioned a study by Kent Crippen, which indicated that even by the most conservative analysis, the grocery store sales from this project should net an excess of what the current sales are citywide. We also have certain information from the grocery store industry which is still very conservative but less so than Mr. Crippen's study. It shows that you have a very high ceiling in the City of Gladstone with respect to grocery store sales. So that tells us, and we have more information about the industry side of things than we do Mr. Crippen's study. Relying on our industry sources, we are willing to make the bet. It's risky and risk is everything in the private sector. I've never known a developer yet that likes to risk money if the risk is too high. But our analysis of that is that while it definitely beyond a doubt increases the risk factor, what your city staff was very fond of saying during the negotiations is that they wanted us to take that risk instead of you, and we are willing to do that.

We are basically putting \$700,000 at risk with respect to that governor. We are asking for a 15 year term on that, we are asking that 75% of the incremental increase in revenues attributable to grocery store sales for the first 3 years be allocated to retirement of that principal and interest and then 50% of that incremental increase for the next 12 years. Now there is an "Other", we call it Grocery/Other & Right-of-Way. There is an "other" side of the equation which is all the retail sales at the center other than the grocery store. There again we are asking \$700,000 or the half that is not put at risk on the governor. Again, 7.5% interest and a 15 year term. There is 100% of the incremental increase to retire that debt. Our project costs as we originally estimated them including cost and right-of-way were in the \$9-10 million range and our analysis of the need for the \$1.4 million was on the basis of that analysis. Mr. Carlisle said they have had a series of discussions with the city staff about that subject and are willing to go at risk with another 1/2 million dollars of purely private sector investment for improvements within the right-of-way. That would be a traffic signal, some improvements to Old Antioch Road, sidewalks, storm drainage, widening,

ingress/egress. Some of that is still under analysis as an additional traffic study might be done, but basically for purposes of our agreement we are committing to spend 1/2 million dollars. Our initial analysis was that it would take about \$50,000 and then we said \$250,000. The long story is that we have agreed with your staff to put 1/2 million dollars in additional money into this project for purely public improvements at an 8.5% interest rate term of 12 years and 75% of the entire transportation sales tax and capital improvements tax generated by the center. Those are the basic financial terms of the agreement. But for that public/private partnership that the Chapter 70 cooperation agreement allows this project will not happen. It's going to take that sort of partnership in order to get this done.

Unlike a lot of these projects around the State and City we are not asking for one dime of that expenditure to be made by the City. If the incremental increase in sales doesn't occur, we take the risk on that, not the City. Those are the key elements. We are basically talking about paying for \$9-10 million dollars of improvements strictly out of our own pocket including \$1.9 million. We hope the increment is there to pay us back. Before you tonight is a draft agreement that we have been working on right up to the moment. He knows that Council is aware of its terms from having talked to your staff. You will note that it is being approved by resolution this evening. He has discussed this with our City Counselor and it will be necessary under Chapter 70 to come back at a later date with an ordinance.

Mr. Carlisle said we as private sector people do have some time constraints that we are dealing with so we would ask your action on the resolution drafted with Nancy Thompson tonight and they agree that it should come back for ratification at a later date by ordinance.

There were no questions of Mr. Carlisle, and no one to speak for or against this application, whereupon Mayor Nodler closed the public hearing.

**Item 11a. on the Agenda. FIRST READING BILL 98-22**, approving a Revised Site Plan on property at NE corner of 64<sup>th</sup> St. and N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).

Councilwoman Anita Newsom moved to place Bill 98-22 on First Reading. Councilman Dave Fricke seconded.

Discussion.

Councilman Newsom asked how this proposal will affect Westlake's outdoor sales and their scarce parking. Scott Wingerson replied that the current area being used by Westlake is much larger than actually allowed for under the terms of their lease. Under this proposal because of the zoning classification, they are allowed to have some outside sales. That is regulated by the City's Special Event Permit application process and is considered annually. Kessinger/Hunter may be able to talk about the square footages but it would be considerably smaller than what they have now.

Councilman Newsom noted on the plans, spots for handicapped parking and also cart corrals, most of them in front of the grocery store. She truly objects to the idea of a drive through grocery store having loose shopping carts in the parking lot that haven't made it to a cart corral when a store fails to maintain them on a busy Saturday afternoon. She knows that Hy-Vee was forced to put in cart corrals because of a corporate decision and she was told that the only way they could get around that was if there was an ordinance that prohibited that. She asked if we have that latitude to discuss this along with the site plan.

City Manager Davis referred the question to Bo Conrad of Kessinger/Hunter as to whether they had opportunities through their leases to restrict carts in parking lots.

Bo Conrad with Kessinger/Hunter stated he is intimately involved with the grocery store lease and the grocer they were working with typically likes to have both arrangements available to customers. There are some customers who prefer to take their cart out themselves. It really boils down to the store managers supervision and how well he polices the parking lot. Mr. Conrad has confidence that this retailer is the best we can get in terms of policing their parking lots and operating their store. Ms. Newsom said she finds the carts a real detriment because of the potential for them to hit cars and that is why she had gone to Hy Vee.

Mr. Conrad said they specifically requested the cart corrals and approved the locations. Ms. Newsom said if people used them that would be one thing but they mis-use them and she is opposed to the cart corrals.

Councilman Hammen clarified that the motion to place the Bill on First Reading is subject to the 17 conditions contained in the ordinance before us. Of the 17 conditions contained in the ordinance are there any the applicant objects to and feels that can't comply with?

Mr. Carlisle asked Scott Wingerson if these were the same conditions that were in front of the Planning Commission? Scott Wingerson said yes, except for the last two. At the Commission's request there needs to be some mechanical screening and the conditions reads mechanical equipment needs to be screened according to City Code - that's not a problem. Tractor/trailer ingress/egress shall be prohibited at the southern drive of N. Prospect (main entrance)

Mr. Carlisle stated they will agree to both conditions on the assumption that the trucks can actually have ingress and egress without going through the southern drive of N. Prospect. There appears to be some confusion in that respect. It behooves all of us if we are going to revitalize this center to allow trucks in.

Councilman Norris said then it seems to him that they will need to have their architects design an entrance on the northern side of Prospect so a truck can ingress and egress. Mr. Carlisle asked if the northern entrance could be designed to allow ingress and egress without use of the southern entrance. The architect said he did not think so. Mr. Norris asked about the entrance on the south end of 64<sup>th</sup> Street.

A spokesman said historically and from talking to tenants they anticipated accessing Prospect more than they would 64<sup>th</sup> Street. He does not know what their truck delivery routes are and they have not discussed with them not being able to use the southern Prospect entrance so he does not know what impact it would have on them. If it would behoove them to use 64<sup>th</sup> Street as much as possible or practical that is fine but there may be conditions that would prohibit them from not using one of the exits.

Ms. Newsom said if you come out of the southernmost entrance onto Prospect and try to turn south it is nearly impossible because of the site distance and just the normal flow of traffic. Mr. Norris said in a car it is difficult.

Mr. Fricke asked when the truck traffic would come through. The response was predominately early in the morning but it could be at all times of the day.

Mr. Carlisle said we are dealing with revitalization of an existing site so to a certain extent we are inheriting this problem. He suggests that in lieu of condition 17 they would agree to a condition to work with the staff in order to handle tractor/trailer ingress and egress in as efficient manner as possible, given the existing constraints of the site; and would report back to planning commission and city council with respect to the solution of that problem.

Community Development Director Scott Wingerson said there was discussion on several different levels concerning a driveway; and some discussion specifically after the planning commission meeting of Commissioners first hand knowledge of semi-trailers causing significant delays on N Prospect by trying to use that drive by either entering it or exiting it, including a report that a semi-trailer may have been somewhat high centered because of the grade of the driveway. In this request, the grade of the driveway does not change significantly although the traffic pattern will be clarified. Mr. Wingerson said after the Planning Commission meeting and on other levels there was discussion concerning the feasibility of tractor trailers coming in. He would not disagree with Mr. Carlisle's suggestion to the Council and his commitment and those he is working with to continue to look at ways to resolve this issue to everyone's satisfaction.

Councilman Norris commented to Mr. Carlisle that we would like the trucks not to come in and he feels it would behoove him to figure out a way they could come in and out easier and come back and show the city how that's possible, instead of leaving it up in the air.

Mr. Carlisle stated they would be happy to come back and address the issue. He acknowledged that this is a problem that has existed for some period of time and there is not a lot of space behind those buildings and it really dictates one way traffic for a large rig. He will get the traffic engineer involved because they are signaling the intersection anyway. At this point they cannot agree to the condition at this time but will agree to work with the City in good faith on it.

Ms. Newsom asked what the turning radius is. Mr. Carlisle said he did not know and that maybe they have to address that and he assumes they will have the ability to address it at this juncture.

City Manager Davis expressed his preference on behalf of the staff that the condition be left in there with a clause added that says subject to engineering review of truck ingress/egress. Staff has heard Council's message and will be proponents of looking for alternatives that will work and allow traffic in and out other than from the sloped entry. Mr. Norris said he thinks that is implied without changing the wording in #17.

City Attorney Thompson agreed that if you want to make it subject to engineering review of ingress/egress that it should be added to Item 17 by amendment.

The motionmaker and seconder agreed.

Councilman Newsom voiced a question on Section 5 regarding the replacement of a fence east and north property line. Does this directly address the south east corner of the missing privacy fence that surrounds the church property? Mr. Wingerson said it does. Ms. Newsom said she remembers this being a bone of contention when site plan changes were made at this site a number of years ago. Mr. Wingerson said it would be the entire east property line and the north boundary of the church.

Councilman Hammen questioned whether the wood fence being replaced would be replaced by a new wood fence. Mr. Wingerson said Yes.

Councilman Norris told Chris Cline that he stated they added caps to the signs to make them taller and then a section was added to the reader board. Mr. Norris said since he has been a part of the Gladstone government we have been trying to get people to go towards monument signs and away from the reader board type sign. In some situations you can make a case that it is the best way to go but overall in the City we think it is clutter. He asked how he can justify his vote that would allow this applicant to do something with their sign that they would not allow anybody else to do. Mr. Cline replied that they had been dealt a hand with this shopping center; that it was not just a piece of bare ground, but had existing buildings and signs. The pole sign would remain essentially the same size but with a small piece added onto the bottom of it. Mr. Cline felt that the term "reader board" implied moving sign, blinking lights, etc. And that is not what they are proposing, it would just be internally illuminated. Menu board is better terminology for what they are proposing.

Mr. Cline said their sign is not a pole sign such as the one at Blockbuster's on N. Oak. He felt their sign would fit in with the architecture of the building and that is what he thinks Council should take into account when they review sign plans from other developments that come in and consider how the signs fit with the architecture of the building. This is an existing sign and they propose to put a new face on it similar to what they are doing with the architecture to make a consistent overall feel to the development.

Councilwoman Newsom asked Mr. Cline if they were proposing to use the same colors and logo as the development and the answer was Yes.

Councilman Hammen asked the City Attorney if the signs as proposed are compliant or would they require a variance. Her reply was that the increase of height would require a variance so there would be another opportunity to take a look at signage plans and variances that might be required on the site.

Mr. Hammen asked then if the legs were lowered an amount equal to the amount the peak was raised, would it be compliant. Nancy Thompson replied that you would have to look at the overall signage that is put on the center whether or not it meets with the signage they would put on the buildings as well. And you also have the issue of percentages so she cannot state at this time whether it meets the Code or not. Councilman Hammen stated that the intent of Condition #8 would be that the overall signage package would meet current City codes or a variance be required. City Counselor Nancy Thompson Attorney affirmed that statement and Councilman Hammen stated he would be comfortable with that.

The vote: "Aye" - Fricke, Newsom, Hammen, Nodler. "No" - Norris (4-1) The Clerk read the Bill.

Mr. Carlisle said as a point of clarification, there are existing signs but they would like to replace them and will request the variance as is required by City Code. The net effect may be that we end up with the old signs which is an issue to be addressed another day but they are dealing with a situation where they believe they are dramatically improving an older center perhaps not to the same extent as someone coming in on a vacant ground and starting from scratch but the signs will be handled in a fashion that will make the City proud of the center compared to what is there now.

Councilman Newsom moved to accept the First Reading of Amended Bill 98-22, Waive the Rule and place it on Second and Final Reading.

Discussion.

Councilman Norris stated he understands the timing issues that have been imposed on the City by the people making this request and he is not pleased with that at all. He said if you want to discuss terms and negotiate with a five person Council while at a public meeting, he does not feel that this is a good place to be bargaining from. He will vote "aye" on the second reading to allow the bill to be advanced and give the ability to pass the site plan tonight if that is what this Council chooses to do and so we can move on to the next issue - the resolution dealing with the agreement.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the second and final reading of Amended Bill 98-22 and enact the Bill as Ordinance 3.680; Mr. Fricke seconded. The vote: "Aye" - Fricke, Newsom, Hammen, Nodler. "No" - Norris. (4-1)

Mayor Nodler announced that Bill 98-22 is enacted.

**Item 11b. on the Agenda.** **RESOLUTION R-98-54,** authorizing the City Manager to execute a Developers Agreement relative to the redevelopment of property at 64<sup>th</sup> & N Prospect (Prospect Plaza Shopping Center). ). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Assn. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).

**City Counselor Nancy Thompson** advised that staff did not have any opportunity to speak on this issue when it came forward under the public hearing but speaking on behalf of the staff, it has been the staff's impression that it is clearly in the best interest of the citizens of Gladstone that this center be improved. The public benefits of redevelopment of the neighborhood include the neighborhood revitalization, protection of the tax base, increasing of the surrounding property values, increased employment opportunities in the City as well as increased City tax revenues. City staff has run some calculations to determine what type of revenues we might be able to see if we were to enter into a redevelopment agreement with the property owner. In the first five years of the project the City would be able to tangibly see a substantial improvement to 64<sup>th</sup> & North Antioch Road, the curve in Antioch Road, to the tune of approximately \$500,000. In addition we would, based on the revenue projections provided by the developer, see approximately \$220,000 increase in the General Fund, revenue from the 1 cent general sales tax as well as \$370,000 in the Transportation Sales Tax and Capital Improvement funds. Those are monies in addition to those public improvements. The total benefit to the City being approximately 1.1 to 1.2 million dollars.

It's never easy to follow those projections to determine what those dollar increases will be however, those are based on the projections by the developer following any payments under the redevelopment agreement. In addition to those benefits, we think the other taxing jurisdictions within the City will see a huge increase in their revenues. The redevelopment agreement does not touch on property taxes which are generated by the school district which is one of the reasons the developer was allowed to come forward and request assistance without going through a TIF process. In addition to the tight time frame, the fact that no other taxing jurisdictions are involved, allows this type of process to occur. In addition to the school district being a taxing jurisdiction which would benefit, you also have the County and their sales tax which will not be impacted. Ms. Thompson said we don't have any revenue projections on what their benefits would be but she knows that in Council's packet there was some documentation concerning the property tax history on this particular parcel and the decrease in assessed valuation in the last few years, particularly since Walmart has left the site.

Ms. Thompson said she does want to add that this is a low risk deal for the City. It does not use any of the City's funds that are not generated from increased revenues at the site or increased revenues on a city-wide basis when you are talking about the grocery store revenues. The money that is put into this project by the developer results in substantial benefits to the City and its citizens. The agreement you have before you tonight is an agreement that has come after a lot of time and effort and energy put into

it by all City staff. We've worked hard with Mr. Carlisle and the developer has had numerous meetings and the agreement you see before you is something they have agreed to in its totality. The only issue that she knows that staff has talked with the City Council about which is different than you see in the agreement is the 15 year term on the grocery store side. Although it is contained in the agreement as a total 15 year term payout. That is something we had discussed with you previously as being a 12 year limit on the payout, but in the agreement it is a 15 year payout.

Councilman Hammen referred to pages 6 & 7, page 7 specifically says years 4-12, 50% of the general sales tax. Is that a typo?

City Counselor Thompson said that sub-section b, refers to the grocery store side of this project and in years 1-3 it would be 75% of the general sales tax in excess of the governor and in years 4-12 it's 50 % of the general sales tax in excess of the governor for an overall 15 year commitment on the grocery store side. **It should read years 4-15 at the top of page 7,** and she apologizes.

Councilman Hammen asked if staff is recommending a 15 year on the grocery side as well as on the other side; City Manager Davis said that is correct.

Councilman Norris told the City Manager that in discussions last week that was 12 years and interest rate was at 7%. Now it is at 15 years, 7 1/2%, and there are typos on the page, so what do we find after we enact this. How many more little problems do we get to see? It's part of what he referenced earlier when he talked about this imposed deadline, it's got to be hurry, hurry, hurry. This council and this staff while they work well under pressure, they don't generally bring development agreements for 1.9 million dollars of the City's money to a City Council meeting and discuss it an hour before hand and drop it on us.

Mr. Norris said he understands the timing, but he does not understand that if he had a business and the property was losing money, huge, that as the owner he wouldn't do something to reverse that trend rather than come to the City hat in hand and give us 20% of the money for the next 15 years. Mr. Norris said he would be in business if he got 2 million dollars on a 20 million dollar investment pretty much guaranteed and all he had to do was produce. As a salesman he knows how to produce. It just strikes him as odd. Stop the bleeding, decline and all this stuff. The houses around that area have not declined in their value. It's not gotten to that point yet. Yes, it's a sad center, yes, the old Bonanza looks like hell, but you know what? It hasn't hurt the \$150,000 houses across the street.

Councilman Norris said if the property owner wanted to do good business in Gladstone to him, he should invest in his own property. He is not totally opposed to the idea, but is totally opposed to the speed to do it now. We did a 2.1 million bond proposal and we spent four months alone putting together the political mail that went out to get the citizens to see that we had a water problem. Now we're \$200,000 shy of that and we're doing it in the eleventh hour all because we're afraid of some imposed deadline. He does not think that's the way this city grows. He thinks knee-jerk reactions to threats get us usually in more trouble than it solves.



Councilwoman Newsom said from her understanding of the package discussed earlier with staff and then this evening, the proposal for the financing of the grocery side was limited to 12 years and not in the total package. Not three, then an additional 12. She said she could vote much more easily for something that was a maximum of 12 years without a minimum risk than I can stretching it out for another 3 years.

Mayor Nodler agreed that in the closed session we were told that it was 12 years for the grocery store.

City Counselor Thompson said she will admit staff made a mistake in that session when they were discussing 12 versus 15 years. Our last discussions with the developer did center on 15 years on the grocery store side. That's the recommendation we carry forward and it's certainly the council's prerogative to do what they desire as far as the policy issue on where you would like to see this agreement land.

Councilwoman Newsom moved for approval of Resolution R-98-54, Councilman Norris seconded.

Councilman Hammen said this has got to be one of the greatest challenges that has come before this Council since he sat in this chair. He has wrestled long and hard with this and there's no doubt there are some substantial advantages as well as some serious concerns about this. But bottom line for him, and he thinks for all the council, is "is it best for the citizens of Gladstone." With the developer fronting the costs of the improvements and the public improvements and with the developer accepting the risk that they have got to produce additional revenue for the City to get that money returned to them, while we are returning a portion of the additional money, some of it still stays in the City during this time frame. And as tough as a decision as it is, he thinks the bottom line is, it is in fact, best for the citizens of Gladstone and therefore he will be voting for it.

Councilman Fricke said he agrees with Councilman Hammen. He thinks the developer has gone to great detail in what they are doing. He likes what he sees. He likes the outline of the structure, the infrastructure that they have used, the way the parking is being done, even down to the color schemes and the way the things are covered; the walkways. It is such a great improvement over what we have now. Something has got to happen at that intersection and he is not really satisfied to let it stay the way it is for another five or six or ten years. As far as accounting is concerned, he will tell us that he understands about half of what he knows of what we are doing here so he has to give a total vote of confidence in the staff. He thinks they've done a tremendous job and his feelings are they are concerned like we are with the accounting as far as the City is concerned. The thing that troubled him early on was the grocery and he realizes that's what makes the development work. We do have groceries in the area, but he would never want to consider anything that would damage in any way the businesses that are already existing. The more we have looked into this, he thinks that the drawing from this grocery concept will entice additional business to all the area. He thinks that the playing field will be leveled in a short time. He thinks the grocers in the area will have their revenues affected briefly in the beginning, but it will all level out over a period of

time. He too, is anxious to see something like this go and we may never get another shot like this, so he will also be voting for it.

Mayor Nodler asked Mr. Carlisle, since the issue was raised, why we are being pressured to make this decision tonight. What was pressing about not having time to review it? We were still negotiating a few minutes before the council meeting.

Mr. Carlisle said he understands and as he said at the outset and Councilman Norris particularly with respect to your comments, we are not negotiating with the five of you. Their negotiations have been strictly with the staff and he wanted to jump up and say that. Conversely, we have had to negotiate with your staff right up until minutes before the Council Meeting and that gets into your question Mr. Mayor about why and it has to do strictly with the window of opportunity we have with Walmart in order to take Walmart out of its lease. They are as he understands it, Walmart has been and are now ready to sign a sub-lease that will take us out of any ability to do this deal. It's not self-imposed. It's imposed by an existing contractual relationship that the owner has with Walmart. I believe your staff will tell you that as recently as last week, one of the principals on behalf of his client said, get it done, get more time. It can't be done. Walmart's not an easy company to deal with. Mr. Carlisle said he absolutely guarantees that it is not his style to have a self-imposed deadline creating the confusion that it has created and to walk in to any City Council anywhere in the United States under the circumstances we have been forced to do here. He is not that stupid. We've been dealt a lot of hands. We've got an aging center that these people acquired, we also have an existing contractual relationship with Walmart and that is why we are standing here at H hour asking for your help.

Councilwoman Newsom said when this proposal was first coming forward she looked at the pretty pictures and immediately liked it because its been said before this is something that has desperately needed help for quite a while, even the part that was starting to decline while Walmart was still there. The conditions that we are having to deal with are not maybe the ones she would liked to have seen in the best of both worlds, in the optimum situation. There are times when you have to deal with a bird in the hand, especially if the bird in the bush looks like Bubba Bumpkins junk shop. which she has seen Walmart do in certain instances and she certainly does not like to see that.

Ms. Newsom said if she is fussy about carts in the lot, stores that could possibly go in there frighten her. That's kind of a catalyst to move her forward to say yes to something like this. And she knows it can't all be mandated into ordinances and its got to be a lot of good faith. But with this much money going into a center she would certainly hope her yes vote would bring the citizens of Gladstone a quality shopping center, one where the parcels and outparcels are marketed to quality shops that provide the services and products to the citizens of Gladstone that we so desperately need that are not available within our corporate city limits. And that the shopping center is maintained in such a way, even though she knows a lot of parcels turn over, that the investment is a good investment that the developers are making and not one that is going to go down the tubes through lack of maintenance and attention to detail over a period of the next 10-15 years.

Ms. Newsom said she is putting faith in the people who are doing this project and asks they not disappoint us.

Councilman Norris told Mr. Carlisle he will say that the project looks nice and he told Chris Cline that he had done a nice job laying the project out. But he hates to be pressured, and does not like being forced. And he hates it when anybody comes to the City and basically threaten that if you don't do this, you are getting odd ball (tenants), you're getting junk, you're getting trash. In his opinion, you are seriously underestimating yourselves in your own ability to make that center work without help. That's a good corner. It has great neighbors, a very stable neighborhood behind you and in all directions from there and in an area where property values have not been declining. You first referenced if you had a graph it would be declining and I want to make sure that you understand that's only true if you draw a circle around that particular site and use the graph within it. Certainly not the way it is in Gladstone.

Mr. Norris said he does not mind a city being in a position to help, he thinks it is our position, our right, to help. He does not like the aspect of the grocery store; he would like to see something else but he understands that you've got to go with what you've got. He said he does not like the developer's agreement because it has to be agreed to tonight when he knows there's at least four council people on this panel, maybe all five who were having trouble with the grocery side for 12 years at 7%. You made a nice point to tell us you gave us \$500,000, that when reading this report the City actually requested you do in public improvements, He wants to thank them for the \$500,000 and the 8 1/2% interest too. He understands it's your money and you have to make a buck, but don't count your \$500,000 a gift when we are paying for it

He said he does hope they perform well and if they have a great meat counter he might stop by for barbecue, but he wants the place to look good. He does not expect oddball in any of the "other" tenants. He wants nice, quality businesses we can be proud of so that when he has to look people in the face and say "Yeah there was that group of rich guys out there we gave money to," that he can then say but look what it got us; and Gladstone is back on the map because they didn't think it was there and it really was.

Councilman Newsom said for the record she would like to thank the staff for their diligent deliberations in drafting this developer's agreement because she knows it has not been easy.

The vote on adoption of the Resolution: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12. On the Agenda.** FIRST READING BILL 98-25, electing the Alternate LT-5(65) Benefit Program under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.646, as Amended.

Mr. Hammen moved to place Bill 98-25 on First Reading; Mr. Norris seconded.

Discussion.

Administrator of Management Services Dianna Wright advised that this Bill authorizes and upgrade of the temporary retirement benefit for our retired employees as discussed in the budget hearings. It now drops off at age 62 and this change allows it to continue until 65, when a majority of them will be eligible. Due to federal legislation, most employees will not be receiving social security until age 65 so it extends that benefit until age 65.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 98-25, waive the rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 98-25 and enact the Bill as Ordinance No. 3.681; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 13. On the Agenda.** RESOLUTION R-98-40, accepting a Standard Easement, a Quit Claim Deed and a Bill of Sale from the Woodlands Homes Association relating to the dedication of public improvements to the City within The Woodlands Subdivision.

Councilman Norris moved to adopt Resolution R-98-40; Mr. Fricke seconded.

Discussion.

Councilman Norris told Mr. Bill Reynolds and Mr. Paul Degenhardt from the Woodlands Homes Association who were present in the audience that they had done a good job bringing a good asset (referring to the Woodlands Subdivision) into the city of Gladstone and he appreciates it very much.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 14. On the Agenda.** FIRST READING BILL 98-26, amending the Model Traffic Code to designate STOP sign locations under Schedule VIII and adding a new Schedule XI designating a "One-Way Street" within The Woodlands Subdivision.

Councilman Hammen moved to place Bill 98-26 on First Reading; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 98-26, waive the rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. The Clerk read the Bill.

Mr. Hammen moved to accept the Second and Final Reading of Bill 98-26 and enact the Bill as Ordinance No. 3.682; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 15. On the Agenda. Other Business.**

Mr. Bill Reynolds, representing the Woodlands Homes Association said he wanted to thank the Staff for their time and efforts the past eight years to bring about the dedication of public improvements in the subdivision to the City. There have been some setbacks but due to the work of many staff members, this project kept coming forward and got us to this point. Leadership was provided by former City Manager Jim Norris most of the way through and later present City Manager Kirk Davis. Counselor Thompson has done a tremendous amount of work handling all the legal points that needed to be made and Scott Wingerson, Jerry Menefee and Joe Self are all to be commended for going out of their way to be helpful in this project.

Mr. Reynolds said he feels that the Staff is a reflection of the City Council and they have worked diligently to try to bring this forward and to make this a better City. He said that is a good reflection on the Council that they want a better lifestyle here in the city. The Woodlands is a great subdivision and they appreciate it that the City will now be handling the water, streets, etc.

\* \* \*

There being no further business to come before the Regular June 8, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting. Time:

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk



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

Mayor George Nodler

**NEXT ORDINANCE #3.683**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 22, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 8, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-55**, authorizing execution of a contract with Kincaid Construction, Inc. for the Hamilton Heights Park Improvement Project. Contract Amount: \$368,986.93 from the Capital Improvements Sales Tax Fund. (Project #9608A)

**RESOLUTION NO. R-98-56**, authorizing acceptance of work under the contract with Little Apple, Inc. for the Happy Rock Batting Cages Contract and authorizing final payment. Total Contract: \$68,171.58; Final Payment Due: \$15,184.08. (Project #9810)

**RESOLUTION NO. R-98-57**, authorizing execution of a contract with Coca-Cola Bottling Company of Mid-America for vending machine concession services in certain City parks and facilities.

**APPROVAL OF FINANCIAL REPORTS for MAY, 1998.**

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS for Conoco #25015**, 5810 N. Antioch; **The End Zone**, 7632-36 N. Oak; **Osco Drug Store #2203**, 6129 N. Antioch and **Antioch IGA**, 5945 N. Antioch.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**  
★
9. **RATIFICATION OF BUILDING PERMIT APPROVAL** for interior tenant finish of 2,990 sq. ft. existing office at 403 NW Englewood Road (Gabel Building). (BP #98-0320)

**NEXT ORDINANCE #3.683**

10. **APPROVAL OF BUILDING PERMIT** for interior finish of 3,102 sq. ft. existing office for Sound Advice Learning Center, 707 NE 76<sup>th</sup> St. Owner: James F. & Betty L. Hague. Applicant: Clayco General Contractor. (BP #98-0246)
11. **APPROVAL OF BUILDING PERMIT** for exterior fascia panel replacement at Smokehouse BBQ, 6304 N. Oak. Owner: Botwin & Company. Applicant: Strickland Construction Co., Inc. (BP #98-0342)
12. **PUBLIC HEARING** on a request to rezone from RP-3 (Garden Apartment Residential District - Planned) to RP-1 (Single Family Residential District - Planned) property located west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)
- 12a. **FIRST READING BILL 98-27** rezoning property west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place) from RP-3 (Garden Apartment Residential District - Planned) to RP-1 (Single Family Residential District - Planned). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)
- 12b. **FIRST READING BILL 98-28** approving a Site Plan in conjunction with a rezoning for property located west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)
13. **FIRST READING BILL 98-29** approving the **Final Plat of the Oaks Revised First Plat**, 300 & 302 NW 51<sup>st</sup> St. Owner/Applicant: Intra-State Development Co. (File #1061)
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

*to Liquid Addition  
Little Bit More  
Gavin Party Shop  
Smokehouse  
Gladstone Bowl  
Domino Pizza Parlor  
Northland Elko*

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, June 22, 1998**

Mayor George Nodler called the Regular June 22, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular June 8, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular June 8, 1998 City Council Meeting Minutes as written; Councilman Dave Fricke seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Art Hammen moved to approve the Consent Agenda as published; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **CONSENT AGENDA DETAIL:**

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-98-55**, authorizing execution of a contract with Kincaid Construction, Inc. for the Hamilton Heights Park Improvement Project. Contract Amount: \$368,986.93 from the Capital Improvements Sales Tax Fund. Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)



Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-98-56**, authorizing acceptance of work under the contract with Little Apple, Inc. for the Happy Rock Batting Cages Contract and authorizing final payment. Total Contract: \$68,171.58; Final Payment Due: \$15,184.08. Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Hammen moved to adopt **RESOLUTION NO. R-98-57**, authorizing execution of a contract with Coca-Cola Bottling Company of Mid-America for vending machine concession services in certain City parks and facilities. Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Hammen moved for **APPROVAL OF FINANCIAL REPORTS for MAY, 1998**. Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Hammen moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS** for **Conoco #25015**, 5810 N. Antioch; **The End Zone**, 7632-36 N. Oak; **Osco Drug Store #2203**, 6129 N. Antioch and **Antioch IGA**, 5945 N. Antioch. Councilman Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** commended the Gladstone Area Chamber of Commerce as well as our City Staff and employees who were involved in the Blues Fest in Oak Grove Park this past Friday and Saturday evening. He received good comments and felt it was a first rate program and acknowledged the hard work that goes into such a event.

**Councilman Anita Newsom** agreed the Chamber and the City cooperatively put on an outstanding Blues Fest and she said one of these days she will get to see who Jimmy Thackery is. (Referring to the fact that his performance was rained out two years in a row). She also felt that the City and Chamber staffs acted prudently in their decision to cancel when the weather turned bad Saturday night.

Ms. Newsom also noted it has been a year since Mr. Fricke joined the City Council and at one time Mr. Fricke stated that he had the best ice cream recipe he knew of; but Ms. Newsom said he did not know of hers. Ms. Newsom said Mr. Fricke will not be getting the "Newsom Family Recipe" but she will see him at an ice cream challenge prior to the 4<sup>th</sup> of July Fireworks in Oak Grove Park. Mr. Fricke gladly accepted the challenge and other Councilmembers quickly volunteered to be tasters. Councilman

Norris volunteered to make ribs which would serve to cleanse the palate for the ice cream tasting.

**Councilman Art Hammen** added his congratulations to all who were involved with the Blues Fest because it was a fantastic evening. Mr. Hammen told of an incident when he was helping park cars at the Blues Fest when a gentleman said he did not want to pay a dollar to park his car so he came off N Troost and tried to cut across the ditch and got stuck. They had to call a tow truck and it cost the gentlemen \$35.00 to get his truck out, so sometimes there is justice in this world.

**Mayor George Nodler** also thanked all the volunteers who helped so much on the Blues Fest, including the Chamber and City Staff and noted that one of those hard working volunteers, Terri Hoppenthaler was present in the audience tonight. He said the weather was beautiful on Saturday while he was there but upon his departure the weather turned nasty. His fellow Council told the Mayor he should have stayed longer.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he too would like to commend City Staff and the many people involved in the Blues Fest because it was a great event. He commended the dedication of Steve Buschor, Parks & Recreation Director, who chaired the event.

Mr. Davis also had the following announcements:

- Because there are five Mondays in June, it will be three weeks before the next City Council Meeting on Monday, July 13, 1998;
- City Hall offices will be closed on Friday, July 3<sup>rd</sup> for the 4<sup>th</sup> of July Holiday;
- The Annual Fireworks Display will be held on Saturday, July 4<sup>th</sup> in Oak Grove Park;
- July 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> are the dates of **Barnum** which is the first Theatre in the Park Production this Summer,

Mr. Davis also asked the City Council to consider an **Agenda Addition** of annual liquor license renewals for: **Total Petroleum, 5800 N Oak; Gene's Party Shop, 6313 N Prospect; Smokehouse Restaurant, 6304 N Oak; Gladstone Bowl, 300 NW 72<sup>nd</sup> Street; Dominic's Pizza & Pasta, 6300 N Oak; Northland Elks #2376, 7010 N Cherry.**

Councilman Norris moved to approve the liquor license renewals as listed; Ms. Newsom seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 9. On the Agenda. RATIFICATION OF BUILDING PERMIT APPROVAL** for interior tenant finish of 2,990 sq. ft. existing office at 403 NW Englewood Road (Gabel Building). (BP #98-0320)

Councilman Norris moved to approve the Building Permit subject to the Staff Report Conditions; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT** for interior finish of 3,102 sq. ft. existing office for Sound Advice Learning Center, 707 NE 76<sup>th</sup> St. Owner: James F. & Betty L. Hague. Applicant: Clayco General Contractor. (BP #98-0246)

Councilman Norris moved to approve the Building Permit subject to the Staff Report Conditions; Mr. Hammen seconded. All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. On the Agenda. APPROVAL OF BUILDING PERMIT** for exterior fascia panel replacement at Smokehouse BBQ, 6304 N. Oak. Owner: Botwin & Company. Applicant: Strickland Construction Co., Inc. (BP #98-0342)

Councilman Norris moved to approve the Building Permit subject to the Staff Report Conditions; Mr. Hammen seconded.

Discussion.

It was confirmed that the sign on the south elevation will be removed and the new fascia panel will be copper colored. Ms. Newsom commented that it will be a nice improvement.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

**Item 12. On the Agenda. PUBLIC HEARING** on a request to rezone from RP-3 (Garden Apartment Residential District - Planned) to RP-1 (Single Family Residential District - Planned) property located west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)

Mayor Nodler opened the public hearing and explained the hearing process.

**Applicant Margaret Miller, 1612 Wynbrick Drive, Liberty, Missouri,** introduced herself as the developer of Wynbrick Patio Homes in Liberty and said she has patio homes planned for the development of Heatherton Place at 62<sup>nd</sup> Terr & N Main. She indicated her land Architect, Patti Banks is present to review her drawings. From last meeting with the Planning Commission, Ms. Miller said there is only one condition that she would like to appeal to the City Council and that is the sidewalks around the cul de sac. Ms. Banks has prepared some enlarged photos from Wynbrick showing the green areas between the driveways. When you go to put in a 4' sidewalk, even though it is bumped into the curb you still have an excessive amount of concrete. This is also where a lot of water meters, manholes, etc. are typically placed and now they would have to place them closer to the homes. She would like to appeal that requirement and asked that the City Council look at the photos. She displayed an artists rendering without sidewalks; and also showed the cul de sac with sidewalks up to the curb and pointed out that a lot of the green is gone when you sidewalk and suggested that aesthetics and placement of the water meters, etc. is a consideration.

Mr. Hammen said the copy of the preliminary plat before the council shows a 10' front yard set back and he asked if that is what they are asking for. Ms. Miller said she knows each driveway is at least 20' long and deferred to her architect, Patti Banks.

**Patti Banks, 3700 Broadway, Kansas City, MO 64111**, said she is the land planner for Ms. Miller and at the Planning Commission Meeting they were asked to come up with 18' from the back of the sidewalk to the unit as a minimum and each of these units are in excess of that. They have a minimum of 20 ft. from the back of the sidewalk to the front of the garage. They are asking for a waiver of the normal setback of 35' through the **P** zoning. Mr. Hammen asked what specific setback they were asking for. Ms. Banks said in some cases it is as little as 10' because they have 2' - 4' before the sidewalks. Particularly at the end of the cul de sac there is one lot which is within 10' of the right of way.

Councilman Newsom said one of the discussions she kept picking up from the Planning Commission was storm water and asked what their provisions were for dealing with it. Ms. Miller said she is to meet with Mr. Lutjen and Mr. Scott Wingerson this week to put that all in line. Right now they have had a couple of meetings but nothing has been set down as far as what they have to do.

Ms. Newsom said there was also discussion about extra parking. She said living on a cul de sac for a number of years she is familiar that if you have guests you do not have adequate parking and asked how they were going to resolve that.

Ms. Miller said they were going to have parallel parking of about 5-6 spaces near the entrance to the development and the street will be wider at that point. Ms. Miller said historically speaking this type of development does not have young children living there. It is not that they deny housing to families with children but the lifestyle of the development is such that they don't have children because they can't put up slides, swings or fence in yards, etc. so as a result it is usually retirement age individuals who buy these types of homes. At Wynbrick where they have 58 homes, the only children are grandchildren. There is no prohibition of children but as a matter of history as far as Wynbrick and other patio homes they are usually occupied by empty nesters.

**Community Development Director Scott Wingerson**, said the applicant is requesting a zoning change from the current classification of RP-3 to RP-1 for construction of a twenty unit patio home subdivision. The property is located at N Main and 62<sup>nd</sup> Terrace and contains about 4.1 acres of presently undeveloped property. This is an unusual request because it a patio homes. Our zoning ordinance does not provide for patio homes classifications it only provides for single family and some form of multifamily residential development. He said his suggestion was that we use the R-1 zoning classification as the base zoning classification and then utilize the "Planned" designation as the avenue for this development to go forward. The original request from the application was for a 10' front yard setback. The Planning Commission had a couple of concerns about that much of a request. The main concern was to ensure that the cars parking in the driveways of these units would not block what would become a public sidewalk. In response to that, the applicant has revised their site

plan to provide parallel parking as discussed and moved the units back to provide 20' from the back of the sidewalk to the unit itself.

Mr. Wingerson said that is true in all cases except in unit #11 which has approximately 10' from the right of way line to the front of the unit. That is a little bit different than the rest of the units because they are proposing that no sidewalks be provided around the bulb. In the event the Council requires that sidewalk, that unit would have to move a little bit because it would be very very close to the sidewalk itself. The staff is recommending approval and staff recommends addition of two additional conditions to the site plan bill under agenda item 12b. Both conditions are agreeable to the developer. Condition #6 may read something like, "in addition to city code required improvements on the west side of N Main, curb and gutter shall be provided on the east side of N Main around the radius of the 62<sup>nd</sup> Terrace & N Main intersection, a minimum of 25 feet to the North and the South. Basically what that means is that they will curb the curves of the intersection of 62<sup>nd</sup> Terr & N Main.

Condition #7 would read that "the minimum front yard setback shall be 20' from the back of the sidewalk with the exception of unit #11". The last thing he would ask the Council's consideration on is that Condition #2 in the draft ordinance currently states the sidewalks shall be provided throughout the development. He would ask Council to consider changing that to read "sidewalks shall be provided throughout the development including the N Main frontage". That is the area, if the Council so desires, to add the sidewalk along the bulb of the cul de sac.

There were no persons to speak for or against this application and Mayor Nodler closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 98-27** rezoning property west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place) from RP-3 (Garden Apartment Residential District - Planned) to RP-1 (Single Family Residential District - Planned). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)

Ms. Newsom moved to place Bill 98-27 on First Reading; Mr. Fricke seconded.

Discussion.

**Councilman Newsom** said what is proposed is a much more desirable use of the property than the existing plan.

**Councilman Norris** said he would agree with Councilman Newsom on the fact that it is good to rezone this property from the apartment zoning classification to RP-1; however, there are some other problems that we will have to deal with during the site plan consideration.

**Mayor Nodler** said he too strongly favors this proposed rezoning.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the First Reading of Bill 98-27, Waive the Rule and place the Bill on Second and Final Reading; The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the Second and Final Reading of Bill 98-27 and enact the Bill as 3.683; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12b. on the Agenda.** **FIRST READING BILL 98-28** approving a Site Plan in conjunction with a rezoning for property located west of N. Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File # 1059)

Mr. Hammen moved to place Bill 98-28 on First Reading; Mr. Fricke seconded.

Discussion.

**Councilman Hammen** said he had two items he would like to discuss. On Condition #1 on the Site Plan Approval where it reads: "an area for piling snow to be provided"; Mr. Hammen asked how the applicant intends to comply with that condition. Patti Banks showed the Council the location on the drawings and Mr. Hammen asked Mr. Wingerson if that complies with the spirit of the conditions.

Mr. Wingerson said the purpose of the condition is for the provision of an area for snow plowing by our crews because it is very difficult for large trucks to make it around the cul de sacs and still clear the snow. It is normally an area that we define during the final platting process and an actual easement is platted for that purpose and many times it is in conjunction with the same area where the mailbox is and provides a dual use of open space. He said staff was looking at between lots 13 and 14 but normally it could be on the south side of the cul de sac, it is just an open area where they can pile snow 3-4 times a year when they actually have to plow and is something they can discuss with the developer and engineers prior to final plat.

Mr. Hammen said the second item he would like to discuss is the sidewalk issue. He feels that it is important that sidewalks be continued around the cul de sac especially given the prospective age of the tenants. He would perceive them as very much liking to get out and walk in nice weather and he thinks it is important that we adhere to our city policy of keeping sidewalks available. He does think there is a compromise that would assist the developer in getting sidewalks in and still try to work within the setbacks; and that would be as we get to the mouth of the cul de sac to transition to the normal distance between the curb and the sidewalk which is 4-5' down to a 2' area between the back of the curb and the edge of the sidewalks. That would allow the sidewalks to be close to the cul de sac and still maintain the ability to keep a distance of 20' from the back of the sidewalk to the building so that when people park in the driveways they do not block the sidewalks.

Ms. Newsom said she concurs with the compromise Councilman Hammen is suggesting basically because she lives in a neighborhood that abuts a patio home

neighbor and she is very familiar with the lifestyles of the people who tend to purchase these units. And yes they like to get out and walk a lot and they also drive long cars and rv's. As far as setback, she said she measured her car and it is nothing like her mother's car and with entertaining needs from card parties, whatever, there needs to be adequate parking and also there needs to be sidewalks for walking. From her observation they are walking their dogs, and walking with their grand children and we need to provide sidewalks. In the spirit of what we are doing in the city of Gladstone, that needs to be in place. As far as standard 4' greenspace or 2' she is wholeheartedly in favor of sidewalks.

Mr. Fricke said he was pleased when the Planning Commission revised this from 10' to 20' setback but he is concerned about lot 11. Is there any way that can be moved back to comply with the 20', why is this lot a problem.

Patti Banks said the main problem is providing a minimum rear yard setback. It is at the minimum now and if we move that unit back further it sits pretty well on top of the property line and that is where the unit's private space is in terms of patio and that kind of thing. Mr. Fricke asked the footage, Ms. Banks said it is 15'. Ms. Newsom asked if this includes their patio or deck. Ms. Banks said yes that is their *personal outdoor space*. Ms. Newsom said so if they put in a 15' deck they are right on the property line; Ms. Bank said she believes there is a about a 20' setback there but it is very very close to the property line. Ms. Newsom asked if consideration had been given to reconfiguring the footprint of this house to smaller sq. footage so it could more readily accommodate the greenspace requirements. Ms. Banks responded they had not considered that to this point. Ms. Newsom said it is like putting 10lbs. of potatoes in a 5lb. sack.

Mr. Hammen said one thought that might be worth exploring is to rotate Unit #20 ninety degrees since they are not going to have the pool in there perhaps by doing that it would allow some additional space to move unit #11 and all of them in-between a little bit so they can pick up some additional front setback rather than being right smack in the very back side of the cul de sac. Ms. Banks said they would be happy to explore that but there is a large drainage swail and they are trying to keep the foundation of the house out of that swail to the extent they can. She said they would be happy to look at rotating the building to see if they could gain anything that way. She said they also have a storm sewer that they are going to be extending from N Main that will go right into that drainage swail and it is a matter of getting all of those things to work but they will certainly be happy to take a look at that.

Mr. Hammen said he was looking for a way to accomplish what they wanted to do and still provide for sidewalks and a reasonable setback so that people can walk without having to go out and around cars parked in driveways. Ms. Banks said they certainly appreciate that and will take another look at it.

Mr. Fricke said #11 lot lines appear to have a lot of width and suggested perhaps a little bit different design of this unit could make it wider than longer. He also noted that is the unit people will see right at the end of the bulb because it would be sitting right on

top of the sidewalk. Ms. Banks said there are three different types of units and one is wider and perhaps would fit but they will just have to look into all the suggestions,

Councilman Norris asked what is behind unit #11. Ms. Banks said it is a reasonably open area but she does not have a picture with her.

Ms. Newsom said with empty nesters there are lot of units that have a double car garage but they only have one car and although it is nice to have that extra garage for storage it is not a necessity.

Ms. Banks said as part of the covenants and restrictions for this development as is true in Wynbrick, residents are required to park in the garage and the garage doors must be down so some issues will be handled by the covenants. If you drive through the Wynbrick development, rarely will you see cars parked in the driveway or the garage door open. Obviously it happens on occasion, but there are restrictions. Ms. Newsom said in the spirit of trying to reduce the footprint of #11 going to a lesser square footage with a single car garage might be explored.

Ms. Banks said they will try some additional footprints and look at a different location for #20 as well.

Mr. Hammen said for purposes of clarification his vote will be based on the sidewalks being provided throughout the development including the N Main frontage and around the cul de sac with a 2' transition around the cul de sac to aid the developer. Also to include conditions 6 and 7 as earlier stated by Mr. Wingerson.

Ms. Banks said related to the 2', they respectfully request that they be allowed to bring the sidewalk all the way up to the curb around the cul de sac; because as shown on the plans, many of those places have a very very small area by the time you get 2' away from the curb. Those become maintenance problems and basically muddy areas that are very difficult to maintain. They would prefer to bring the sidewalk up to the curb feeling that it would make a better project overall.

Mr. Hammen said he certainly has no problem with that and said he had only suggested the 2' because of the earlier mentioned need for a place for water meter pits, and so forth and he knows it is better to have them in the ground than in concrete. Also he thinks there was some concern raised by the developer at the Planning Commission that if the sidewalks were at the back of the curb that people would park up on them which would inhibit pedestrian traffic and that is the other reason he suggested that other 2' of greenspace.

Ms. Banks said she appreciates that but it does become more of a maintenance problem with the 2' rather than up to the curb. She also pointed out that once the sidewalks are in it is really the Homes Association that maintains them and repairs them and they are trying to achieve something with low maintenance and that is why they did away with the pool, because with only 20 homes it was high maintenance. In



the Wynbrook with 58 homes it is a different story. Her concerns were maintenance and aesthetics but she will gladly do whatever Council suggests.

Both Councilman Norris and Councilman Fricke asked for clarification on Lot #11 and Lot #20 in light of suggested change in footprints, etc.

Director Wingerson suggested that because there have been changes offered to the site plan this evening, Council may want to give only one reading of the Bill to allow the developer and staff to work together to resolve these concerns and bring a clean plan revision back to the Council on July 13<sup>th</sup> to ensure that we meet the Council's intent.

Mr. Fricke said he wanted to clarify that he had no problem if the sidewalks are against the curb.

Councilman Norris said he drove through Wynbrick today and it is a nice subdivision and he did wonder why there were no cars but Ms. Banks answered that. He did notice they did not have sidewalks in the cul de sac but some of those sidewalks are so close together that you could just step over. He is in favor of one reading tonight and would like to see some changes radical changes in the setback for building #11.

Mayor Nodler said he is familiar with Wynbrick and it is the type of quality development he would like to see come to Gladstone.

The vote on first reading: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)  
The Clerk read the bill.

**Item 13. On the Agenda. FIRST READING BILL 98-29** approving the **Final Plat of the Oaks Revised First Plat**, 300 & 302 NW 51<sup>st</sup> St. Owner/Applicant: Intra-State Development Co. (File #1061)

Councilman Dave Fricke moved to place Bill 98-29 on First Reading; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Fricke moved to accept the First Reading of **Bill No. 98-29**, Waive the Rule and place the Bill on Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0) The Clerk read the Bill.

Mr. Fricke moved to accept the second and final reading of Bill 98-29, and enact the Bill as Ordinance No. 3.684; Councilman Norris seconded The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0)

**Item 14. On the Agenda. Other Business.**

**Ken Bennett, 6208 N Main,** said he was not opposed to the proposed homes in the Heatherton Place Addition because it will help clean up their wild cat problem in the woods back there but he has a problem with 40 more cars coming into N Main and coming out of this development he would like to see a Stop Sign and also coming down 62nd Terrace. All these hills in this area converge on the bottom of this area. Coming down Main from the south there are a lot of ditches and last year there were four cars in the ditches. Under the five year plan they are not listed for improvements and Mr. Bennett suggested to the Council that they move that up with 40 more cars coming in there.

**City Manager Davis** said Director Menefee is looking at the Stop sign issue there and currently is doing his analysis to determine if they are warranted. Secondly, we have done the 5 year plan in 3-4 years so we will be looking at the 5<sup>th</sup> year and he believes N Main is going to be given considerable consideration particularly with a new development going in. We are aware of the hills and the other conditions Mr. Bennett just mentioned.

Mr. Norris said because of the rate of speed people are going on those hills, the Stop Signs will be needed for anybody coming out of the new subdivision.

Mr. Fricke said there are two stop signs involved; Mr. Davis said that is correct.

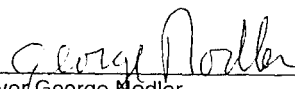
\* \* \*

There being no further business to come before the Regular June 22, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
\_\_\_\_\_  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, July 13, 1998**

**CLOSED EXECUTIVE SESSION 6:30 PM  
PURSUANT TO MISSOURI OPEN MEETING ACT EXEMPTION 610.021(1)  
FOR LITIGATION AND PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 22, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-58**, authorizing acceptance of work under the contract with Industrial Excavating & Equipment for the Shady Lane reconstruction and authorizing final payment. Total Contract: \$255,317.75. Final Payment Due: \$12,765.89 (Project 9108)

**RESOLUTION NO. R-98-59**, accepting Permanent and Temporary Construction Easements from property owners in conjunction with the 57<sup>th</sup> Terrace and Tracy project (Project 9218).

**RESOLUTION NO. R-98-60**, establishing a permanent easement on City-owned property in conjunction with the 72<sup>nd</sup> Street reconstruction project. (Project 9417).

**RESOLUTION NO. R-98-61**, authorizing funds for the Employee Technology Assistance Program be utilized on an on-going basis.

**RESOLUTION NO. R-98-62**, authorizing the City Manager to accept the proposal of Foster Coach Sales, Inc. for the purchase of one 1998 Ford Medtec Type III Ambulance and authorizing sale of a surplus 1994 Ford Medtec Type III ambulance to Foster Coach Sales, Inc. Purchase Amount: \$108,869. Less Trade-In: \$29,300. Fund: General.

**RESOLUTION NO. R-98-63**, authorizing the City Manager to execute a Land Development Agreement and Escrow Agreement relative to development of property located at 7101 N. Antioch Road (Lot 1 & 2 Belfonte Estate). Owner: David & Christine Belfonte and Henry & Carol Jo Belfonte.

## **NEXT ORDINANCE #3.685**

**RESOLUTION NO. R-98-64**, authorizing acceptance of work under the contract with Industrial Excavating & Equipment for the 72<sup>nd</sup> and Euclid realignment and authorizing final payment. Total Contract: \$290,961.80. Final Payment Due: \$14,738.09. (Project 9604)

**RESOLUTION NO. R-98-65**, authorizing Change Order No. 2 to the Contract with Commercial Waterproofing for the Water Treatment Plant Secondary Basin Repaint in the amount of \$38,600.00. Fund: CWSS Sales Tax. (Project #9819).

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS** for **Firehouse**, 6948 N. Oak; **Kwik Shoppe**, 7603 N. Oak; **Tortilla Flats**, 5716 N. Antioch; **Phillips 66 #27646**, 7303 N. Oak; **Margarita's**, 7013 N. Oak; **Godfather's Pizza**, 328 NE 72<sup>nd</sup> St.; **Golden Eagle**, 6502 N. Oak; **Dales' Sports Bar**, 6825 N. Oak; **Johnny Dix Pool & Pub**, 316 NE 72<sup>nd</sup> Street; **King Super Store**, 7020 N. Oak; **Uncle Nebo's**, 7102 N. Oak.

## **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for exterior shell modifications for Radio Shack, 7413 N. Oak Trafficway. Owner: Briarcliff Development Co. Applicant: Bob DeGeorge Associates, Inc. (BP #98-0337)
10. **APPROVAL OF BUILDING PERMIT** for interior 2,340 sq. ft. tenant finish for Radio Shack, 7413 N. Oak Trafficway. Owner: Briarcliff Development Co. Applicant: Bob DeGeorge Associates, Inc. (BP #98-0390)
11. **SECOND READING AMENDED BILL 98-28**, approving a site plan in conjunction with a rezoning for property located west of North Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File #1059)
12. **FIRST READING BILL 98-30**, authorizing the City Manager to execute a Development Agreement relative to the redevelopment of property at 64<sup>th</sup> & N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Association. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).
13. **SIGN VARIANCE REQUEST**, Harding Glass, 6901 N. Oak. Applicant: The Harding Glass Co. of the Greater Kansas City Area.
14. **SIGN VARIANCE REQUEST**, Hy-Vee, 7117 N. Prospect. Applicant: HJM Architects, Inc.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 13, 1998

Mayor George Nodler called the Regular July 13, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

At the invitation of Mayor Nodler, a Scout in the audience led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular Monday June 22, 1998 City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular June 22, 1998 City Council Minutes as written; Councilman Anita Newsom seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading, Councilman Hammen moved to approve the Consent Agenda as read; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### Consent Agenda Detail:

Councilman Hammen moved to adopt **RESOLUTION R-98-58**, authorizing acceptance of work under the contract with Industrial Excavating & Equipment for the Shady Lane reconstruction and authorizing final payment. Total Contract: \$255,317.75. Final Payment Due: \$12,765.89 Mr. Fricke seconded. The vote: All

"aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) Ms. Newsom asked if all sidewalks are now in place on this project. Staff confirmed they were.

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-59**, accepting Permanent and Temporary Construction Easements from property owners in conjunction with the 57<sup>th</sup> Terrace and Tracy project. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-60**, establishing a permanent easement on City-owned property in conjunction with the 72<sup>nd</sup> Street reconstruction project. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-61**, authorizing funds for the Employee Technology Assistance Program to be utilized on an on-going basis. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-62**, authorizing the City Manager to accept the proposal of Foster Coach Sales, Inc. for the purchase of one 1998 Ford Medtec Type III Ambulance and authorizing sale of a surplus 1994 Ford Medtec Type III ambulance to Foster Coach Sales, Inc. Purchase Amount: \$108,869. Less Trade-In: \$29,300. Fund: General. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-63**, authorizing the City Manager to execute a Land Development Agreement and Escrow Agreement relative to development of property located at 7101 N. Antioch Road (Lot 1 & 2 Belfonte Estate). Owner: David & Christine Belfonte and Henry & Carol Jo Belfonte. . Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-64**, authorizing acceptance of work under the contract with Industrial Excavating & Equipment for the 72<sup>nd</sup> and Euclid realignment and authorizing final payment. Total Contract: \$290,961.80. Final Payment Due: \$14,738.09. . Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-65**, authorizing Change Order No. 2 to the Contract with Commercial Waterproofing for the Water Treatment Plant Secondary Basin Repaint in the amount of \$38,600.00 from the CWSS Sales Tax Fund. Mr. Fricke seconded.

Ms. Newsom asked for clarification on this change order and questioned if the original estimate was too low. City Manager Davis agreed it was woefully low. He explained that it was suggested in last year's budget that we would paint two basins and we had \$40,000 set aside but the bids came in at \$38,000 for **just one** basin; so we deferred painting of the second basin until this budget. So we are combining two

fiscal years into one project. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved for approval of **ANNUAL LIQUOR LICENSE RENEWALS** for **Firehouse**, 6948 N. Oak; **Kwik Shoppe**, 7603 N. Oak; **Tortilla Flats**, 5716 N. Antioch; **Phillips 66 #27646**, 7303 N. Oak; **Margarita's**, 7013 N. Oak; **Godfather's Pizza**, 328 NE 72<sup>nd</sup> St.; **Golden Eagle**, 6502 N. Oak; **Dales' Sports Bar**, 6825 N. Oak; **Johnny Dix Pool & Pub**, 316 NE 72<sup>nd</sup> Street; **King Super Store**, 7020 N. Oak; **Uncle Nebo's**, 7102 N. Oak. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said speaking as a Councilman and a citizen he is amazed at the good results we have had from the near tragedies during the past two weeks. The handling of storm damage, damage control, the response of city employees and the tree and limb disposal decisions and the extra time and efforts on the part of our City employees were all very gratifying. He said the actions of Public Safety and others on the Antioch Road electrical outage were exemplary. Those employees really know what they are doing when an emergency happens.

Mr. Fricke said the 4<sup>th</sup> of July celebration was a great success. The fireworks were good, the weather which he was in charge of did hold off, and the food provided by Councilman Norris and ice cream made by Anita Newsom were excellent.

Mr. Fricke also complimented the draft he read of the next **Gladstone Reporter** which he understands will be sent out soon.

**Councilman Roger Norris** said he too compliments the great job employees did in handling the storm debris and the volunteers who assisted people in the community. He noted in his neighborhood, John and Charlie Williams cleaned up the entire street over the weekend. He is aware that Terri Hoppenthaler and her father, Dean Gromer were also out providing assistance and he thanks them for that.

Councilman Norris said he would also personally thank a member of Gladstone's Fire Bureau, Erik Henson who along with his Dad and a friend donated their time to assist the elderly with storm debris. This employee happens to live in Liberty and probably had not had any sleep after working his regular shift yet he donated his time. Mr. Norris said not only is this employee a good fireman but he is also a good citizen and he commends him for his actions.

**Councilman Anita Newsom** said she also applauds our handling of the storm. She had the opportunity to tour Liberty and saw first hand their extensive tree damage in all parts of the city. She cannot imagine what it will cost them. It is unfortunate Gladstone is strapped with our own situation and cannot offer help to our neighboring city.

Ms. Newsom also complimented Theatre in the Park which was bright and colorful. The new lighting and sound system were major improvements that had long been needed and are greatly appreciated.

**Councilman Art Hammen** said he would echo the comments made by fellow Council regarding the handling of the storm, etc. As the Official Judge of the 4<sup>th</sup> of July Ice Cream challenge between Councilmembers Anita Newsom and Dave Fricke, Mr. Hammen said he does announce it was a draw because both brought just excellent ice cream; and being the only barbecued ribs competitor, Councilman Norris is of course the declared winner.

**Mayor George Nodler** commended the Parks & Recreation employees and all responsible for the 4<sup>th</sup> of July celebration because it was a very nice event which came off well.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis introduced Dianne Whitaker, the new Administrative Assistant in the General Administration Department who was present at the staff table.

Mr. Davis reported that our storm costs thus far are \$60,000 and to date we have received 4,800 loads of brush/trees. A load being a trunk of a car, or back of a van, or pick up or flat bed; in otherwords 4,800 customers.

Mr. Davis noted that Director of Community Services Gerald Menefee is in the process of putting together a more formal creek maintenance program which will certainly help us respond better to residents and help our crews as well.

Manager Davis also advised that in the 58<sup>th</sup> & N Garfield/Euclid area there were quite a few residents with some backups and that is a project that has been on the City's Capital Improvements list and we are moving ahead with that project. We have encouraged our insurance company to entertain the concerns of the residents who were affected and we intend to meet with those residents shortly. Bids for this project should be advertised this Sunday and we feel it is important to get out and visit with those residents about the scope of the project and what they can expect from us.

Mr. Davis said he too would like to commend our Public Safety Department and Community Services staff on the Antioch Road debacle. They responded well and did a good job of controlling traffic and the incident.

Manager Davis also noted that we had an Emergency Operations Center the night of the storm and he commends our Emergency Operations Officer Tony Marrali for the tremendous job he did. The entire management team showed up with support staff



from buildings inspectors, parks and others to perform damage assessment and identify downed lines, etc. The Manager said his hat is off to Officer Marralli for the job he did.

On the subject of our storm debris drop off site, we have received phone calls from residents who have been unable to get out there to date and a decision has been made to extend the drop off period to this Saturday (8am-5pm) and Monday (1-8pm). This will allow us to assist our residents were unable to transport their debris earlier.

**Item 9. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for exterior shell modifications for Radio Shack, 7413 N. Oak Trafficway. Owner: Briarcliff Development Co. Applicant: Bob DeGeorge Associates, Inc. (BP #98-0337)

Ms. Newsom moved to approve the **exterior** building permit; Ms. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. On the Agenda.** **APPROVAL OF BUILDING PERMIT** for interior 2,340 sq. ft. tenant finish for Radio Shack, 7413 N. Oak Trafficway. Owner: Briarcliff Development Co. Applicant: Bob DeGeorge Associates, Inc. (BP #98-0390)

Ms. Newsom moved to approve the **interior** building permit for Radio Shack; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11 on the Agenda.** **SECOND READING AMENDED BILL 98-28**, approving a site plan in conjunction with a rezoning for property located west of North Main St. at NE 62<sup>nd</sup> Terrace (Heatherton Place). Owner/Applicant: Heatherton Custom Homes, Inc. (File #1059)

**Community Development Director Scott Wingerson** advised that an amended bill was included in Council's packet for consideration this evening. The first five conditions are the same as contained in the draft ordinance prepared for the public hearing. Addition #6 requires the installation of curb and gutter on the east side of N Main around the radius of 62<sup>nd</sup> Terrace, 25 ft. to the north and 25 ft. to the south which provides for a more defined intersection at that location. #7 requires that all units shall be set back a minimum of 20 ft. from back of sidewalk as shown in the amended site plan. #8 reads that landscaping shall be installed in accordance with the submitted site plan. Mr. Wingerson said he believes that those three items address a majority of the Council's concerns at the last meeting and have been reduced to writing for Council consideration this evening.

Councilman Norris asked if there is anything the Council suggested that is not covered. Mr. Wingerson said he thought not.

Councilman Fricke asked if Lot # 11 was moved back from the earlier plan; Mr. Wingerson responded that actually the cul de sac was moved back to provide the additional distance behind the sidewalk. The Planning Commission had expressed concern for vehicle parking in the drive and blocking the sidewalk, by moving the cul de

sac back and extending the driveways they have not moved the structure per se but moved the cul de sac to provide that dimension for guest parking.

Councilman Norris said so they have shortened the street; Mr. Wingerson said that is correct.

Mr. Fricke said his site plan still says the front yard set back will be 10' ; Mr. Wingerson said the plan itself has been revised to scale and shows it appropriately and the ordinance specifies that all units shall be set back a minimum of 20' from the back of the sidewalk.

Ms. Newsom asked if moving the bulb of the cul de sac more to the east and shortening the street has decreased the radius of the cul de sac; Mr. Wingerson said no it has not.

Mr. Hammen asked if the sidewalks are going to be adjacent to the curbs for the entire street or just around the cul de sac; Mr. Wingerson responded just around the cul de sac.

Mr. Hammen said so for the straight portion of the street, the sidewalk will be set back the normal distance (Mr. Wingerson said it is 6' which is a little more than normal distance) and then when we get to the bulb of the cul de sac it will transition to adjacent to the curb for the cul de sac. Mr. Wingerson said that was correct.

Councilman Fricke moved to accept the First Reading of Bill 98-28 as amended and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Fricke moved to accept the Second and Final Reading of Bill 98-28 and enact the Bill as Ordinance 3.685; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL 98-30**, authorizing the City Manager to execute a Development Agreement relative to the redevelopment of property at 64<sup>th</sup> & N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Association. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).

City Manager Davis announced that the applicant respectfully requests that this item be continued to July 27, 1998. Councilman Norris moved to continue until July 27, 1998; Mr. Fricke seconded. The vote was unanimous.

**Item 13. On the Agenda.** **SIGN VARIANCE REQUEST**, Harding Glass, 6901 N. Oak. Applicant: The Harding Glass Co. of the Greater Kansas City Area.

**Applicant Representative Bruce Wuebben, 7826 Twilight Place, Parkville, Missouri**, - said they propose to remove the black and white sign that is presently on a pole sign at that location and change it down to their new logo and the sign they intend to use is 6 square feet larger than allowed under the ordinance. They intend to take it from a pole sign and present it on a monument sign more in line with the rest of the new development on N Oak.

Responding to Council questions, Mr. Wuebben advised that the new sign will actually be smaller than what is presently there and becomes a monument sign.

Director Scott Wingerson advised that a variance is requested in two areas. It exceeds the allowable copy area of the sign itself and the maximum height for a monument sign is 7' and this one is 13' 4". Mr. Fricke asked what position staff takes on the request. Mr. Wingerson advised that staff does recommend approval of the variance request.

Mr. Fricke moved to approve the sign variance request as presented; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0)

**Item 14. On the Agenda. SIGN VARIANCE REQUEST, Hy-Vee, 7117 N. Prospect.**  
Applicant: HJM Architects, Inc.

**Dana Blay, HJM Architects**, explained that he was filling in for the project manager who was unable to attend this evening. Mr. Blay said he does not know why a variance is required and asked how the allowable signage is calculated. He was told it was 15% of the sq. footage of the front of the building and if that is the case it than it is under. He did a quick calculation of the entire area and basically the total sq. footage of all signs is 41% less than the required amount so he does not know why there is a variance requested, unless there are other items he does not know about.

Community Development Director Scott Wingerson said that Hy Vee as a facility currently has a total building face front of 9,203 sq. ft. and they also have 728 sq. ft. of signage. Our ordinance allows 15% of the building face or 120 sq. ft. whichever is less, so Hy Vee is well in excess. Given the scale of that facility the Council in the past has granted variances to allow their current signage to exist. They are asking for an addition of 72 sq. ft. to add postal service advertisement on the front of the building which would bring the total signage of the facility up to 800 sq. ft. or a total of 8.7% of the face and our ordinance requires **15% or 120 sq. ft. whichever is less.** He advised staff does recommend approval.

Councilman Hammen moved to approve the sign variance request for HY-Vee; Mr. Fricke seconded. The vote: All "aye" - All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0)

\* \* \*

There being no further business to come before the Regular July 13, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

*Marilyn F. Ahnefeld*

Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ✓

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

*George Nodler*  
\_\_\_\_\_  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, July 27, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular July 13, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the week of July 27<sup>th</sup> as Welcome Wagon Week in Gladstone, Missouri.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-66,** authorizing acceptance of Permanent Easements and an Access Easement from property owners in conjunction with construction at St. Charles Catholic Church & School at 900 NE Shady Lane.

**RESOLUTION R-98-67,** ratifying the City Manager's emergency authorization of funds in the amount of \$49,105.00 for contract with CS Carey, Inc. for services related to storm debris collection and clean-up.

**RESOLUTION R-98-68,** authorizing the City Manager to accept the proposal of Independent Salt Company for the purchase of snow removal salt on an as-needed basis for the 1998-99 Winter season at \$21.63/ton (7 day delivery); \$23.08/ton (24 hr. emergency delivery); and \$20.25/ton (pick up by City at local storage facility).

**RESOLUTION R-98-69,** authorizing Change Order #1 to the Hamilton Heights Improvements Project in the amount of \$14,408.00 and authorizing the appropriation of additional funds in such amount from the Capital Improvements Sales Tax Fund. (Project #9609)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 1,400 sq. ft detached building for temporary class rooms for St. Charles Borromeo School, 900 Shady Lane Drive. (BP 98-0376)

**NEXT ORDINANCE #3.686**

10. **FIRST READING BILL 98-30**, authorizing the City Manager to execute a Development Agreement relative to the redevelopment of property at 64<sup>th</sup> & N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Association. As owner trustee under Trust Agreement dated 5/15/90 (File #1052).
11. **SIGN VARIANCE REQUEST** for Prospect Plaza Shopping Center, 64<sup>th</sup> & N Prospect. Applicant: Kessinger/Hunter & Company.
12. **FIRST READING BILL 98-31**, an ordinance establishing a procedure to disclose potential conflicts of interest and substantial interests for certain Municipal Officials pursuant to the State of Missouri "Ethics Law".
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 27, 1998

Mayor George Nodler called the Regular July 27, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

ABSENT: City Counselor Nancy Thompson

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular July 13, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the July 13, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Item 4a. on the Agenda. Mayor Nodler read a **PROCLAMATION** designating the week of July 27<sup>th</sup> as **Welcome Wagon Week in Gladstone, Missouri** as requested by the national organization in recognition of the 70<sup>th</sup> Anniversary of the founding of Welcome Wagon, the original in-home greeting service that welcomes new residents to communities.

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

Following the Clerk's reading of the Consent Agenda, Councilman Hammen requested removal of Resolution R-98-69 for placement on the Regular Agenda. Ms. Newsom moved to adopt the modified Consent Agenda as read; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-66**, authorizing acceptance of Permanent Easements and an Access Easement from property owners in conjunction with construction at St. Charles Catholic Church & School at 900 NE Shady Lane. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-98-67**, ratifying the City Manager's emergency authorization of funds in the amount of \$49,105.00 for contract with CS Carey, Inc. for services related to storm debris collection and clean-up. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-98-68**, authorizing the City Manager to accept the proposal of Independent Salt Company for the purchase of snow removal salt on an as-needed basis for the 1998-99 Winter season at \$21.63/ton (7 day delivery); \$23.08/ton (24 hr. emergency delivery); and \$20.25/ton (pick up by City at local storage facility). Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**REGULAR AGENDA**

**Item 5a. on the Agenda.** Councilman Anita Newsom moved to adopt **RESOLUTION R-98-69**, authorizing Change Order #1 to the Hamilton Heights Improvements Project in the amount of \$14,408.00 and authorizing the appropriation of additional funds in such amount from the Capital Improvements Sales Tax Fund. (Project #9609) Councilman Norris seconded. The vote: "Aye" - Fricke, Norris, Newsom, Nodler. Mr. Hammen "Abstained". (4-0-1)

**Item 6. on the Agenda.** **Communications from the Audience.**

None.

**Item 7. on the Agenda.** **Communications from the City Council.**

**Councilman Dave Fricke** inquired if we have a completion date for the Old Pike Road construction project. Director Scott Wingerson advised that the project should be completely finished by the end of August and pending good weather the road will be open to local traffic in about two weeks. Mr. Fricke said the walls look very good on the east side of Old Pike Road but questioned if they continue to fall if we are responsible for replacing or repairing them. Mr. Wingerson advised there is a warranty bond on the project that will cover that, he believes it is a two year bond on this particular project



because of the unique financing. We continue to work with two different sets of design engineers to determine the appropriate fix.

Mr. Fricke said kudos to Gladstone Public Safety are in order for their actions relating to a man hunt in Gladstone last week and asked what other agencies provided assistance to our department. Director Bill Adamo advised the Missouri Highway Patrol and Kansas City Missouri Police Department assisted us in this situation which involved KCPD's attempt to serve a warrant on an individual living in an Gladstone apartment who was a fugitive from the State of West Virginia on assault charges.

**Councilman Roger Norris** said he would echo the comments made by Councilman Fricke.

**Councilman Anita Newsom** expressed her thanks to City staff members who assisted her every time she asked for help with the Summer Learning Program at the school site where she was working. She said City Manager Davis visited the class, Director Wingerson provided maps, Director Adamo provided baseball cards and Councilman Norris spoke to a group of students. She said it makes a big difference to have people from our City because in many communities it is viewed as big, bad, ugly government but here it is a very user friendly city. It made a lot of difference to the people there that they can just pick up the phone and call somebody and get a response and in her view really enriched the program.

Ms. Newsom asked for clarification if the No Soliciting Ordinance also applies to political candidates going door to door soliciting her vote when she has a No Soliciting sign posted. City Manager Davis said we will review the ordinance as to political canvassing and Ms. Newsom suggested that if we find that it is a violation of the ordinance for political candidates to be going to door that we so advise them. Manager Davis agreed we would.

Ms. Newsom said she noted in the City/County Magazine that there is a stamp that is put into the wet cement where the storm water drains into streams and asked if this is something we need to be doing to remind folks not to dump oil and chemicals in streams. She said it sounded to her like a simple permanent process to deter dumping in streams particularly with where new construction is going on. Assistant City Manager Laura Gay said it is something that is available to Gladstone though the MARC Solid Waste Management District and that the City of Kansas City, Missouri uses several volunteer groups to stencil the message with spray paint.

**Councilman Art Hammen** said he is sure code enforcement personnel are quite busy at this time of year but notes that North Prospect in particular seems to have such a proliferation of signs in the right of way and asked that we look into it.

Mr. Hammen also noted that last Thursday, City Manager Davis was the speaker for the Gladstone Area Chamber of Commerce July luncheon and gave a great presentation and he spent a great deal of time patting a number of our staff on the back which he believes was well deserved. Mr. Hammen said he would just like to reiterate from the

Council's perspective that we wholeheartedly concur with Mr. Davis' accolades of the staff.

**Councilman Roger Norris** said he also saw a number of produce signs in the area of 58<sup>th</sup> & N Antioch Road which were actually in the State right of way. This needs to stop and we need to stay on it because it has been an ongoing problem for 4-5 years.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis said the only announcement he has at this time is that August 7, 8 and 9 is the 2<sup>nd</sup> Gladstone Theatre in the Park production for this summer which is *Annie Warbucks*.

**Item 9. on the Agenda. Approval of Building Permit** for 1,400 sq. ft detached building for temporary class rooms for St. Charles Borromeo School, 900 Shady Lane Drive. (BP 98-0376)

Mr. Norris moved to approve the building permit as submitted. Mr. Fricke seconded.

Discussion.

Councilman Hammen noted the agenda describes this as a building permit for **temporary** classrooms and asked how long "temporary" is.

Community Development Director Scott Wingerson said we have been told approximately five years.

Mr. Hammen said they appear to be double wide metal buildings and he would not like to see them remain for a long period of time. Mr. Wingerson said the applicant has been cautioned.

Ms. Newsom asked what happens at the end of five years. Mr. Wingerson said the school plans on a permanent expansion in fact on the agenda this evening there were easements for installation of a water main and fire hydrant to protect the back north end of the property so they are making a substantial investment in this temporary building and we believe they will go forward with permanent construction.

Ms. Newsom said she thinks of the temporary buildings at Clardy School that have been there 12 plus years. Councilman Norris said he is also reminded of the temporary buildings at Maple Woods Junior College which were there for over 20 years.

Mr. Hammen asked if we have a means to put some time limit on this or at least go back and revisit the issue at a given time.

Mr. Wingerson said we will revisit it automatically in about three years. He also noted we have a letter in the file explaining the water main issue and the temporary nature of the building.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda. FIRST READING BILL 98-30**, authorizing the City Manager to execute a Development Agreement relative to the redevelopment of property at 64<sup>th</sup> & N. Prospect (Prospect Plaza Shopping Center). Applicant: Kessinger/Hunter & Company, L.C. Owner: State Street Bank & Trust Co. of Missouri, N.A., as successor to Mercantile Bank of St. Louis National Association, as owner/trustee under Trust Agreement dated 5/15/90 (File #1052).

Councilman Roger Norris moved to place Bill 98-30 on First Reading; Councilman Dave Fricke seconded the motion.

Discussion.

Councilman Roger Norris asked City Manager Davis to explain the differences between the Agreement before us tonight and the previous agreement adopted by Resolution in June.

City Manager Davis said basically there is only one difference and that difference has to do with the public improvements and how they are managed. Previously in the agreement discussed in June, public improvements were to be constructed by the Applicant. In thinking that through ourselves, this agreement basically gives us the flexibility in deciding whether the applicant should move forward in their time limits built into the agreement or whether this is something that as a staff should be managed by us within the existing time frames mentioned here.

Mr. Davis said he thinks what it comes down to is prioritizing and making sure that the **public's interest is the first interest** for those public improvements and the best way to handle that being stewards. Other than that, the agreement is basically the same as discussed with Council earlier in June.

Mr. Norris asked if the document discusses signage. City Manager Davis said signage is referenced in the site plan and a variance request is shown as the next item on the agenda.

Councilman Norris said so there is no change in dollar amounts, interest amounts, who pays what and when amounts. City Manager Davis said that was correct there are no changes in those items.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 98-30, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 98-30 and enact the Bill as Ordinance No. 3.686. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Roger Norris welcomed the applicants to our community and told them the City Council demands that they be good neighbors. He said there are some houses around the shopping center and it is an under performing center now and they would like them to do the right thing.

Speaking for the applicant's, Mr. Dick Carlisle said they would like to thank the Mayor and City council and Staff who worked long and hard to bring a fairly complicated agreement to the point where they think they really can be good neighbors. He thanks us again for all of our time and effort.

Mayor George Nodler thanked the applicant for their comments and wished them good luck on the development.

**Item 11 on the Agenda. SIGN VARIANCE REQUEST** for Prospect Plaza Shopping Center, 64<sup>th</sup> & N Prospect. Applicant: Kessinger/Hunter & Company.

**Community Development Director Scott Wingerson** reviewed the Sign Variance request and explained there are a number of issues and he will take a few minutes to identify them.

In terms of free standing signage the applicant is proposing three signs. The first is a modified pylon sign and labeled Sign "A" in Council's packet. The packet also includes an elevation drawing for Sign A, Sign B, and Sign C as well as a Plot Plan showing the location.

Mr. Wingerson said Sign A, the modified pylon is located on N Prospect in the general vicinity of the main entrance centrally located on the parcel with access from N Prospect. The sign itself is 32 ft. tall and contains 168 sq. ft. of copy area and includes an improved base, pylon covers, and architectural features consistent with the proposed shopping center revitalization. If as staff we looked at only this one sign by itself for the shopping center, it would be compliant with the existing sign code.

The second sign is a monument sign which is sign C. Geographically it is located at the SW corner of the property or the NE Corner of the intersection of North Prospect and 64<sup>th</sup> Street. The sign is 8' 4" tall and the maximum height of a true monument is 7'. The sign by itself taken individually would be compliant with the Code except for the 1' 4" difference on which a variance is requested.

The third sign is something he calls a modified monument sign and is sign B in Council's packet. That sign is centrally located on 64<sup>th</sup> Street at the entrance to the shopping center. The sign is proposed to be 22' 3" tall and as mentioned earlier the maximum height is 7'. It also contains 168 sq. ft. of copy area as compared to a total

allowed copy area for a traditional monument sign of 50 sq. ft. The Applicant is requesting variances on those two specific provisions.

Finally, the Applicant is requesting a variance which allows the placement of three free-standing ground signs on a single parcel. The current Sign Code only allows one free standing sign. That does not take into account and does not contemplate from his reading of the sign code this type of development of shopping centers on large single parcels but more envisioned large parcels broken into smaller pieces as out parcels.

In terms of building signs, the Applicant is requesting kind of a blanket variance. The current Code allows 120 sq. ft. or 15% of a building facade. In that calculation that would be the entire building facade which would amount to hundreds of thousands of sq. ft. of building facade. What is being proposed is a blanket of 10% of facade for each occupancy in other words, Westlake Hardware would be allowed to install a sign no greater in size than 10% of the facade that they occupy.

Mr. Wingerson said staff is recommending approval of the request with three conditions. #1. Is that all free standing sign bases, support cabinets and architectural features shall be compatible in color and style with approved shopping center plans, elevations and submitted sign drawings. #2. Any additional free standing or building signage is prohibited. #3. All free standing temporary signage is prohibited.

Mr. Wingerson said Mr. Cline and Mr. Walker are here and can add to his comments should Council have questions.

Mr. Hammen said overall this seems to be a well coordinated signage program. He has one question about modified pylon Sign A. He notes that it was stated that taken individually it would be compliant with the existing sign code and if he reads the site plan correctly, it says it is 22' from the street right of way and the sign itself is 32'. He questions if the sign is not supposed to be as far from the right of way as it is tall.

Mr. Wingerson said the Sign Code actually provides for the measurement from the curb, not the right of way line and in this instance the sign is back more than 32' from the curb.

Ms. Newsom asked how special event signs would be treated. Mr. Wingerson said they would still have ability to have grand opening signs on a short term basis and special event signage for short durations 2-3 times a year.

Ms. Newsom said as far as the statement that the current Sign Code does not contain provisions addressing shopping center redevelopment. She said we have more than one shopping center with the potential of redevelopment and it would be her thought that we need to look at how we address this. We have dealt with variances for Hy-Vee and it still does not look overly signed. As a City, this is something we may want to look at.

Ms. Newsom said Sign "C" does not have the same design elements as the others and asked if they did that to comply with the Sign Code.

Chris Cline, Ochsner, Hare & Hare said it would add about 4' to add the peak to the sign like the others. As far as height, they wanted to bring that sign down on that intersection and not build it up at that point; but, they also wanted to try to exhibit the same characteristics as the other signs and the cap on the top matches the cap on the building and the other signs

Councilman Norris said basically we are asking for a variance on three signs and because it is a coordinated effort of the signage with the development, perhaps that is the reason. Maybe we need to do what Councilman Anita Newsom suggests which is reevaluate our sign code. Obviously, we are not ever going to head in the direction we were intending when the Sign Code was written which was to go strictly to monument signs that were 7'-8' tall throughout the city, period.

Councilman Norris said it is very hard to sit here and have one ordinance one time apply to somebody and not another. For instance, Gladstone Plaza Shopping Center comes in and wants to put a reader board on for Checkers and we said no we are not doing reader boards and said if you want to touch that sign, it is going back from the street, it is 40' tall etc.; and they were not able to do it. But here we have three signs that don't comply but staff recommends approval. He questions if we have consistency someplace or if we will only have consistency at the Council table.

Director Scott Wingerson said the Gladstone Plaza example may be slightly different than what is proposed tonight. The Gladstone Plaza Shopping Center sign is not compliant in any way with the Sign Code in terms of height, setback, or in terms of copy area. The pylon sign in the request before us tonight taken individually is compliant and he thinks that is an important distinction between the two. The slight variance on the monument sign is something that has been granted previously by Council. The modified monument sign is perhaps a little bit more than the Council has granted in the past but maybe not that far out of consistency. So the issue of the pylon sign is something that staff considered very seriously before making a recommendation and came to the conclusion as he just expressed it. It is not the same. If they chose not to build the other two signs, the pylon sign by itself could be renovated and be fine.

Mr. Wingerson added that another consideration that may be important is that over the time that he has been here, the tenants of that shopping center as well as Gladstone Shopping Center have clamored to the City with pleadings for additional signage. Those have not come forward because of Staff's understanding of the Council's position on most of these issues. Staff has advised that a variance is unlikely on a pylon sign and that if the owners of the center or property desire to comprehensively renovate their signage that that may be something staff could look on favorably. In this particular case that has happened.

Councilman Norris told Director Wingerson that he agreed with him and the reason he pointed it out was because he is the staff member who is going to sit down with the

knowledge of all the past sign variances and where we are going to take that master plan next and to send a signal to his Council colleagues that obviously we are not going in the direction we intended several years ago and because of development issues we are going to have these issues continue to come back.

In this particular case, Councilman Norris said he does not like the big sign that would actually be compliant but that is besides the point. He said in his opinion there is really not a need for signage that goes with the structure, and goes along with the renovation and goes with the landscape to continue to come before the City Council for variances when they are going to be granted based on staff's professional assessment. Councilman Norris asked if that makes any sense at all. Director Wingerson said yes and asked if he is hearing amend the Sign Code. Councilman Norris said yes.

Councilman Newsom asked if we would be looking at variances for the out parcels, Is their signage going to be included on the reader board or just have building signage? Mr. Wingerson said the intent is that the out parcels would be signed on the monument signs and the modified pylon signs. Of course they would have the 10% ability on the facade but the intent is to prohibit any additional free standing signage or building signage in excess of 10%. In order to exceed that, they would have to come forward with a variance.

The vote on the Sign Code Variances as requested: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12. On the Agenda.** **FIRST READING BILL 98-31**, an ordinance establishing a procedure to disclose potential conflicts of interest and substantial interests for certain Municipal Officials pursuant to the State of Missouri "Ethics Law".

Councilman Anita Newsom moved to place Bill 98-31 on First Reading; Councilman Norris seconded.

Discussion.

Councilman Dave Fricke asked for an explanation of this ordinance.

City Clerk Marilyn Ahnefeld advised that the State of Missouri Ethics Law provides that Missouri municipalities must enact an ordinance every **two years** which establishes a procedure for certain municipal officials to disclose annually on forms filed with the Ethics Commission potential conflicts of interest and substantial interest in transactions with the City. **On advise from the Missouri Municipal League and the City Counselor, our city does enact the required ordinance annually.**

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the First Reading of Bill 98-31, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

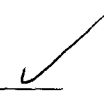
Ms. Newsom moved to accept the Second and Final Reading of Bill 98-31 and enact the Bill as Ordinance No. 3.687. Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

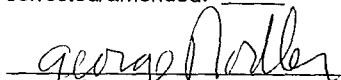
\* \* \*

There being no further business to come before the Regular July 27, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor George Nodler



8/24/98-6/28/99 ~~1998~~ Council minutes

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CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 24, 1998

OPEN STUDY SESSION: 7:00 PM

REGULAR MEETING: 7:30 PM

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular July 27, 1998 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATIONS** from the Government Finance Officers Association of the United States and Canada:
  - ♦ **"CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING"** to the City of Gladstone for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1997.
  - ♦ **"AWARD OF FINANCIAL REPORTING ACHIEVEMENT"** to Dianna Wright, Administrator of Management Services.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-70**, authorizing the City Manager to accept a Bill of Sale from Nextel Communications conveying to the City, an 8' wood/brick fence built to screen telecommunications equipment at the base of the Antioch Water Tower, 6801 N Antioch Road. (Improvements built entirely at the expense of Nextel Communications).

**RESOLUTION NO. R-98-71**, authorizing execution of contract with RK Breit Construction Services in the amount of \$32,836.50 from the Capital Improvements Sales Tax Fund for the 57<sup>th</sup> & N Tracy Drainage Improvement Project. (Project #9218)

**RESOLUTION NO. R-98-72**, authorizing the City Manager to execute an Intergovernmental Agreement by and between the City of Gladstone, Missouri and the Village of Oakview, Missouri, relative to improvements to a portion of Shady Lane Drive in the Village of Oakview.

**RESOLUTION NO. R-98-73**, authorizing issuance of a Massagist Business Permit to Cherre Miller for a period of one year pursuant to Chapter 17.1 of the City Code. Business Location: Fitness for Her, 2707 Brooktree Lane.

**NEXT ORDINANCE #3.688**

**RESOLUTION NO. R-98-74**, authorizing acceptance of a proposal from Midway Ford Truck Center, Inc. for the purchase of a one ton four-wheel drive truck with dump body and snow plow for a total purchase amount of \$31,342.00. (Includes \$5,500.00 trade-in allowance for 1993 Dodge unit). General Fund

**APPROVAL OF CLASS A, SIX DAY WEEK LIQUOR LICENSE** for new ownership of Johnny Dix Pool & Pub, 316 NE 72<sup>nd</sup> Street. New Owner/Managing Officer: Ric J. Lutz

**APPROVAL OF A PARK FESTIVAL USE PERMIT** for the 19<sup>TH</sup> Annual GladFest Celebration in Central Park, 69<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 2-4, 1998 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

**APPROVAL OF LIMITED/THREE DAY BEER LICENSE** to the Gladstone Area Chamber of Commerce for the sale of beer at the 19<sup>th</sup> Annual GladFest Celebration in Central Park, 69<sup>th</sup> & N Holmes, October 2-4, 1998. Managing Officer: Leo Slenker (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, 10:00 am - 10:00 pm; Sunday, 12 :00 Noon - 5:00 pm).

**APPROVAL OF FINANCIAL REPORTS** for the month of June 1998.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for exterior remodeling of 7113 N Oak for Randy Reed Used Cars, Applicant: Solid Rock Construction. Owner: H & R Investments, Inc. (BP#98-0489)
10. **PUBLIC HEARING:** on setting the Annual Tax Levy for the 1998 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.
- 10a. **FIRST READING BILL 98-32**, fixing the Annual Rate of Levy for the 1998 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.
11. **FIRST READING BILL 98-33**, approving the Final Plat of "CARRIAGE COMMONS", 3201 NE Antioch Road. Applicant/owner: Talon Development. (File #1064)
12. **FIRST READING BILL 98-34**, approving the Final Plat of "REPLAT OF LOTS 1 & 2 OLD PIKE RIDGE", 401 NW Englewood Road. Applicant: Gary Gabel Owners: T& D Investments and Gary and Teresa Gabel (File #1065)
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 24, 1998

Mayor George Nodler called the Regular August 24, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Acting City Counselor Chris Williams  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular July 27, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the July 27, 1998 City Council Meeting Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### Item 4a. on the Agenda. SPECIAL PRESENTATIONS from the Government Finance Officers Association of the United States and Canada:

- ♦ "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING" to the City of Gladstone for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1997.

Mayor Nodler noted this award is presented to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting and asked City Manager Kirk Davis and Administrator of Management Services Dianna Wright to accept this award on behalf of the City.

The Mayor stressed this is a great honor for the City of Gladstone and said he was sorry that retired Finance Director E. Sue Henning was unable to be present to share in

this honor. City Manager Kirk Davis thanked the Mayor and advised this is the 20<sup>th</sup> consecutive year the City of Gladstone has received this award.

- ♦ **"AWARD OF FINANCIAL REPORTING ACHIEVEMENT"** to Dianna Wright, Administrator of Management Services.

Mayor George Nodler presented this award to Dianna Wright who thanked the Mayor and Council. Ms. Wright said as City Manager Davis indicated, this is the 20<sup>th</sup> year the City has received this award and the credit does go to former Finance Director Sue Henning who was with the City for longer than 20 years and was certainly a part of every year we received it and the last few years as the Finance Director.

Ms. Wright said in addition, the City's Accountant Mary Shineman, Accounting Clerk Beth Saluzzi and City Collector Carol Hopper deserve credit for this award as well as the City Council for their support. She again thanked the City Council on behalf of the staff of the Management Services Department.

The Mayor in turn thanked Mr. Davis, Ms. Wright and her staff for an excellent job.

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

Following the Clerk's reading of the Consent Agenda, Councilman Fricke moved to adopt the Consent Agenda as read; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Dave Fricke moved to adopt **RESOLUTION NO. R-98-70**, authorizing the City Manager to accept a Bill of Sale from Nextel Communications conveying to the City, an 8' wood/brick fence built to screen telecommunications equipment at the base of the Antioch Water Tower, 6801 N Antioch Road. (Improvements built entirely at the expense of Nextel Communications). Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **RESOLUTION NO. R-98-71**, authorizing execution of contract with RK Breit Construction Services in the amount of \$32,836.50 from the Capital Improvements Sales Tax Fund for the 57<sup>th</sup> & N Tracy Drainage Improvement Project. (Project #9218) Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **RESOLUTION NO. R-98-72**, authorizing the City Manager to execute an Intergovernmental Agreement by and between the City of Gladstone, Missouri and the Village of Oakview, Missouri, relative to improvements to a portion of Shady Lane Drive in the Village of Oakview. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **RESOLUTION NO. R-98-73**, authorizing issuance of a Massagist Business Permit to Cherre Miller for a period of one year pursuant to

Chapter 17.1 of the City Code. Business Location: Fitness for Her, 2707 Brooktree Lane. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **RESOLUTION NO. R-98-74**, authorizing acceptance of a proposal from Midway Ford Truck Center, Inc. for the purchase of a one ton four-wheel drive truck with dump body and snow plow for a total purchase amount of \$31,342.00 from the General Fund. (Includes \$5,500.00 trade-in allowance for 1993 Dodge unit). Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **APPROVAL OF CLASS A, SIX DAY WEEK LIQUOR LICENSE** for new ownership of Johnny Dix Pool & Pub, 316 NE 72<sup>nd</sup> Street. New Owner/Managing Officer: Ric J. Lutz. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved to adopt **APPROVAL OF A PARK FESTIVAL USE PERMIT** for the 19<sup>TH</sup> Annual GladFest Celebration in Central Park, 69<sup>th</sup> & N Holmes on Friday, Saturday, Sunday, October 2-4, 1998 under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved for **APPROVAL OF LIMITED/THREE DAY BEER LICENSE** to the Gladstone Area Chamber of Commerce for the sale of beer at the 19<sup>th</sup> Annual GladFest Celebration in Central Park, 69<sup>th</sup> & N Holmes, October 2-4, 1998. Managing Officer: Leo Slenker (Hours: Friday, 5:00 pm - 10:00 pm; Saturday, 10:00 am - 10:00 pm; Sunday, 12 :00 Noon - 5:00 pm). Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Fricke moved for **APPROVAL OF FINANCIAL REPORTS** for the month of June 1998. Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Anita Newsom** advised that she had really enjoyed tonight's Study Session demonstration of Gladstone Public Safety's drug dog at work. She feels he will be a good addition to the community and the school programs we already have.

**Councilman Art Hammen** said he would certainly echo Ms. Newsom's comments and has no other communications at this time.

**Mayor George Nodler** asked City Manager Kirk Davis to introduce the legal counsel standing in for Counselor Nancy Thompson who is presently out of the country. Manager Davis said Mr. Chris Williams of the Stinson, Mag & Fizzell law firm has been assisting us during Ms. Thompson's absence. On a personal note, Mr. Davis said he and Mr. Williams had worked together in another jurisdiction and he can vouch for the fact that he does a great job and is glad he could be with us this evening.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** announced that our next regularly scheduled City Council Meeting would be Monday, September 14, 1998 but because the Annual Missouri Municipal League Conference is being held in St. Louis that week, it is suggested that our Council Meeting be moved to **Thursday, September 10, 1998.**

City Hall will be closed on Labor Day, **Monday, September 7, 1998.**

The Manager also announced that the State Ballet of Missouri is putting on Balletmania in Gladstone Oak Grove Park this coming Friday at 7:30 PM and he understands this is the third year for this performance which has proven to be a popular event.

City Manager Davis also asked for Council consideration of an agenda addition, **RESOLUTION NO. R-98-75, accepting a Permanent Construction Easement from a property owner at 705 NE 67<sup>TH</sup> Street in conjunction with drainage improvements.** This is part of our budgeted capital improvement project in that area and the property is getting ready to change hands and the present owner is willing to sign the necessary easement before the ownership change. The new buyers are also aware of the project but administratively this will facilitate acceptance of the easement needed for the project.

Councilman Norris moved to adopt Resolution R-98-75; Ms. Newsom seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for exterior remodeling of 7113 N Oak for Randy Reed Used Cars, Applicant: Solid Rock Construction. Owner: H & R Investments, Inc. (BP#98-0489)

Councilman Norris moved to approve the Building Permit subject to the Staff Report; Mr. Hammen seconded.

Discussion.

Mr. Norris asked if everything is in order; the City Manager agreed it was.

Councilman Newsom said she understands this is a facade remodeling and will look like the dealership's other building on Barry Road as far as their signature outline. Scott Wingerson said that was correct.

Councilman Hammen said it was good to have Randy Reed back in the city limits of Gladstone.

The vote: All "aye" Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10 on the Agenda.** **PUBLIC HEARING:** on setting the Annual Tax Levy for the 1998 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.

Mayor George Nodler opened the public hearing and invited City Manager Kirk Davis to make his presentation.

**City Manager Davis** said every year at this time the City must address our tax levy and this is a routine item of business, however, he would point out that this is the same levy as last year and there is no increase. Applying the .60 cent levy to our \$247 million dollar property valuation, the Manager advised it produces approximately \$1,487,000 in taxes.

Councilman Roger Norris told the City Manager that it is outstanding that the tax levy is set with no increase and complimented the good job.

There were no further comments or questions, therefore Mayor Nodler closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 98-32**, fixing the Annual Rate of Levy for the 1998 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.60/\$100 valuation.

Councilman Hammen moved to place Bill 98-32 on First Reading; Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0). The Clerk read the Bill.

Councilman Hammen moved to accept the First Reading of Bill 98-32, Waive the Rule and place the Bill on Second and Final Reading; the Bill. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0). The Clerk read

Councilman Hammen moved to accept the Second and Final Reading of Bill 98-32 and enact the Bill as Ordinance No. 3.688; Mr. Norris seconded.

Discussion.

Councilman Hammen said it would be interesting to look at the levies over the last decade because he does not think the levy has increased more than penny or two all that time.

Administrator of Management Services Diana Wright said she would agree that technically we have not had a tax increase since 1957. The levy is set by a State



formula and while there may have been some fluctuation in the past ten- twenty years of a penny here or there, there has not been a significant change at all.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 98-33**, approving the Final Plat of "**CARRIAGE COMMONS**", 3201 NE Antioch Road. Applicant/owner: Talon Development. (File #1064)

Councilman Roger Norris moved to place Bill 98-33 on First Reading; Mr. Fricke seconded.

Discussion.

City Manager Davis advised that the Staff report reflects three recommendations outlining the utility easements, restricting access off of Antioch Road, and designating flood zones. This Bill approves the final plat; the preliminary plat was approved in 1997.

Councilman Norris asked if the applicant has any problems with this. Mr. Wingerson said no.

Councilman Newsom said when this property was previously before the City Council, there was significant concern about storm water. She asked how this has been addressed, did we have further engineering, how do we know the concerns of the citizens have been addressed.

Director Scott Wingerson said during the original public hearing there was quite a lot of discussion about the drainage problem on this piece of property. At the time staff committed to do a couple of things, First was to review in house the plans for construction of drainage facilities and then we consulted with a design firm who reviewed our review as well as the original plans. Quite a few changes were made from the original plan which have improved the situation and made it better than it would have been otherwise. Mr. Wingerson said he thinks we have performed exactly as we told the Council we would and are confident the solution will be satisfactory.

Ms. Newsom said so this site has been designed to accommodate the water that is rushing across Antioch Road without dumping it that much more quickly into the basin and back. Mr. Wingerson acknowledged that it is designed to do that.

Ms. Newsom said we will all be held accountable.

The vote: All "aye" - The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0). The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 98-33, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0). The Clerk read

Councilman Norris moved to accept the Second and Final Reading of Bill 98-33 and enact the Bill as Ordinance No. 3.689; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL 98-34**, approving the Final Plat of "REPLAT OF LOTS 1 & 2 OLD PIKE RIDGE", 401 NW Englewood Road. Applicant: Gary Gabel. Owners: TAD Investments and Gary and Teresa Gabel (File #1065)

Councilman Roger Norris moved to place Bill 98-34 on First Reading; Councilman Art Hammen seconded.

Discussion.

**Connie Lester, 5412 North Broadway**, asked where they can find out more about how this replating affects their property. She said they really don't know much about this and their neighbors don't either.

Councilman Roger Norris suggested the applicant, Mr. Gary Gabel, was in the audience and could answer any questions.

Community Development Director Scott Wingerson explained that the original plat for the new office building that was constructed called for a 40' setback and this replat calls for a 35' setback and it does not have anything to do with any other property.

Ms. Lester asked then why their signatures are needed to say it is ok. Mr. Wingerson said he does not know that they do need any signatures. Ms. Lester said someone has been coming around wanting them to sign papers saying it is ok that they replat. Mr. Wingerson said Mr. Gabel might be able to answer that.

**Mr. Gary Gabel, 7804 N Chestnut** responded that the title company advised them that because they were changing a setback, it required them to have an affidavit signed by all the neighbors to the property, stating that they were made aware that the setback line is being changed on their lot from 40 ft. to 35 ft. The City of Gladstone was one and there were four others. This was the interpretation of this title company so he gave the forms to the neighbors to sign from the title company.

Mr. Gabel said their surveyor Mr. Sam Aylett said he had not run into this kind of a requirement before either, because generally the city can do this.

Councilman Norris asked if our City Ordinance requirement was 35'; Director Wingerson said yes. Mr. Norris said so we are not really doing anything different here other than moving a building line. Mr. Wingerson said that was correct the change is from 40 ft. to 35 ft.

Councilman Norris said he offers an apology to Ms. Lester and neighbors that the title company had them all worried.

Ms. Lester said so this replat has no affect on their property.

Councilman Norris answered that apparently the title company thought this would be a big problem to move the building line five feet which in many cases it would be except that our building line by ordinance is 35' so they were moving it from 40' to 35' which really meant no change that the neighbors needed to worry about.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 98-34, Waive the Rule and place the Bill on Second and Final Reading; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 98-34 and enact the Bill as Ordinance No. 3.690. Councilman Hammen seconded.

Discussion.

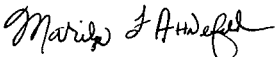
Councilman Norris asked if everything else is in order other than the building line change that this replat addresses. Mr. Wingerson said yes.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

\* \* \*

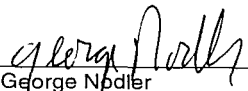
There being no further business to come before the Regular August 24, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
\_\_\_\_\_  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
THURSDAY, SEPTEMBER 10, 1998**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular August 24, 1998 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating the week of **September 17, 1998 through September 23, 1998** as **"CONSTITUTION WEEK"** in the City of Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.
- 4b. **PROCLAMATION:** Designating the month of **September, 1998** as **"AMERICA GOES BACK TO SCHOOL MONTH"** in the City of Gladstone, Missouri. Sponsor: Partnership for Family Involvement in Education and the U.S. Department of Education.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-76**, amending the 1998-99 Annual General Fund and Combined Waterworks & Sewerage System Fund budgets for the City of Gladstone, Missouri and authorizing the expenditure of funds. **Revised General Fund Budget** Revenues \$11,743,085; Expenditures: \$11,445,810; **Revised Waterworks & Sewerage System Fund Budget** Revenues \$5,151,565; Expenditures: \$5,049,680

**RESOLUTION NO. R-98-77**, authorizing execution of a contract in the amount of \$25,500.00 with Pyramid Excavation Company for the 64<sup>th</sup> & N Bales Drainage Improvement Project. (Project #9950) Fund: Capital Improvements Sales Tax Fund

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE #3.691**

9. **FIRST READING BILL NO 98-35**, amending Section 21-31.2 of the Gladstone Municipal Code relating to stealing to allow prosecution of a stealing offense in Gladstone Municipal Court when the value of the property unlawfully appropriated does not exceed the sum of \$750.00.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

THURSDAY, SEPTEMBER 10, 1998

Mayor George Nodler called the Regular September 10, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

ABSENT: City Counselor Nancy Thompson

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular August 24, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the August 24, 1998 City Council Meeting Minutes as written; Councilman Fricke seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.** Mayor Nodler read a **PROCLAMATION** designating the week of **September 17, 1998 through September 23, 1998** as "**CONSTITUTION WEEK**" in the City of Gladstone, Missouri as sponsored by the William Boydston Chapter of the Daughters of the American Revolution. Donna McCann representing the William Boydston Chapter accepted the proclamation and thanked the Mayor and members of the City Council for honoring their request.

**Item 4b. on the Agenda.** Mayor George Nodler read a **PROCLAMATION** designating the month of **September, 1998** as "**AMERICA GOES BACK TO SCHOOL MONTH**" in the City of Gladstone, Missouri as sponsored by the Partnership for Family Involvement in Education and the U.S. Department of Education to encourage families, schools colleges, state and local officials, civic, cultural and religious groups and employers to come together and improve the quality of schools.

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

Following the Clerk's reading of the Consent Agenda, Councilman Hammen moved to adopt the Consent Agenda as read; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-76**, amending the 1998-99 Annual General Fund and Combined Waterworks & Sewerage System Fund budgets for the City of Gladstone, Missouri and authorizing the expenditure of funds. **Revised General Fund Budget Revenues** \$11,743,085; **Expenditures:** \$11,445,810; **Revised Waterworks & Sewerage System Fund Budget Revenues** \$5,151,565; **Expenditures:** \$5,049,680. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Hammen moved to adopt **RESOLUTION NO. R-98-77**, authorizing execution of a contract in the amount of \$25,500.00 with Pyramid Excavation Company for the 64<sup>th</sup> & N Bales Drainage Improvement Project. (Project #9950) Fund: Capital Improvements Sales Tax Fund. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler., (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.    Communications from the Audience.**

None.

**Item 7. on the Agenda.    Communications from the City Council.**

**Councilman Dave Fricke** had no communications.

**Councilman Roger Norris** said he would like to publicly extend belated **80<sup>th</sup> Birthday Wishes** to the Mayor's father, Mr. Robert Nodler. He understands a proclamation was presented by Mayor Nodler to his father at a birthday celebration and Mr. Nodler Sr. was quite thrilled.

Councilman Norris also noted that Monday, September 14, 1998 has been proclaimed by the Governor as Mark McGwire Day in the State of Missouri. Even though this historical home run happened in St. Louis we need to take pride in this event. He said this is one of those days where he will always remember where he was when he watched that home run.

Councilman Norris also noted that we have come a long way in this city and listening to Jerry Menefee discuss storm drainage in the study session tonight he was reminded of the first few months he was on the City Council back in 1991. When it sprinkled the

phone would ring off the hook for a day and a half. Then it got to the point where it actually had to rain for the phone to ring. He went 2 ½ years before hearing a call from any resident on storm water. And then the rains of 1998 came. April was wicked, June was worse with a 3 ½" rain in one night in a 45 minute period which was overwhelming. Councilman Norris said he commends our staff for the hard work they did in the past 6-7 years and for the rapid work they have done in the past 6-7 months to see that it does not happen again. If we can prepare for a 3 ½" rain in 45 minutes and be ready for it he will be pretty comfortable that nothing will happen. Mr. Norris said he wanted to say that now while it is on the record rather than in the study session.

**Councilman Anita Newsom**, said the closed service station at Antioch & Kendallwood Parkway is not looking any better and asked if we have latitude to cause action to be taken. City Manager Kirk Davis responded that Community Development Director Scott Wingerson had contacted Mr. Ken Sinclair approximately three weeks ago on this matter.

Mr. Wingerson reported that he has not received a response from that contact and he is preparing to go forward under the City's property maintenance code and apply the forces of that code to the property from a public safety perspective in addition to the aesthetics concerns and the weeds, etc.

Ms. Newsom said with the deep voids in the ground there it is a real safety concern because the safety fence is not in tact and it just looks like it is waiting for an accident to happen. Mr. Wingerson acknowledged that staff is certainly aware and shares those concerns.

Ms. Newsom also noted there are some large limbs from recent storms in the vicinity of the Maple Woods Preserve sign on M-1 Highway that we need to remove.

Ms. Newsom said she attended a meeting of the National League of Cities Steering Committee and they are in desperate need of volunteers for the conference in Kansas City in December. Volunteers are needed for such tasks as airport greeters, giving directions to buses, assist in restaurant reservations and positive pr about Kansas City, etc. She has materials she will provide to the City Manager's Office listing the tasks for volunteers and stresses that it is important that we display the right side of our metropolitan area during this convention. Ms. Newsom urged that we make this need known to the various groups who could provide volunteers.

Ms. Newsom advised that she has some thoughts on a Gladstone nomination for the Clay County Economic Betterment Council annual "Keystone Award" and will speak individually with Councilmembers.

She does regret she cannot make the Capital Improvements tour on Saturday. Mr. Davis said that was on his list as a reminder that the tour is Saturday, September 12, 1998 starting at 8:00 AM. He said the tour may last the greater portion of the day because they will be looking at several sites affected by the June storms.



**Councilman Art Hammen** apologized for missing the open study session discussion earlier this evening. He said he witnessed a near collision this morning at 72<sup>nd</sup> & Broadway where two westbound vehicles were both turning south on Broadway because we have two parallel turn lanes there. The vehicle in the inner lane took a wide swing and they barely missed each other. Most people know there are two left turn lanes there but you still see people missing that turn from time to time because the striping is so faint.

City Manager Davis said we do have some striping needs at several locations that have been reported and we are in the process of taking care of those issues.

**Mayor George Nodler** thanked the citizens in the audience tonight for attending this meeting. He said it rare for us to see more than a small number of people in the audience and welcomed them again. The Mayor also congratulated Councilman Roger Norris and his wife Teresa on their 19<sup>th</sup> Wedding Anniversary.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis announced that the meeting tonight replaced the regular City Council Meeting date of September 14<sup>th</sup> which was canceled because of its conflict with the Annual Missouri Municipal League Meeting in St. Louis.

Agenda Addition: City Manager Davis requested addition of **RESOLUTION 98-78, AUTHORIZING EXECUTION OF A CONTRACT WITH INSITUFORM, MISSOURI, INC. FOR THE MEADOWBROOK SANITARY SEWER REHABILITATION PROJECT 9820. CONTRACT AMOUNT: \$77,429.00. FUND: COMBINED WATER & SANITARY SEWER FUND.**

Councilman Norris moved to adopt the Resolution; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. On the Agenda.** **FIRST READING BILL NO 98-35**, amending Section 21-31.2 of the Gladstone Municipal Code relating to stealing to allow prosecution of a stealing offense in Gladstone Municipal Court when the value of the property unlawfully appropriated does not exceed the sum of \$750.00.

Councilman Anita Newsom moved to place Bill 98-35 on First Reading; Councilman Dave Fricke seconded the motion.

Discussion.

Councilman Roger Norris said it saddens him that we are now moving felonies up to a limit of \$750.00 from the current \$150.00. In his opinion, you steal anything you are a felon. He believes this is just a way to make it easier for people. He and his wife started out in a project where rent was being paid based on income and they lived around thieves and they stole his stuff all the time. He did not understand it then and he certainly does not understand it now. He will vote in favor of the bill because this is the way the state is going but he does not think that this is a way to quell anything

other than taking people who have stolen \$500 - \$700 dollars worth of stuff and calling it a misdemeanor. Councilman Norris said it is not right and the laws ought to be going the other direction, in his humble opinion.

Mr. Fricke asked Public Safety Director Bill Adamo if this change would add to the work load for Municipal Court. Mr. Adamo agreed it would.

Counselor Nancy Thompson pointed out that in addition to the added burden placed on Municipal Court we will also have additional revenues in terms of court fines and court costs that will be retained in Municipal Court. Once the state amended the state statutes to provide for a \$750.00 minimum level for a felony conviction at the state level, the county will no longer accept most cases under that amount and we would have the ability to prosecute those cases in Municipal Court. Without amending our ordinance we would have to hand over anything greater than \$150.00 and it would be prosecuted in the County as a misdemeanor. The County would no longer have the ability to prosecute it as a felony so that is why you are seeing them come to the Municipal Court level. A Misdemeanor is the extent of the Municipal Court's authority.

Councilman Fricke asked Director Adamo how this will affect his department's personnel time and if we will we have to pay over time, etc.

Director Adamo responded that there is a good possibility we will because the opportunity will exist for a person who is a thief not to fear the penal system in the state because they know they will get up to one year which is not likely to happen at the local level. In his opinion our court is not going to put somebody in jail for a year.

Councilman Norris said that was also his opinion.

Mr. Fricke asked why the state is doing this. Director Adamo said it takes the burden off of the state.

Mr. Hammen said while he agrees with the comments that have been made he wonders if this does not give us an opportunity to impose some penalty on the lesser crimes where if it were kicked up to a county or state level they might just cut somebody loose because they are so overburdened and don't have time to deal with what they would consider petty theft.

Director Adamo said that is certainly a possibility.

Councilman Newsom said that was her thought as well because so often when you get into a bigger court system they have more to deal with than a local court. This does give the latitude to really go after some issues and really nip some things in the bud and make a statement that this is not acceptable here and we will prosecute as far as we can.

Councilman Norris said yes, but when we jail somebody here if it is going to be for more than a few days they go to the county jail anyway so the county jail will still deal with

the same amount of people. Mr. Hammen said but not the same number in the court.

Ms. Newsom said but they are not going to be put off, or plea bargained out or whatever it might be; and here in Municipal Court maybe we can get their attention.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the First Reading of Bill 98-35, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the Second and Final Reading of Bill 98-35 and enact the Bill as Ordinance No. 3.691. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

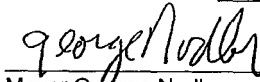
\* \* \*

There being no further business to come before the Regular September 10, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

**GLADSTONE CITY COUNCIL**  
**OPEN STUDY SESSION MEETING**  
**MONDAY, SEPTEMBER 28, 1998**

**TIME: 7:00 PM**

**AGENDA**

1. Presentation of Proposed Financial Software Packages.

\* \* \*

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 28, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610.021(1) (9) for Privileged Communication and Litigation**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular September 10, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-79**, authorizing the City Manager to accept a Bill of Sale from Gable Companies, Inc. and Haines-Stowers Construction Company, Inc. conveying a water line and fire hydrant serving development at 401 NW Englewood Road to the City for maintenance.

**APPROVAL OF FINANCIAL REPORTS for the months of July and August, 1998.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 18 unit condominium complex at NE 68<sup>th</sup> & N Olive. Northaven Village Condominiums. Owner: Wesco Investments (**BP#98-058**)
- 9a. **APPROVAL OF BUILDING PERMIT** for 18 unit condominium complex at NE 68<sup>th</sup> & N Olive. Northaven Village Condominiums. Owner: Wesco Investments (**BP#98-059**)
10. **RESOLUTION NO. 98-80**, authorizing the City Manager to enter into a contract with HTE, Inc. for the purchase and installation of computer hardware, licensed software programs, and related support services for the City of Gladstone, Missouri. Total Contract Amount: \$491,954.95 (General Fund: \$429,554.95); (Combined Waterworks and Sewerage System Fund: \$62,400.00)
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, SEPTEMBER 28, 1998**

Mayor George Nodler called the Regular September 28, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
City Counselor Nancy Thompson  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Boy Scouts from Troop 247, sponsored by the Gashland Presbyterian Church, and Troop 288, sponsored by the Northminster Presbyterian Church, led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Thursday, September 10, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Thursday, September 10, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mr. Hammen moved to approve the Consent Agenda as read; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Mayor Pro Tem Hammen moved to approve **RESOLUTION NO. R-98-79**, authorizing the City Manager to accept a Bill of Sale from Gable Companies, Inc. and Haines-Stowers Construction Company, Inc. conveying a water line and fire hydrant serving development at 401 NW Englewood Road to the City for maintenance. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Hammen moved for **APPROVAL OF FINANCIAL REPORTS** for the months of July and August, 1998. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** acknowledged the leadership and efforts of City Staff recently in connection with the successful Goal Setting Session and the Capital Improvements Committee Bus Tour. He also noted that City Counselor Nancy Thompson and Lee's Summit City Counselor Christine Treat were co-presenters of the sessions on Legal Issues and Council Procedures at the Missouri Municipal League Conference in St. Louis held in September. Counselor Thompson did an outstanding job which made him most proud.

**Councilman Roger Norris** reminded that GladFest was this weekend and he hopes everyone is ready. He acknowledged GladFest Chair Terri Hoppenthaler who was in the audience and thanked her in advance for the great time we all will have.

Mr. Norris also announced that as customary the senior member of the City Council, in this instance Councilman Dave Fricke, is in charge of the weather for GladFest and any complaints should be directed to him in care of Gladstone City Hall.

**Councilman Anita Newsom** said he would echo Councilman Fricke's comments about the success of the goal setting session. It was very professional and comprehensive in the way it was set up. She liked the carousel activities which allowed Council to meet with department heads and learn what was going on in their department. She really enjoyed that exercise and wished there had been more time allotted for questions.

Ms. Newsom said it was good to see a large number of scouts here this evening and she certainly recognizes a number of them from their younger years at Fox Hill.

**Councilman Art Hammen** also expressed his appreciation to the Staff for their extra efforts to make their trip to the Missouri Municipal League Conference a very beneficial one. Of the conferences he has attended, this was probably the very best. The train trip down and back was a unique experience and a good opportunity to really get to know one another. The sessions were excellent and he appreciated the opportunity to attend and learn how to do a better job of representing our citizenry.

**Mayor George Nodler** said he appreciated the staff's giving up a good portion of their Saturday to help Council with the goal setting session. Mayor Nodler also urged everyone to attend the 19<sup>th</sup> Annual GladFest festivities this weekend.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he would certainly agree with the Councilmembers who complimented City Counselor Nancy Thompson's Missouri Municipal League Conference presentation. He said she was dynamite, made a great presentation and answered hundreds of questions afterwards for attendees.

The City Manager also announced that City Hall will be closed at noon on Friday to the public for GladFest. Employees will still be in City Hall through 5:00 PM performing various tasks but it will be difficult for the public to get access because of street closures for the booth set ups so we will close as we have in the past.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for 18 unit condominium complex at NE 68<sup>th</sup> & N Olive. Northaven Village Condominiums. Owner: Wesco Investments (BP#98-058)

Mr. Norris moved to approve Building Permit #98-058; Mr. Fricke seconded.

Discussion.

Councilman Norris asked if everything is in order; City Manager Davis assured it was.

Councilman Hammen noted that under additional comments on the Staff Report, the 1<sup>st</sup> item says "No Rise Certificate". He said he is not familiar with that term and asked for an explanation.

Director Scott Wingerson advised that "No Rise Certificate" is a FEMA regulation for development in the flood plain. They are relocating a drainage channel there which is part of the flood plain and will remove it from the flood plain. FEMA requires a No Rise Certificate to prove that water won't rise and inch beyond its current level under any circumstance, so it is an engineering tool.

Councilman Newsom noted the Staff Report indicates colors of the new buildings will be similar to the existing buildings. Director Wingerson said that is correct and displayed samples of the white siding and green roof materials.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 9a. on the Agenda. APPROVAL OF BUILDING PERMIT** for 18 unit condominium complex at NE 68<sup>th</sup> & N Olive. Northaven Village Condominiums. Owner: Wesco Investments (BP#98-059)

Councilman Norris moved for approval of Building Permit #98-059; Councilman Fricke seconded.



**Mayor George Nodler** said he appreciated the staff's giving up a good portion of their Saturday to help Council with the goal setting session. Mayor Nodler also urged everyone to attend the 19<sup>th</sup> Annual GladFest festivities this weekend.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he would certainly agree with the Councilmembers who complimented City Counselor Nancy Thompson's Missouri Municipal League Conference presentation. He said she was dynamite, made a great presentation and answered hundreds of questions afterwards for attendees.

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Mr. Norris moved to approve Building Permit #98-058; Mr. Fricke seconded.

Discussion.

Councilman Norris asked if everything is in order; City Manager Davis assured it was.

Councilman Hammen noted that under additional comments on the Staff Report, the 1<sup>st</sup> item says "No Rise Certificate". He said he is not familiar with that term and asked for an explanation.

Director Scott Wingerson advised that "No Rise Certificate" is a FEMA regulation for development in the flood plain. They are relocating a drainage channel there which is part of the flood plain and will remove it from the flood plain. FEMA requires a No Rise Certificate to prove that water won't rise and inch beyond its current level under any circumstance, so it is an engineering tool.

Councilman Newsom noted the Staff Report indicates colors of the new buildings will be similar to the existing buildings. Director Wingerson said that is correct and displayed samples of the white siding and green roof materials.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 9a. on the Agenda. APPROVAL OF BUILDING PERMIT** for 18 unit condominium complex at NE 68<sup>th</sup> & N Olive. Northaven Village Condominiums. Owner: Wesco Investments (**BP#98-059**)

Councilman Norris moved for approval of Building Permit #98-059; Councilman Fricke seconded.

Discussion.

Mr. Norris asked if everything is in order; Staff said yes. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda. RESOLUTION NO. 98-80,** authorizing the City Manager to enter into a contract with HTE, Inc. for the purchase and installation of computer hardware, licensed software programs, and related support services for the City of Gladstone, Missouri. Total Contract Amount: \$491,954.95 (General Fund: \$429,554.95); (Combined Waterworks and Sewerage System Fund: \$62,400.00)

Councilman Newsom moved to adopt Resolution 98-80; Mr. Hammen seconded.

Discussion.

Councilman Norris asked Administrator of Management Services Dianna Wright how this technology upgrade became affordable for the City.

Ms. Wright said as discussed in the earlier Council Study Session presentation on this item, staff had identified this as a priority project and had been evaluating it for several years. And as they got into it, they recognized that this was going to be a half million dollar project. In 1997, the City approved Certificates of Participation and the technology phase with financial hardware and software was rolled into that issuance, so that is the funding source for this contract.

Councilman Norris said he recalls that hand-held meter reading devices and level payment options for customers were identified as a goal about three or four years ago in Council Goal Setting Sessions. He notes that in the explanatory memorandum provided the Council with this resolution, many of those goals will now be realized by this technology acquisition. These enhancements will make a lot of customers happy and he applauds Staff's efforts and recommendations.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

\* \* \*

There being no further business to come before the Regular September 28, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.**

Councilman Art Hammen moved to adjourn to closed Executive Session in the City Manager's Office pursuant to the Missouri Open Meeting Act Exemption Sections 610.021(1) and 610.021(9) for Privileged Communication and Litigation Discussion. Councilman Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Respectfully submitted:

*Marilyn F. Ahnefeld*

Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

*George Nodler*  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 12, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610.021 (1) and (3) for Privileged Communications  
and Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular September 28, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-81**, accepting Temporary Easements and a Permanent Easement from property owners in conjunction with the 64<sup>th</sup> & N Bales Drainage Project. (Project #9950)

**RESOLUTION R-98-82**, authorizing the City Manager to execute an Antenna Site Lease with Ardis Company for location of equipment at the Antioch Water Tower.

**RESOLUTION R-98-83**, authorizing Change Order No. 3 in an amount not to exceed \$202,000.00 to the Agreement for Professional Engineering Services with Burns & McDonnell, Inc. to provide construction administration and inspection services in connection with the NE 72<sup>nd</sup> Street Reconstruction Project. Fund: Transportation Sales Tax Fund (Project #9417)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 50,887 sq. ft. addition and tenant finish for Hobby Lobby and Phase 1 Site Improvements in Prospect Plaza Shopping Center, 6479 N Prospect. Owner: PSDI, Inc. c/o American Resurgens Corporation. Applicant: Feingold Associates (BP# 98-0637)
10. **APPROVAL OF BUILDING PERMIT** for a 2,860 sq. ft. tenant finish at 7411 N Oak for a dry cleaners. Applicant/owner: Briarcliff Development Company. (BP#98-0647)

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, OCTOBER 12, 1998**

Mayor George Nodler called the Regular October 12, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
City Counselor Nancy Thompson  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Monday, September 28, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Monday, September 28, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Mr. Hammen moved to adopt **RESOLUTION NO. R-98-81**, accepting Temporary Easements and a Permanent Easement from property owners in conjunction with the 64<sup>th</sup> & N Bales Drainage Project. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 12, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of the  
Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610.021 (1) and (3) for Privileged Communications  
and Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular September 28, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-81**, accepting Temporary Easements and a Permanent Easement from property owners in conjunction with the 64<sup>th</sup> & N Bales Drainage Project. (Project #9950)

**RESOLUTION R-98-82**, authorizing the City Manager to execute an Antenna Site Lease with Ardis Company for location of equipment at the Antioch Water Tower.

**RESOLUTION R-98-83**, authorizing Change Order No. 3 in an amount not to exceed \$202,000.00 to the Agreement for Professional Engineering Services with Burns & McDonnell, Inc. to provide construction administration and inspection services in connection with the NE 72<sup>nd</sup> Street Reconstruction Project. Fund: Transportation Sales Tax Fund (Project #9417)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for 50,887 sq. ft. addition and tenant finish for Hobby Lobby and Phase 1 Site Improvements in Prospect Plaza Shopping Center, 6479 N Prospect. Owner: PSDI, Inc. c/o American Resurgens Corporation. Applicant: Feingold Associates (BP# 98-0637)
10. **APPROVAL OF BUILDING PERMIT** for a 2,860 sq. ft. tenant finish at 7411 N Oak for a dry cleaners. Applicant/owner: Briarcliff Development Company. (BP#98-0647)

**NEXT ORDINANCE #3.692**

11. **FIRST READING BILL 98-36**, approving the Final Plat of **Sonic Addition** and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Gary Simons/Sonic Addition Final Plat (File #1068)
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 12, 1998

Mayor George Nodler called the Regular October 12, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
City Counselor Nancy Thompson  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda.** Pledge of Allegiance.

Mayor Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda.** Approval of Regular Monday, September 28, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Monday, September 28, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mr. Hammen moved to approve the Consent Agenda as listed; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Mr. Hammen moved to adopt **RESOLUTION NO. R-98-81**, accepting Temporary Easements and a Permanent Easement from property owners in conjunction with the 64<sup>th</sup> & N Bales Drainage Project. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)



Mr. Hammen moved to adopt **RESOLUTION R-98-82**, authorizing the City Manager to execute an Antenna Site Lease with Ardis Company for location of equipment at the Antioch Water Tower. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Hammen moved to adopt **RESOLUTION R-98-83**, authorizing Change Order No. 3 in an amount not to exceed \$202,000.00 to the Agreement for Professional Engineering Services with Burns & McDonnell, Inc. to provide construction administration and inspection services in connection with the NE 72<sup>nd</sup> Street Reconstruction Project. Fund: Transportation Sales Tax Fund. Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Jerry Courter, 901 NE 76<sup>th</sup> Street**, said several weeks ago he had the opportunity to look at the street plans and he sees they are going to run the drainage into his pond and he has an objection to that and would like to see what he can do to have that stopped.

Mayor Nodler asked if staff is aware of this situation. Director Wingerson said he has attempted to reach Mr. Courter and left a message last week. He offered to meet with Mr. Courter on his concerns now or at a later date if convenient.

Mr. Courter said that would be satisfactory and explained that his neighbor, Viola Caulfield also has had problems and called several times. When they put in the pond and a new spill way they designed it so it would dump directly in front of her house and last week during a storm he had to take sandbags over and put in front of her garage. The water was coming down the street and when vehicles would go through there at a high rate of speed it caused a wave to come into her garage. They had quite a bit of run-off from the buildings up the street from them. They paved their parking lots which has increased the flow and within the last year he noticed a large amount of oil on his pond and he believes that is coming from some of those lots and the street too. They get a lot of debris in their yard now and with an open sewer going straight into their pond there will be no way for him to rake the leaves, bottles, cans and other types of debris coming from the park and the street.

Mayor Nodler said Mr. Wingerson will come out and visit with Mr. Courter and report back at the next Council meeting.

Councilman Fricke asked if this location was on the Capital Improvements Committee tour. Staff indicated it was not.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke**, commenting on storm water management, thanked our City staff and employees who responded to all of the many calls and yells and beckonings we had from the citizens. He knows our people did a good job as best they could and he wanted to make sure that everyone was aware that our people did respond.

He pointed out that the storm water problems in the past ten days have been completely out of proportion to what we would normally see and it is all we can do to get people helped in a timely manner. Mr. Fricke said he was disappointed that a television station interviewed one of the people in our community and made a comment to the effect that the City was dragging their feet. He happens to know some City officials in Gladstone and none of them are dragging their feet or passing the buck that he is aware of. In fact our people, as the Council is well aware, will be there early in the morning, late at night, weekends, Saturday and Sunday. Whatever is required, these people will be there. Mr. Fricke said he guesses he gets his feelings hurt when he hears them say something like that on television and he will try to watch his hurt feelings from now on.

Mr. Fricke also commented that although Sunday was literally a wash out, he would count GladFest a total success because of Friday and Saturday alone. He was very well pleased with all the work done by Chamber, Staff, and City personnel. Terri Hoppenthaler is very much appreciated and Les Smith who served as emcee certainly makes everyone feel at home. Mr. Fricke said he only mentions those two individuals because of their visibility but is appreciative of all our City staff assistance and as a citizen he enjoyed the event very much.

**Councilman Roger Norris** said he would echo the remarks made by Mr. Fricke regarding GladFest. Although Sunday was a rain out, Saturday was awesome.

On the stormwater, Councilman Norris said he too saw the report on the news and although it will sound like he is preaching to the choir, per capita Gladstone has spent more money on stormwater management than any community north of the river. We are well ahead of the curve. Had that first 3 ½" rain in 45 minutes in June and this last 5 ½" rain Sunday evening come eight years ago, anybody here want to take those phone calls? We remember how it was with a ½" of rain. He said his phone used to literally ring off the hook.

Councilman Norris said yes we still have some problems but if it takes three inches of rain in 45 minutes and 5 inches of rain in an evening to point out where our short comings are, we are doing ok. Staff is doing an outstanding job. He said he was out that Sunday evening driving around to see the water coming across the street from his house. He said his big thing was the 58<sup>th</sup> & Euclid area and the Brooktree Basin area and where they are doing construction on old Antioch Road. There were some serious problems and he knows they are being addressed. He was happy to see some City trucks out driving around looking at the water to be ready for those calls rather than waiting to respond. Crews were proactively out there finding the problems and that's the kind of staff we have. He thinks it is important that all people understand that our staff kind of goes with the flow that if Councilmembers are getting calls maybe there is something wrong. Maybe they are not doing their job and that is the type of

attitude we like to see in our City employees. He knows that is the type of attitude that generally most citizens have.

Councilman Norris told the crews to keep up the good work.

**Councilman Anita Newsom** said we may get tired of storm water discussion but she thought it pretty prophetic when she called in Monday and the phone music system was playing *Wipe Out*. She said Councilman Norris' comments reminded her that when she and Mr. Reynolds were first elected to the Council nine years ago, they got calls every time the clouds drew together in the sky. Stormwater problems, drainage problems, sink hole problems, water rushing down the street and flooding cars sitting on the street. Our problems were so much worse because of rains we had at that time than what we are having now. True, she would not want to be the person with water in their basement or the sideyard eroding away. She is not making light of that because it is important to the people it is happening to but we would have had so many more instances had we not been as proactive as we have been in the past few years. We were reactive at first and now she believes we are now in the pro-active phase. She does not know that anybody could have been prepared for this. She does not know where in the world they could have been prepared for the kind of rains we experienced the last couple of times without some sort of residual affect.

Ms. Newsom also commented that she liked the TRY - DRUG FREE signs she saw out this weekend and sees them as a more effective way to promote the cause than tying red ribbons around light poles that have to be torn down in January. She recognizes that it is probably more expense in the long run but likes the tact they have taken this year.

Councilman Norris commented the signage resulted in a lot of right of way violations and Councilman Hammen agreed. Ms. Newsom agreed that was true but felt they would be taken care of in the city of Gladstone.

**Councilman Art Hammen** said speaking next to last often leaves him little to say but to echo comments of his fellow Council with regard to storm water situations and GladFest. He does want to caution Councilmember Fricke that we will be looking very closely at the weather next year. This is the first year he can remember rain for GladFest weekend and he told Terri Hoppenthaler, GladFest Chair who was in the audience that Councilman Fricke will do better next year

Ms. Hoppenthaler noted for Council's interest that there were 90 entries in the parade which is the largest ever.

Mr. Hammen said we are most fortunate that we do not have Southwest Boulevard and Brush Creek to deal with and he does think our staff is doing a good job with the problems that we are addressing.

**Mayor George Nodler** said he certainly concurs with the comments made about GladFest. As far as the storm water issue, anybody who watched the news during the past weeks realizes that this is a whole city-wide problem and certainly Gladstone had

some problems but there were a lot worse problems in the metropolitan area. Turkey Creek and the flooding in that area was phenomenal and there were persons who unfortunately lost their lives last week.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** announced that the next City Council Meeting will be held on Tuesday, October 27, 1998 instead of Monday, October 26<sup>th</sup>.

Mr. Davis said he too would like to congratulate GladFest Chair Terri Hoppenthaler. There were some difficult circumstances this year and Terri did a great job. He also recognized members of the City's team who were involved in GladFest this year with the Chamber which included Councilman Anita Newsom, Counselor Nancy Thompson, Assistant City Manager Laura Gay, Manager of Administrative Services Dianna Wright and particularly Parks & Recreation Director Steve Buschor who spent hours at GladFest under cold and wet circumstances.

The City Manager also thanked the Community Services personnel who were out in the 58<sup>th</sup> & Garfield area pumping water out of the sewer lines which helped reduce the number of complaints we got in that area. He believes that is an indication of a little bit of team work and pro-active approach at trying to help recognize and solve people's problems. Assistant City Manager Laura Gay and Director of Community Services Jerry Menefee and Jerry's crews certainly deserve credit for these actions. They were out all night that evening pumping water.

Mr. Davis also announced that the insituform project that we talked about so much is completed with the exception of the lining of the pits over in that area.

Jerry Menefee also advised that a by-pass at 58<sup>th</sup> & Euclid which was discussed with residents in that area was completed on Saturday. Councilman Norris asked if we had any complaints from that area in this storm. The City Manager said there were five complaints that he was aware of. Mr. Norris asked what was normal; staff confirmed there were twelve in that particular area in June.

Councilman Norris told Director Menefee that the Council will be interested to see the level of complaints we receive from the next storm after that insituforming is all done just to know if that is a direction we want to go in a whole lot of areas in the city.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for 50,887 sq. ft. addition and tenant finish for Hobby Lobby and Phase 1 Site Improvements in Prospect Plaza Shopping Center, 6479 N Prospect. Owner: PSDI, Inc. c/o American Resurgens Corporation. Applicant: Feingold Associates (BP# 98-0637)

Councilman Roger Norris moved to approve Building Permit #98-0637 for 6479 N Prospect; Councilman Dave Fricke seconded.

Discussion.

Councilman Norris asked if everything is in order. City Manager Norris said yes.

Councilman Art Hammen noted Item 3 under additional comments of the staff report talks about locating the fire hydrant and the response letter from Feingold & Associates indicates that will be done in the next phase of the project. Mr. Hammen asked Director Scott Wingerson if he was comfortable with all of the responses in that letter. Wingerson agreed he was.

Mr. Hammen asked for clarification on the 10x10 site triangle for additional right of way at the SW corner, whose responsibility will it be to do the sidewalk improvement? Mr. Wingerson said it will be the City's responsibility to install the sidewalk. Mr. Hammen said most often that is the developer's responsibility; Mr. Wingerson noted in this instance that was part of a separate agreement that was negotiated earlier as part of the improvements to 64th Street.

Mr. Hammen said so we are comfortable with all of the responses in the letter from Feingold & Associates; Mr. Wingerson said yes.

Ms. Newsom asked if that includes the comment about the southern entrance off of N Prospect; Mr. Wingerson said yes. Ms. Newsom asked when we will resolve that; Mr. Wingerson said it will be resolved prior to construction and prior to issuance of the building permit and it is a coordination issue between the State, the City and the property owner. He said as their response indicates, they are more than willing to resolve the issue with our support with the state and everybody's #1 goal is to get the fire trucks into that facility safely.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. On the Agenda.** **APPROVAL OF BUILDING PERMIT** for a 2,860 sq. ft. tenant finish at 7411 N Oak for a dry cleaning establishment. Applicant/owner: Briarcliff Development Company. (BP#98-0647)

Mr. Fricke moved to approve the building permit; Mr. Norris seconded.

Discussion.

Councilman Anita Newsom asked if this permit is for "**The Dry Cleaners**"; Mr. Wingerson said the permit is for a dry cleaning establishment but that is not their name.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11 on the Agenda.** **FIRST READING BILL 98-36**, approving the Final Plat of **Sonic Addition** and directing the appropriate officials to affix their signatures to the plat for recording. Applicant: Gary Simons/Sonic Addition Final Plat (File #1068)

Ms. Newsom moved to place Bill 98-36 on First Reading; Mr. Hammen seconded.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Ms. Newsom moved to accept the First Reading, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) the Clerk read the Bill.

Ms. Newsom moved to accept the Second and Final Reading of Bill 98-36 and enact the Bill as Ordinance No. 3.692; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

\* \* \*

There being no further business to come before the Regular October 12, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

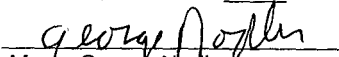
**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.**

Councilman Art Hammen moved to adjourn to closed Executive Session in the City Manager's Office pursuant to the Missouri Open Meeting Act Exemption Sections 610.021(1) and 610.021(3) for Privileged Communication and Personnel Discussion. Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, OCTOBER 27, 1998**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 12, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-84**, accepting Temporary and Permanent Easements from property owners in conjunction with the 2706 NE 57<sup>th</sup> Terrace Drainage Project. (Project #9813)

**RESOLUTION R-98-85**, accepting a Bill of Sale from Intra-State Development Company and Holthouse Construction Company conveying water line, sanitary sewer and storm drainage improvements constructed in the Oaks Second Plat Subdivision. (Improvements entirely at the developer's expense)

**RATIFICATION OF BUILDING PERMIT APPROVAL** for construction of exterior columns on upper and lower level of N Oak Plaza Shopping Center at NW corner of 72<sup>nd</sup> & N Oak. Owner: Timothy Harris, LLC. Applicant: B&W Masonry (BP #98-0706)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION NO. R-98-86**, authorizing execution of a contract with Black & Veatch for the Stormwater Master Plan. Contract Amount: \$410,000; Fund: Capital Improvements Sales Tax (Project #9906).
10. **PUBLIC HEARING:** On a request to rezone property at 6224 N Main from R-1 (Single Family Residential District) to RP-1, (Single Family Residential District-Planned). Applicant: Heatherton Custom Homes, Inc. Owner: Toshiko H. Sutton (File #1069)
- 10a. **FIRST READING BILL 98-37**, rezoning property at 6224 N Main from R-1 to RP-1. Applicant: Heatherton Custom Homes, Inc. Owner: Toshiko H. Sutton (File #1069)

**NEXT ORDINANCE #3.693**

11. **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 62<sup>nd</sup> Terrace & N Main. Applicant: Heatherton Custom Homes, Inc. Owners: Heatherton Custom Homes, Inc. and Toshiko H. Sutton. (File #1069)
- 11a. **FIRST READING BILL 98-38**, approving a Site Plan Revision in conjunction with a rezoning for property at Heatherton Place located at the West Side of 62<sup>nd</sup> Terrace & N Main. Applicant: Heatherton Custom Homes, Inc. Owners: Heatherton Custom Homes and Toshiko H. Sutton (File #1069)
- 11b. **FIRST READING BILL 98-39**, approving the Final Plat of "Heatherton Place", (62<sup>nd</sup> Terrace & N Main). Applicant: Heatherton Custom Homes, Inc. and Toshiko H. Sutton (File #1069)
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

TUESDAY, OCTOBER 27, 1998

Mayor George Nodler called the Regular October 27, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

Acting City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: City Manager Kirk Davis

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Monday, October 12, 1998 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Monday, October 12, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Councilman Anita Newsom moved to approve **RESOLUTION NO. R-98-84**, accepting Temporary and Permanent Easements from property owners in conjunction with the 2706 NE 57<sup>th</sup> Terrace Drainage Project. (Project #9813) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to approve **RESOLUTION R-98-85**, accepting a Bill of Sale from Intra-State Development Company and Holthouse Construction Company conveying water line, sanitary sewer and storm drainage improvements constructed in the Oaks Second Plat Subdivision. (Improvements entirely at the developer's expense) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved for **RATIFICATION OF BUILDING PERMIT APPROVAL** for construction of exterior columns on upper and lower level of N Oak Plaza Shopping Center at NW corner of 72<sup>nd</sup> & N Oak. Owner: Timothy Harris, LLC. Applicant: B&W Masonry (BP #98-0706) Councilman Roger Norris seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) Mr. Fricke asked if the columns being constructed are weight carrying or solely for cosmetics; Director Scott advised they are only for cosmetic purposes.

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said he was privileged to attend the MARCIT Liability Seminar recently and the presentation made by Attorney, Bruce McCune. The session was designed to point out potential problems and minimize exposure for public officials and he was glad he had the opportunity to participate.

Mr. Fricke advised that Saturday, October 24, 1998 was Family Fun and Wellness Day in Happy Rock Park. This was a well coordinated effort of the North Kansas City School District and the TRY Program (Teachers Reaching Youth) and others. There was something for everyone including helicopters, rescue teams, police dogs, etc. He wishes we had some way to get the word out on this event because this is a very enjoyable activity for families.

Mr. Fricke also commented it is nice when we can recognize people we work with on their accomplishments and he passed around an article about Townsend Communications Reporter, Mr. Mark Johnson who was recently saluted by his paper as a Number #1 Team Player.

**Councilman Roger Norris** referring to the Chief's Football Team defeat on Monday, October 26th, suggested perhaps we should have held our City Council Meeting instead.

**Councilman Anita Newsom** suggested that we need to continue to look at code enforcement activity. Often a vacant lot will end up as a used car lot. They seem to pop up over the weekend and they are a traffic hazard as well as being non-compliant. In the winter months there seem to be a number of RV's parked in unpaved side yards

and we need to enforce our ordinance. She said not less than 12 tractor trailers were dropped off at WalMart and it is looking like a warehouse area rather than a parking area for storage or patrons. Every time trailers show up there is additional trash blowing through the parking lot. It is an ongoing battle and she knows it is seasonal stuff but they seem to have seasonal stuff four times a year and she finds it pressing our good nature as a city.

Director Wingerson responded that our Saturday code enforcement officer wrote 15 violations to vehicles for sale parked over the weekend. So they are working on these violations including 400 cars parked on grass, etc. in the last few months. So they are working really hard.

On the subject of trailers at WalMart, Mr. Wingerson said we received an application today on a very minor site plan revision which will come forward to the Planning Commission and City Council to address some of the concerns that the Planning Commission has had over a year and the City Council I raised tonight and in the past.

Councilman Newsom also reminded that next Tuesday we have a number of issues facing our voting population and she would encourage voters to educate themselves before they vote and make wise choices. Given the number of glitzy ads, tv spots and mailers it behooves the individual voter to take an evening and actually read and find out more about the candidates to make informed voting decisions.

**Mayor Pro Tem Hammen** noted there was an article in the recent FYIN sent to Council entitled "Is your City Ready for Police Volunteers" which brought back to him the discussion some time ago about enlisting some of our seniors to help the City in terms of being the eyes and ears for handicapped parking violations, fire lanes, etc. He raises this issue again only so it does not fall through the cracks and asked Public Safety Director Bill Adamo if he had seen the article. Director Adamo acknowledged he had read it.

**Mayor George Nodler** thanked GladFest Chair Terri Hoppenthaler for the tiles given to the City Council commemorating this year's event.

The Mayor noted we have a special guest in the audience and invited Acting City Manager Laura Gay to introduce Ms. Cyndi Hadley, who is the new Gladstone Area Chamber of Commerce President.

Ms. Gay said the City certainly looks forward to working with Ms. Hadley in this capacity and in particular in administering the economic development contract the City has with the Chamber. Members of the City Council welcomed Ms. Hadley.

Ms. Hadley thanked the Council for their kind welcome and said she is anxious to get started.

**Item 8. on the Agenda. Communications from the City Manager.**

**Acting City Manager Laura Gay** announced that Administrator of Management Services Dianna Wright has accepted the position of City Administrator with the City of Harrisonville, Missouri. Ms. Gay stressed this is certainly a bitter-sweet announcement because Ms. Wright has served Gladstone well for the past 10 years. We will miss her talent and abilities and wish her well in her new position.

Mayor Nodler told Ms. Wright on behalf of the Council that she had done an excellent job for the City and would be missed very much. Councilman Norris agreed and said Harrisonville could not have made a better choice and Councilmembers Hammen, Newsom and Fricke added their congratulations as well.

Laura Gay also announced that Gladstone has been awarded a local law enforcement block grant in the amount of \$23,000. Last year those funds were used primarily to purchase *Buckshot* our narcotics detection dog. There is a committee that will meet to make recommendations for use of these block grant funds.

Ms. Gay requested Council consideration of **RESOLUTION R-98-87**, authorizing execution of a contract with GE Capital for the purchase of computer hardware in the amount of \$37,290.81 from the General Fund. Ms. Gay explained that the software purchase was approved at the last Council Meeting and this resolution covers the hardware component for the finance department. Approval of the resolution tonight will keep us on our timeline.

Councilman Newsom moved to adopt Resolution R-98-87; Mr. Fricke seconded. The Vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler, (5-0)

**Item 9. on the Agenda. RESOLUTION NO. R-98-86**, authorizing execution of a contract with Black & Veatch for the Stormwater Master Plan. Contract Amount: \$410,000; Fund: Capital Improvements Sales Tax (Project #9906).

Mr. Hammen moved to adopt Resolution R-98-86; Mr. Fricke seconded.

Discussion.

Mr. Hammen asked that the record indicate that the Capital Improvements Committee scheduled a special meeting to address this issue. Storm water affects a number of our residents and we have had a great deal of input and he would like to congratulate the staff and members of the CIP committee who have worked to ensure that this has been dealt with as expeditiously as possible.

Councilman Norris said the need for this Stormwater Master Plan was discussed in April which was prior to the June storms. This City, Staff, Council and people are proactive in looking at problems rather than re-active.

Ms. Newsom said we are so privileged to have the cross section of citizens that we have in our community serving on city boards and commissions and particularly the Capital Improvements Committee in this instance. These members bring another level of expertise and fresh perspective on issues.

**Mayor Nodler** said he too would reiterate for the record the importance of having a master plan so that we know that when we fix one problem that we don't create a another problem downstream or in some other area. That is why it is so important that we spend this money to create master plan so will know exactly how our solutions will affect the whole city.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

**Item 10. on the Agenda. PUBLIC HEARING:** On a request to rezone property at 6224 N Main from R-1 (Single Family Residential District) to RP-1, (Single Family Residential District-Planned). Applicant: Heatherton Custom Homes, Inc. Owner: Toshiko H. Sutton (File #1069)

Mayor Nodler opened the Public Hearing and explained the hearing process that the applicant will make their presentation followed by persons in favor or against.

**Applicant Margaret Miller, 1612 Wynbrick Drive, Liberty, Missouri,** advised that Heatherton Custom Homes is now the owner of the parcel of land being rezoned by this request. The closing on the sale took place last week.

**Director Scott Wingerson** advised that the applicant is requesting three actions from Council tonight.

First is a zoning change on this property which is approximately 80 ft. east and west and 10 feet north and south. Council will recall the recently approved Heatherton Place development and in the meantime, the applicants had the opportunity acquire this parcel before us tonight which will be added to the development. So the zoning change is for this small parcel only.

The second request is for the site plan revision (Bill 98-38) which adds two units to the previously approved plan so it is an amendment to the plan that the Council previously approved. The site plan revision is consistent with the recommendation of the Planning Commission and the City Council on the original request. The Planning Commission recommended approval of this request.

The third related item (Bill 98-39) is approval of the final plat and basically what that does is dedicate the easements and right of way necessary for the construction. Staff would anticipate several additional final plats coming forward as the units are staked and construction begins on the units.

The applicants are agreeable to all recommended conditions. He pointed out that in the analysis section of the staff report, the first three paragraphs were written specifically

for this request and everything else that follows is information relative to the original request and is just provided for information and as a refresher.

Councilman Norris asked if this affects Lots 11, 12, 13 which were discussed in the original request. Director Wingerson said there are no changes on those lots and it complies with the original request.

Councilman Fricke asked Director Wingerson if staff is more comfortable with the addition of this parcel which will allow two additional units to this development and if it makes for a better entryway to the development. Director Scott Wingerson agreed it does make for a better overall development and serves to revitalize that area of N Main.

There were no further questions or comments or persons desiring to speak for or against this request, whereupon Mayor Nodler closed the public hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 98-37**, rezoning property at 6224 N Main from R-1 to RP-1. Applicant: Heatherton Custom Homes, Inc. Owner: Toshiko H. Sutton (File #1069)

Councilman Norris moved to place Bill 98-37 on First Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading, of Bill 98-37, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) the Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 98-37 and enact the Bill as **Ordinance No. 3.693**; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. on the Agenda.** **PUBLIC HEARING:** On a request for a Site Plan Revision on property at 62<sup>nd</sup> Terrace & N Main. Applicant: Heatherton Custom Homes, Inc. Owners: Heatherton Custom Homes, Inc. and Toshiko H. Sutton. (File #1069)

Mayor George Nodler opened the Public Hearing and explained the process.

**Community Development Director Scott Wingerson** advised that this public hearing is for a site plan revision to the previously approved plan and the overall impact is the addition of two units on the added parcel. The requirements are the same as the previously approved plan. He advised that Margaret Miller and her engineer are present should Council have questions.

Councilman Anita Newsom asked if the storm water management is adequate to accommodate the impervious areas resulting from the addition of these two added units. Mr. Wingerson said it even better now.

There were no persons desiring to speak for or against this request and Mayor Nodler closed the Public Hearing.

**Item 11a. on the Agenda.**      **FIRST READING BILL 98-38**, approving a Site Plan Revision in conjunction with a rezoning for property at Heatherton Place located at the West Side of 62<sup>nd</sup> Terrace & N Main.    Applicant: Heatherton Custom Homes, Inc. Owners: Heatherton Custom Homes and Toshiko H. Sutton (File #1069)

Mr. Norris moved to place Bill 98-38 on First Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 98-38 and enact the Bill as Ordinance No. 3.694; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11b. on the Agenda.**      **FIRST READING BILL 98-39**, approving the Final Plat of "Heatherton Place", (62<sup>nd</sup> Terrace & N Main).    Applicant: Heatherton Custom Homes, Inc.

Mr. Norris moved to place Bill 98-39 on First Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 98-39, Waive the Rule and place the Bill on Second and Final Reading; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) the Clerk read the Bill.

Ms. Newsom moved to accept the Second and Final Reading of Bill 98-39 and enact the Bill as Ordinance No. 3.695; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12. on the Agenda.**      **Other Business.**

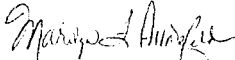
**Councilman Dave Fricke** asked if Council has anything to look at yet from the recent Saturday Goal Setting Session.

Acting City Manager Laura Gay advised that the goals from that session have been drafted and could be provided now, however, the Management Team Staff Retreat is scheduled for November 20, 1998 and it was her understanding that the City Manager intended that staff would take that time to plug projects and issues discussed in under those goals and then forward that entire document to Council for their review before the document is finalized. Councilman Fricke thanked Ms. Gay for her report.

\* \* \*

There being no further business to come before the Regular October 27, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

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

  
\_\_\_\_\_  
Mayor George Nodler



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 9, 1998**

**Closed Executive Session will immediately follow adjournment  
of the Regular Meeting pursuant to Missouri Open Meeting Act  
Exemption Section 610.021 (3) for Personnel Discussion**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 27, 1998 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION** to Administrator of Management Services Dianna Wright.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-88**, authorizing acceptance of that portion of 76<sup>th</sup> Street built in conjunction with the construction of the Aldi Store at 7604 N Oak for City maintenance.

**RESOLUTION NO. R-98-89**, authorizing execution of an Intergovernmental Agreement with the City of Kansas City, Missouri to share maintenance of streets within the Oaks Second and Third Plats.

**APPROVAL OF FINANCIAL REPORTS** for month of September, 1998.

**APPROVAL OF ISSUANCE OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Parish for annual Harvest Moon event on Saturday, November 14, 1998. Hours: 7:00 PM to Midnight. Managing Officer: Mr. Paul G. Danaher

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF INTERIOR BUILDING PERMIT** for remodeling of refrigerator cases in WalMart Store, 7207 M-1 Highway. Applicant/Contractor: Benso, Inc. Owner: Wal-Mart (BP #98-0715)

**NEXT ORDINANCE #3.696**

10. **RESOLUTION NO. R-98-90**, authorizing assignment of interest of State Street Bank and Trust Company, NA, in the Redevelopment Agreement entered into with the City of Gladstone relating to the redevelopment of property at Prospect Plaza to Bradley Operating Limited Partnership.
11. **RESOLUTION NO. R-98-91**, granting to the City of Kansas City, Missouri, temporary and permanent sewer easements across City-owned property.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 9, 1998

Mayor George Nodler called the Regular November 9, 1998 City Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular Tuesday, October 27, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Tuesday, October 27, 1998 City Council Meeting Minutes as written; Councilman Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

#### Item 4a. on the Agenda. SPECIAL PRESENTATION to Administrator of Management Services Dianna Wright.

Mayor George Nodler presented a Key to the City plaque to Dianna Wright recognizing her outstanding contributions to the success of the City of Gladstone during her eleven year tenure with the city as Personnel Assistant, Assistant to the City Manager/Personnel Officer and since July, 1997, the Administrator of Management Services. Ms. Wright has accepted the position of City Administrator of Harrisonville, Missouri and although it is a happy event for Dianna Wright it is a sad day for Gladstone. She will certainly be missed and has done an excellent job in all of her capacities and everything that has been assigned to her. Not only has she done a great job with the City but she has been a great volunteer for GladFest and other community events and it is really hard to lose somebody like Dianna Wright.

Dianna Wright thanked the Mayor and City Council and told them that when she and her husband came to Kansas City about 15 years ago, her husband was familiar with the Northland and they rented for a year just to find out what community they wanted to settle in. Following that first year, there was no question that they wanted to live in Gladstone. The citizens are friendly there is great snow removal and the list goes on. Two years after that she came to work for the City and that was a good move because she wanted to get back into the public sector. Within four months there were some darkened offices and some house cleaning going on and she wondered what she had done; but she has to say in the past eleven years that is the **only** time she asked that question. She has enjoyed coming to work every day, some days more than others. It has been a true, wonderful experience and she can attribute that to several things: our city employees, both present and past are a good group to work with and have made her tasks interesting, challenging and at times stressful but always fun.

Ms. Wright said she had a great opportunity to work with management team members who are truly dedicated and professional. She said she has also had the opportunity to work with great elected officials who are professional and committed to serving the community. She told the City Council they had sort of set the standard as far as her expectation in working with elected officials. She said she has an exciting opportunity in Harrisonville and is really looking forward to it but also knows that every experience she has had in Gladstone will serve her well and thanks the City for all those opportunities.

Mayor Nodler said our loss is indeed Harrisonville's gain.

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

Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-98-88**, authorizing acceptance of that portion of 76<sup>th</sup> Street built in conjunction with the construction of the Aldi Store at 7604 N Oak for City maintenance. Councilman Roger Norris seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-98-89**, authorizing execution of an Intergovernmental Agreement with the City of Kansas City, Missouri to share maintenance of streets within the Oaks Second and Third Plats. Councilman Roger Norris seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved for **APPROVAL OF FINANCIAL REPORTS** for month of September, 1998. Councilman Roger Norris seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved for **ISSUANCE OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Parish for the annual Harvest Moon event on Saturday, November 14, 1998. Hours: 7:00 PM to Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Roger Norris seconded. The vote: all "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** thanked Dianna Wright for all the help she has given him. He said she is gifted with the knowledge she has of her job and has been a good source of information for him. He is confident that Harrisonville will love her services.

Mr. Fricke noted that Englewood Road needs attention and asked the status of any street maintenance. Director Scott Wingerson responded we are in the process of planning the street program for the coming year and that is one of the streets that ranks high. Englewood Road was constructed under a cooperative agreement with Kansas City and we are investigating the possibility of doing more than just the Gladstone portion. A lot of the deterioration is in Kansas City so we need to work something out with them.

**Councilman Roger Norris** said his remarks this evening would be to Dianna Wright. During his eight years as a Councilman he has always found Ms. Wright to be honest and trustworthy with her concern always for the City of Gladstone. She is an outstanding lady who has taken on every task given to her and done a great job. He particularly noted her leadership roles with MARCIT and the knowledge that she has in this area. Councilman Norris said it has been outstanding to see Dianna grow in her profession and again congratulated her.

**Councilman Anita Newsom** said she would certainly echo the comments made and told Dianna Wright that she would definitely be missed particularly at GladFest time. There have been a lot of fun times and hectic times and she told Ms. Wright that she has passed the test of time with professionalism and aplomb and sophistication and it will behoove the City of Harrisonville to have her in their employ.

Ms. Newsom complimented the flower beds this year that have been adopted by scout groups and others, they have looked great all season. She also applauds the improvements to the phone system and changes to the recorded messages which have been needed.

Ms. Newsom told Dianna Wright that she certainly wishes her well and invited her to come back and play at the Festivals.

**Councilman Art Hammen** told Dianna Wright that she has been nothing but helpful to him and will really be missed.

Mr. Hammen suggested that press releases on the resignalization of 72<sup>nd</sup> & N Prospect would be helpful to provide public awareness that there are now two ways to make left-hand turns but when the light is green you have to watch for oncoming traffic.

City Manager Davis noted that Public Safety did send out a press release acknowledging that they would be watching this and another intersections because they were getting so many calls and there had been a couple of accidents. Mr. Davis said it can be confusing because there is no physical change there but rather it is all in the signal, so we will be happy to get out press releases.

Mr. Hammen this goes back to our goal setting session where we talked about better communications with our citizens and this is a classic example of where we need the help of our news media to provide aware awareness to eliminate accidents.

**Dispatch** news reporter Mark Johnson indicated there is coverage of this very issue in the paper on Wednesday.

**Mayor George Nodler** said a final comment to Dianna Wright would be the hope that Harrisonville is aware she will be coming back to work the annual Chamber of Commerce Saucy Bun Booth at GladFest.

**Councilman Dave Fricke** said his last question to Dianna Wright is - are we going to be Y2K compatible. Ms. Wright responded that there is a task force which has been meeting and will be bringing forth a presentation on the status in the near future. Mr. Fricke said he asks only because there is so much coverage and a number of horror stories on this subject. He knows the moneys have been allocated and hopes we are on schedule. When he asked who he might touch base with about this matter in the future, Ms. Wright suggested City Manager Davis would be his contact.

**Item 8. on the Agenda. Communications from the City Manager.**

City Manager Kirk Davis announced that there will be a reception for Dianna Wright on Tuesday, November 17<sup>th</sup> from 4:00 - 6:00 PM here in the City Council Chambers and all are invited. He said Ms. Wright has been a great help to him during his tenure the last six months because he came right in the middle of the budget and he will forever be indebted for her assistance to him.

Mr. Davis also announced that the Fall Brush Disposal is scheduled at the Public Works facility from November 13<sup>th</sup> through 15<sup>th</sup>.

He also announced some changes in meeting dates due to Thanksgiving holiday schedules: Gladstone will host the Clay County Coordinating Committee Meeting on Thursday, November 19<sup>th</sup>. Park Board Meeting is scheduled for Thursday, November 19<sup>th</sup> and Capital Improvement Committee on November 12<sup>th</sup>.

Holiday Lighting Ceremony/Gladstone Mayor's Christmas Tree on Sunday, November 29<sup>th</sup>.

**Item 9. on the Agenda.** APPROVAL OF INTERIOR BUILDING PERMIT for remodeling of refrigerator cases in the WalMart Store, 7207 M-1 Highway. Applicant/Contractor: Benso, Inc. Owner: Wal-Mart (BP #98-0715)

Councilman Roger Norris moved to approve the Building Permit; Councilman Dave Fricke seconded.

Discussion.

Councilman Hammen asked if this approval means that all of those ugly storage containers in the parking lot will go away. Community Development Director Scott Wingerson said there is a site plan revision that will be coming forward to the Planning Commission in December and subsequently to the City Council and staff has addressed those concerns.

Councilman Roger Norris said he will have a problem voting for a site plan revision that does not address a working fountain on the corner that includes what it should have. He said what is there now is an embarrassment. Ms. Newsom agreed that the landscaped/mulched areas lack maintenance.

Director Wingerson said there is a comprehensive list of issues that includes trailers, fountain and overall maintenance that will be addressed in the site plan revision.

The vote on the Building Plan approval: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda.** RESOLUTION NO. R-98-90, authorizing assignment of interest of State Street Bank and Trust Company, NA, in the Redevelopment Agreement entered into with the City of Gladstone relating to the redevelopment of property at Prospect Plaza to Bradley Operating Limited Partnership.

Mr. Norris moved for approval of Resolution 98-90; Mr. Hammen seconded.

Discussion:

Mr. Norris asked that the Study Session discussion earlier this evening be made a part of the record for this application. The Clerk acknowledged the request.

Mr. Norris told Mr. Dick Carlisle that there was a lot of money on the line based on some growth estimates but his word has been good with the City Council. They have

recommended Bradley Real Estate and our staff has concurred and based on that he will be voting in favor of this application.

Councilman Newsom said as Mr. Carlisle has heard we do tend to hold real estate developers or property management association's feet to the fire. We have high expectations and the only way to meet them is to set expectations and keep reminding people what they are.

The vote: All aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. On the Agenda.** RESOLUTION NO. R-98-91, granting to the City of Kansas City, Missouri, temporary and permanent sewer easements across City-owned property.

Councilman Norris moved to adopt Resolution R-98-91; Mr. Fricke seconded.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 12. on the Agenda.** Other Business.

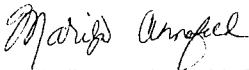
None.

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There being no further business to come before the Regular November 9, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

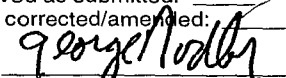
**Motion to Adjourn to Closed Executive Session.** Councilman Roger Norris moved to adjourn to Closed Executive Session for Personnel Discussion pursuant to Missouri Open Meeting Act Exemption Section 610.021(3) for Personnel Discussion. Mr. Hammen seconded. . The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

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

  
\_\_\_\_\_  
Mayor George Nodler



**MINUTES  
GLADSTONE CITY COUNCIL  
OPEN STUDY SESSION  
NOVEMBER 9, 1998**

**Item 1. Discussion of Assignment of Interest in Prospect Plaza Shopping Center Redevelopment Agreement to Bradley Operating Limited Partnership.**

Mayor George Nodler opened the Study Session and requested City Manager Kirk Davis to initiate the discussion of this item.

City Manager Kirk Davis advised that tonight we have representatives of all the parties interested in Prospect Plaza Shopping Center redevelopment present. It is one of the more interesting projects we have had the last several months and the redevelopment agreement that the City Council was approved two-three months ago. That redevelopment agreement was with State Street Bank and Mr. Carlisle and Mr. Campbell who are both in the audience representing the developers. They are here tonight along with the representatives of Bradley Real Estate, Minneapolis, Minnesota. Bradley is the company interested in taking over that property and redeveloping the project according to the terms of the agreement. The agreement allows the City Council the opportunity to approve the assignment of the contract from State Street Bank to Bradley Real Estate. Because this was a high dollar item and a high profile, important piece of property in our city and a huge economic development effort, we felt it was important for all of those parties to be able to speak to the Council, to submit financial data and allow us a chance to make sure they have the ability to fulfill their obligations under that contract. As such, Mr. Carlisle, will speak first to explain the transfer and will introduce Mr. Campbell and Tim Prinsen of Bradley Real Estate.

Dick Carlisle with the law firm of Freilich, Leitner and Carlisle said he represents State Street Bank the developer on this redevelopment agreement. Mr. Carlisle said with him tonight is Mr. Tim Prinsen of Bradley Real Estate who will talk about the nuts and bolts of matters that should concern the Council this evening, mainly Bradley's financial capability to do this project.

Mr. Carlisle said George Campbell is here to talk about the project. One thing Council needs to know is that regardless of whether or not this assignment happens and we think it will and think it is very likely that it will although real estate contracts are complicated matters and sometimes when you are going through the due diligence not all real estate contacts close, we want you to know that this project is moving forward regardless of whether or not this assignment going through. That is driven in part by their agreement with the City which has some deadlines in it and also by the agreement with the Hen House who has some delivery dates. So we are under the gun to continue and George is here to talk about the schedule.

Mr. Carlisle said Mr. Dave French and Mr. Bo Conrad are both here from Kessinger/Hunter & Co., Inc.

Mr. Carlisle continued that this is a pretty straight forward agenda item and he would point out that City staff has been very professional to deal with during the meetings where they reviewed the financial issues to make sure that this assignment makes sense from the city's point of view. Staff requested a lot of information which has been provided to them so we think there has been a fairly thorough review up to this evening's proceedings but would like to give every opportunity to make sure the council is comfortable with Bradley.

The regular agenda includes a resolution which sets forth the action requesting.

Mr. Carlisle said he would emphasize they are asking for the Council's consent and are very confident this will close. It is always possible that it won't but in that event the consent is contingent on the closing. Mr. Carlisle invited questions.

Mr. Prinsen said on November 4th he sent a letter outlining what Bradley was all about. They are the nation's oldest real estate investment and they own approximately 95 shopping centers all basically in the Midwest. They have paid dividends for 147 consecutive quarters and as far as real estate investment trusts and their status within the real estate world and Bradley's status within that world they are second to nobody within the Midwest in the categories that they purchase, manage and lease.

Mr. Prinsen said this project is a perfect fit for them and in a lot of ways. Most of the difficult things have already been accomplished. It has been great working with our city staff and the program that has been put in place with regard to chapter 70 looks good to them. The fact that Hen House has signed on to the project and Hobby Lobby has agreed to cooperate and all the infrastructure seems to be in place to move forward is a huge plus for them.

Mr. Prinsen said typically they get involved with these projects much earlier and do what George and his group have done and that is put projects like this back together, that is their history and they have done it many times.

Councilman Anita Newsom told Mr. Prinsen there is no question in her mind as far as Bradley's financial capability to handle a project like this but she does ask what kind of community commitment Bradley Real Estate has and what kind of neighbors they will be.

Mr. Prinsen made reference to a letter sent by the City of Roseville, Minnesota documenting their experiences. In Kansas City, Mr. Prinsen said they currently hold four properties - Lenexa, Liberty, Olathe and one other and they do have a management office here. When a certain density has been reached from a portfolio stance they will hire an internal leasing person who will office with the Liberty office. As far as being involved with the community we certainly want to be a good corporate

neighbor which means a lot of things. It means participation in events, and having a voice.

He said the City of Roosevelt, Minnesota recently re-wrote a lot of their city code with regard to zoning and where they wanted to go from a global standpoint and they were active participants. There is knowledge that hopefully they can bring to the city as they go through those processes.

Councilman Anita Newsom said the fear she has in the back of her mind she would call the *mad hatters tea party* theory where you come in and take what you can get and move on with clean cups, clean plate to the next spot.

Mr. Prinsen said this was a 14 million dollar investment and that alone is the handcuffs that bind them to the community but they need to make sure that the project does what they want it to do but at the same time try to make sure that the city participates with them. Not only on the project but from a community standpoint. The project will only succeed if the community succeeds. They have seen a number of cases where projects have gone the wrong way, but started out as great real estate and great projects but unfortunately the environment took over and went the other way. They will try to be as involved as they possibly can to see make sure that their interests are in the forefront

Ms. Newsom said like the analogy with the ham and eggs breakfast where the chicken was involved but the ham was committed – we are looking for commitment. She said with that kind of financial input it will be.

Councilman Roger Norris asked how Bradley Real Estate feels about the Hen House coming in four blocks away from Hy-Vee and 14 million dollars riding on the table. Mr. Prinsen said Hen House and their principals have a track record in this regard. AWG (Associated Wholesale Grocers) dominates this market and given Fred Ball's stance we have absolutely no fear that Hen House will do exactly what they think it is going to do. The market studies conducted from a grocery standpoint are intensive. Typically those numbers that are put together fall within a 5% plus minus range of where they think those sales will fall so their confidence in Hen House is high simply because they have been doing it for a long time.

Councilman Norris asked how big Roosevelt, Minnesota is. Mr. Prinsen responded it is approximately 45,000 and is a suburb of St. Paul.

Mr. Norris said though their letter is short it speaks highly of Bradley Real Estate and indicated the coordinated effort with the city's desire to implement three different street scape projects. Mr. Norris said Gladstone has had limited success with streetscapes. He told Mr. Prinsen that his predecessors jumped through every hoop that an elected body could put up in the effort to ensure that the citizens of Gladstone are the ones served. Mr. Norris said he does not care whether Bradley Real Estate makes it or not because his interest is in the 27,426 people who reside in Gladstone including his three children and his wife.

Councilman Norris said he will watch the development take place, will shop there and will encourage everybody else in this town to frequent those shops and will put forth the effort to make sure this is successful. As Ms. Newsom, said we are very interested that companies who come here are good neighbors and good business people.

Councilman Hammen said Hen House and Hobby Lobby have been mentioned and asked about the other tenants, Westlake Hardware, NAPA, Santa Surplus. Mr. Prinsen said as they don't own the property yet he would have George Campbell address that. To his knowledge Westlake Hardware is still a vital part of that center and they would still like to maintain them to that level. The others are lease issues which current management is still dealing with.

Councilman Fricke said he is interested in all that has been said but is also interested in the numbers as far as our obligations and commitments under the contract agreement. He asked if anything is being changed as far as figures, percentages, years. City Manager Davis said nothing changes from the City's perspective and as Mr. Carlisle said, if this deal does not go through they are still committed under that contract to still go forward. If it does go through, as Tim Prinsen addressed, Bradley Real Estate will live up to all of the agreement and the terms the City Council approved. Mr. Fricke said if that is the case, he is ready for it to happen.

Councilman Newsom said shortly after the redevelopment project was approved when she was in Hobby Lobby the personnel were excited about the change and the ability to design the space for their needs even though they were moving only a short distance.

George Campbell, American Resurgence Management Corporation, said his company represents the present owners of the shopping center and they are presently reviewing construction bids and expect the contract to be awarded within the next seven days and for construction to commence in the next two weeks. Phase 1 will be Hobby Lobby where they will be expanding the old WalMart building out to the left as well as doing parking lot repairs and modifications which will include tearing down the existing out parcel on the corner. They have commitments with the city and Hobby Lobby and Hen House and have timelines. This construction will begin a little later than they had thought several months ago but are now getting ready to award a contract. They have been working with city staff on some slight modifications to the Hen House building. The tear down of the corner building is expected by December 15<sup>th</sup> at the latest. Hen House expects to take 6-7 months from when we turn over the building to them and they need to relocate Hobby Lobby prior to that time so they are looking at a Fall 1999 opening for Hen House and a May opening for Hobby Lobby in their relocated facility. The hardware store has a long term lease with them but the other tenants are on shorter term and he cannot make commitments for them at this time. The theater has indicated their desire to go away.

Councilman Norris asked Mr. Campbell if he will have any involvement in this project after Bradley Real Estate takes over. Mr. Campbell said not to his knowledge. Mr. Norris said from his perspective that will be unfortunate..

Mr. Fricke said the neighbor to this complex, the Methodist Church had questions of him on maintenance of the fence and questions about the tenants and he told them all that he knew. Mr. Prinsen said they have an obligation to repair the fence and there are moneys budgeted to do that and there are off site improvements which include a traffic light and road widening and straightening. Mr. Fricke said the church does want to see this project happen and think it is a good addition.

Mr. Campbell said Hen House does a nice job and he visited their facility in Merriam, Kansas just last week and he was told the Gladstone store will be quite similar.

Councilman Hammen asked if there are any good prospects for the two pad sites; Mr. Campbell said they are negotiating on one but there are no prospects for the second one at this time. The corner building is approximately 10,000 -12,000 sq. ft. and the prospect is a 5,000 sq. ft. user but he is not at liberty to say who that is.

City Manager Davis said it has not been mentioned tonight but we have been asked if our Public Safety Department has an interest in tearing down that building and we may do some practice on that building within their time frame so there is a double benefit for all of us. Plenty of public notification will be given because that is a high traffic area.

Mr. Campbell thanked the City Council for their cooperation and said the Bradley Company is a quality organization and he is sure the City will be happy with them. Should things not work out, the City will still have him to discuss things with.

Mr. Carlisle told the City Council that this is a good city to do business in and complimented our very competent staff. This project will be an economic development revival and one reason for that is our excellent staff. He told the staff and the City Council that he had really enjoyed working with them.

Councilman Norris told Mr. Carlisle that he does not often complement attorneys but will tell Mr. Carlisle that his word has been good and his firm's reputation is good. Mr. Carlisle thanked him for his remarks.

End of Study Session discussion.

Marilyn Ahnefeld, City Clerk

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 23, 1998**

**OPEN STUDY SESSION 7:15 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular November 9, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-92**, authorizing acceptance of Temporary and Permanent Easements from property owners in conjunction with the 705 NE 67<sup>th</sup> Street Drainage Project. (Project #9613)

**RESOLUTION NO. R-98-93**, authorizing execution of a contract with Cook, Flatt & Strobel for engineering services for public improvements pursuant to the Agreement for redevelopment of the Prospect Plaza Shopping Center. Contract Amount: Not to exceed \$48,500.00. Fund: Transportation Sales Tax

**RESOLUTION NO. R-98-94**, appointing Director of Finance Cash Sweiven to the position of City Treasurer for the City of Gladstone, Missouri effective November 23, 1998.

**RESOLUTION NO. R-98-95**, accepting the proposal of Scherer Truck Company for the purchase of an 8' spreader and two hydraulic gate mounted liquid dispensing systems for the total purchase amount of \$9,519.00 from the General Fund.

**RESOLUTION NO. R-98-96**, accepting the proposal of Victor L. Phillips for the purchase of a hydraulic driven breaker for the total purchase amount of \$14,862.00 from the Combined Waterworks and Sewerage Fund.

**APPROVAL OF FINANCIAL REPORTS** for month of **October 1998.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE #3.696**

9. **APPROVAL OF BUILDING PERMIT** for interior and exterior modifications to 2,230 sq. ft. existing building at 6420 N Oak. Applicant: Goforth - Rogers Construction. Owner: Giovanna Porrelo Trust c/o Pizza Hut, Inc.
10. **PUBLIC HEARING:** on a request to rezone property on Oak, east to N Cherry and NE 68<sup>th</sup> Terrace north to NE 69<sup>th</sup> Street from **R-1, Single Family Residential District to CPO, Non-Retail Commercial District-Planned;** and from **C-2, General Business District to CP-2, General Business District-Planned.** Applicant: Gladstone Investments LLC. Owner: Ken Allard and Kay Allard-Rondinelli (File # 1071)
- 10a. **FIRST READING BILL 98-40,** rezoning from R-1, Single Family Residential District to CPO, Non-Retail Commercial District-Planned; and from C-2, General Business District to CP-2, General Business District-Planned property described as N Oak, east to N cherry and NE 68<sup>th</sup> Terrace north to NE 69<sup>th</sup> Street. Applicant: Gladstone Investments LLC. Owner: Ken Allard and Kay Allard-Rondinelli (File # 1071)
- 10b. **FIRST READING BILL 98-41,** approving a Site Plan in conjunction with a rezoning for property at N Oak east to N Cherry and NE 68<sup>th</sup> Terrace North to NE 69<sup>th</sup> Street. (File #1071)
11. Other Business
12. Questions from the News Media.
13. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 23, 1998

Mayor George Nodler called the Regular November 23, 1998 Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Cub Scout Pack #271 sponsored by Gashland Methodist Church led the Pledge of Allegiance in which all joined.

#### Item 4. on the Agenda. Approval of Regular Monday, November 9, 1998 City Council Meeting Minutes.

Councilman Art Hammen moved to approve the Monday, November 9, 1998 City Council Meeting Minutes with correction to Page Six, Line Six - the word "area" should correctly read are. Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### Consent Agenda Detail:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-92**, authorizing acceptance of Temporary and Permanent Easements from property owners in conjunction with the 705 NE 67<sup>th</sup> Street Drainage Project. (Project #9613) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)



Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-93**, authorizing execution of a contract with Cook, Flatt & Strobel for engineering services for public improvements pursuant to the Agreement for redevelopment of the Prospect Plaza Shopping Center. Contract Amount: Not to exceed \$48,500.00. Fund: Transportation Sales Tax. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-94**, appointing Director of Finance Cash Sweiven to the position of City Treasurer for the City of Gladstone, Missouri effective November 20, 1998. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-95**, accepting the proposal of Scherer Truck Company for the purchase of an 8' spreader and two hydraulic gate mounted liquid dispensing systems for the total purchase amount of \$9,519.00 from the General Fund. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-96**, accepting the proposal of Victor L. Phillips for the purchase of a hydraulic driven breaker for the total purchase amount of \$14,862.00 from the Combined Waterworks and Sewerage Fund. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS** for month of **October 1998**. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0-)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Roger Norris** said seeing the scouts tonight reminded him of his son's scouting days as a Webelo and when he took him to a City Council Meeting for a flag ceremony with his troop. Mr. Norris said although that seems like just a few years ago, how quickly life goes by, because he just returned from Fort Benning, Georgia where his son Roger graduated from his advanced individual military training.

**Councilman Anita Newsom** said the Council as a group had a good time last year at the Northland Christmas Store and challenged them to join her on Wednesday, evening December 9<sup>th</sup> to work there again this year. Council accepted the challenge.

Ms. Newsom noted that her school challenged another school to match jars of jelly with jars of peanut butter for the Christmas Store which resulted in 1,002 jelly to 852 peanut butter. She applauds the great job the kids did this year for this cause and it certainly puts everyone into the holiday spirit.

Ms. Newsom also extended wishes for a Happy Thanksgiving.

**Mayor Pro Tem Art Hammen** echoed the wishes for a safe holiday and commended the staff for a successful brush disposal weekend which resulted in 1650 loads over Friday, Saturday and Sunday. He was there both Saturday and Sunday and it was steadily busy. Mr. Hammen said this is a great service the City provides for residents to give them an opportunity to dispose of brush and leaves in the Fall.

Mr. Hammen also reminded of the Holiday Lighting Ceremony on Sunday, November 29<sup>th</sup> which includes the lighting of the Gladstone Mayor's Christmas Tree in Central Park and invited all to attend.

**Councilman Dave Fricke** also extended wishes for a Happy Thanksgiving.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he too extends a Happy Thanksgiving and also reminds of the Gladstone Area Chamber of Commerce annual holiday dinner meeting on Thursday, December 3<sup>rd</sup> and encourages Councilmembers to make their reservations if they have not done so.

Mr. Davis also announced that the storm water surveys will be mailed to all residents next week and we look forward to receiving their input.

**Item 9. On the Agenda. APPROVAL OF BUILDING PERMIT** for interior and exterior modifications to 2,230 sq. ft. existing building at 6420 N Oak. Applicant: Goforth - Rogers Construction. Owner: Giovanna Porrelo Trust c/o Pizza Hut, Inc.

Councilman Norris moved to approve the Building Permit; Ms. Newsom seconded.

Discussion.

Councilman Norris asked if there were any specific points that staff needs to address.

Director of Community Development Scott Wingerson advised that originally the applicant wanted to paint the body of the building KC Royal Blue but in reviewing our ordinance for design criteria we asked them to revisit that and they have now prepared three artist renderings which he has numbered #1, #2, and #3. Staff has recommended #1 which is a blue band and the existing body color remains which is kind of a blue-gray.

Mr. Fricke said he was glad this building would be utilized.

Ms. Newsom asked what the differences were in the options. Mr. Wingerson said #1 has the least amount of blue and option #2 has blue around the window frame and #3 extends the blue down to the gray.

Mr. Hammen noted the applicant is Midwest Title Loans and asked what kind of business they are. Mr. Wingerson said it is his understanding they loan money based on car titles. There was no representative in the audience to provide more information.

The motion maker and seconder agreed that the motion for approval of building permit included acceptance of staff's color choice of the color selection #1. The vote: All "aye - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. On the Agenda. PUBLIC HEARING:** on a request to rezone property on Oak, east to N Cherry and NE 68<sup>th</sup> Terrace north to NE 69<sup>th</sup> Street from **R-1, Single Family Residential District to CPO, Non-Retail Commercial District-Planned;** and from **C-2, General Business District to CP-2, General Business District-Planned.** Applicant: Gladstone Investments LLC. Owner: Ken Allard and Kay Allard-Rondinelli (File # 1071)

**Mayor George Nodler** opened the Public Hearing and explained the hearing process that the applicant and persons in favor of the application are invited to speak followed by those in opposition.

**Applicant Representative Jerry Nelson** advised they have been working with the staff for two-three months and they agree with all the recommendations and do not anticipate any problems.

Councilman Roger Norris said he understands this project will take up the space between the Gladstone Plaza Apartments and the old Midland Gas Station.

Mr. Nelson said that is correct it has some footage on N Oak and runs along 69<sup>th</sup> Street and is against the undeveloped 68<sup>th</sup> Street and also N Cherry. Mr. Norris said so basically this will wrap around the car lot; Mr. Nelson said that was correct. Mr. Norris asked if they will fill that big basin in. Mr. Nelson said the study shows they need to put a detention in and pipe it over to where the pipe is right now and it will go across the road. Mr. Norris said into the woods and behind Captains D's and Paris Beauty School, etc.; Mr. Nelson said that was correct.

Councilman Norris asked if there is any indication that the water coming out will be at the constant rate that it is right now at the developed stage. Mr. Nelson said it will be less because of the detention. Mr. Norris said wet detention? Mr. Nelson said it is possible but they do not know if they will have enough water shed to keep water there without it being a mosquito problem. If it goes dry through June, July and August that would not be very slightly.

Councilman Norris said at Council places tonight there was a letter that said that the traffic study has not been completed and asked if that was still correct. Mr. Norris said the note also *recommends that the City and applicant shall draft a development agreement which implements the results of the traffic and stormwater studies.*

Mr. Norris asked what they anticipate the traffic study will say. Mr. Nelson said they do not anticipate it being anything big - they are going to put in an acceleration lane going north and they feel the engineers are telling them that is all they need to do. Mr. Norris asked if they foresee any other development problems with the scope of the ditch. Mr. Nelson said no they don't, they want a two story building to the north and a three story building to the south similar to the building across the street and it looks like the ground lays real good for that.

Mayor Nodler asked if they have secured any tenants; Mr. Nelson said they have some large tenants for 8,000 - 10,000 sq. ft. and more are looking for space that they have not been able to find and that is the kind of tenant they are looking for. Tenants can find 1,500 - 2,000 pretty easy but it is getting harder to find 5,000 and 10,000 feet and they think there is a niche in the market there.

Councilman Anita Newsom asked the philosophy behind asking for the two different zoning classifications for these two buildings that are adjacent to each other.

Director Scott Wingerson responded that the property is currently zoned C-2 and originally the request was to rezone the entire property CP-2. General planning theory would suggest that the Planning Commission only forward recommendations to the Council of the minimum necessary and that is what brought it back to the CP-O. The "P" just basically adds the **Planned District** and the review of the Planning Commission and City Council to any future redevelopment that may occur on the Oak side. The CP-2 is only a small strip approximately 160' west of Oak, all the rest would be CP-O. He pointed out the CP-2 section to the Council on the plans.

Councilman Norris said so there is no chance of a "zoning classification creep" for lack of another phrase, into the side of the apartment building or the houses on the other side of N Cherry because it will be CP-O. Mr. Wingerson said that was correct.

Director of Community Development Scott Wingerson said he would talk a little bit about the development itself. The request is from R-1 to CP-O and C-2 to CP-2 as discussed. The purpose of the request is to construct two separate three story office buildings each containing approximately 3,880 sq. ft. of usable space. The Planning Commission recommends unanimous approval of the request and did want to stress a couple of things that are in the draft ordinance presented this evening.

Condition #14 is changed from the staff recommendation and now reads: "The proposed detention basin shall be wet and contain an operating fountain if technically possible. At minimum, the area shall be heavily landscaped and installed with maintainable slopes.

The Commission also edited condition #15 and added hours of trash pickup for the protection of the adjacent properties to **between 6:00 AM - 10:00 PM**.

They added Condition #19: "In the event that N Cherry is developed, the developer/owner shall be responsible for connecting the parking lot to N Cherry".

Mr. Wingerson said in addition, Councilman Norris brought up the traffic study. They anticipated the traffic study to be delivered to the office last Friday which would have given staff an appropriate amount of time to review that and bring some thought out recommendations to the Council for discussion tonight. Unfortunately, we will not receive the traffic study until tomorrow morning which is too late for a decision tonight. In response to that, Mr. Wingerson said he drafted a short memorandum to the City Manager which Councilman Norris referenced. The City Counselor has reviewed that condition and would prefer language that reads: "Prior to any construction on the property, the City and the property owners shall enter into a development agreement which shall provide for implementation of the results of the traffic and storm water studies. The terms of such development agreement shall be subject to City Council approval.

Councilman Hammen asked who will determine if Condition #14 dealing with the detention basin is technically possible. Mr. Wingerson responded the consulting engineers, design engineers, as well as City staff.

On #19 connecting the parking lot to N Cherry should Cherry be developed, Mr. Hammen asked if there should be some time table in the condition so it is tied down. Counselor Thompson said it would be more clear to have it read that in the event that N Cherry was developed, the developer/owner shall connect the parking lot to N Cherry within 180 days of acceptance of N Cherry.

Mr. Hammen asked Mr. Nelson if that was agreeable. He said it was.

Councilman Norris said he has a problem with the obligatory studies when we don't have any idea what they may say to tie the developer's hands and the City's hands to agreeing to something when we have no idea what it is they are going to agree to. What if the study comes back with something that is absolutely out of their realm.

Mr. Wingerson said the options are to come back to the Planning Commission and City Council and explain the traffic studies and the storm water studies and the impact on the development, or they could not do the development.

Mr. Norris said he would feel a lot more comfortable if it was along the lines that if the traffic study and the storm water study came back and the recommendations were too huge for anybody to deal with that the zoning on the property remains unchanged. He said he is not interested in changing R-1 properties to anything if something isn't really going to happen. People could build whatever falls into that zoning category.

Director Wingerson noted that it is a **Planned District** and the underlying zoning if the Council approves it tonight will be CP-O which means that an office building is built or

it goes back to the Planning Commission and City Council for a revision to the site plan. That was the logic staff used in the CPO-CP-2 discussions because it gives the ability to make sure that it is something that fits the community and fits well with adjacent land uses.

Councilman Norris said he does not want to give the wrong message, he wants this project to happen but we spend most of our time talking about traffic impact, impact on neighbors and storm water problems and two of those things we have not seen. Mr. Wingerson said Council will have opportunity to review the development agreement based on those studies.

Mr. Fricke asked if we won't have a chance to see the results of the traffic and stormwater studies because of the language calling for a developers agreement. Can we still correct anything at that point.

Mr. Wingerson said the condition says: Prior to any construction on the property, the City and the property owners shall enter into a development agreement which shall provide for implementation of the results of the traffic and stormwater studies. The terms of such development agreement shall be subject to City Council approval. Mr. Hammen said that is a change from what was in the memo; Mr. Wingerson agreed and said it is the same idea but better stated.

Mr. Hammen said he concurs and was going to suggest something along those lines to support Councilman Norris' position but also to move forward with this as long as there is some way to tie this down and he does like the new language much better. Councilman Norris agreed the change language is better.

Councilman Newsom said parking required is 390; parking provided is 322 and we are eliminating 6-8 spaces for landscaping. She said she likes landscaping and a nice look but she also detests going to a building and not having adequate parking. Are we looking at tenants who won't need all the parking spaces, what is the philosophy. Mr. Wingerson said the philosophy is to create additional green space and most of the removed spaces are along N Oak to provide greenery and there is an inclusion of a couple of parking lot islands to break up the expanse of some 300 parking spaces the majority of which are on the south side of the building. Many times one office user will require less parking than another and that all balances out over time with a slight reduction in the overall parking being warranted purely because the number of less intense office uses will be higher than intense office uses like a real estate office or doctors office

Ms. Newsom suggested that on Condition #10 referencing provisions for parking lot landscaped islands, the word **maintained** should be added so that we don't wind up with mulch piles with candy/snack wrappers. On #13, the elevations provided in the Planning Commission were very different than the architectural style we seem to see throughout Gladstone. She knows we are approving a site plan and rezoning and not actual building plans and as nice and shiny as those buildings are she does not think they fit the look of N Oak. Councilman Norris said on the otherhand it might

actually start a trend of buildings with cleaner lines. Ms. Newsom said it is just personal preference but she does not like the big glass buildings.

City Manager Davis said what it indicates as much as the architectural integrity or building design proposed is an indication of the quality of the investment that Mr. Mandelbaum and Mr. Nelson are anticipating at this location which is ideal for this kind of a project. The applicants have to bring back elevations at the building permit stage and Councilmember Newsom's point is well taken and we will try to work with the developers to try to take into consideration the glass look and potentially tone it down; but the point here is that this is a considerable investment and we are hoping that the quality of the investment is such that we get the styles of buildings they have shown in these figures.

Councilman Fricke said he attended the Planning Commission sub-committee review meeting but you can't get down into that property because of the terrain. He looked at it from the south angle which was a close as you could get. He asked if they will be able to save any green or trees. Mr. Wingerson said there is a lot of scrub as well as some fairly significant vegetation but it is hard to say right now based on topography. There are two unimproved driveways to the south and east of the subject property which will remain untouched for all practical purposes except for minimal grading that needs to occur for the site itself so there will be a buffer from the R-1 to the east in the neighborhood of the Taco Factory and to the south to buffer the apartments.

Ms. Newsom also noted Condition #17 reads all trees shall be 6' in height with a 2" caliper and asked if the word **minimum** should be added because if someone wants to put in larger trees she would not argue with them.

City Manager Davis noted that the rezoning Bill in Council's packet should correctly be numbered Bill 98-40 and the Site Plan Bill 98-41; they are correct on the Agenda.

There were no further comments and Mayor George Nodler closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 98-40**, rezoning from R-1, Single Family Residential District to CPO, Non-Retail Commercial District-Planned; and from C-2, General Business District to CP-2, General Business District-Planned property described as N Oak, east to N Cherry and NE 68<sup>th</sup> Terrace north to NE 69<sup>th</sup> Street. Applicant: Gladstone Investments LLC. Owner: Ken Allard and Kay Allard-Rondinelli (File # 1071)

Councilman Art Hammen moved to place Bill 98-40 on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading, Waive the Rule and place the Bill on Second and Final Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of Bill 98-40 and enact the Bill as Ordinance No. 3.696; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10b. on the Agenda.** **FIRST READING BILL 98-41**, approving a Site Plan in conjunction with a rezoning for property at N Oak east to N Cherry and NE 68<sup>th</sup> Terrace North to NE 69<sup>th</sup> Street. (File #1071)

Councilman Art Hammen moved to place Bill 98-41 on First Reading with amendments to the conditions as discussed in the public hearing. City Counselor Nancy Thompson read the Amendments to the conditions as follows:

Condition #10 - Parking lot landscaped islands shall be provided and **maintained** between each group of 25 parking spaces. Parking bumpers shall be installed.

Condition #17 - All trees shall be a **minimum** of 6' in height with a 2" caliper. All disturbed areas shall be sodded.

Condition #19 - In the event that N Cherry adjacent to the property is constructed, the owner of the property shall construct a parking lot entrance onto N Cherry within **180 days of acceptance of N Cherry improvements by the City.**

Condition #20 - Prior to any construction on the property, the City and the property owners shall enter into a development agreement which shall provide for implementation of the results of the traffic and stormwater studies. The terms of such development agreement shall be subject to City Council approval.

Mayor Nodler asked if the applicant has any problem with those changes; the applicant said no.

Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the First Reading of Bill 98-41 as Amended, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Art Hammen moved to accept the Second and Final Reading of Amended Bill 98-41 and enact the Bill as Ordinance No. 3.697; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. on the Agenda.**

**Other Business.**

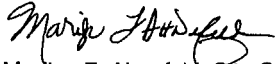


Councilman Newsom asked for the date of the Board and Commission interviews; Staff advised it was **Saturday, January 9, 1999** and press announcements have been made.

\* \* \*

There being no further business to come before the Regular November 23, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

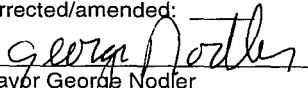
Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 14, 1998**

**OPEN STUDY SESSION: 6:30 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session: Immediately Following Adjournment of Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions 610.021(2), for Land Acquisition.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance: Master Christopher Degenhardt
4. **Approval of Regular November 23, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-98-97,** authorizing the City Manager to accept the proposal of Walker Towel and Uniform Service for uniform rental services for the City of Gladstone in the approximate annual cost of \$9,428.00. (General Fund; \$4,714: Combined Water and Sewerage Fund; \$4,714)

**RESOLUTION NO. R-98-98,** authorizing the City Manager to accept the proposal of Metro Ford for the purchase of (4) 1999 Ford Crown Victoria Patrol Vehicles at unit cost of \$19,708.35. Total purchase amount: \$78,833.40. General Fund

**RESOLUTION NO. R-98-99,** authorizing execution of a Corrective Quit Claim Deed in conjunction with the NE 57<sup>th</sup> Street Widening Project. (Project #9110)

**RESOLUTION NO. R-98-100,** authorizing execution of a contract with Sports Management Group for the Community Center Feasibility Study for an amount not to exceed \$64,400. Fund: Capital Improvements Sales Tax Fund

**RESOLUTION NO. R-98-101,** authorizing the City Manager to accept a Bill of Sale from Talon Development, Inc. and Beemer Construction Company conveying water line, fire hydrants, sanitary sewer and storm sewer constructed to serve Carriage Commons to the City for maintenance. (Improvements constructed solely at the developer's expense)

**RESOLUTION R-98-102,** accepting all work under contract with Superior Bowen Asphalt Company for the 1998 Street Rehabilitation and Reconstruction Program and authorizing final payment in the amount of \$21,992.37 from the Transportation Sales Tax Fund. Grand Total Contract Amount: \$1,142,589.70

**RESOLUTION NO. R-98-103,** authorizing the City Manager to accept an Interim Letter Agreement with the City of Kansas City, Missouri for the disposal of Lime Sludge for an annual payment of \$63,500.00 from the Combined Waterworks and Sewerage Service Fund.

**RESOLUTION NO. R-98-104,** authorizing the City Manager to accept a bill of sale from Home Depot USA, Inc. and Walton Construction Company, Inc. conveying to the city a water line and storm sewer in conjunction with improvements to Old Pike Road and also accepting all public improvements constructed by Home Depot USA in connection with the obligations set forth in a Development Agreement. (Project 970)

**APPROVAL OF CLASS A & B RESTAURANT/BAR LIQUOR BY DRINK LICENSE** for Finish Line Bar & Grill, Inc. 5941 N Antioch Road. Managing Officer: Howard Jeffrey Bruns

**APPROVAL OF FINANCIAL REPORTS** for month of **November 1998.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
  - a. Appointment of Mr. Buck Reeves, 7640 N Brooklyn to Clay County University Extension Council for a term effective April 1999 and expiring March 2001.
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for site improvements and exterior remodeling of existing building at 6479 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: State Street Bank and Trust of Missouri (File #98-0746)
10. **RESOLUTION NO. R-98-105, adopting a Mission Statement and Goals** for the City of Gladstone, Missouri.
11. **PUBLIC HEARING:** On a request for a Site Plan Revision at 7207 N M-1 Highway. Applicant: BRR Architects. Owner: Wal-Mart Stores, Inc. (File #1072)  
**Audience Note: Applicant has requested that this item be indefinitely continued.**
12. **PUBLIC HEARING:** On a request to rezone from C-1 to CP-2, property at 7125 N Broadway. Applicant: David Ryan. Owners: Thomas & Janet Bono, R. Brian & Jan Hall, Ben & Susan Rose, Thomas & Yolanda Stahl, Victor & Carole Rodman. (File #1073). **Audience Note: This Public Hearing will be opened and immediately continued to the January 11, 1999 City Council Meeting.**
13. **PUBLIC HEARING:** On a request for a Special Use Permit on property at the NW corner of NE 72<sup>nd</sup> & N Oak. Applicant/Owner: Timothy D. Harris (File #1075)
- 13a. **FIRST READING BILL 98-42, granting a Special Use Permit** subject to certain conditions to It's Dents or Us for operation of a business at 300-302-344 NE 72<sup>nd</sup> Street in a C-2 zone. Applicant/Owner: Timothy D. Harris. (File #1075)
14. **FIRST READING BILL 98-43, authorizing the City Manager to enter into a First Amendment to the Redevelopment Agreement between the City and State Street Bank and Trust of Missouri, N.A. relating to the redevelopment of Prospect Plaza.**
15. **Other Business**
16. **Questions from the News Media.**
17. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, DECEMBER 14, 1998

Mayor George Nodler called the Regular December 14, 1998 Council Meeting to order in the City Council Chambers at 7:30 pm.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler announced that we have a special guest with us tonight who will lead us in the Pledge of Allegiance and invited three year old **Christopher Degenhardt** to come forward with his father. Christopher proudly recited the Pledge of Allegiance to the Flag for the benefit of the public as well as television and news media present. Christopher Degenhardt received a resounding applause from the audience and Mayor George Nodler shook his hand and presented him with a thank you note and his own City Key pin.

#### Item 4. on the Agenda. Approval of Regular Monday, November 23, 1998 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Minutes as written; Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to approve the Consent Agenda as listed; Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-97**, authorizing the City Manager to accept the proposal of Walker Towel and Uniform Service for uniform rental services for the City of Gladstone in the approximate annual cost of \$9,428.00. (General Fund; \$4,714: Combined Water and Sewerage Fund; \$4,714) Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-98**, authorizing the City Manager to accept the proposal of Metro Ford for the purchase of (4) 1999 Ford Crown Victoria Patrol Vehicles at unit cost of \$19,708.35. Total purchase amount: \$78,833.40 from the General Fund. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. -98-99**, authorizing execution of a Corrective Quit Claim Deed in conjunction with the NE 57<sup>th</sup> Street Widening Project. (Project #9110) Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-100**, authorizing execution of a contract with Sports Management Group for the Community Center Feasibility Study for an amount not to exceed \$64,400. Fund: Capital Improvements Sales Tax Fund) Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-101**, authorizing the City Manager to accept a Bill of Sale from Talon Development, Inc. and Beemer Construction Company conveying water line, fire hydrants, sanitary sewer and storm sewer constructed to serve Carriage Commons to the City for maintenance. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-98-102**, accepting all work under contract with Superior Bowen Asphalt Company for the 1998 Street Rehabilitation and Reconstruction Program and authorizing final payment in the amount of \$21,992.37 from the Transportation Sales Tax Fund. Grand Total Contract Amount: \$1,142,589.70. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-103**, authorizing the City Manager to accept an Interim Letter Agreement with the City of Kansas City, Missouri for the disposal of Lime Sludge for an annual payment of \$63,500.00 from the Combined Waterworks and Sewerage Service Fund. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-98-104**, authorizing the City Manager to accept a bill of sale from Home Depot USA, Inc. and Walton

Construction Company, Inc. conveying to the city a water line and storm sewer in conjunction with improvements to Old Pike Road and also accepting all public improvements constructed by Home Depot USA in connection with the obligations set forth in a Development Agreement. (Project 970); Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF CLASS A & B RESTAURANT/BAR LIQUOR BY DRINK LICENSE** for Finish Line Bar & Grill, Inc. 5941 N Antioch Road. Managing Officer: Howard Jeffrey Bruns. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS** for month of **November 1998**. Mayor Pro Tem Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said that December is an exceptionally busy month and he expresses his appreciation to the City Hall staff and employees and his fellow Councilmembers for participating in so many activities including the Mayor's Holiday Lighting Ceremony, the National League of Cities Conference in Kansas City, the storm water survey already mailed to our residents as well as the community building survey which will be going out. This is a lot of involvement and as a Councilmember he wants Staff and employees to know that their extra efforts are appreciated.

Mr. Fricke also noted this is our last Council meeting in 1998 and wished all a Merry Christmas and a Happy New Year.

**Councilman Roger Norris** advised that the City of Gladstone received the Gladstone Chamber of Commerce "Business of the Year" award at the chamber's annual dinner last week. He told the City Staff they earned this award and congratulated them on an outstanding job. He also noted that we are honored to have the "Gladstone Chamber Member of the Year", Terri Hoppenthaler in the audience. He told Ms. Hoppenthaler that she had performed above and beyond her responsibilities this past year as a member of the board and everyone certainly appreciated her efforts.

Councilman Norris also extended his thanks to Councilman Anita Newsom who served on the National League of Cities Steering Committee. This was a national honor and we were recognized as a leader city and that is something that would not have happened a decade ago. He told Councilman Anita Newsom that she did an

outstanding job and thanked her again. Councilman Norris also extended his holiday wishes to all.

**Councilman Anita Newsom** thanked staff members and the City Council who volunteered or participated in the National League of Cities in Kansas City. The conference went well and she heard many compliments except for a Florida delegate who expressed her disappointment at not being able to wear the fur coat she brought with her because of the unusually balmy KC winter weather. Kansas City could not have put on such an impressive event without the participation and leadership of metropolitan area cities under the umbrella of Mid America Regional Council and she was proud to have been involved.

Ms. Newsom also wished everyone a happy holiday and commented that this season comes and goes very quickly and it is important to establish our priorities and spend time with family and friends and put some of our other obligations aside.

**Mayor Pro Tem Art Hammen** said included in his packet was a copy of the storm water questionnaire sent in by resident Alta Chandler expressing some concerns and he visited her property and found there is a creek in her backyard with some build up which may be typical for a lot of our residents. Ms. Chandler's situation is not going to wash her house away but it is a concern to her and we will follow up on these questionnaires when they come in and do the best we can for all of our citizens.

Mr. Hammen also noted that the recent MML Newsletter included an article on the opportunity to nominate municipal clerks for an Outstanding City Clerk Award which he brings to the City Manager's attention.

Mr. Hammen also echoed the thanks and appreciation to City Staff for all their involvements, and said he too wishes everyone a Merry Christmas and Happy New Year.

**Mayor George Nodler** said he also thanks Councilmember Anita Newsom for doing such an excellent job in representing us at the National League of Cities Conference and for all her work on this week long event.

The Mayor also thanked the Staff and especially the Parks & Recreation Board for such a successful Mayor's Christmas Tree Lighting event and he also thanks the Gladstone Senior Citizens for their participation.

**Item 7a. on the Agenda. Clay County University Extension Council Appointment.** Councilman Roger Norris moved to appoint Mr. Buck Reeves, 7640 N Brooklyn to the Clay County University Extension Council for a term effective April 1999 and expiring March 2001; Councilman Fricke seconded.

Councilman Newsom said she understands Mr. Reeves was recommended by the person who will be vacating this position. City Manager Davis said that was correct.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he too extends the Council, staff and the public present a very safe and joyous holiday season and had the following announcements:

- The City Hall Employees annual recognition dinner is this Friday evening.
- City Hall will be closed for Christmas and New Years and the next City Council Meeting is scheduled for Monday, January 11<sup>th</sup>.
- Mark your calendar for Saturday, January 9<sup>th</sup> for interview of prospective Board and Commission members.
- Storm water surveys are out to all our residents.
- Bids were opened on the 72<sup>nd</sup> Street improvement project last week and this information has been forwarded on to the State for their review, so that project is moving forward and we are looking at a spring/summer construction commencement schedule.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for site improvements and exterior remodeling of existing building at 6479 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: State Street Bank and Trust of Missouri (File #98-0746)

Councilman Roger Norris moved to approve the Building Permit as submitted; Mr. Fricke seconded.

Ms. Newsom asked if this permit is for the entire parcel or just the part that is being renovated at this time. Director Scott Wingerson advised that this permit is for the exterior modifications on the east half of the shopping center the Council approved six weeks ago. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda. RESOLUTION NO. R-98-105,** adopting a **Mission Statement and Goals** for the City of Gladstone, Missouri.

Councilman Anita Newsom moved to adopt Resolution 98-105; Councilman Art Hammen seconded.

Discussion.

Councilman Norris said on our Mission Statement and Goals as discussed in the study session earlier, many of those goals are ongoing and will never be fully achieved but serve as a great guideline for our staff. Reflecting on discussions he has had with Councilmembers of other communities who are having some political problems and are busy warring, when they get their recommendations brought to the table they get to have their battles in public because the staff does not know where their Council is on issues as far as what they will accept or not. So they float those trial balloons in public. We have been a team long enough that our staff knows what is and what is not acceptable and it is reflected in the Mission Statement. As a Councilman he thanks staff for listening and doing; and for sending Council items that are complete



rather than beating them to death up here at the table. He appreciates that very much.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. on the Agenda. PUBLIC HEARING:** On a request for a Site Plan Revision at 7207 N M-1 Highway. Applicant: BRR Architects. Owner: Wal-Mart Stores, Inc. (File #1072)

Mayor George Nodler opened the Public Hearing and announced that at the Applicant's request this item is **indefinitely continued**.

**Item 12. on the Agenda. PUBLIC HEARING:** On a request to rezone from C-1 to CP-3, property at 7125 N Broadway. Applicant: David Ryan. Owners: Thomas & Janet Bono, R. Brian & Jan Hall, Ben & Susan Rose, Thomas & Yolanda Stahl, Victor & Carole Rodman. (File #1073).

Mayor George Nodler opened the Public Hearing and immediately **continued it to Monday, January 11, 1999 City Council Meeting** explaining that a recommendation from the Planning Commission should be available at that time.

**Item 13. on the Agenda. PUBLIC HEARING:** On a request for a Special Use Permit on property at the NW corner of NE 72<sup>nd</sup> & N Oak. Applicant/Owner: Timothy D. Harris (File #1075)

**Applicant Timothy Harris** said they had nothing to add to their written application and request Council approval of the Special Use Permit Application.

**Director of Community Development Scott Wingerson** advised this application is for a special use permit which would allow the operation of a paintless, dent-removal service in the building described as 300-302-344 NE Street (northwest corner 72<sup>nd</sup> & N Oak). This business would be conducted in the lower level of the building on the north end next to Pinky's. The office or administrative portion of this permit would be conducted upstairs on the very northend of the building and that would be for customers to walk in and seek their service. All the work is performed inside of the building with 11 conditions which are agreeable to the applicant.

Condition #5 concerning the hours of operation has been refined. The original recommendation of staff called for hours of operation of 7:00 AM - 8:00 PM and the Planning Commission has recommended and agreed to the following language. #5. *"All business and services shall be conducted within the building. All vehicles requiring service shall be stored within the building after normal hours of operation. The maximum hours of operation shall be 7:00AM to 8:00PM. From 8:00 PM until Midnight, services related to this operation may occur on vehicles located within the building with all doors remaining closed and no business noise being evident outside of the building."*

Relative to the same subject, they added the last part of Condition #6 which is *"the maximum number of customers' vehicles which may be stored outside without the*

*customer present on the premises between 7:00 AM and 8:00 PM shall not exceed four."* So there is very little impact on adjacent neighbors.

Mr. Wingerson said the Planning Commission is recommending a five year special use permit.

Councilman Anita Newsom said with reference to the Uniform Fire Code and Uniform Building Code, she would assume that includes the proper fire wall and proper ventilation when you are pulling a machine with gas and oil in an enclosed space. Mr. Wingerson said as far as those safety type issues, some of those fire extinguishers and protections are in place and some will need to be installed.

Councilman Hammen asked if there is currently an overhead door in this building; Mr. Wingerson said yes there is a single overhead door and this building is the lower level north end of the west elevation.

There were no further comments or persons desiring to speak, whereupon Mayor Nodler closed the Public Hearing.

**Item 13a. on the Agenda.** **FIRST READING BILL 98-42**, granting a Special Use Permit subject to certain conditions to It's Dents or Us for operation of a business at 300-302-344 NE 72<sup>nd</sup> Street in a C-2 zone. Applicant/Owner: Timothy D. Harris. (File #1075)

Councilman Norris moved to place Bill 98-42 on First Reading; Mr. Fricke seconded.

Discussion.

Councilman Norris asked why we are looking at a special use permit for this business rather than a rezoning.

Director Scott Wingerson responded that the current zoning of the property is such that it does not allow this type of automotive service. A C-3 zoning would allow a much wider number of uses that may or may not be appropriate for that intersection, staff felt that by proposing this special use permit to the applicant it would protect the Commission recommendation and Council approval process for uses that are beyond their zoning classification. We really did not want to be faced with a zoning application that would change the entire property to C-3 and open up a wide range of uses allowed in C-3 without the Council's thorough understanding of the impact of that decision.

Councilman Norris asked if the paintless process still requires C-3 zoning. Mr. Wingerson said our zoning ordinance does not give us a way to split that into any thing different other than automotive repair. So to be safe with our ordinance and to allow it to coexist with the other uses in this facility and with that zoning district, the special use in his opinion was the preferred way to go.

Councilman Norris asked if this application would still require a special use permit under the new proposed zoning ordinance if it were to come back six months from now. Mr.

Wingerson said he did not research that specifically so he can't answer his question, although the new zoning ordinance does break up the zoning classifications much finer.

Ms. Newsom said it does concern her that we are putting what would normally be a C-3 use into this particular property when we have other vacant properties around the city that would not couple a C-3 use into the same building with less intense uses. She knows it is the landowner and the applicant's option to look at a special use but she does not know that she is entirely comfortable with this process of putting a business of auto repair that is currently classified as C-3 in a retail strip mall. Are we lacking economic development activity and direction?

Mr. Wingerson answered that it is really the property owner's and tenant's decision on applying for this permit, certainly there are other C-3 properties some of which have been discussed and might serve their purpose well but it is a private sector economy and they are here this evening with a special use permit application for a period of five years. In an effort to address some of the anticipated concerns, we drafted a condition that says this is the only automobile repair that is allowed at this location. There is no other type of business allowed, no fluids, fuels, oils used in the repair just basically the heat lamp and specialty manufactured tools to remove the dents. Mr. Wingerson said we tried to address that concern but certainly understand the perspective that says this is C-3 zoning.

Ms. Newsom said she can see a sporting goods, a beauty shop, or shoe store going into a strip mall like this but she can't see those business going into a vacated filling station when we have other places.

City Manager Davis said staff did discuss all of these issues in depth and felt that because this was not a typical automotive use and the location was off to the side, a special use permit was the only viable way to move forward without changing the zoning classifications and dealing with more potential uses as mentioned. It is limited to five years and they are limited in their outdoor use so you won't see a typical repair shop and supplies won't be stored outside. We felt that these were the only rules that would work if this type of application was to move forward at this location.

Councilman Norris said Conditions 9,11 and 4, of the special use permit would be statements that the property owner should memorize and keep close to his heart. He said the dent removal process would not add fumes, liquids, oil or anything we would normally associate with car repair and that is essentially the justification for a special use permit rather than rezoning. If there are violations we can remove the special use permit, hence no more Dents or Us and no more problems. Mr. Wingerson said that was correct.

Councilman Newsom asked if this was a franchise with franchise requirements that must be met. Mr. Wingerson said it is a franchise and asked the applicant to comment.

Mr. Gary Ventura, President of Dents or Us, said their main location is in a strip mall center in Overland Park and they do go for traffic counts. Their facilities are carpeted, they bring the cars in and they don't use power tools. All work is done with hand tools and is similar to a window tinting operation and he believes there might have been a window tinting operation at this location at one time. They do not use paint or solvents and do everything with hand tools.

Ms. Newsom asked if they do detailing.

Mr. Ventura said they won't at this location, they sub it out and feel they are better to stick with what they do best and this is paintless dent removal. If they have repairs that are beyond their paintless methods, they sub that out also. Mr. Ventura said they hope for the Council's approval and look forward to doing a lot of business in this community.

Councilman Hammen asked if we received comments from persons notified of this application. Mr. Wingerson said there were two people present at the Planning Commission who did not speak and left the meeting before it ended so he did not have the opportunity to ask them. Mr. Hammen asked if there were residences within 185 feet; Mr. Wingerson said yes directly to the north but no one spoke in opposition.

The vote to place Bill 98-42 on First Reading: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 98-42, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 98-42 and enact the Bill as Ordinance No. 3.698;

**Item 14. on the Agenda. FIRST READING BILL 98-43**, authorizing the City Manager to enter into a First Amendment to the Redevelopment Agreement between the City and State Street Bank and Trust of Missouri, N.A. relating to the redevelopment of Prospect Plaza.

Mr. Hammen moved to place Bill 98-43 on First Reading; Mr. Norris seconded.

Discussion.

**City Counselor Nancy Thompson** explained that this amendment does three things, The original agreement allowed the City the opportunity to construct the public improvements rather than having them constructed by the company. Once the City made its election to construct those public improvements so that we could provide for greater coordination between other projects going on in the city, it affected other provisions in the agreement. So this amendment clarifies which provisions in the original agreement apply purely to those public improvements, such as a performance bond for the construction of those public improvements, a maintenance bond and other

typical housekeeping things that we require as a City whenever public improvements are constructed. The amendment takes that obligation away from the company and puts that burden back on the City as a part of the construction of those public improvements.

The second thing that the amendment does is to clarify what happens if the company does not meet its obligation to invest 9 million dollars in the project within 540 days. What it provides is that in the event that the company fails to make that 9 million dollar investment and certify to the City that it has done so, that the City's obligation to make any kind of incentive reimbursements back to the company will be held during such time frame until the 9 million dollar obligation is met. And there will be no interest which will accrue on the City's obligation. So the company continues to have an incentive to move forward on completing the 9 million dollar investment.

Ms. Thompson said In this particular project, the company was concerned with finishing out their white box improvements on the shops on the east side of the premises. The remodeling of those shops is done on a tenant by tenant basis and the company did not want to go in and invest a portion of its funds until they actually had the tenants and could build those spaces for those exact tenants and that may delay that investment of 9 million dollars in the project; but it just clarifies that we have no obligation to provide our payments until after that 9 million dollar obligation is met and what happens in that event.

The third thing the agreement does is to clarify what expenses are includable in the calculation of the company's investment into the site improvements. When we started down this road with State Street Bank they were a private investor and were going to use a conventional loan to finance the improvements to the project. If the project is purchased by an entity such as Bradley Real Estate, and the Council did approve the assignment to Bradley Real Estate at the last Council Meeting, Bradley is a Real Estate Investment Trust. Bradley does not use conventional loan financing to make improvements to a project such as Prospect Plaza. So what the amendment does is to allow for an entity such as a real estate investment trust, who will obtain their financing through a Wall Street or other mechanism to be able to claim some of the same expenses that were envisioned by State Street Bank when the agreement was first entered into.

Councilman Norris asked when the 540 days starts. Ms. Thompson said she believes it starts at the time the agreement is signed and it ends on January 20, 2000. The actual date set forth in the agreement for the commencement date when the agreement repayment obligations would typically start would be January 1, 2000.

Mr. Fricke said he thought Bradley was already solidly involved in this. Ms. Thompson said Bradley is very close to finalizing their decision on the project as she understands it and have an extension through tomorrow to see what happens to this agreement and the amendments. Ms. Thompson said if that transaction is not completed, the amendments that are made tonight should Council approve them, would be to the benefit not only of State Street Bank but to the City because there was some vagueness in the contract and points that needed to be clarified as to who had what

obligations. These items needed to be cleared up as well as the changes in the types of expenses that may be allocated based upon the change in the structure of the entity which receives an assignment of the project. They have to meet three separate conditions in order for that to be effective. So if there is no transfer, State Street Bank would not have the benefit of that change.

The vote: All "aye" - All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 98-43, Waive the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Norris moved to accept the Second and Final Reading of Bill 98-43 and enact the Bill as Ordinance No. 3.699;

Mr. Tim Prinsen, Bradley Real Estate thanked the City Council for their approval and stated that the help the City staff has provided has been phenomenal. Nancy Thompson did a fantastic job and he wants to give credit where credit is due. He wishes all a happy holiday.

Attorney Dick Carlisle said it looks like this transaction will close tomorrow and as he has said before, the City staff and the Council's time spent on this project is very much appreciated and he believes we will be happy with the results.

**Item 11. on the Agenda.**      **Other Business.**

Councilman Newsom said Item #11 which was the public hearing on the Wal-Mart property reminds her to ask about the storage trucks which are still there. They are not being a good neighbor and are not keeping their promises. Mr. Wingerson said one of the reasons for the continuance is that there are a number of issues that need to be resolved or discussed with the Planning Commission and City Council.

Councilman Norris asked if it might not be beneficial to the City to involve Wal-Mart management in more community activities so they have a better understanding of our community goals. Mr. Wingerson said he certainly agrees and knows the Chamber of Commerce has made a solid effort to do this but their concern as well as the City's in building such a relationship is that Wal-Mart has had approximately seven managers since they opened their store and that makes it very difficult to have a rapport and encourage them to comply which is what we try to do with businesses. A neighboring business across the street is close to immaculate and there are others. We continue to work with Wal-Mart and are trying to be very strong in our position.


\* \* \*

There being no further business to come before the Regular December 14, 1998 City Council Meeting, Mayor George Nodler adjourned the meeting.

Councilman Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office as posted pursuant to the Open Meetings Law Exemption 610.021(2) for Land Acquisition discussion; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 11, 1999**

**OPEN STUDY SESSION: 6:15 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session: Immediately Following Adjournment  
of the Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions  
610.021(1) for Privileged Communications and 610.021(2) for Land Acquisition Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance
4. **Approval of Regular December 14, 1998 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-01**, authorizing the City Manager to accept NE 63<sup>rd</sup> Terrace in "Carriage Commons Subdivision" for City maintenance.

**RESOLUTION NO. R-99-02**, accepting work under contract with R.K. Breit Construction for the 57<sup>th</sup> Terrace & N Tracy Drainage Improvement Project and authorizing final payment in the amount of \$3,467.37 from the Capital Improvements Sales Tax Fund. (Project #9218)

**RESOLUTION NO. R-99-03**, accepting work under contract with Pyramid Excavation & Construction, Inc. for the 64<sup>th</sup> & Bales Drainage Improvement Project and authorizing final payment in the amount of \$2,571.00 from the Capital Improvements Sales Tax Fund. (Project #9950)

**RESOLUTION NO. R-99-04**, accepting work under contract with the Foley Company for Chlorine Room Modifications at the water treatment plant and authorizing final payment in the amount of \$1,500.14 from the Combined Water and Sanitary Sewer Fund. (Project #9712)

**RESOLUTION NO. R-99-05**, accepting work under contract with Insituform Missouri, Inc. for the Meadowbrook Sanitary Sewer Rehabilitation Project and authorizing final payment in the amount of \$11,466.45 from the Combined Water and Sanitary Sewer Fund. (Project #9820)

**RESOLUTION NO. 99-06**, accepting work under contract with Commercial Waterproofing, Inc. for the Water Treatment Plant Secondary Basin Repaint Project and authorizing final payment in the amount of \$2,500.00 from the Combined Water and Sanitary Sewer Fund. (Project #9819)



**RESOLUTION NO. R-99-07**, authorizing acceptance of work under contract with City Wide Asphalt Co., Inc. for the 57<sup>th</sup> Street, N Grand, N Walnut Street Reconstruction Project and authorizing final payment in the amount of \$18,057.30 from the Capital Improvements Sales Tax Fund. (Project #9702)

**RESOLUTION NO. R-99-08**, authorizing execution of a contract with Industrial Excavating & Construction, Inc. for the 705 NE 67<sup>th</sup> Place Drainage Improvement Project in an amount not to exceed \$60,789.40 with funding authorized from the Capital Improvements Sales Tax Fund. (Project #9613)

**RESOLUTION NO. R-99-09**, authorizing the City Manager to accept NW 52<sup>nd</sup> Terrace, N. Washington Street and N. Gould Court constructed in "The Oaks Subdivision" for City maintenance.

#### **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **CONTINUED PUBLIC HEARING:** On a request to rezone from C-1 to CP-3, property at 7125 N Broadway. Applicant: David Ryan. Owners: Thomas & Janet Bono, R. Brian & Jan Hall, Ben & Susan Rose, Thomas & Yolanda Stahl, Victor & Carole Rodman. (File #1073). **Audience Note: Applicant has formally withdrawn this application, therefore no public hearing will be held.**
10. **PRESENTATION OF 1997-1998 CITY OF GLADSTONE ANNUAL AUDIT** for the year ended June 30, 1998.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

## **Council Goal #1**

### **Use responsible cost-effective Financial Policies.**

**Objective:** *Implement comprehensive fiscal planning processes which consider historical and trend data.*

#### **Tasks**

- Annual Operating Budget
  - Annual Capital Equipment Replacement Program
  - Annual Technology Replacement Plan
  - Annual Improvement of Budgetary Performance Measures
  - Annual Analysis of Department Fiscal Performance
- Annual Capital Improvement Plan
- Mid-Year Operating Budget
- Mid-Year Capital Improvement Plan
- Monthly Operating and Capital Financial Reviews
- Development of Long Term Fiscal Plan
- Use Tax Allocation

**Objective:** *Adopt Fiscal Policies which protect the public trust and provide administrative efficiency.*

#### **Tasks**

- Revise and Update Purchasing Policy
- Revise and Update Financial Institution Selection Criteria
- Revise and Update Investment Policy
- Revise and Update Water Billing Procedures
- Develop Record Maintenance/Management Procedures
- Develop Finance Department SOP
- Analyze Occupational License Structure
- Analyze Long Distance Billing Alternatives
- Perform Utility Audits
- Incorporate Responsible Use of Development Incentives
- Maintain a Current Asset Inventory List
- Apply for and Obtain Annual Budget and Audit Awards
- Pay Compensation Plan Analysis.

## **Council Goal #2**

**Respond to the needs of the citizens through the efficient delivery of city services.**

**Objective:** *Research and implement technology improvements which increase efficiency and productivity.*

### **Tasks**

- Y2K Compliance
- Implementation of HTE Finance Software/Hardware
- GIS Staffing
- Development of Work Order System
- Citizen Complaint Tracking/Follow-up
- Analyze Recreation Software
- Revise & Update Water Billing Procedures
- Annual Technology Replacement Plan

**Objective:** *Monitor services provided by third parties to insure citizen interests are protected.*

### **Tasks**

- ATA Contract/Public Transportation
- Evaluate Senior Transportation Needs & Alternatives
- Solid Waste Licensing
- Utility Deregulation
- MGE Franchise Renewal
- Perform Utility Audits
- Encourage Time-Warner Cable to Continue Technological Enhancements
- Y2K Compliance

**Objective:** *Adopt and implement appropriate stormwater management practices.*

### **Tasks**

- Complete Stormwater Master Plan Update
- Develop and Implement Creek Maintenance Program
- Construct Planned CIP Projects
- Annual Capital Improvement Plan (duplicate)
- Mid-Year Capital Improvement Plan (duplicate)

**Objective:** *Manage and maintain public facilities.*

### **Tasks**

- Firing Range Decommissioning
- Fuel Tank Upgrade
- Development of Public Building Maintenance Schedule

**Objective:** *Update codes, specifications and operating procedures.*

**Tasks**

- Development of Departmental Operating Procedures
  - Parks
  - Community Development
  - Finance
  - Community Services
- Development of City Clerk Manual
- Implementation of Municipal Code Update
- Implementation of Building ISO Rating
- Adoption of Revised Technical Specifications
- Analysis of 2000 Building Code Update
- Zoning and Platting Ordinance Adoption
- Corridor Plan Appendix to Comprehensive Plan

**Objective:** *Provide safe and high quality potable water.*

**Tasks**

- Implementation of Backflow Prevention
- Conduct Water Plant Study (evaluating condition & needs)
- Identification of Water Quality Issues
- Analysis of Large Main Tap Fees
- Maintain DNR Certification

**Objective:** *Provide environmentally sound and high quality sanitary sewer service.*

**Tasks**

- Analysis & Implementation of Kansas City, MO, Sanitary Sewer Agreement
- Analysis & Implementation of Kansas City, MO, Lime Sludge Agreement
- Performance of Sewer Infiltration & Inflow Study
- Development of Sanitary Sewer Maintenance Program

**Objective:** *Construct and maintain safe public streets and related improvements.*

**Tasks**

- Study Realignment of 72<sup>nd</sup> Street & M-1 Hwy. Intersection
- Analyze Street Cleaning Policy Procedures
- Implement Snow Removal Efficiency Measures
- Reconstruct 72<sup>nd</sup> Street East of Prospect
- Continue the Street Rehabilitation & Reconstruction Program
- Evaluate & Improve Signal Coordination (N. Oak) Including Opticon
- Perform Signal Improvements (76<sup>th</sup> & N. Oak, 72<sup>nd</sup> & Euclid)
- Construct Planned CIP, TST Projects

### **Council Goal #3**

**Maintain public safety programs which promote the quality of life, health and safety of Gladstone Residents.**

**Objective:** *Provide safe and secure public facilities for patrons and employees.*

#### **Tasks**

- Implement Building & Grounds Security
- Complete Public Safety Space Needs Analysis
- Construct Female/ADA Holding Cell
- Obtain National Accreditation in Parks & Recreation and Public Safety
- Complete Weekly Inspection of Park Facilities and Public Buildings
- Development of Public Building Maintenance Schedule

**Objective:** *Evaluate and implement Public Safety programs in conjunction with all City departments to meet community needs.*

#### **Tasks**

- Identify Public Safety Staffing Needs
- Analyze Fire Inspector Position
- Study Drug Unit Needs
- Study & Implementation of Community Oriented Policing Policies
- Analyze & Implement Neighborhood Code Enforcement Activities
- Complete the Community Center Feasibility Study

**Objective:** *Provide an efficient and consistent emergency response.*

#### **Tasks**

- Develop Storm Management Program/Budget
- Implement Storm Siren Upgrade
- Develop Updated Emergency Operation Plan
- Study Improved Signal Coordination with Opticon
- Complete Public Safety Space Needs Analysis

**Objective:** *Enact laws to protect the public health and welfare.*

#### **Tasks**

- Study Smoking Regulation Ordinance

#### **Council Goal #4**

**Enhance and expand recreation and leisure services and programs for all citizens in the area.**

**Objective:** *Implement programs to provide recreational and leisure activities within the community.*

**Tasks**

- Complete Recreation Center Study
- Perform Happy Rock Master Plan

**Objective:** *Develop community partnerships to provide new programs or services.*

**Tasks**

- Develop a Memorial Dedication Policy
- Explore Opportunities for Program Partnerships
- Performing Arts Subcommittee
- Develop Citywide Honorary Gift Catalogue

**Objective:** *Ensure high quality facilities for recreational and leisure activities.*

**Tasks**

- Installation of Happy Rock Park Scoreboards
- Installation of Oak Grove Park Fountain
- Complete Construction of Hamilton Heights Park
- Construction of Planned CIP Projects
- Study McDowell Property Plat

## **Council Goal #5**

**Strengthen pride in Gladstone through beautification, property maintenance, code enforcement and economic development activities.**

**Objective:** *Provide methods for defining aesthetic standards and encouraging owner investment in residential and commercial neighborhoods.*

### **Tasks**

- Increase Commercial Code Enforcement
- Development of Telecommunication Ordinance
- Analyze & Implement Neighborhood Code Enforcement
- Analysis of Rental Property Inspection
- Development of Standards for Public Area Maintenance
- Development of Sign Code Update
- Adoption of ZAPO
- Performance of Comp Plan Update
- Drafting of Right-of-Way Management Ordinance
- Develop Fire Inspection Program
- Implement Community Oriented Policing Policies and Plan

**Objective:** *Promote strong community identity.*

### **Tasks**

- Installation of Highway Signage
- Implementation of Signage Master Plan for Public Facilities
- Evaluation of Streetscape Program

**Objective:** *Work to ensure long-term economic viability of commercial properties.*

### **Tasks**

- Implementation of Prospect Plaza Agreement
- Administer GEBC/Chamber Contract
- Evaluation of Potential TIF Sites
- Consideration of Use Variances
- Creation of Zoning Map
- Adoption of Barriers to Development Amendment
- Create and Implement an Economic Development Plan with GEBC

## **Council Goal #6**

**Promote a working environment for City employees which encourages productivity, creativity, professionalism, regional cooperation and dedication to providing high quality service to citizens of Gladstone.**

**Objective:** *Pursue opportunities to improve productivity and pride through employee training and development.*

### **Tasks**

- Continue to analyze and revise organizational structure
- Promote Empowerment & Self Direction Programs
- Improvement of Call Out Policy/Performance Measures
- Obtain Parks & Recreation Accreditation
- Obtain Public Safety Accreditation

**Objective:** *Provide a safe and secure work environment.*

### **Tasks**

- Installation of External City Hall Lighting
- Development of Public Works Master Site Plan
- Complete Public Safety Space Needs Analysis

**Objective:** *Adopt fair and consistent personnel policies and procedures.*

### **Tasks**

- Revise & Update Grievance Policy/Procedure
- Revise & Update Personnel Manual
- Adopt Safety Manual Update
- Identify and Resolve Labor Issues
- Pay Compensation Plan Analysis

**Objective:** *Communicate goals and objectives clearly.*

### **Tasks**

- Annual Goal Setting
- Employee Newsletter
- Placement of Goals in Lobby and at City Facilities

**Objective:** *Identify and pursue opportunities for regional cooperation.*

### **Tasks**

- Maintain Memberships in Area Chambers, Clay County EDC, Clay County Coordinating Committee, MARC, MARCIT, MML and NLC
- Encourage Involvement in Professional Associations
- Encourage Community Oriented Policies including DARE, Neighborhood Watch, Community Oriented Policing, Neighborhood Preservation



## **Council Goal #7**

**Foster the open exchange of information between the City, its residents and businesses.**

**Objective:** *Provide opportunities for effective communication with City Council, Boards and Commissions and Community Leaders on community issues.*

### **Tasks**

- Implement Council Request Tracking
- Analyze Council Communication Technology
- Institute Annual Goal Setting Process

**Objective:** *Provide opportunities for effective communication with residents and businesses on community issues.*

### **Tasks**

- Perform Citizen Attitude/Opinion Survey
- Develop & Maintain Web Page
- Prepare & Distribute Public Drinking Water Report
- Revise & Update CIP Public Relations Process
- Community Orientated Policing
- Neighborhood Code Enforcement
- Gladstone Reporters
- GEBC Newsletter
- Citizen Complaint Tracking
- Provide Timely Flow of Information to the Media

**Objective:** *Develop and Communicate legislative programs and policies.*

### **Tasks**

- Draft and Adopt Annual State & Federal Legislative Programs
- Participate in & Promote Regional & State-wide Legislative Objectives (County, Chamber, MARC, School District, MML, etc.)
- Enhance Legislative Relationships

## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, JANUARY 11, 1999**

Mayor George Nodler called the Regular January 11, 1999 Council Meeting to order in the City Council Chambers at 7:30 pm.

**PRESENT:** Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scout Chris Marolt of Troop 288, Northminster Presbyterian Church led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Monday, December 14, 1999 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Minutes as written; Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to adopt the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-01**, authorizing the City Manager to accept NE 63<sup>d</sup> Terrace in "Carriage Commons Subdivision" for City maintenance. Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-02**, accepting work under contract with R.K. Breit Construction for the 57<sup>th</sup> Terrace & N Tracy Drainage Improvement Project and authorizing final payment in the amount of \$3,467.37 from the Capital Improvements Sales Tax Fund. (Project #9218) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-03**, accepting work under contract with Pyramid Excavation & Construction, Inc. for the 64<sup>th</sup> & Bales Drainage Improvement Project and authorizing final payment in the amount of \$2,571.00 from the Capital Improvements Sales Tax Fund. (Project #9950) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-04**, accepting work under contract with the Foley Company for Chlorine Room Modifications at the water treatment plant and authorizing final payment in the amount of \$1,500.14 from the Combined Water and Sanitary Sewer Fund. (Project #9712) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-05**, accepting work under contract with Insituform Missouri, Inc. for the Meadowbrook Sanitary Sewer Rehabilitation Project and authorizing final payment in the amount of \$11,466.45 from the Combined Water and Sanitary Sewer Fund. (Project #9820) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Newsom questioned that the original contract amount was \$44,6210 with the change orders totaling \$33,658.

City Manager Davis advised that this was the N Garfield sewer project where we changed the scope of the project given the infiltration issues that occurred this year. Ms. Newsom said so that additional work was added to this existing contract. Mr. Davis said that was correct.

Councilman Norris said we had about 22 calls from that area during one big storm before the line was completed and experienced a great reduction in calls when the next storm occurred. Mr. Norris asked that staff look at replacement of lines in this whole area. The City Manager advised this area is the focus location of the infiltration study.

Councilman Art Hammen moved to adopt **RESOLUTION NO. 99-06**, accepting work under contract with Commercial Waterproofing, Inc. for the Water Treatment Plant Secondary Basin Repaint Project and authorizing final payment in the amount of \$2,500.00 from the Combined Water and Sanitary Sewer Fund. (Project #9819) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-07**, authorizing acceptance of work under contract with City Wide Asphalt Co., Inc. for the 57<sup>th</sup> Street, N Grand, N Walnut Street Reconstruction Project and authorizing final payment in the amount of \$18,057.30 from the Capital Improvements Sales Tax Fund. (Project #9702) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-08**, authorizing execution of a contract with Industrial Excavating & Construction, Inc. for the 705 NE 67<sup>th</sup> Place Drainage Improvement Project in an amount not to exceed \$60,789.40 with funding authorized from the Capital Improvements Sales Tax Fund. (Project #9613) Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Art Hammen moved to adopt **RESOLUTION NO. R-99-09**, authorizing the City Manager to accept NW 52<sup>nd</sup> Terrace, N. Washington Street and N. Gould Court constructed in "The Oaks Subdivision" for City maintenance. Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

None.

### **Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** noted it has been quite a while since our last Council Meeting on December 11, 1998 and thanks the City Staff and administration for all the work carried out in between meetings. He also commends the Staff's work on the goals and objectives and also compliments the arrangements for the board and commission interview held last Saturday. The City Council interviewed some very fine candidates. Mr. Fricke also thanked the Gladstone Area Chamber of Commerce for including the City Council in the dinner for the Chamber Leadership Class earlier this evening.

**Councilman Roger Norris** wished everyone a Happy New Year and said he too appreciates the outstanding team efforts of City Staff. He welcomes the members of the Gladstone Area Chamber of Commerce Leadership Class to the City Council Meeting. He also commented that Finance Director Cash Sweiven did an outstanding job on his earlier Study Session presentation on investments. He told him that our auditors and bond counselor who were present in the audience agreed and when your number crunching peers say you did a good job -- you did a good job.

Councilman Norris also noted the session Saturday was his eighth board and commission interview session and this year we had more people wanting to be involved than we have positions. While that sounds bad, there have been years when we looked to people to serve in several areas. Out of ten residents who interviewed, none had an ax to grind but rather just wanted to be involved in a positive way. This is certainly a turn around from 8 years ago and he wants to commend staff and his fellow Council for making this happen.

**Councilman Anita Newsom** said she took particular interest in the goal setting session this year and certainly the City Council spent a fair amount of time on this process but it is obvious from the final document presented that Staff has spent a great amount of time putting it all together. It is impressive and staff deserves the bulk of the credit and she really appreciates all they have done making all the things that we do fit within the goals to provide the services that our citizens deserve. She feels we are doing a good job of giving our citizens the biggest bang for their buck they can get. Sometimes we are criticized for being a little bit conservative in our approach to things financially but she thinks we are doing a really good job with our citizens money without risking it and taxing them to the point that they want to live some place else. The credit goes to our staff and City Manager.

Ms. Newsom also told Finance Director Cash Sweiven that she does admire a power point presentation that does not crash.

**Mayor Pro Tem Art Hammen** brought to Staff's attention a citizen comment he received about the 75<sup>th</sup> Terrace & N Oak northbound traffic backing up from the 76<sup>th</sup> Street Stop sign. He has watched that several times and some southbound traffic coming through 76<sup>th</sup> Street and wanting to make a left turn on 75<sup>th</sup> Terrace has a difficult time doing that. He wonders if there would be any benefit to posting a sign for northbound traffic that says **DO NOT BLOCK INTERSECTION** at 75<sup>th</sup> Terrace. The outside lane driver should be able to see that but he does not know how effective that would be for the center lane people but he would ask that we look into that to see if there would be any benefit to our citizens.

City Manager Davis said that is a location that we were looking at with Trans Systems so there are some improvements on the way regarding the function of that intersection that may alleviate part of our problem.

**Mayor George Nodler** said he would echo the comments made by his fellow Council and also thanks all the citizens who came for Board and Commission interviews on Saturday. That is always impressive to see when citizens are really interested in serving and helping their community on a voluntary basis. He also thanks Mr. Greg Bricker for providing Council with some viable options in financing some projects coming up in the near future.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** advised that the former Allergy Clinic/former Ponderosa Restaurant is being demolished and work is well underway in the Prospect Plaza

Shopping Center. . . The ownership sale did close on that shopping center and Bradley Real Estate is the new owner. Hopefully they will follow through on all the promises and commitments they made relative to the improvement of that site.

Manager Davis noted that the Capital Improvements Committee meets Thursday night and January 21<sup>st</sup> and 28<sup>th</sup> are the public hearings on the storm water study and will be held at Antioch Bible Baptist Church.

Mr. Davis thanked his Administrative Assistant Diane Whitaker who managed the process and set up the Board & Commission interviews. He said she did a great job and he really appreciated it. The Mayor and City Council agreed.

**Item 9. on the Agenda.** CONTINUED PUBLIC HEARING: On a request to rezone from C-1 to CP-3, property at 7125 N Broadway. Applicant: David Ryan. Owners: Thomas & Janet Bono, R. Brian & Jan Hall, Ben & Susan Rose, Thomas & Yolanda Stahl, Victor & Carole Rodman. (File #1073).

***Mayor George Nodler announced the Applicant has formally withdrawn this application, therefore no public hearing will be held.***

City Counselor Nancy Thompson noted this application was continued at Council's December 14, 1998 meeting pending a recommendation from the Planning Commission, however the application was withdrawn before it ever made it out of the Planning Commission and that is why no further action is required of Council on this application.

**Item 10. on the Agenda.** PRESENTATION OF 1997-1998 CITY OF GLADSTONE ANNUAL AUDIT for the year ended June 30, 1998.

City Manager Kirk Davis introduced Mr. Lew Herman of the firm of Cochran, Head and Co. who conducted the 1997-98 audit. They are here to present their financial report and management letter to the City Council. Mr. Davis said if Council approves, he requests a motion of acceptance.

**Mr. Lew Herman** introduced Mr. Bruce Culley, C.P.A. who worked with them on this contract and examination of the financial records. Mr. Herman thanked the City staff and City Manager for their cooperation throughout the audit which allowed them to make a smooth examination.

Referring to the financial report provided to Council, he said they have always addressed their audits to answer three questions.

One, whether or not the financial statements are free of material mis-statement. He can tell us that from their standpoint they are free of material mis-statement.

They also evaluate the effectiveness of internal controls to see if they are in place and if they work. He will tell us they are in place and they do work.

Finally, did the City in all material respects comply with all related laws and finance regulations. Mr. Herman said he can tell us we did.

So the goals have been met to answer those three questions. They were able to issue an unqualified opinion, which basically says that there are no material mis-statements. The City has good internal controls and have followed the laws and regulations.

In their Management Letter, the firm tried to describe the goals of the audit with regard to internal controls and any internal weaknesses, etc. which the City needs to be concerned with as far as financial records and the controls surrounding those records.

Mr. Herman said their firm did make a few considerations for the staff and Council to consider for this year and those were delineated in the addendums to the letter and discuss a purchasing manual and the updating of that manual. They also talked about developing a comprehensive cash management policy which will identify and develop criteria for: who the City will bank with; who the City will invest money with; cash flow analysis; and timing what securities and collateral the City desires. There are certain Statutes that can be followed as a minimum but the City can also put in place some restrictions that are greater if they desire. That is a decision that the Council and Staff can make. The market risks and the legal risks associated with the cash management policy need to be understood. Mr. Herman said they are asking the City to do a reevaluation of that and document so we know what the policy is. That way, if there is a change of personnel, the policy is there for people to review.

In addition, they recommend that the City establish a Comprehensive Debt Administration Policy. Earlier we heard from Mr. Greg Bricker of George K. Baum Company about debt and in great detail what we can do. Mr. Herman said the criteria they are recommending is that we look at the statutory legal limitations that we have and if that is what the City will abide by, it needs to be documented. But the City may desire to put some self imposed limitations on that are more stringent than the statutory requirement. They recommend the City document and put the guidance in black and white for the benefit of staff, the Council and future Council, so all know what the guidance is. In addition, the defeasement of debt, temporary financing and permanent financing all need to be documented and they are recommending that the City do so.

He commends the City on taking a proactive approach and establishing a Year 2000 Committee and he points out that we have already looked at our software and hardware. He does recommend that we contact every service provider to the city and have them certify to that extent. Mr. Herman said he knows we have considered that but a lot of the municipalities they work for have not given this consideration because they do not see that as a related part of the year 2000 compliance, but the city of Gladstone has and he does commend us for that.

In closing Mr. Herman said that is the Management Letter and he invites questions.

Mr. Herman referred Council to the document distributed this evening entitled the Ten Point Test of Financial Condition. Their firm and Mr. Culley's firm were availed the

opportunity through the Government Finance Officers Association to have comparable statistics available to them. He took Gladstone's financial audit for 1998 and used the statistics from the audit to compare Gladstone to another group of cities in equal size in the Midwest. This document is not necessarily to be used to say "if I am here I'm good, and if I'm not here I'm not good". It does give some comparable benchmarks for a City of our size in the Midwest. Each City has different circumstances and we have to understand that limitation.

Mr. Herman reviewed the Ten Point Test of Financial Condition and interpreted the report for the City Council. He said the graphical presentation on the last page indicates that when compared with 106 other cities that prepare comprehensive annual reports, Gladstone is at the 93% percentile of those cities which means that when you balance all of it by benchmark lines Gladstone really is at the upper end but you have to measure and evaluate it. This report is just a way for us to look at Gladstone and determine its economic condition as it relates to other cities of a similar size. If we compare Gladstone to all cities in the State of Missouri, the statistics change and the whole criteria changes because of the size differences and you can't compare that way,

Mr. Herman said they tried to identify populations between 24,000 and 39,000 and they used the Midwest so that it includes Missouri, Illinois and Iowa. This document gives the Council and Staff something to look at that is perhaps different than what they have seen before and may give us some guidelines but it should not be taken as a Bible as far as our city doing well or not doing well. Using all the conditions and adding them together, the 93% percentile is something Gladstone can be very proud of.

Mr. Herman said he and Mr. Culley appreciate the opportunity to serve the City and are happy to answer any questions.

**Councilman Roger Norris** said he appreciates the firm taking the extra steps in providing the ranking information. In December of 1996 the City was in the top 10% of financially managed cities nationwide and it is nice to know that those figures could be replicated later.

**MOTION:** Councilman Roger Norris moved to accept the 1997-1998 City of Gladstone Annual Audit as prepared by Cochran, Head and Company; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Newsom commented that we had gone out for bids last year after using the same firm for a long time but she does think it is always good to have a fresh set of eyes looking at something. In this instance it told us again that we are doing well financially as a city.

Councilman Norris said he agrees and there are some new suggestions we had not heard before to consider.

**Item 11. on the Agenda.**

**Other Business.**



**Councilman Anita Newsom** said recalling the public hearing that was withdrawn and with the proliferation of outside sales type businesses from car lots to landscape businesses, etc. she asks if we have the proper codes in place to make sure that when these businesses open they maintain what is needed for viable businesses for safety and ingress and egress. We seem to be getting more and more of these types of operations and she is concerned not only for the aesthetics, but signage and safety. There are cars and produce sitting right up on the easements where the line of sight is barred. She would appreciate staff reviewing these issues.

City Manager Davis said we will review our ordinances with respect to aesthetics, signage, site planning and access and those areas Ms. Newsom mentions.

\* \* \*

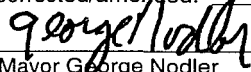
There being no further business to come before the Regular January 11, 1999 City Council Meeting, Mayor George Nodler adjourned the meeting.

Councilman Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office as posted pursuant to the Open Meetings Law Exemption 610.021(1) for Privileged Communications and 610.021(2) for Land Acquisition discussion; Mr. Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

**NEXT ORDINANCE #3.700**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 25, 1999**

**OPEN STUDY SESSION: 7:10 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session: Immediately Following Adjournment  
of the Regular Meeting Pursuant to Missouri Open Meeting Act Exemptions  
and 610.021(2) for Land Acquisition Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance
4. **Approval of Regular January 11, 1999 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-10,** authorizing execution of a contract with Smi-Co Construction, Inc. for the 2706 NE 57<sup>th</sup> Terrace Drainage Improvement Project in the amount of \$88,367.00 from the Capital Improvements Sales Tax Fund. (File #9813)

**RESOLUTION NO. R-99-11,** authorizing execution of a contract with Double Check Co., Inc. for the Public Works Fuel Tank Upgrade for a contract amount not to exceed \$13,126.00 from the Capital Improvements Sales Tax Fund. (Project #9313)

**RESOLUTION NO. R-99-12,** adopting a Revised Investment Policy for the City of Gladstone, Missouri.

**ACCEPTANCE OF FINANCIAL REPORTS** for December 1998.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
  - a) Board and Commission Appointments/Reappointments
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for tenant finish of 5,640 sq. ft. existing building at 5700 N Oak. Owner: Certified Transmission; Applicant: J.B.C.M., Inc. (BP #99-0001)

**NEXT ORDINANCE #3.700**

10. **FIRST READING BILL 99-1**, approving the Final Plat of Claybrook 2<sup>nd</sup> Plat, 4005-4011 NE 77<sup>th</sup> Street. Applicant: Hines Construction Company. Owner: Clayco Properties. (File #1067)
11. Other Business
12. Questions from the News Media.
13. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JANUARY 25, 1999

Mayor George Nodler called the Regular January 25, 1999 Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Mayor George Nodler led the Pledge of Allegiance to the Flag in which all joined.

#### Item 4. on the Agenda. Approval of Regular Monday, January 11, 1999 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Minutes as written; Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to adopt the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **Consent Agenda Detail:**

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-99-10**, authorizing execution of a contract with Smi-Co Construction, Inc. for the 2706 NE 57<sup>th</sup> Terrace Drainage Improvement Project in the amount of \$88,367.00 from the Capital Improvements Sales Tax Fund. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-99-11**, authorizing execution of a contract with Double Check Co., Inc. for the Public Works Fuel Tank Upgrade for a contract amount not to exceed \$13,126.00 from the Capital Improvements Sales Tax Fund. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-99-12**, adopting a Revised Investment Policy for the City of Gladstone, Missouri; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Councilman Roger Norris** referencing Resolution 99-12 commented that he fully concurs that adoption of a revised investment policy as discussed at the last City Council study session which will allow certain investments now allowed by state law is probably the right way to go; but he would caution that we would not want to put ourselves in any position that could be risky.

Mayor Pro Tem Art Hammen moved for **ACCEPTANCE OF FINANCIAL REPORTS** for December 1998. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.      Communications from the Audience.**

**Mr. Tom Hogan, 9407 Tomashaw, Lenexa, Kansas 66209**, addressed the City Council and advised that his primary business is insurance but he is also the owner of Gladstone Charity Mart in the Gladstone Plaza Shopping Center. He explained that for two years he served as Chairman of the Board of Synergy House in Parkville which is a not-for-profit organization and he is also active with Safe Haven here in Gladstone which has been merged with Synergy. All charities are always looking for income and especially those particular charities because they have a lot of clientele which often leave their residence with nothing but the clothes on their back. Back in those days he helped them start a thrift store and they could not own it themselves because they are a 501C-3 and he provided the funding and has wound up having to own it himself.

Mr. Hogan said they located in the Gladstone Plaza Shopping Center and have been there since 1994 and while the clients from these organizations can come and get what they want, the charities themselves get a percentage of the income from the business. They have 25 employees who depend upon this store for their livelihood. Sales recently have gone down the tubes and one of the reasons is lack of street frontage at this location. They are allowed by the city sign regulations to place a 4x8 temporary sign three 3 times a year. They have erected one and he believes it is a very nice sign and no one has complained. The difference between the amount of business they do when they have the signage versus times they don't is the difference between night and day. The bottom line is no one knows where they are located and unless he can get some relief they will have to close their doors. Without signs people do not come in and sales are one-third of when they have signs. One more year is left on their lease and his intent is to buy

a building on N Oak but unless they can get some relief here they will have to close their doors. He understands that the City does not want to make exceptions but hopefully they can see this business is a little bit different and they need some help.

Mr. Fricke asked Mr. Hogan exactly what he is requesting.

Mr. Hogan responded that he is asking for signage for more than three times a year for 21 days because there is nothing along the street that shows they are even there. Since Parts America went in and with a bank proposed, there is no way people can find them. He said he is asking for relief for one year to allow people to be aware they are there. People enjoy coming to their store and they are doing a lot of good for the Gladstone community. Mr. Hogan said he would not be here if it was not a desperate situation.

Mr. Fricke asked if the Shopping Center wasn't proposing a larger sign for the Plaza and if so would they not be included in the signage. Mr. Hogan said they were told two years ago that there were negotiating with the City to erect signage but by the time that gets done he would be out of business.

Mayor Nodler said his concern is that the other tenants in the Shopping Center might be asking for the same kind of arrangement. Mr. Hogan said he understands that and hopes the City Council recognizes that they are different from the average Gladstone business in that there has not been a lot of profit made on this and they are about to go out of business because of it.

City Manager Kirk Davis asked the Director of Community Development if a sign variance had been applied for. Mr. Wingerson said no.

City Manager Davis said he understands the status of the Gladstone Plaza Shopping Center sign request is that they came in a month or two ago with another alternative to their request. Director Wingerson said that was correct and that the variance request is in process right now.

Mr. Hogan suggested maybe he could get some relief for the short period of time until the new shopping center signage is erected, otherwise it will put 25 people out of work

Councilman Roger Norris said since Parts America has located in the front of the shopping center and a bank is proposed, he thinks Mr. Hogan may be the first in a long line of people who may come to complain that we have allowed their businesses to be blocked. He said while he has been steadfast in his anti-reader board sign stance, he can see that we may be headed toward looking at some alternative signage for that center. While he won't say he agrees 100% with Mr. Hogan he does agree there is a need to revisit this issue.

Mr. Hogan said there are six vacancies in the center now and it is a real problem. He said it seems like they are doing so much good for so many people and can continue if they could get some relief.

Councilman Norris said there are some signs along 95<sup>th</sup> Street in Johnson County that are similar to what we have set as a precedent in accepting the 1.4 million dollar redevelopment of Prospect Plaza so maybe there is a route we can take and be beneficial not only to the thrift

store and the good things they do for the community but other businesses so we can keep Gladstone people working.

City Manager Davis said as was indicated by Director Wingerson, the Gladstone Plaza Shopping Center sign proposal could come forward to the Council on February 8, 1999 so Mr. Hogan could contact the Community Development Department about signage for a 21 day special event permit which would take him past February 8, 1999. This would allow us a chance to discuss with Gladstone Plaza what their time frames are if that is Council's wish. This would get us though that date and allow us to see what happens then.

Mr. Hammen asked if the City Code allows temporary signs for three (3) 21-day periods per calendar year? Staff said yes.

Mr. Hogan said they just started a new year and just erected their signage but will have to take it down when the time expires. As far as the signage proposed by the shopping center, Mr. Hogan said they have been promised that for over two years and even if it is approved it may not be up until June or July and he can't wait that long. He again notes it is a nice 4x8 temporary sign that is not blocking or obstructing anything.

Mr. Fricke asked if we have had complaints; the City Manager and Director of Community Development said no.

City Manager said if Mr. Hogan wishes he can apply to the City Council for a sign variance.

Mr. Hogan asked if that is not what he is doing now. Councilman Norris said his application would have to be formally made to the Community Development Department who reviews the application and makes a recommendation which is brought forward to the City Council for consideration.

**Item 7. on the Agenda.**      **Communications from the City Council.**

**Councilman Dave Fricke** said we have held one storm water study presentation and another one planned and he thinks these sessions are a significant benefit to attendees and thanks all who attended.

**Councilman Roger Norris** said his packet included a letter on storm drainage from the Meadowlane Townhomes Association and he asked that their comments be made a part of the record on one of the Thursday meetings. He said this has been a problem that has come to the Council the past several years and will need to be addressed.

Mr. Fricke noted that residents from this area were in attendance at the last storm drainage meeting.

**Councilman Anita Newsom** said with reference the drainage concerns from Meadowlane Townhomes neighborhood, drainage was a concern before Woodland was ever cut through there and the houses built south of 72<sup>nd</sup> Street on Woodland. She recalls the Planning Commission site visit found neighbors were dumping grass clippings in the drainage easement

back there and erosion makes it worse . This has been an ongoing concern for a number of years and she is sure the engineers will address it.

Ms. Newsom said the storm drainage meetings are not always a pleasant situation if not all the citizen's needs are being addressed and they have problems, but it is good to know that the citizens at this point in time feel good at being heard and that their concerns will be addressed in the best fashion given the time and money available. She does think it was good that residents had the opportunity to talk to the engineers present. It is a good process that we are working through and she compliments Black & Veatch on their work thus far.

Councilman Newsom referenced the Parks & Recreation Department Community Center Feasibility Survey being mailed to residents and said she hopes people will take the time to complete them thoughtfully and mail them back because there are a lot of good ideas.

Ms. Newsom said we will not meet again before February 2nd and she urges people to become informed and vote on issues on the ballot.

**Mayor Pro Tem Art Hammen** noted that Director of Community Services Gerald Menefee commented during study session about people connecting their sump pumps and discharging into the sewers. He suggests this be discussed in a future **Gladstone Reporter Newsletter** or press release because he wonders how many of our citizens realize that it is a code violation and maybe we would help the situation by getting the word out to them.

Mr. Hammen said he was approached by a residents about parking along N Euclid on the southbound side between 72<sup>nd</sup> Terrace and 72<sup>nd</sup> Street. He drove that area and looked and primarily it is vehicles parked in front of the residences in that area. The southern half of that is marked "No Parking" already across from the day care center. The person that contacted him said she had had a couple of close calls when they are trying to go eastbound across Euclid on 72<sup>nd</sup> Terrace because you can't see northbound traffic because of cars parked on the west side. He suggests this might be something we need to look into and take some action.

Mr. Hammen also pointed out that in the recent Missouri Municipal League Legislative Bulletin indicates there are four Bills that are proposed by the State each resulting in property tax increases. We do our best in this city to not raise property taxes and he thinks it is time we get some help from higher up to hold the line. He just brings this to our attention and points out that these are things that are out of the City's control.

**Mayor George Nodler** also thanked all the citizens who came to the Storm Water meetings conducted by Black & Veatch. We had a very big turn out and learned a lot about our citizens concerns.

**Item 7a. on the Agenda. Board and Commission Appointments/Reappointments**

Mayor George Nodler read the listing of recommended appointments and Councilman Roger Norris moved for approval. Councilman Hammen seconded.



**Discussion.** Councilman Norris congratulated former Councilman Mike Reinsch on his appointment to the Planning Commission and said he was pleased to see that he wanted to become reinvolved and said he knows that he will be reading every single word of the reports and material given him. Mr. Norris said there are other new names on the list and commented that it was an interesting interview morning because people who wanted to get involved did not have an ax to grind but wanted to become involved. It has not always been that way. He said as the auditors noted last Council meeting in their presentation we are in a good financial condition and that is something we can be very proud of. Councilman Norris also said he is glad that we still have some of our small town flare.

Councilman Hammen said we had a much larger pool of applicants than we had spaces available on the Boards and Commission and he thinks that says a lot for the citizens of our city.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler (5-0)

**PLANNING COMMISSION**

**TERM EXPIRATION**

Reappointment	Wayne Beer	December 2002
	William Duncan	December 2002
New Appointment	Mike Reinsch	December 2002

**CAPITAL IMPROVEMENTS PROGRAM COMMITTEE**

Reappointment	<b>Citizen Member</b> Lee Laramore	December 2001
New Appointment	<b>Citizen Member</b> Marvin Mathewson	December 2001
Reappointment	Planning Comm. Member Bill Duncan	December 1999
	Planning Comm. Member Edward O'Neill	December 1999
	Planning Comm. Member Les Smith	December 1999
	Parks & Rec. Member John Houlihan	December 1999
	Parks & Rec. Member David Stanley	December 1999
	Road District Member Charles Carmack	December 1999

**Chair**                      **Pete Hall**

**PARKS AND RECREATION ADVISORY BOARD**

Reappointment	Richard (Dick) Powers	December 2001
Reappointment	Roger Shannon	December 2001
Reappointment	David Stanley	December 2001
New Appointment	Junior Student Member <b>Justin Lippman</b> North Kansas City High School	October 2001

**BOARD OF ZONING ADJUSTMENT**

New Appointment	Michael Stock (2nd Alternate)	June 2003
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**UNIFORM CODES BOARD OF APPEALS**

Reappointment	Charles (Chuck) Logan	December 2001
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Chair	Charles Logan
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**CABLE TV ADVISORY BOARD**

Reappointment	Herbert Watson	December 2001
New Appointment	Daniel Young	December 2001

**GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE**

Reappointment	Peter Corte	December 2001
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New Appointment	Trey Degenhardt	December 2001
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New Appointment	Russell Hall	December 2001
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Chair	Walt Patterson
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**INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment	Russell Tluscik	December 2004
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New Appointment (filling unexpired term of Art Nichols)	Martin Randle	December 2001
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**TAX INCREMENT FINANCING (TIF)**

Reappointment	James (Pete) Hall	January 2003
Reappointment	Brian Hill	January 2003

**Item 8. on the Agenda.    Communications from the City Manager.**

**City Manager Kirk Davis** announced that the Capital Improvements Committee will be meeting on Thursday, February 4<sup>th</sup> to look at some project updates and answer some funding questions at the mid year.

**Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT** for tenant finish of 5,640 sq. ft. existing building at 5700 N Oak. Owner: Certified Transmission; Applicant: J.B.C.M., Inc. (BP #99-0001)

Councilman Roger Norris moved for approval of the Building Permit at 5700 N Oak for Certified Transmission; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Hammen, Newsom, Nodler. (5-0)

**Item 10. on the Agenda. FIRST READING BILL 99-1**, approving the Final Plat of Claybrook 2<sup>nd</sup> Plat, 4005-4011 NE 77<sup>th</sup> Street. Applicant: Hines Construction Company. Owner: Clayco Properties. (File #1067)

Councilman Roger Norris moved to place Bill 99-1 on First Reading; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Hammen, Newsom, Nodler. The Clerk read the Bill.

Councilman Norris moved to accept the First Reading, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Hammen, Newsom, Nodler., The Clerk read the Bill.

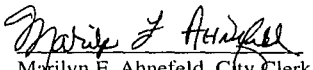
Councilman Norris moved to accept the Second and Final Reading of Bill 99-1 and enact the Bill as Ordinance No. 3.700; Mr. Fricke seconded. The vote: All "aye" - Fricke, Norris, Hammen, Newsom, Nodler. The Clerk read the Bill.

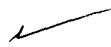
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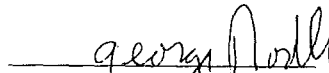
There being no further business to come before the Regular January 25, 1999 City Council Meeting, Mayor George Nodler adjourned the meeting.

City Manager Kirk Davis noted that although the posted meeting notice indicated a Closed Executive Session would be held immediately following close of this meeting, no closed session is required this evening.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 8, 1999**

**OPEN STUDY SESSION: 6:45 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular January 25, 1999 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-13**, authorizing acceptance of a Bill of Sale from David Belfonte and Haines Stowers Construction Company, Inc. conveying to the City for maintenance a sanitary sewer line serving Belfonte Estates Subdivision. (Improvements entirely at the developer's expense.)

**RESOLUTION NO. R-99-14**, authorizing Change Order #3 in the amount of \$162,896.74 to the Hamilton Heights Park Improvement Contract with funding from the Capital Improvements Sales Tax Fund. (Project #9609)

**RESOLUTION NO. R-99-15**, amending the 1998/1999 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$12,210,175; Expenditures \$12,210,175); **Revised CWSS Fund Budget** (Revenue \$5,062,740; Expenditures \$4,989,700); **Municipal Pool Fund Budget** (Revenue \$154,820; Expenditures \$136,500)

**RESOLUTION NO. R-99-16**, authorizing the City Manager to accept the proposal of Blue Valley Public Safety in the total amount of \$68,320.20 for the purchase and installation of (5) Outdoor Storm Warning Sirens and Equipment with funding from the General Fund.

**RESOLUTION NO. R-99-17**, authorizing execution of a contract with G.C. Construction Company, Inc., in the total amount of \$3,036,947.40 for the NE 72<sup>nd</sup> Street Widening Project. (Project #9417)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE #3.701**

9. **CONSIDERATION OF SIGN VARIANCE** for Gladstone Plaza Shopping Center sign at 65<sup>th</sup> & North Oak Trafficway. Applicant: Clay County Realty.
10. **PUBLIC HEARING:** on a request for a Site Plan Revision on property at **6425 N Oak**. Applicant: Bank Midwest. Owner: Clay County Realty. (File #1076)
- 10a. **FIRST READING BILL 99-2**, approving a Revised Site Plan for property at 6425 N Oak. Applicant: Bank Midwest. Owner: Clay County Realty. (File #1076)
11. **PUBLIC HEARING:** on a request to rezone from C-2 to CP-3, property at **6100 N Antioch Road**. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)
- 11a. **FIRST READING BILL 99-3**, rezoning property at 6100 N Antioch Road from C-2 to CP-3. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)
- 11b. **FIRST READING BILL 99-4**, approving a Site Plan in conjunction with the rezoning of property at 6100 N Antioch Road. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)
12. **PUBLIC HEARING:** on a request to rezone from R-1 to CP-1, property at the **SW Corner of NE 72<sup>nd</sup> & N Prospect**. Applicant: Polsinelli, White, Vardeman & Shalton. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Talhou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)
- 12a. **FIRST READING BILL 99-5**, rezoning property at 7120 N Prospect, 7102 N Prospect, 7109 N Olive, 2403 NE 72<sup>nd</sup> Street, and 7111 N Olive from R-1 to CP-1. Applicant: Polsinelli, White, Vardeman & Shalton. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Talhou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)
- 12b. **FIRST READING BILL 99-6**, approving a Site Plan in conjunction with rezoning of property at 7120 N Prospect, 7102 N Prospect, 7109 N Olive, 2403 NE 72<sup>nd</sup> Street, and 7111 N Olive. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Talhou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)
13. **PUBLIC HEARING:** on a request for a Special Use Permit on property at 7102 N Prospect. Applicant: Polsinelli, White, Vardeman & Shalton. Owner: Gladstone Baptist Church. (File #1080)
- 13a. **FIRST READING BILL 99-7**, granting a Special Use Permit subject to certain conditions to Gladstone Baptist Church, 7102 N Prospect. (File #1080)
14. **FIRST READING BILL 99-8**, declaring the results of the February 2, 1999 Primary Election as certified by the Clay County Board of Election Commissioners and designating the order of the Ballot for the General Election on Tuesday, April 6, 1999.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 8, 1999

Mayor George Nodler called the Regular February 8, 1999 Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor George Nodler  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: Mayor Pro Tem Art Hammen

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Monday, January 25, 1999 City Council Meeting Minutes.**

Councilman Roger Norris moved to approve the Minutes as written; Councilman Anita Newsom seconded. The vote: All "aye" - Fricke, Newsom, Nodler, Norris. (4-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

#### **Consent Agenda Detail:**

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-13**, authorizing acceptance of a Bill of Sale from David Belfonte and Haines Stowers Construction Company, Inc. conveying to the City for maintenance a sanitary sewer line serving Belfonte Estates Subdivision. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-14**, authorizing Change Order #3 in the amount of \$162,896.74 to the Hamilton Heights Park Improvement Contract with funding from the Capital Improvements Sales Tax Fund. (Project #9609); Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-15**, amending the 1998/1999 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$12,210,175; Expenditures \$12,210,175); **Revised CWSS Fund Budget** (Revenue \$5,062,740; Expenditures \$4,989,700); **Municipal Pool Fund Budget** (Revenue \$154,820; Expenditures \$136,500); Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-16**, authorizing the City Manager to accept the proposal of Blue Valley Public Safety in the total amount of \$68,320.20 for the purchase and installation of (5) Outdoor Storm Warning Sirens and Equipment with funding from the General Fund. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-17**, authorizing execution of a contract with G.C. Construction Company, Inc., in the total amount of \$3,036,947.40 for the NE 72<sup>nd</sup> Street Widening Project. (Project #9417) Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Councilmember Anita Newsom noted that in authorizing this contract for 3 million plus dollars we are making a strong move to make our corridors more accessible to the public, this is not something that we can do easily but rather it has been a long process acquiring all the easements and right of ways and dealing with all the things that come into play with such a project as well as securing the federal money to do it. Because we could not afford to do it on our own so we owe due diligence to staff for making this all come together.

Mayor Nodler said he certainly concurred.

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Gilbert Chesterton, 2412 NE 72<sup>nd</sup> Street**, said his house is next to Quick Trip and because he is retired he gets to observe a lot of the traffic and things that happen because of his close proximity to the proposed Eckerd Store and the N Olive reconstruction. He said he has some points to raise.

Mayor Nodler made Mr. Chesterton aware that he would have the opportunity to present his views during the public hearing for that rezoning application (Item 12 on the agenda.) Mr. Chesterton thanked the Mayor.

Mayor Nodler asked if any other persons desired to address the City Council on items that were not on the Agenda. No one came forward.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said he had no communications at this time and observed it was nice to have a full house at a Council meeting.

**Councilman Anita Newsom** commended Black & Veatch Engineering on conducting good, beneficial storm water meetings for our citizens which allowed the residents to explain one on one their needs to the engineers. This is a good way to communicate and find out what the needs actually are.

Ms. Newsom reminded that the Community Center Feasibility Study will be held on Tuesday, February 9<sup>th</sup> and noted the change in location from the Gladstone Community Center to Fairview Christian Church. She hopes there is a lot of participation. She has talked to people who are really looking forward to it and others who had not realized they were sent a survey.

Ms. Newsom also thanked the members of the professional staff who helped her celebrate "Reading Week for Kids". It was good for them to see real professionals there. Students asked her if City Counselor Nancy Thompson was really an attorney and when she said yes, they commented that she did not look at all like Allie McBeal.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** advised that 1600 surveys had been received on the Community Center so we have had a pretty good response. He also announced that City Hall offices will be closed on Monday, February 15, 1999 in observance of President's Day.

**Item 9. on the Agenda. CONSIDERATION OF SIGN VARIANCE** for Gladstone Plaza Shopping Center sign at 65<sup>th</sup> & North Oak Trafficway. Applicant: Clay County Realty.

Councilman Roger Norris moved to approve the Sign Variance as requested. Mr. Fricke seconded.

Discussion.

Councilman Anita Newsom said while she is not a real strong proponent for sign variances and this particular property over the course of the years has come forward for two - three different variances and each time they get a little bit better, the application before us this evening is more in line with the direction the community is going. It is not



still exactly where she would like it to be but she does realize that with the addition of other businesses along the Oak frontage, the businesses back in the shopping center need some visibility.

Director Scott Wingerson advised that the comparable information on the previous variance requests was included in Council's packet. The request tonight changes the color to be compatible with the shopping center which is cream and forest green, reduces the copy area from the previously proposed 360 sq. ft. to 172 sq. ft., and reduces the overall height from 43' to 27'2"

Mayor Nodler asked the time frame for doing the work on the sign. Mr. Wingerson said he understands they are prepared to commence shortly after Council consideration.

Ms. Newsom asked if there has been any resolution to the question of the tenant using their corporate logo colors vs a uniform color for all the signage.

Mr. Wingerson said the Applicant continues to request that they be allowed to use the colors of the corporate entities within the shopping center. As example, the grocery store would be red and the pizza place would be red, green and black and the drug store might be blue-- those types of concerns for the individual identification of that tenant within the copy area for that purpose.

**Councilman Norris** asked about the reduction in the height of the sign. Mr. Wingerson confirmed it is going from 43' down to 27'2". Mr. Norris asked if they still need the variance because the sign is still not 27 ft. back from the street or is it because the needed copy area. Mr. Wingerson said it is a little bit of both, It is approximate 22' copy area variance and the sign is still not set back equal distance to its height.

Ms. Newsom asked if this is using the existing pylons. Mr. Wingerson said yes and those pylons would be boxed in and faced with the same material as the shopping center which is kind of a synthetic stucco.

**Ms. Newsom** said she likes things to look nice and uniform but she also likes to shop and you learn to identify by a color as well as a logo and a type face and she does not know that she has a big problem having a color logo for a tenant identification.

Councilman Norris said he would agree because they have put a lot of money into making sure that logos are the same. Ms. Newsom said they have retained the use of the color logos on their facades and if they used it on their signage it would be uniform throughout that way. She just does not have a problem with it.

Councilman Roger Norris asked how this will affect the bank's signage. Director Scott Wingerson noted the bank is proposing a monument sign similar to the property to the north, Parts America. So this sign variance is purely for the shopping center interior tenants. The vote: all aye" - Fricke, Norris, Newsom, Nodler. (4-0)

**Item 10 on the Agenda. PUBLIC HEARING:** on a request for a Site Plan Revision on property at 6425 N Oak. Applicant: Bank Midwest. Owner: Clay County Realty. (File #1076)

Mayor George Nodler opened the public hearing and explained the hearing process.

**Applicant Jim Fowler, Bank Midwest, 1100 Main, Kansas City, Missouri,** explained that earlier they proposed a head-on parking arrangement and dual two way drive around the bank itself. Once they got into looking at the site and talking with Kansas City Power & Light, they found out they were in an electrical land mine there because there were easements that had been in there for some time. Right now they are working with KCPL to abandon those easements and the easements will encircle the property to supply power to Parts America, their bank and Enterprise Leasing.

So essentially the site plan change has been internal. They will have diagonal parking as opposed to head on, they circulation will be around the building and going back out. The only entrance and exist they request are the driveways going into the shopping center. No variance is requested for the bank itself. Material is brick construction and a clock which has become a signature for Bank Midwest throughout the State of Missouri is shown and they will include four drive ins, one of which will be an ATM lane. They are looking at 3800 sq. ft. building and will have their own identification with a monument sign approximately 8 - 10' tall sitting back on their property which he displayed on he site plan. He said the signage sits up on the hillside yet down so that you still don't lose the visibility of the shopping center and their building. It is a very nice sign and they have placed similar ones in Independence and Bethany.

Councilman Anita Newsom asked if it is all brick construction; Mr. Fowler said yes.

Mr. Fricke said he attended the site meeting and asked Mr. Wingerson what was decided on the railroad ties. Mr. Wingerson said as discussed at the site visit the railroad ties shown on the plans do not physically exist and are not proposed. The Planning Commission recommended to the City Council that that condition of the staff report which was #8 be deleted and that is reflected in your ordinance tonight. So that condition is not part of the eight conditions for consideration tonight.

Mayor Nodler invited others desiring to speak for or against this proposal to come forward. Hearing none, the Mayor closed the public hearing.

**Item 10a. on the Agenda. FIRST READING BILL 99-2,** approving a Revised Site Plan for property at 6425 N Oak. Applicant: Bank Midwest. Owner: Clay County Realty. (File #1076)

Ms. Newsom moved to place Bill 99-2 on First Reading; Mr. Fricke seconded.

Discussion.

Councilman Norris said this is a nice addition because we have talked about redevelopment issues along N Oak and this is perfect. He welcomes them to town.

Ms. Newsom said she is glad to see something go in on this site and said it looks like a well planned building and appears to be aesthetically pleasing.

The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0) The Clerk read the Bill.

Ms. Newsom moved to accept the First Reading of Bill 99-2, Waive the Rule and place the Bill on Second and Final Reading; Mr. Fricke seconded. The vote: all "aye" - Fricke, Norris, Newsom, Nodler. (4-0) The Clerk read the Bill.

Ms. Newsom moved to accept the Second and Final reading of Bill 99-2 and enact the Bill as Ordinance No. 3.701; Mr. Fricke seconded. The vote: all "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

Mayor Nodler welcomed Bank Midwest to Gladstone.

**Item 11. On the Agenda.** PUBLIC HEARING: on a request to rezone from C-2 to CP-3, property at **6100 N Antioch Road**. Applicant: Westco Lube, Inc. Owner: James & Lucy Web. (File #1078)

Mayor George Nodler opened the public hearing and explained the hearing process that the applicant will make his presentation, followed by those in favor and those in opposition.

**Architect Mark Abeln of Abeln and Associates Architects, 11624 Flint, Overland, Park, Kansas**, advised they are proposing a 2,000 sq. ft. three-bay Valvoline Instant Oil Change facility at 6100 N Antioch Road with an all brick building and they will be improving the site in several ways. They will close down two approaches that are currently on the site, one on N Antioch and one on 61<sup>st</sup> Street which are closest to the corner. They propose to use only the furthest entries from that corner. It will be basically a one way in kind of a loop of traffic and they will be exiting out on N Antioch although they will have a passageway to get back on 61<sup>st</sup> street if they desire. They have 8 parking spaces plus all the parking spaces in the bays and stacking. They propose quite a buffer to the back of the site which will be abutting the apartments and the propose about 12 trees and evergreens that will screen and also a 6' high privacy fence. The site slopes up to the back and that 6' fence will be quite a bit higher than the building is sitting. Mr. Abeln displayed the picture of the building for the Council and pointed out it will be all brick and the overhead doors are all glass and aluminum frames.

Ms. Newsom asked if the brick is buff colored. Mr. Abeln said it is basically an off white or buff. She asked if there will be access to the businesses to the north from this property. Mr. Abeln said there is no proposed access between the two and explained there is no current access between the two now and pointed out they have no control over their neighbor and what they would or would not allow them to do.

Councilman Norris said companies that are prepared to invest a considerable amount of money in property acquisitions like this generally have some kind of study that lends some credence to spend their moneys well. On the corner you have Cottman

Transmission and another oil change up the street and another down over the hill, Mr. Norris asked why they would pick 6100 N Antioch Road.

Mr. Abeln said not being the owner he really can't answer that well except to say they have done traffic counts and the owner feels this is a growing type of business and wants to get in on the ground floor. He knows the owner is proposing to do eight of these businesses in the greater Kansas City area.

Councilman Dave Fricke said the plans he is looking at don't seem to show a lot of greenery, he asked if that is landscaped. Mr. Abeln said they are increasing the landscaped area quite a bit from what is there now. Mr. Fricke said there is probably not anything there now. Mr. Abeln concurred.

Mr. Abeln advised there will be 5' of new green space on 61<sup>st</sup> Street; approximately 20' along N Antioch and 15' of green space to the rear of the site and they are proposing a number of new trees and evergreens in the back and they will have landscaping around the front also. He said some of it is still right of way and they are showing green all the way to the street.

Mr. Fricke told Mr. Wingerson he would encourage as much green as we can get.

Councilman Roger Norris noted the ordinance has been modified since it came from the Planning Commission to include reference to the Clean Water Act under Condition #4 and asked Mr. Abeln if they had a problem with that. Mr. Abeln said they have no problem with that or any staff conditions or additions from the Planning Commission. He noted there is a new sidewalk planned along both N Antioch and 61<sup>st</sup> Street.

**Director of Community Development Scott Wingerson** advised the Planning Commission voted 8-1 in favor of this request in accordance with the staff recommendation. In terms of Mr. Fricke's landscaping question, a streetscape project was actually designed for the N Oak corridor however it is implemented here on Antioch Road relative to this development. So that is in place in addition to the landscaping that Mr. Abeln has discussed.

Mayor Nodler invited others desiring to speak in favor of this application to come forward. There were none.

#### **Opposition.**

**Tony George, General Manager of the House of Lube**, which is two doors away from this proposed application said he is not here to whine because they are going to cut into his income because he and four employees are eking out a living. But he wonders, and said that Councilman Norris touched on it, if any consideration is being given to the fact that right now there are 12-13 oil change businesses within 1.2 miles of that site or south on the Antioch corridor or around the Chouteau curve. How many is too many. That is definitely going to have an impact on his business being two doors away. It is not down the street. He said Cottman Transmission is between him and the proposed business.

**Lynn Corbett, The Dry Cleaner, 6061 NE Antioch Road,** said he is here for a different reason than Mr. George. He has some questions to ask the City Council to determine if they had been addressed. Currently we have the Cottman Transmission right next door to the proposed site and then the House of Lube next to them so an access going to the other businesses would be an impossibility because they are going to be competing with each other.

Mr. Corbett said Midas is also 100 yds. across the street and in the past two years they have already had two service stations close. The Sinclair station across the street which did mainly lube, oil and service work there has closed and the Texaco station which was mainly a gasoline station has closed. He just wonders how this new lube, oil and filter business fits into Gladstone's picture and framework for the City. That is his main concern. Based on the needs of the city, does it really benefit the residents, and benefit the existing businesses on N Antioch Road. That is his main question. He personally does not see that it will be any benefit to any of the residents. He said Mr. George's count was better than his because he came up with 12-13 like businesses and Mr. George came up with 13. Mr. Corbett said those are the questions he has for the Council to ponder before making approval, or possibly tabling to allow a better look at this project before they approve it.

No other persons desired to speak for or against this proposal and Mayor Nodler closed the Public Hearing.

**Item 11 a. on the Agenda. FIRST READING BILL 99-3,** rezoning property at 6100 N Antioch Road from C-2 to CP-3. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)

Councilman Roger Norris moved to place Bill 99-3 on First Reading; Mr. Fricke seconded.

#### **Discussion.**

Councilman Norris said he will rehash a couple of arguments made during the Prospect Plaza deliberations where we continually asked the question how is this going to affect other businesses in the area. He said seeing Mr. Don Hathway in the audience tonight reminded him of an occasion when he stood before his group when he was Chairman of the Planning Commission and told them it is not the Council's business to see to it that developers make a profit and he still feels that way today. As a Councilman he does believe there are times when they must look at a bigger picture. This is currently a C-2 zone and for the proposed use it will have to be CP3. We know that things never go backwards. Once we go to CP3, then we can soon move the P (Planned) designation and he can hear it said ten years from now that this has always been lube and oil. But this Councilman will always remember that he had to find a new place to buy his frozen yogurt.

Mr. Norris said he does believe that we have an abundance of oil change operations in Gladstone. He has seen hamburger joints come and go two and three times at the

same location. He agreed with Mr. Corbett's comments that we have had businesses rotating in and out and while it is not the City's business to see to it that developers and business owners make money it is in our interest to be fair to those there and to those coming. Having said that, you can probably guess how his vote will be cast on this application and he has nothing against lube and oils but on request he is either going to have to vote no or ask the Council to defer final action several weeks to think about it.

**Councilman Anita Newsom** said she is much in the same quandary that Councilman Norris was talking about. Property owners have the right to develop their properties to the highest and best use but it also should not negatively impact their neighbors. Business decisions are not within the Council's purview to make but she has concerns about this and she is having trouble articulating exactly what those concerns are. There are just so many of these uses in a compressed area and she does not understand the reason for TCBY business choosing to give up their site but that is not her business decision to make. She will vote for the first reading tonight but she cannot vote for additional readings because she wants more time to look at the site and discuss the options.

**Councilman Dave Fricke** told Mr. Corbett and Mr. George that he did not recall their being present at the Planning Commission meeting. Mr. Corbett said he was not because this application only came to his attention a few days ago. He has no financial interest in this application at all but just does not see any benefit for an additional lube and oil business at this location.

Mr. George said he was not at the Planning Commission meeting either because he is not the property owner of record, the property owners passed along the certified letter he had received but not in time for him to attend the commission meeting.

The vote: "Aye" - Newsom, Fricke, Nodler. "No" - Norris. (3-1) The Clerk read the Bill.

**Item 11b. on the Agenda.** \* **FIRST READING BILL 99-4**, approving a Site Plan in conjunction with the rezoning of property at 6100 N Antioch Road. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)

**\* (Note: this Bill not introduced)**

**Item 12 on the Agenda.** **PUBLIC HEARING:** on a request to rezone from R-1 to CP-1, property at the SW Corner of NE 72<sup>nd</sup> & N Prospect. Applicant: Polsinelli, White, Vardeman & Shalton. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Talhou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)

**Mr. Chase Simmons, 7500 College Boulevard,** said he was appearing as the applicant on behalf of Commercial Net Lease Realty, the developer of the proposed Eckerd's Drug Store as well as on behalf of the Gladstone Baptist Church in this application. Also tonight in the audience prepared to answer any questions are Lane Ramsfield of Commercial Net Lease Realty and Dennis Lindsey and Allan Michaels of LHE Engineers who are the engineers and the traffic engineers on this project. There

are actually two related applications noted as 12 and 13 on the agenda and although he assumes the Council would like him to address each separately, but they are closely tied together and he will have to talk about both at the same time. He would ask that if a favorable vote is given on the first application that not be finalized until they have determined what to do with the second application because their agreement with the church is that they will not rezone their property unless an indefinite special use permit has been granted to allow them to remain. He will talk about that later but does want to convey that these are tied together.

Mr. Simmons said they seek the CP-1 zoning for an Eckerd's store. Many months have gone into trying to come up with a site plan for this corner which is master planned commercial and he thinks that most people in the city will at least acknowledge that it is master planned commercial and will eventually be commercial. It is a difficult corner to develop as a commercial corner and people have come in before and shown the City certain things that have not worked out. Some of their first attempts at this corner did not utilize all the land that you see in front of you on the plans. He said he would go through quickly and point out some things on the site plan.

They have acquired some property to allow them to center the development a little bit more, provide setbacks from the neighboring property owners as well as meet all the required setbacks. This development requests no variance from standard commercial structures in the city of Gladstone. He said he will have the engineers talk about traffic and access later but we can see that one of the problems with some of the other applications like Block Buster's as well as their earlier attempts dealt with access. They have consolidated what would be an access to the development with the access to N Olive. It is a little bit unique although at first maybe it looks a little bit funny but if you think about the site and you look at the way things work it is really the best way to make this site work and in fact the Missouri Department of Transportation has kind of signed off on this and said it is a good idea. Two reasons really, there is a site line problem the engineers can talk about that makes it very difficult to use N Olive because you have people coming down the hill. Secondly, if you start to get too close down here you run into problems with the intersection so this is kind of the best place in between these two areas to get access.

Our other access issue that will become apparent as we talk about the church application later is that we are using the church to get the access down here from Prospect. Staff has characterized that in the staff comments as poor site design, a strange access and it has kind of been a concern all along. If you think about this entire corner as a commercial corner which he thinks that most people would acknowledge with the surrounding land uses that it probably is, there is really only one logical place for access off of Prospect and that is down here because you have a median all the up and this is the one place that you can get across. You have the same curb cut over for Hy-Vee and it is the logical place for access. He said he will get back to that later but it is important when you start talking about whether or not they have left a corner that can be developed in a unified nature that is going to be beneficial to the neighbors.

Mr. Simmons said the primary question that he wants to ask and hopes people will keep in their minds this evening is that this is a commercial corner and the City has master

planned it as commercial. In their minds there is no other way to develop it commercial except for something similar to the plan they present. That is the theme of why they are here tonight. If this is a commercial corner, it has to develop like this or in a very similar nature. If it is not a commercial corner then the City needs to do something about it and maybe determine what else can be developed as. He does not think that you will see residential development at this intersection. So that is something to keep in mind.

With the increased land they have utilized they have been able to provide room for a privacy fence to protect neighbors, they have left about 35' or so of green space in between all of their driveways to the neighbors. The closest house to the Eckerd's facility is approximately 150' which he would say is a pretty big buffer if you look at some of the other developments around the city. Before he gets onto the church, he would like to talk about a couple of the stipulations in the ordinance that are problematic to them. Most of the 22 stipulations are ok if he has the most recent copy of the ordinance. #3 (raised median on 72<sup>nd</sup> Street), he will let the traffic guys talk about and we will hear about it from the neighbors because no one is proposing that from their point of view and MoDot has not said that is necessary and the neighbors certainly don't want it.

On Conditions 13, 14, 15, which deal with hours of operation, Mr. Simmons said staff has requested that they be restricted between 6:30 AM and 10:00 PM and restrictions also for deliveries and trash pick up. Mr. Simmons said those are not going to be acceptable to Eckerd's and they would say that if every pharmacy in the city or surrounding properties were treated this way with hours of operation then they would not really have a problem with it. But as it is, Gladstone has some typical standards because you have commercial development on these corners that are 24 hrs. and they would like to be treated the same. This is proposed to be a 24 hr. establishment and he will say from his familiarity with their night business it is typically for an emergency business. There will not be a bunch of people piling in there at 12:00pm at night but they do keep their driveway thru open but he is not sure about the rest of the store but primarily it is a late night drive thru for prescription pick up. Mr. Simmons said the delivery and trash is the same issue, they would like to be treated in a like manner as the surrounding commercial developments and other developments in the city.

Mr. Simmons said he will turn the presentation over now to the traffic personnel and he would like to address the special use permit before we get through with the entire public hearing and he also asks that he be allowed to respond briefly following the public hearing.

**Dennis Lindsay, LHE Civil Engineering Land Survey Company, 13000 W 87<sup>th</sup> Street, Lenexa, Kansas,** said obviously all are pretty familiar with this corner and he understands there have been some previous applications before us at this location for commercial development.

An Eckerd Store is proposed at the SW Corner of 72<sup>nd</sup> & N Prospect. Some of the unique things going on at this development are the proposed relocation of N Olive, they are utilizing some residential property to the west to give them a larger piece to meet all the City requirements as far as a setback, green space, buffers, and the shared access



that will be used by the Eckerd development as it goes south and north through the church property to access prospect. They have had numerous meetings with staff and citizens both here at the city and on site at the church and some ideas and issues kept coming up as they met with the citizens and one was that no one had done a traffic study at this intersection. As far as the previous application by Block Buster and their previous application it was their understanding that no one had actually done a full blown traffic study. There were also some issues on site distance for traffic that is eastbound on 72<sup>nd</sup> Street with traffic that is sitting there northbound at Olive with too short of a site distance with people coming over that hill as they are eastbound. As they studied different options for leaving N Olive exactly in its current location and using Olive to get into their property, there were issues of having commercial traffic with residential traffic. This was a theme they kept hearing over and over.

Another issue was eastbound 72<sup>nd</sup> Street traffic turning safely into Olive Street so that the eastbound traffic could continue eastbound safely. Storm sewers was also an issue they heard in trying to come up with a site plan that would meet the City's requirements, the developers and resident's requirements for a good project.

Very simply addressing the site distance issue, they propose sliding Olive to the east through either dedication of right of way or an easement although the exact way of handling this has not been identified but they have numerous option to accomplish this. By moving it east a preset distance they allow a safer visibility for traffic as it is sitting northbound waiting for the traffic as its coming from the east. They also decided that by moving Olive to the east they could set their access for Eckerd off of Olive and not ask for another access point off of 72<sup>nd</sup> Street. Obviously knowing that we have a development and single family homes on the north side we do not need any more curb cuts conflicting with those turning movements.

They looked at widening the N Olive approach to include a channelized left turn lane and a channelized right turn lane for traffic northbound on Olive. He said they also propose to install a right turn decel lane for the traffic that is eastbound.

In doing all these things they actually did a traffic study and presented it to the City for their review. They understand that the City has hired a third party consultant to review their traffic study and although they have not seen the results of that he understands Council may have been provided some review of their traffic study. He said they did get a review back from the Missouri Highway Department and he hopes the Council got a copy of the letter from MHD. Their review of the traffic study basically said that with this development they did not come up with any needs to the 72<sup>nd</sup> & Prospect intersection. However, they did want to point out and he read from the Missouri Highway Department's 1/25/99 letter to Mr. Scott Wingerson *"Although the relocation of N Olive Street, 110' ± to the east, will reduce the vehicle storage lengths for the eastbound lanes on 72<sup>nd</sup> Street and for the westbound left turn movement, we believe the sight distance improvement is of greater importance"* (Mr. Lindsey said they are moving the intersection towards a major intersection but MOHD supports that move because of the increased site distance.) *"The low volume of traffic that currently utilizes N Olive street has likely become familiar with substandard sight distance, but the many new customers that would frequent the Eckerd Store would not be familiar*

*with this condition therefore, we have no objection to N Olive being relocated closer to the existing signal at Route 1 and NE 72<sup>nd</sup> Street".*

The only other issue that came out in the Missouri Highway Department's review of their project was that they asked for a decel lane for traffic that is southbound on Missouri Highway #1 and the developer has no problems with the construction of a decel lane to provide a safe movement for traffic southbound to get out of the through lanes and safely make that maneuver to turn into the church property and then up to the Eckerd property. Mr. Lindsey said that is their traffic review in brief. There was an issue of a median brought up and but no where in the transmittal of the review by the Missouri Highway Department did they bring up or see the necessity for a median. Mr. Lindsey said the developer is very opposed to the median requirement and they are here to answer any questions on site development issues.

Mr. Simmons asked if he might make a few comments on the Special Use Permit at this time because it might help bring it into perspective. Council had no objection.

Mr. Simmons said the site plan depicts the need for access through the church property and it is their hope that in the future this entire corner will redevelop as commercial and he thinks the stage is being set for that and we can see that there are some property owners that have already been bought out that will become commercial. Looking at the situation it looks like the other side of it is right for the same type of thing to happen as well on the church site when they determine they are ready to move along and sell as commercial. However in the interim, they had to come up with a way to allow commercial access to the Eckerd Store yet keep the zoning remaining on the church. In working with the legal staff and Mr. Wingerson, the mechanism they came up with was to do a special use permit under the zoning. So they are attempting to zone the church property as commercial with a special use permit to allow the church to remain. The only problem that he has with the staff comments are some of the stipulations and he wants to make clear why they need a special use permit.

If the Council decides this site plan looks great and they rezone the property and rezone the church property as well, the church can lawfully remain there under Gladstone ordinances and under State law as a legal non-conforming use and they can stay there as long as they wanted to. The only reason they would ever not be able to stay there is if the church burned down or other destruction more than 50%. At that point they would not have a right to rebuild the church because the property would be zoned commercial and would not be consistent with church zoning. So they are asking for an indefinite special use permit that runs just to this particular church, no additions are allowed and it will run as long as the church wants to be there. They are trying to keep the church in the exact same position they are today after the rezoning with the exception that there will be a commercial drive behind their church property. This will allow the church to remain until such time as the entire corner develops as commercial as he thinks they have set up to do in the future when another user comes in and wants to put another Eckerd's type of development there.

Mr. Simmons said he would close with the comment he heard earlier that you have to balance the highest and best use of a property versus the affect on the neighboring

property owners and he thinks that is true in this case as well. You have a commercial piece of property that is master planned commercial and not currently zoned commercial but it is master planned commercial. What is the highest and best use of this property. He thinks it is clear what they believe it is. The Council will have to make their own decision as to what that highest and best use is but thinking of some of the other uses, not many other uses are going to be compatible both with the corner and the surrounding residential development. The way they have things set up they think they will develop in the future where N Olive is the dividing line between commercial and residential and they think it will work out quite nicely and that the property owners who are left on the commercial side are basically sitting on property that has increased in value because it is now basically commercial property and someone will come in and offer them much more than a market value for residential for their property. They think this is a good fit and a balance for all sides involved.

Councilman Anita Newsom asked if the homeowners on N Olive to the west will face the commercial development. Mr. Simmons said yes.

Ms. Newsom asked if the commercial access road that runs around the church on the north and south will be fenced on both sides. Mr. Simmons answered yes and showed where a 6' privacy fence directly abutting the road will be erected to allow the green space buffer on their side of the fence.

Ms. Newsom also asked how another building or structure would tie in if the rest of the area goes commercial some place down the line which according to the comp plan it could. Mr. Simmons responded that he hears two questions; what's the building going to look like and how will the access work. Ms. Newsom said if she reads the site plan, the building has a dual front, one facing the north and one facing the east with a drive-thru on the southern side so if a developer continues and adds another building on the site how would it relate to this proposed building. Mr. Simmons said that might be better answered by the land planner but he thinks something very similar to the way they have used their site. The two halves of the site would be approximately the same size if you include the neighboring residential homes he is assuming would probably be included in the development and you would have kind of two side by side centers there.

As far as the access across, Mr. Simmons said the cross access agreement is in a section right now that would not allow for the development of the entire parcel because it would cut right across the middle of it and anybody that came in there would want to relocate that. Part of their legal description for the cross access agreement will allow it to be moved at a future date as long as they still allow some sort of access over to Eckerd's.

**Councilman Roger Norris** said he understands they will share the access for the south side of Eckerd that is shown in ink on his paper but at some time in the future it could move. Mr. Simmons said many cross access agreements actually require access through a parking lot and the owner of the actual land keeps the right to move the access a little to do additions to their building, etc., the idea is that the church property will owe an easement for access to the Eckerd property. It doesn't necessarily mean that it has to be in exactly that location.

Mr. Norris said when Mr. Simmons spoke earlier he said when you look at this parcel there is really no other way to develop it and he will give credit that this is the best proposal he has seen on land use on this corner. Reference was made to obtaining a special use permit for the church for as long as they desire to be there but he asks what if Eckerd leaves then we have a church sitting here and five vacated lots. Mr. Norris said he has a problem with that. Mr. Simmons said that if the church is satisfied he submits that perhaps the Council should be satisfied as well.

Mr. Norris said Mr. Simmons referred to the Olive access as looking a little goofy when you first look at it. Mr. Norris said granted it is a little different. Mr. Norris said in the Missouri Highway Department's letter while they said that lengthening that site distance to the top of that hill is beneficial they also state that they have no jurisdiction on 72<sup>nd</sup> Street and he would like to make that letter from MHDS part of the record, along with the letter to Planning Commission Members from the Commission Site Visit Chairman Wendell Kiser dated February 1, 1999.

Councilman Dave Fricke asked Mr. Lindsey what happens if the church is gone and the new owner wants to use their driveway in the back.

Mr. Lindsey answered that the placement of that driveway is not permanent or required by the owner of the church property it is the actual access easement and if someone wants to come in and redevelop that property they will have the opportunity to place a structure that looks like the Eckerd structure right in the middle of that driveway and they will work out with the Eckerd's developer where the access will be located as long as you can still get from one section to another it will be okay with Eckerd's. In almost any instance where you take a large piece of property like this it requires that sort of an access easement, at least he believes that is right.

Councilman Roger Norris pointed out that there is not one on the other side of 72<sup>nd</sup> Street at Quick Trip.

City Counselor Nancy Thompson said the requirement for that cross access easement is item #12 in the site plan ordinance just to ensure that there is some development if the Council was to approve the site plan of that adjacent lot. The owner of the adjacent lot would have to come back in for a site plan revision in order to actually move the location of the driveway if it were approved under this particular site plan because once you have approval under this site plan it doesn't give them leeway to go in and move or change those drives in any fashion without coming back in for a site plan revision. It is certainly a requirement to ensure the developability of that adjacent property. Right now that particular drive bi-sects the adjoining property if they were to add or try to compile additional lots to make a large development and with requirement #12, staff was trying to ensure that in the event that the Council were to approve the site plan there would be some opportunity to relocate that and that parcel would not be bi-sected.

Mr. Fricke said so a new owner of the church property would not be able to say, this is it, you find your own exit. Ms. Thompson said that is correct and even then it could not be moved to another location on the property without coming in for a site plan revision.

Councilman Anita Newsom asked if she is seeing that the typography between the church site and the Eckerd site fluctuates 10-17 ft. between the center areas of both parcels. The applicant concurred.

**Director of Community Development Scott Wingerson** explained for the audience's benefit that the City Council has two or three alternatives in a request of this nature. First is to approve the rezoning request as petitioned and in that event staff would strongly recommend that the conditions contained in the staff site plan ordinance be applied as well as in the special use permit. There are 22 significant conditions in the site plan ordinance and an additional 5 proposed relative to the special use permit. The Council can deny all parts of the request in fact that will be staff's recommendation. And the Council has the ability to create a hybrid of those two alternatives.

In terms of the staff report, Mr. Wingerson said he does not think that the site plan considers the overall development of both parcels and in fact a previous property owner relinquished the right of the corner tract to access N Prospect. In very simple terms, the previous property owner or the current property owner, not the developer, sold the rights to access M-1 to the State of Missouri. This action has created the need to involve the existing church property to provide the necessary access to the proposed development. The access is confusing, does not result in good traffic patterns to and from the site and creates an adverse affect on neighboring residentially zoned properties. Additional evidence of site plan issues would be the very tightness of the curve specifically related to the church property. You will see a direct south and direct east, basically for all practical purposes a 90 degree turn. The curvature of the realignment of N Olive would be slightly different than the alignment of 99% of all of the streets in Gladstone in accordance with the grid system.

Mr. Wingerson said Councilman Norris introduced into the record the report of Mr. Kiser who is the Planning Commission Sub-Committee Chairman for this particular request and Mr. Wingerson read for the Council's benefit the following from the letter: *"Upon review of the site, the subcommittee found that although portions of the proposal are acceptable, the overall site development is unacceptable. The Planning Commission members were concerned about the traffic in general at this site and the increased congestion generated from the operation of a retail establishment. The proposed plan would injure the neighboring residential properties which would be closed to and not included in the development. In addition, the plan provides an inappropriate means to access N Prospect and reduces the opportunity for organized redevelopment of neighboring properties. The elevation change between the development and the church property was significant. For these reasons, the site committee recommends against approval of both the rezoning and the site plan."*

Mr. Wingerson said as he interprets them they basically said in their recommendation that this is a poor site plan. Staff would concur with the Commission's recommendation which was unanimous in not recommending approval of the request.

Mr. Fricke asked Mr. Wingerson if he could provide an update on the traffic study.

Mr. Wingerson said the study was received about 8:15 p.m. this very evening and staff has not had the opportunity to review it other than a very brief skimming of the material.

Mr. Fricke asked what the skimming reveals. Mr. Wingerson said it tells them that they are not too far off in their recommended conditions in terms of widening 72<sup>nd</sup> Street, and in terms of relocating N Olive which is a valid proposal that the developer is bringing forward. The recommendation of the staff would be a five lane cross section as well as an east-bound/south-bound turn lane from 72<sup>nd</sup> Street onto Prospect beyond that they have not had a chance to read the report in such a short period.

Ms. Newsom asked Mr. Wingerson in reference to Item 13, 14, 15 limiting hours of delivery traffic, etc. if this is any different then we have done with other facilities in past years. She said she is recalling medical facilities, other commercial facilities where we limited the hours of business. She knows we limited the hours of the Osco Drug Store when they moved in and built their site. And to her knowledge we do not have any 24-hr pharmacies within our city limits. Mr. Wingerson said he cannot say that is 100% correct but he believes that is so. Ms. Newsom said Hy-Vee and Wal-Mart pharmacies are not open 24-hrs per day but the surrounding buildings are. She did want to clarify that we have indeed limited hours of trash pickup and deliveries and parking on site and all those things that make good neighbors at other establishments.

**Gilbert Chesterton, 2412 NE 72<sup>nd</sup> Street**, asked from the audience if traffic coming down N Olive will now be required to go a little bit to the east to get out on 72<sup>nd</sup> Street. The applicants said this will be true.

The Mayor invited those **In Favor** of this application to come forward and state their name and address for the record.

**Harold Wilcox, 2403 NE 72<sup>nd</sup> Street**, said normally over the years he would be here speaking against a project for this corner out of concern for safety. But he has lived here for 39 years and this is the first project that has come up where the applicant has worked hard to solve the safety end of traffic accidents. Up to now, every entrance to the property was entirely too close to the intersection and he has preached that before to the Planning Commission and Council and he believes that the developer has now come up with the best solution we have never had to develop that corner. If you can't approve something like this then it is dead property. The lady that owns the property will be there forever with nothing, you can't put a house on it because it would cost a million dollars and nobody is going to spend that at 72<sup>nd</sup> & N Prospect for a house. He would say that this is the best use we have ever had and it is the safest we have ever had. He knows nothing about the traffic counts but he happens to be able to watch the intersection because he is retired. The longest it takes for a car to come out of Olive & 72<sup>nd</sup> Street stopped and waiting is 15 seconds. The only exception is this week when a

gentlemen present in the audience found it took him 24 seconds. He does not think the problem is as bad as most people present. He says that because he can sit there any day of the week and see it so he thinks the Council should give good consideration to approval of the rezoning.

**Steve Bennet, Quick Trip Corporation, 6300 W 51<sup>st</sup> Street,** said there is no place for someone neutral to speak so he chose to address the Council now. He is saying they are neutral because they think Eckerd does a good job with their plans. They see other facilities where they have done a good job with the development and this looks to be good. Their only concern is the discussion about a median. He has heard discussion tonight about the viability of businesses and certainly a facility that only had one entrance would be greatly harmed by a proposed median if that were some kind of stipulation now or in the future and that would greatly affect their business and ability to stay at that location. So while they do not oppose any discussion of the median specifically it would be a great concern to them as a business.

### **Opposition.**

**Gilbert Chesterton, 2412 NE 72<sup>nd</sup> Street,** said he disputes the traffic studies of Tuesday, Wednesday and Thursday vs. Friday, Saturday and Sunday and he would still like to see counters put across 72<sup>nd</sup> street for those weekend days. Anybody in that area can only look at 72<sup>nd</sup> Street on Saturday because it is gang busters with Wal-Mart, Hy-Vee and Quick Trip there because the traffic will back up clean up that hill. He has seen cars come over the hill like there was no tomorrow and thank God nobody is going to put a median in there because the pros and cons of a median are a safety factor on one side and the bad factor on the other is running into one. He thinks N Olive is a small residential street and putting a driveway where two N Olive residences now stand is sure to create a traffic hazard for Olive and cars driving west on 72<sup>nd</sup> Street. Imagine coming out there on a Saturday and you have all this traffic coming and backing up going east on 72<sup>nd</sup> Street and you have a lot of traffic going west to N Oak. God help them if they try to get through it at the wrong time. He thinks those are points to be concerned about and he is also concerned that the traffic we have now at that intersection is lethal. He lives next to Quick Trip and when he comes out he has had to make an access in his yard to back up and go out from because to try to back out would be inviting a lot of trouble. He said he really appreciates the planners for talking about not having a median and not having a cul de sac at the end of N Olive.

Mr. Chesterton said that in a radius of a little over a mile we already have five drug stores if you want to count Meadowbrook, Osco, Hy-Vee and Wal-Mart. He said Eckerd has recently purchased the Gladstone Health Mart at the corner of N Oak and 72<sup>nd</sup> Street so they already have a presence in there and as he looks around all he sees Gladstone Planning doing is allowing drug stores and banks. Good commercial property is either a drug store or a bank and if you doubt it - just start counting them. He has never counted all the banks but every time he turns around there is another one. He thinks Planning should look a little harder at what is left of Gladstone commercial property because it is shrinking very fast. Being right next to Quick Trip he thinks he has a valuable property but he and his wife think they will just stay there and let someone else do what they can with it. He does not want to see any more traffic

there. It was a little over a year ago on the corner of N Olive & 72<sup>nd</sup> Street he heard a crash and he went out there and there was a body laying on that very corner. Coming out of N Olive a vehicle got creamed. He thinks that anything additional to what they have will be a hazard. What they have now is all they can handle. When you think of coming down and having to take that curve and down onto there, just imagine on a Saturday trying to go west up to N Oak.

Mr. Chesterton said he hopes they are patient people because they are going to sit for a while and that traffic will back up. He has seen cars come over the hill like there is no tomorrow and if it is backed up it will be very noisy. We have problems now without introducing any more and we don't need anymore drug stores. My land they are all over the place and the same with banks. He wishes he had the money to put a little bit in everyone of them.

He thanked the City Council for letting him tell it like it is and he thinks we really need to address present traffic without adding more and he does not see the need for a drug store, if we are all that sick we need a hospital there not something else. He thanked the Council again for listening.

**Don Hathway, Project Engineer, John F. Lutjen and Associates, and resident of Lot 10, Hughe Manor, 7101 N Olive** told the City Council that the property owners in this area have asked him to speak in their behalf. He said Marilyn Vaughan, 7103 N Olive, tirelessly worked to obtain a petition which was submitted to the Planning Commission. He trusts a copy has been presented to the City Council (staff provided copies to Council). The petition is from residents of Hughe Manor and also surrounding residents of the area who are adamantly opposed to this development. Mr. Hathway said most of the residents in this neighborhood have lived there 30 years plus. He has owned his property for 15 years now. They definitely feel the segregation of part of this residential single family is a detriment to the rest of the single family in the area. All the residents are highly opposed to this type of a high impact development which utilizes part of the existing single family residential neighborhood leaving the remainder of the residents to incur an unsatisfactory condition for the remainder of the time they live there. Many of the residents who live there are elderly, obviously if they have lived there for 30 years they are in retirement and a development of this nature is going to definitely impact their potential for resale of their property.

He doesn't think that any of them can afford to withstand a 15-20% reduction in property value or be unable to sell their property if they need to retire or move onto somewhere else or wait 10-15 more years for a commercial development to come in and absorb them. It is going to definitely be a lose situation for everyone on that street. The plan as proposed right now utilizes the highest value potential commercial property at the corner of 72<sup>nd</sup> & N Prospect, obviously for their benefit and of some benefit to the City of Gladstone due to tax moneys that are generated by a commercial business but the people who lose are the residents of Hughe Manor. There is no doubt that this development will have a severe effect on the single family properties on the standard of living reduction, noise, lights, traffic congestion, and operations during the commercial business hours and at night. The elements of the plan show various improvements to roads. They do show storm sewers being proposed but they do not



take into account any area for proposed storm water detention. They have seen in that area, high frequency rain falls causing a ponding of water from Gladstone Meadows Apartments back up three or four property owners also inundating their property and pool. This much pavement and impervious area installation is going to require a very large storage facility for the containment of storm water so as not to cause flooding downstream. The great differential between the proposed Eckers which he assumes is going to be level with 72<sup>nd</sup> & N Prospect to the single family homes remaining is adverse, whereby reducing the amount of area for stormwater storage in the channel that is currently existing there. The only area they show right now where storm sewers are running that could be used for detention would be the buffer zone. And if you have ever seen standard typical detention basins they are not very suitable as buffer zones for planting of trees and screening of properties.

Mr. Hathaway said the geometrics of N Olive are another question. Currently shifting the road to the east does shift site distance to the hill on 72nd Street. If this road is to be put in he requests that it be designed and constructed in accordance with commercial, collector standard roads. Right now there is a 100 radius and tangent between the two reverse vertical curves which is inconsistent with the requirement of APWA standard specifications which he believes were adopted by the City of Gladstone. That is an unsafe site distance condition once you turn onto N Olive as proposed. It is going to cause some accidents there and he requests that the City Engineering staff review that thoroughly before approving any kind of road that looks like that. Mr. Hathaway said he is not a traffic engineer so he is not going to address traffic studies but he would like to review the recommendations of the traffic review engineer both for the ingress and egress conditions created on 72<sup>nd</sup> Street which are not good right now.

Mr. Hathway said he will get into some proposed improvements that they think might be a better option in later discussions,

The hours of operation is another issue that has been brought up. No other pharmacy has 24 hr. operations and they request that this one doesn't either. Right now, the loading areas and drive thru areas that are proposed which would be an all night operation of traffic coming and going are on the two sides (west and south sides) of the building which about the single family developments. It is going to cause night time noise and operations disturbance to the remaining single family homeowners. They are adamantly opposed to the use of the R-1 Baptist Church solely for the purpose of meeting ingress and egress requirements without total redevelopment of the area. Again the vertical grade differential between Highway #1 and N Prospect and the single family homes is going to require that every car pulling into that development shine their lights on every single family homes that remains on the east side of Olive. It is their recommendations of the homeowners of Hughe Manor and the adjacent properties in the area that if any single family properties are taken to diminish the neighborhood conditions that we have now on N Olive, is that the Council consider removal of all of the single family homes in that area.

A development of that nature would be expanded to remove all single family homes, development through an urban redevelopment district, a commercial district consistent

with proper planning. A development of that nature would produce three or four commercial businesses in there properly buffered with town houses to the west and apartments to the south allowing for proper buffering between commercial and suitable adjacent commercial residential development. The obvious benefit to single family residents in the area right now would be a guarantee of no loss in equity in their homes and a fair market buy out of their properties and it would allow for the existing residents not to have to live with the inconvenience of living next to a commercial development which is an undesirable condition for the neighbors that remain.

Traffic from this type of development could be handled by a traffic signal installation and an entrance that would be placed on 72<sup>nd</sup> Street at the crest of the hill, the best site distance condition allowable for a commercial development. And through a development of that size controlled by a traffic signal which would reduce the traffic stacking and lag time problems that you are going to have with this type of installation. Currently you do not have any control other than stop signs for the turning movement in and out of N Olive. They should restrict an entrance into the commercial development to the top of the hill on 72<sup>nd</sup> Street and give plenty of distance for all stacking and operations to 72<sup>nd</sup> & N Prospect and allow for sequencing of the signals to minimize any traffic problems at that intersection. They understand this would be a very large undertaking to undertake a development of that nature but given the options of Eckerd's being allowed to develop the prime corner they are never going to have any commercial developer come in and want to buy the church and the rest of the single family homes with that kind of a debt burden and assume the installation of another commercial property on N Olive or any further to the west. He thinks this whole area has to be looked at from an overall master plan layout development and developed appropriately with proper tax incentives to the developer to ensure that it is developed to the highest potential for the City and the tax revenues that the City is going to have generated for them in the future and also to guarantee that the residents are not hurt either financially or with respect to living with a condition of a commercial development in their backyards.

Mr. Hathway said also from his office is Mr. Jim Kratz who would like to speak as a land planner on some of the other land plan issues on this development.

A member of the audience complimented Mr. Hathway on his presentation.

**Mr. Jim Kratz, 7065-F North Olive, Gladstone Meadows Apartments,** said the apartment he lives in is directly south of the church property right now. He said the land use guide as established shows commercial on the corner only and shows the residential remaining. Reviewing the Gladstone Comprehensive Plan he looked through the residential land use and the residential goal is to continue to enhance, encourage and protect livable residential neighborhoods that meet the needs and expectations of current and future Gladstone residents. Under basic objectives, it talks about upgrading and maintain existing residential areas by improving property maintenance and establishing appearance guidelines. It also speaks about the fact that steps must be taken to resist and ultimately cease decline of residential areas. This should be considered one of the primary obligations for the City of Gladstone. Care must now be taken to assure property values will be maintained and a sense of

community pride will be fostered and marshaled towards the enhancement and preservation of existing neighborhoods and also to protect residential areas from encroachment by land uses that may create adverse impacts.

By allowing Eckerd's to come in and tear down three houses on a street that has 14-15 houses on it, does not preserve or maintain the residential character in fact it destroys that because it puts commercial traffic on a residential street and it does not take the character of the neighborhood into account it just looks at it and destroys it.

Under commercial land use, it talks about commercial development located adjacent to residential areas should be designed with residential character or adjacent neighborhoods taken into consideration. He does not think this follows commercial land use because it does not take that into consideration but tears down the residential development. He is here to ask for denial of this application and he has to agree with City staff, it is poor planning

Councilman Anita Newsom asked how many citizens were represented by Mr. Hathaway or share his views. A number of the audience stood and he said they represented everyone on the petition with the exception of one homeowner. He said everyone on the street with the exception of one resident has agreed that if the area were to be completely blighted and removed for commercial development all would agree to that.

**Todd Minear, 7112 N Olive,** said he attended the Planning Commission when this application as being discussed and he wants to advise that he is strongly opposed to the development of Eckerd on this corner. Where he lives if he looked out of his front window he would be looking right at the back of Eckerd's. He feels that would significantly decrease his property values. He purchased his home at the end of October and the next week he got a letter advising of the Eckerd rezoning application. Of course he was very unhappy and he is strongly opposed. If you drive down the street you can see the Stop Eckerd's sign that is in his yard.

**Gilbert Chester, 2412 NE 72<sup>nd</sup>** again addressed the City Council and advised that at the Planning Commission Meeting he was told there was a Petition submitted by some 30 people against this project application; two residents with a interest in the project spoke in favor and ten or more residents spoke against this application. Mr. Chesterton said they hope their elected representatives will vote with the majority of the resident's wishes.

A resident in the audience asked if Eckerd Drugs bought out Key Rexall Drugs. The response was yes. The audience member said they are trying to buy out all the little guys and he does not think this makes Gladstone better.

City Counselor Nancy Thompson advised that persons desiring to speak for the record need to come forward and state their name and address and address their comments to the City Council. The Applicant will have the opportunity to respond before the close of the public hearing.

**Mr. Jim Green, 5808 N Buttonwood Lane,** said he also has a Gladstone business, Odyssey Jewelers on Antioch Road. He said he heard that Eckerd was buying up some of the smaller drug stores and he wanted to find out if that was true. He does not think it is right for the big guys to come in and buy up the small guys.

**Marilyn Vaughn, 7103 N Olive,** said there are four houses left in the vicinity of where Eckerd's driveway would go. They have water now that comes up almost to their back door and they are going to put a sewer in the back but that will not catch the water with all that cement. What is being proposed is not feasible for the residents. She has been here 35 years and even had three coffees at her residence on 59<sup>th</sup> Street when Gladstone was first being organized and said now look what you are doing to me.

**Bob Airington, 6714 N Holmes,** said Marilyn Vaughn is his mother-in-law and he likes Mr. Hathaway's proposal. The only thing he forgot to tell us was that if there is thought to selling all these houses and making this one big commercial area in the City, we need to think about the people on the north side of 72<sup>nd</sup> & Prospect because they are in just as bad a shape as the people on Olive will be. He asks why some people would benefit from this property when there are 20 who will not benefit. These people have seen the apartments come in and then the second apartments to the south that look like army barracks. Traffic and theft is up over there and this project will just cause a problem.

**Councilman Dave Fricke** asked the status of the median. Community Development Director Scott Wingerson said it is a recommended staff condition and is opposed by the applicant and as stated earlier it is a subject of discussion in the review of the applicant's traffic study.

**Lonnie Wetherd, 2404 NE 72<sup>nd</sup> Street,** said he is directly across the street from N Olive on the north side of 72<sup>nd</sup> street. If this median was considered strongly we would be forcing him, Mr. Chesterton and neighbors to go West because they will not be able to go east without having to turn around somewhere in someone's drive or elsewhere and possibly cause an accident. He thinks it's poor judgment to put in a median and he does not know that it won't cause more problems. He is totally against it.

**Community Development Director Scott Wingerson** said the applicant objects to installing a median. Staff for traffic safety purposes and conservative traffic standards is recommending to the Council that in the event they approve this request that a median be installed for traffic safety purposes. That said, the median is a specific item of discussion with the traffic consultant that the City hired to review the developer's traffic study done by LHE. In summary, the developer objects to a median but staff recommends it for the protection of health, safety and welfare of the traveling public; however, the entire issue is being reviewed with a 3<sup>rd</sup> party traffic consultant.

Applicant Chase Simmons said the median is unacceptable to them and would make it very difficult to do this project. Obviously there would be strenuous opposition from the existing Quickl Trip as well.

Mr. Simmons said it had been stated that the property owner had relinquished their rights to access N Prospect and that is the reason the access to this property is goofy as he had termed it and the implication is that that is a good reason to hold up and hand cuff any development on this property because they have given away their access. In a condemnation they come to you and say we are looking at restricting access on this piece of property we are probably going to condemn it from you or you can take our best offer and you are going to be better off. Typically people take the best offer especially in an instance where the overall access is still going to work for the site. He said he wanted to make that quick point. If we get down to the curvature of the roads he feels very confident they can address those both with Olive and with the internal road on the church. That is probably the least of the problems addressed and he believes there is plenty of room to address those issues.

He said a lot of traffic engineers have looked at this and he is not a traffic engineer but when he hears the same thing over and over again he can start to figure it out, they say that N Olive is a pretty good idea. Staff does not have a problem with it and MoDot does not seem to have a problem with it; the independent traffic people don't have a problem with it if he is understanding Scott, correctly and of course they recommended it as a result of their study because they think it improves the situation. He thinks there is a benefit there over what is presently existing on the site.

Everybody gets up here and tends to acknowledge that this is a commercial corner. It has been described as a prime commercial corner here etc., and the only problem is it will take out a little bit more land. If you take out all of Olive then you will have a big development. Then you will have the people one street over coming in and saying that you did not give us any transition buffer, so you have the same problem. He said they think the transition of using hundreds of feet between the building and Olive, using the buffered green space and the fence, and then Olive to the property to the north is a great transition in this circumstance. Is this a perfect piece of property if you had to take a blank piece of land and lay out a land plan? Would you pick this with commercial next to residential, probably not. But in light of the situation and in light of the intensity of this intersection it is about the best you can get.

Mr. Simons said there were a couple of comments on the flooding and obviously that is something they have to comply with as far as the ordinances and they are completely willing to do that. They are planning to detain and it will probably be underground but that is outside of the realm of this evening. He invited further questions from the City Council and requested their support of this application.

There were no further comments and Mayor Nodler closed the Public Hearing.

**Item 12a. on the Agenda.** FIRST READING BILL 99-5, rezoning property at 7120 N Prospect, 7102 N Prospect, 7109 N Olive, 2403 NE 72<sup>nd</sup> Street, and 7111 N Olive from R-1 to CP-1. Applicant: Polsinelli, White, Vardeman & Shalton. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Taihou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)

Councilman Roger Norris moved to place Bill 99-5 on First Reading; Mr. Fricke seconded.

Discussion.

Councilman Anita Newsom said overall we have all acknowledged this corner is commercial and it has been since the days long ago when she was on the Planning Commission. This is certainly not the kind of project she would have envisioned for this corner. The plan itself is a piecemeal project; it does not contain provisions for an anchor tenant and then other tenants that would add on. By putting Eckerd where it is, and then another parcel possibly on the church site at some time, you have two commercial tenants there where you could have a number of other small support businesses. She does not live far away from this intersection and would love to have other business there, service industry as well as an anchor tenant and put all her Saturday errands in one location. Regardless of what the traffic engineers say, she thinks this is a poor realignment of streets. Site distance may be improved but the curves going in there are poor. She does not like the tunnel of the road going from the Eckerd property south around the church property. She thinks this is really poor design and she thinks we are really setting a precedent. Are we looking at Fairview Christian church now leasing part of their property and have McDonald's for a fund raiser? It is just a real poor use of the property and a real poor plan overall. What upsets her the most is that it is injurious to the homeowners due west that have to look out their front doors and have to look at a back side of a loading dock of a commercial property. No matter how many feet you have there, we can't do that to existing homeowners and she is definitely opposed to this project.

Councilman Fricke said he attended the public hearing and all of these residents were present and he also walked the site with the Planning Commission and attended the Planning Commission's site visit report meeting. He acknowledged Mr. Todd Minear who spoke earlier as a new resident to this street and told him the Council received his letter and he had tried to contact him.

Mr. Fricke said he has made a spread sheet on this project as he has done on others and on the plus side of this proposal he would agree with Councilman Anita Newsom that this is commercial and commercial is the right zoning for this and he does think the developer is reputable. He thinks that Eckerd is a good company and would do a good job as far as the building is concerned and would probably be a good neighbor as far as the company, but not at this site. He has so many problems as far as the bad side of the spread sheet. He thinks the project is too large for the area. The use of Olive Street is not right. Any time you come in and take out a group of resident's houses he has a problem because then you are leaving residents across the street and as Ms. Newsom said they have to look at that also. The very fact that they have to use the church property he does not see as a compatible arrangement. He pictures it as a piece of a puzzle that we are trying to fit in here that really does not fit. It looks like it might go but when you put it in there it does not go and he knows as a kid he used to try to force it, but he does not think you can force this one.

He is not sold that the median strip is a good thing in spite of the City recommending it. The very fact that the developer is objecting to the hours of day, and the loading, etc. to him is a detriment to the people who live in the area. Close proximity is a problem and he has all kinds of reasons the Planning Commission gave for not approving it so he will not be supporting this proposal, the zoning change, site plan or the special use permit.

Councilman Roger Norris asked City Counselor Nancy Thompson if the petition presented met the legal requirement to force a majority vote for passage. Counselor Thompson said it does not because it is not a notarized petition. He asked if it would have otherwise. Ms. Thompson said she does not know if all the other information is there but it needs to be notarized and sworn as an affidavit, so it may be missing a few legal requirements but it is close.

Mr. Norris said he believes the 2<sup>nd</sup> plot where the church property is being cut in half is a huge problem. Later on down the road if someone comes in and they want to move it he thinks it will create a huge problem for the Council to deal with. He agrees with Mr. Hathaway that the church lot being cut in half is a huge mistake and sees this as a bigger piece of the pie. The color coded map that was passed around represents \$28,000. It will be commercial at some point but it is not going to be piecemealed in, one piece at a time as long as he is sitting here. With the continual problems at this intersection with Quick Trip being restricted to one outlet can you imagine having a secondary outlet a block and a half and down around the corner. It does not make any sense and would take a long time for people to adjust to it. As long as we have a secondary property split in half to access another property where the other can be built, how many City requirements must we have? Twenty two requirements. He said he voted against a proposal because it had eighteen because he thought if it had that many problems to get it in, there are probably more we have not found yet. Some day it will happen but based on the two Councilmembers who have expressed their views, it won't be today. Yes there are several people who will benefit from a proposal like this to take place, but there are others who will not.

One issue is the invisible median that keeps coming up. The Planning Commission says, no it was not our deal. The applicant says they don't want it. Safety issues are a concern but it is also impossible coming from the north with a median there to take the straightest direction to a hospital in an emergency and he thinks that is something we should weigh heavily. He would certainly not be in favor of raising the center of a street that he thinks is a terror and a treachery already.

Mayor George Nodler said he thinks Mr. Kiser's report to the Planning Commission made an excellent case for denying this proposal and he thinks it will definitely have a negative impact on the neighborhood on Olive and he will be voting against it.

**Councilman Anita Newsom** said the buffering or transition had not been addressed. Right now we have duplexes to the west. If we go another street over, we have the apartments to the other side. She thinks if someone has the foresight and capital to go ahead at some point in time and develop that corner with substantial commercial development with anchor tenants and other supporting tenants it is going to take out all

those single family homes and those people will receive a very fair price and would transition property to the duplexes, townhomes and dentist office and tennis courts down the street. But it is going to take more than etching out 3-4 houses just to make something fit. As Mr. Fricke said we are looking at a piece of puzzle that looks like it ought to fit but it doesn't. She does not think chewing off the corners and making it fit will help either - she used to do that as a kid also.

The vote: All "No" - Fricke, Norris, Newsom, Nodler. (0-4)

Mayor Nodler announced for the audience's benefit that this Bill has failed.

City Counselor Nancy Thompson advised that with the failure of this Bill, it does render Items 12(b), 13 and 13(a) moot and no longer requiring consideration so Council may move on to Item #14 on the Agenda.

**Item 12b. on the Agenda.** \* **FIRST READING BILL 99-6**, approving a Site Plan in conjunction with rezoning of property at 7120 N Prospect, 7102 N Prospect, 7109 N Olive, 2403 NE 72<sup>nd</sup> Street, and 7111 N Olive. Owners: Madalyn Westfall, Gladstone Baptist Church, Harold & Talhou Wilcox, Kermit & Alice Craig, and Patricia Riordan. (File #1079)

**Item 13. on the Agenda.** \* **PUBLIC HEARING:** on a request for a Special Use Permit on property at 7102 N Prospect. Applicant: Polsinelli, White, Vardeman & Shalton. Owner: Gladstone Baptist Church. (File #1080)

**Item 13a. on the Agenda.** \* **FIRST READING BILL 99-7**, granting a Special Use Permit subject to certain conditions to Gladstone Baptist Church, 7102 N Prospect. (File #1080)

\* (Above items not introduced due to failure of Rezoning Bill 99-5.

**Item 14. on the Agenda.** **FIRST READING BILL 99-8**, declaring the results of the February 2, 1999 Primary Election as certified by the Clay County Board of Election Commissioners and designating the order of the Ballot for the General Election on Tuesday, April 6, 1999 as follows: Dan Bishop, Anita Newsom, Dave Fricke, Jim Groves

Mr. Norris moved to place Bill 99-8 on First Reading; Ms. Newsom seconded.

Discussion.

Councilman Roger Norris and Mayor George Nodler congratulated all four winners of the Primary Election.

The vote: All aye" - Fricke, Norris, Newsom, Nodler. (4-0) The Clerk read the Bill.

Mr. Norris moved to accept the First Reading of Bill 99-8, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0) The Clerk read the bill.

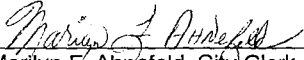


Mr. Norris moved to accept the Second and Final Reading of Bill 99-8, and enact the Bill as Ordinance No. 3.702; Ms. Newsom seconded. The vote: All "aye" - Fricke, Norris, Newsom, Nodler. (4-0)

\* \* \*

There being no further business to come before the Regular February 8, 1999 City Council Meeting, Mayor George Nodler adjourned the meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

*Attached*  
*2/8/99 Minutes*

SITE VISIT REPORT

To: Planning Commission Members  
From: Wendell L. Kiser, Site Visit Chairman  
Date: February 1, 1999  
Re: Site Visit evaluation for rezoning property at the corner of NE 72<sup>nd</sup> and N. Prospect

Site visit attendees: Planning Commission Chairman Mr. Smith  
Planning Commission Members: Messrs. Beers, Duncan, Kiser and Sanders  
City Council Member Mr. Dave Fricke  
Community Development Director Scott Wingerson  
Representative from the Developer  
Several Neighbors

The site visit was conducted Saturday morning, January 23, 1999 at approximately 10:00 AM. Upon review of the site, the subcommittee found that although portions of the proposal are acceptable, the overall site development plan is unacceptable.

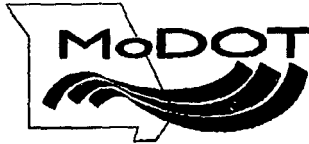
The planning commission members were concerned about the traffic in general at this site and the increased congestion generated from the operation of a retail establishment. The proposed plan would injure the neighboring residential properties which would be close to and not included in the development.

In addition, the plan provides an inappropriate means to access N. Prospect and reduces the opportunity for organized redevelopment of neighboring properties. The elevation change between the development and the church property was significant.

For these reasons, the site committee recommends against approval of both the rezoning and the site plan.

*Wendell L. Kiser*  
WENDELL L. KISER  
Planning Commission Member  
Site Visit Chairman

**Missouri  
Department  
of Transportation**



**Dan Miller, District Engineer**

**Kansas City Area District**  
5117 East 31st Street  
Kansas City, MO 64130  
(816) 866-6350  
Fax (816) 866-6330  
Toll free 1-888 ASK MoDOT

January 25, 1999

Mr. Scott Wingerson  
Planning and Development  
City of Gladstone  
8010 N. Holmes  
Gladstone, MO 64118

RE: Proposed Eckerd Drug Store  
Southwest quadrant of NE 72nd St. & Route 1  
Clay County - Gladstone, Missouri

Dear Mr. Wingerson:

We have completed a review of the recently submitted Traffic Impact Study for the above referenced development and have the following comments.

Although the relocation of N. Olive Street, 110'± to the east, will reduce the vehicle storage lengths for the eastbound lanes on 72nd Street and for the westbound left turn movement, we believe the sight distance improvement is of greater importance. The low volume of traffic that current utilizes existing N. Olive Street has likely become familiar with the substandard sight distance, but the many new customers that would frequent the Eckerd Store would not be familiar with this condition. Therefore, we have no objection to N. Olive being relocated closer to the existing signal at Route 1 and NE 72nd Street.

Also, although the construction of the relocated N. Olive Street approach is not under MoDOT jurisdiction, we would like to offer a recommendation in regard to the lane configuration of the approach. We believe in inbound (south to eastbound) left turn lane should be added to N. Olive in addition to the outbound (north to westbound) left turn lane already shown. This would prevent the inbound vehicles entering Eckerd's from blocking the through movement of any motorist wishing to continue southbound on Olive.

*"Our mission is to preserve, enhance and support Missouri's transportation systems."*

♻️ printed on recycled paper

Mr. Wingerson

Page 2

January 25, 1999

In regard to improvements along Route 1, we would ask that a southbound right turn lane be provided by the developer at the modified church entrance. Although the study shows few vehicles utilizing this approach, we are convinced that a greater number of vehicles will use it. We are also convinced that the developer would not have pursued an agreement with the church and provided the significant ingress/egress improvements shown on the site plan if they had been based solely on the minimal counts in the study. At any rate, we believe the southbound right turn lane will reduce the possibility of rear-end accidents involving southbound Route 1 motorists.

Since the existing church entrance is within limited access right of way, the new entrance must go through our widen process, which will result in the width being changed on the deed. The entrance is currently located at Station 113+40 at a 20' width at the right of way line. In order to widen the approach to 40' we will require the following items from the developer.

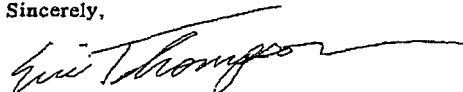
1. Letter of request from the property owners to widen the entrance. This should include who is to take title for the deed work and a mailing address including the county.
2. Current proof of ownership from the owners of the property served by the entrance.
3. Submittal of a \$100.00 Administrative Processing fee in check form made payable to "Director of Revenue Credit Road Fund". Per our value determination schedule, a total fee of \$2,500.00 will be ultimately charged for the widening, after the deed work has been executed and before a permit is issued. The \$100.00 processing fee is deducted from this amount for a total remittance of \$2,400.00.
4. Detailed plans showing entrance stationing for the existing and proposed approach and the width of the existing and proposed approach. These items may be added to the site plan that has already been prepared.

Mr. Wingerson  
Page 3  
January 25, 1999

We would like to inform the developer that shift, widen, and shift and widen procedures normally take several months to complete, due to the extensive internal review required within our District and by our Central Support Staff. The proposal must also be presented to the Highway Commission for their approval.

We will look forward to correspondence from the developer and their consultant regarding our comments and hope our recommendations along the city portion will prove useful to your staff. Should you have further questions or comments, please do not hesitate to contact me at 816-889-6414.

Sincerely,



Eric Thompson  
Permit Application

et/lw

cc: ~~Mr. Jean Michel~~  
LHE  
1300 W. 87th St. Pkwy.  
Suite 108  
Lenexa, KS 66215-2879

Mr. Warren Roberts  
Area Engineer, MoDOT

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 22, 1999**

**OPEN STUDY SESSION: 7:00 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session will immediately follow adjournment of Regular Meeting pursuant to Missouri Open Meeting Act Exemption Section 610.02(1) for Privileged Communications and Section 610.021(2) for Real Estate Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 8, 1999 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION** from the Government Finance Officers Association of the United States and Canada:

***"Distinguished Budget Presentation Award"*** to the City of Gladstone for the Fiscal year beginning July 1, 1998.

5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-18**, authorizing acceptance of work under contract with Industrial Excavating & Equipment for the East Fork Old Maid's Creek Embankment Protection; and authorizing final payment for Project 9601 in the amount of \$2,950.00 from the Capital Improvements Sales Tax Fund.

**RESOLUTION NO. R-99-19**, authorizing the City Manager to execute an intergovernmental agreement with the Mid-America Regional Council Solid Waste Management District in the amount of \$17,527.97 for the period March 1, 1999 through February 29, 2000 allowing Gladstone residents the opportunity to safely dispose of household hazardous waste at the permanent facility in Kansas City, Missouri and other mobile collection events held in the Kansas City metropolitan area.

**APPROVAL OF FINANCIAL REPORTS** for the month of **January, 1999.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

9. **APPROVAL OF BUILDING PERMIT** for construction of a new 3,770 sq. ft. structure for Bank Midwest, 6425 N. Oak in the Gladstone Plaza Shopping Center. Applicant: Rees Masilionis Turley Architecture. (BP#99-058)
10. **SECOND READING BILL 99-3**, rezoning property at 6100 N. Antioch Road from C-2 to CP-3. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078) **(Audience Note: Applicant has withdrawn this rezoning request.)**
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

2/24/99 MTJ

Abeln & Associates Architects, P.A.

MARK L. ABELN, President  
11624 Flint, Overland Park, KS 66210  
(913) 345-0096 • Fax (913) 345-0096

February 12, 1999

Mr. Scott Wingerson  
City of Gladstone, Planning Director  
7010 North Holmes  
Gladstone, MO 64118

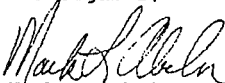
RE: 6100 N. Antioch, Valvoline  
cc: George Eble

Dear Scott,

In an effort to address some of the Staff Review comments and Planning Commission and City Council Public Hearings comments for the rezoning request of 6100 N. Antioch, we have been studying the Site Plan and how best to redesign the plan to help alleviate some of the concerns relating to the original request for rezoning. We have considered several changes, and at this time, we would like to withdraw the application request for rezoning on this project. We anticipate that we will resubmit our request for rezoning in March of 1999.

I you have any questions or concerns, or if we need to do anything else in order to withdraw the request for rezoning at this time, please feel free to call us

With personal regards;



Mark L. Abeln, President  
DBA Abeln & Associates Architects, P.C.



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 22, 1999

Mayor George Nodler called the Regular February 22, 1999 Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor George Nodler led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular Monday, February 22, 1999 City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Minutes as written; Councilman Roger Norris seconded; The vote: "Aye" - Fricke, Newsom, Nodler, Norris. Mr. Hammen "Abstained" having been absent from the February 22, 1999 meeting. (4-0-1)

#### **Item 4a. on the Agenda. SPECIAL PRESENTATION from the Government Finance Officers Association of the United States and Canada:**

***"Distinguished Budget Presentation Award"*** to the City of Gladstone for the Fiscal year beginning July 1, 1998.

Director of Finance Cash Sweiven advised that the City of Gladstone has again received this award which is now our 14<sup>th</sup> year. He reviewed the criteria for receiving the award:

First, it must be a policy document and contain a message which articulates the priorities and issues for the budget year. As a policy document it should contain a coherent statement of City-wide financial policies and goals as well as programs.

The Second criteria is that as a financial plan it should contain a summary of revenues and expenditures by fund and it should also detail major revenue sources and expenditures per fund. As a financial plan the budget document should include and encompass our debt obligations both current and long term.

Thirdly, it should be a communications device that contains the process for preparing, reviewing and adopting the budget and should also contain information on how the budget can be amended.

Finally, as a communications device the budget should contain statistical and supplemental information that would provide the reader with a greater understanding of why certain services are provided.

Director Sweiven presented the plaque to the Mayor and congratulated the City Council, City Staff and Gladstone citizens on receiving this award and stressed it is an award we can truly be proud of.

Mayor George Nodler commended the Staff on working to ensure that we continue to receive this award.

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

Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to adopt the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Consent Agenda Detail:**

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-99-18**, authorizing acceptance of work under contract with Industrial Excavating & Equipment for the East Fork Old Maid's Creek Embankment Protection; and authorizing final payment for Project 9601 in the amount of \$2,950.00 from the Capital Improvements Sales Tax Fund; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

Mayor Pro Tem Art Hammen moved to adopt **RESOLUTION NO. R-99-19**, authorizing the City Manager to execute an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District in the amount of \$17,527.97 for the period March 1, 1999 through February 29, 2000 allowing Gladstone residents the opportunity to safely dispose of household hazardous waste at the permanent facility in Kansas City, Missouri and other mobile collection events held in the Kansas City metropolitan area. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

Mayor Pro Tem Art Hammen moved for **APPROVAL OF FINANCIAL REPORTS** for the month of **January, 1999**; Councilman Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0).

## REGULAR AGENDA

### Item 6. on the Agenda.      Communications from the Audience.

None.

### Item 7. on the Agenda.      Communications from the City Council.

**Councilman Dave Fricke** congratulated Finance Director Cash Sweiven, his staff and all City personnel on receiving the Distinguished Budget Presentation Award. He said the congratulations go to these people not the City Council. Mayor Nodler added that former Finance Director/Administrator of Management Services Dianna Wright also shares in this award.

**Councilman Roger Norris** complimented the Board & Commission Dinner held last week. He said it was a very nice event and thanked the staff responsible.

Mr. Norris said we never know who our heroes are and told of an interview he saw of a girl who was abducted and held for ten days. This girl is a hero because she stayed alive and did what she had to do. Although she did not want to, she did what she had to do. This girl is a hero and as a father of two girls and as a Councilman, he thanks her.

**Councilman Anita Newsom** also thanked staff for a successful board and commission dinner. Of all she has been to it was the nicest and was the most fun. She wishes we could do more for our volunteers.

Ms. Newsom also complimented the very professional looking parks and recreation brochure. She also complimented the snow removal on Gladstone streets and expressed her dismay at people who call the press (referring to Dispatch Tapes) and leave a message without providing their name so that we can look into a snow removal problem or concern they have. She is proud of our crews and all they do.

**Councilman Art Hammen** said he was very pleased to see we had street crews out protecting our streets before the moisture hit the air. It was very obvious we took a pro-active stance and he knows the citizens approve of that. Mr. Hammen added his congratulations on the boards and commissions dinner and indicated he heard many positive comments. He also compliments the advance copy of the Parks & Recreation Brochure provided Council that will be going out to residents.

**Mayor George Nodler** said he would certainly echo the rest of the Council in their thanks to staff for putting together such a wonderful boards and commissions banquet and particularly thanks Marilyn Ahnefeld and Diane Whitaker for their efforts to ensure the success of the event.

The Mayor asked when the Parks and Recreation brochure would be mailed; Director Steve Buschor advised it is at the printers for mailing now so they should be arriving in homes shortly.

**Item 8. on the Agenda.**      **Communications from the City Manager.**

**City Manager Kirk Davis** announced that the City of Gladstone has received a grant in the amount of \$2,000 from **Target Stores** which will be used for the Oak Grove Park Amphitheater and he congratulates Parks & Recreation Director Steve Buschor and thanks him for applying for those grant funds.

Mr. Davis said **Target** has joined the Gladstone Area Chamber of Commerce and will hold their ribbon cutting on Wednesday, March 3, 1999 at 8:00 a.m. **Lawson Bank** also has a ribbon cutting scheduled for 11:30 am on Wednesday, February 24, 1999.

**Item 9. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for construction of a new 3,770 sq. ft. structure for Bank Midwest, 6425 N. Oak in the Gladstone Plaza Shopping Center. Applicant: Rees Masilionis Turley Architecture. (BP#99-058)

Councilman Roger Norris moved to approve the Building Permit as submitted; Councilman Fricke seconded. The vote: All "aye": - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 10. on the Agenda.**      **SECOND READING BILL 99-3**, rezoning property at 6100 N. Antioch Road from C-2 to CP-3. Applicant: Westco Lube, Inc. Owner: James & Lucy Webb. (File #1078)

Mayor George Nodler announced that the Applicant's have asked that this application be withdrawn and he requests the City Council to acknowledge their request by Motion.

**Motion:** Councilman Roger Norris moved to accept the Applicant's request to withdraw their application to rezone property at 6100 N Antioch Road from C-2 to CP-3; Councilman Anita Newsom seconded.

Discussion.

Councilman Roger Norris said that he wants the record to show that he does not want to see this property ever become a C-3 zone. There needs to be some buffers and we have enough C-3 on Antioch Road. We have some reconstruction needs and some rehabilitation needs on N Oak that need to be addressed. Before we take C-2's and move them to C-3's, let's use some C-3's we already have.

The vote: All "aye" - Fricke, Norris, Hammen, Newsom, Nodler. (5-0)

**Item 11. On the Agenda.**      **Other Business.**

Councilman Anita Newsom commented on the **1998 ANNUAL REPORT OF SERVICES** that was included in her packet. The report was outstanding. She said it always amazes her to look through the report and see what each department accomplishes in a year.

Councilman Art Hammen asked if a copy goes out to the media. City Manager Davis said presently it does not but he and the Mayor had agreed that there was a need to discuss the distribution.

Mr. Hammen said in keeping with one of the goals identified in the Council Goal Setting Session, he for one would like to see it disseminated to all the media in hopes that they would pick up the highlights to reinforce to our citizens the number of benefits they have living in Gladstone. Councilman Norris said he certainly agreed.

Councilman Norris said he noticed the **Sun Chronicle** has been dedicating an entire page to Gladstone news so it is obvious that we are getting through to them that there is a city called Gladstone that is a viable community.

\* \* \*

There being no further business to come before the Regular February 22, 1999 City Council Meeting, Mayor George Nodler adjourned the meeting.

Councilman Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office for Privileged Communications and Real Estate Acquisition discussion pursuant to Missouri Open Meeting Act Exemption Sections 610.021(1) and 610.021(2).

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

**NEXT ORDINANCE #3.703**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, March 8, 1999**

**OPEN STUDY SESSION: 7:15 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session will immediately follow adjournment of Regular Meeting pursuant to Missouri Open Meeting Act Exemption Section 610.021(1) for Privileged Communications and Section 610.021(2) for Real Estate Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular February 22, 1999 City Council Meeting Minutes.**
- 4a. **PROCLAMATION OF THE MAYOR** designating **March 18, 1999** as ***"Absolutely Incredible Kid Day"*** in the City of Gladstone. Sponsored by the Heartland Council of Camp Fire Boys and Girls in Greater Kansas City.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-20**, authorizing acceptance of work under contract with Kaw Valley Engineering, Inc. for the design of 55<sup>th</sup> Terrace & Old Pike Road street improvements and authorizing final payment in the amount of \$2,463.34 from the Capital Improvements Sales Tax Fund.

**RESOLUTION NO. R-99-21**, authorizing execution of a contract with William White & Sons Construction for an amount not to exceed \$1,368,930.53 which includes the 1999 Street Rehabilitation & Reconstruction Program, the Intermediate Maintenance Program, the ADA Curb Cut Sidewalk Program and the Arterial Sidewalk Program. (Projects: #0001, #9983, #9985, #9987). Funding: Transportation Sales Tax Fund: \$1,179,699.03; Capital Improvements Sales Tax Fund: \$189,231.50.

**RESOLUTION NO. R-99-22**, adopting revisions to the "Transport Guidelines"; "Fee Schedule"; and "Billing Procedures" relating to the operation of Gladstone Emergency Ambulance/Medical Services.

**RESOLUTION NO. R-99-23**, accepting a Bill of Sale from Northaven Village LLC and Damon Pursell Construction Company conveying to the city for maintenance, water line constructed to serve Prospect 1 Condominiums. (Improvements constructed entirely at developer's expense.)

**NEXT ORDINANCE #3.703**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** to revoke a Special Use Permit on property at **5616-18 N. Antioch Road.** Owner: Robert Bledsoe/Cripple Creek Rock Company. (File #1082)  
Applicant: City of Gladstone.
- 9a. **FIRST READING BILL 99-9,** revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Co., Inc. on property located at 5616-18 N. Antioch Road. (File #1082)
10. **PUBLIC HEARING:** on a request to consider amendments to the Gladstone Zoning Ordinance (Ordinance #2.292, Chapter 32 of the Gladstone City Code) relating to C-2 and C-3 Zoning Districts. Applicant: City of Gladstone. (File #1083)
- 10a. **FIRST READING BILL 99-10,** amending Sections 32-25, 32-26, 32-28, and 32-29 of the Gladstone Zoning Ordinance relating to C-2 and C-3 Zoning Districts. Applicant/owner: City of Gladstone. (File #1083)
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 8, 1999

Mayor George Nodler called the Regular March 8, 1999 Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

**Item 3. on the Agenda. Pledge of Allegiance.**

Scouts from Troop 270 sponsored by Holy Cross Lutheran Church led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda. Approval of Regular Monday, February 22, 1999 City Council Meeting Minutes.**

Councilman Dave Fricke moved to approve the Minutes as written; Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to adopt the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 4a. on the Agenda. PROCLAMATION OF THE MAYOR.**

Mayor George Nodler read a proclamation designating March 18, 1999 as "*Absolutely Incredible Kid Day*" in the City of Gladstone. Sponsored by the Heartland Council of Camp Fire Boys and Girls in Greater Kansas City.

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



Following the Clerk's reading of the Consent Agenda, Councilman Art Hammen moved to adopt the Consent Agenda as listed; Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **CONSENT AGENDA DETAIL:**

Mr. Hammen moved to adopt **RESOLUTION NO. R-99-20**, authorizing acceptance of work under contract with Kaw Valley Engineering, Inc. for the design of 55<sup>th</sup> Terrace & Old Pike Road street improvements and authorizing final payment in the amount of \$2,463.34 from the Capital Improvements Sales Tax Fund. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-99-21**, authorizing execution of a contract with William White & Sons Construction for an amount not to exceed \$1,368,930.53 which includes the 1999 Street Rehabilitation & Reconstruction Program, the Intermediate Maintenance Program, the ADA Curb Cut Sidewalk Program and the Arterial Sidewalk Program. (Projects: #0001, #9983, #9985, #9987). Funding: (Transportation Sales Tax Fund: \$1,179,699.03; Capital Improvements Sales Tax Fund: \$189,231.50), Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-99-22**, adopting revisions to the "Transport Guidelines"; "Fee Schedule"; and "Billing Procedures" relating to the operation of Gladstone Emergency Ambulance/Medical Services. Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Hammen moved to adopt **RESOLUTION NO. R-99-23**, accepting a Bill of Sale from Northaven Village LLC and Damon Pursell Construction Company conveying to the City for maintenance, water line constructed to serve Prospect 1 Condominiums. (Improvements constructed entirely at developer's expense.) Councilman Dave Fricke seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda.      Communications from the Audience.**

**Julie Becker, 5710 N Indiana, Gladstone, Missouri, 64118** said she has been volunteering at the Gladstone Animal Shelter for the past six months and in the course of volunteering she has raised some concerns about the city ordinances and policies that govern the animal shelter. Ms. Becker distributed a report of her concerns and her recommendations noted in the past six months to the City Council and staff and asked that the document be a matter of public record.

Ms. Becker said her recommendations are rather lengthy but she understands that many of our ordinances and policies have been in affect for some time without review and revision for current standards relating to animal control. She asks that her recommendations be considered.

Mayor Nodler thanked Ms. Becker and said staff will be reviewing her report.

Councilman Roger Norris asked Ms. Becker if she had made her recommendations to others and found that they were not followed up on.

Ms. Becker said no, that was not the case. In the course of volunteering she found that the City was euthanizing over 500 cats and dogs. She said because she is not teaching this year it has allowed her the time to volunteer and put some effort into researching animal shelters and looking at their policies and finding out what is going on in the world of animal control. She said she has not presented her findings to anyone other than ask questions of the animal shelter about what policies were in effect when she was volunteering. It was not that she submitted her suggestions to somebody and they were ignored.

**Councilman Anita Newsom** noted that approximately one year ago, she brought forward to Staff the issue of the number of animals we euthanize because it bothers her a great deal. At that time we were without suggestions and she looks forward to reading this report as far as suggestions to eliminate some of the problems we have. She notices the mention of people adopting or purchasing pets without researching what they are doing and ending up dumping them off at the animal shelter with the thought "out of site -- out of mind". She feels very strongly that people need to make a commitment to these animals once they take them home.

**Item 8. on the Agenda. Communications from the City Council.**

**Councilman Dave Fricke** said he recalled that the Thrift Store in the Gladstone Shopping Center requested an extension of time on their temporary sign several meetings ago because the signage was vital to their business and asked the status of their request.

City Manager Davis responded that the Thrift Store was given an extension on their temporary sign permit, and the sign variance request that the City Council approved on January 25, 1999 for the Gladstone Shopping Center sign allowed the Thrift Store's name to be added to the large shopping center sign. So to the best of his knowledge that resolves the issue because the owner of the Thrift Store has not contacted the City since then.

Mr. Fricke asked if their temporary signs on both sides of the N Oak frontage are still there. Mr. Davis said they probably are and will be until the new permanent sign is constructed. Director Scott Wingerson advised the Thrift Store is still under an authorized temporary sign.

Mr. Fricke also thanked Community Development Director Scott Wingerson for the timely information he provided on the Thompson case

**Councilman Roger Norris** said his Dad died when he was twelve years old and he had coached a baseball team while he was in the Army so until his death he heard many baseball stories and all about "Jolt'n Joe DiMaggio" and what an awesome baseball player he was. Councilman Norris said as an adult he has come to believe that Joe DiMaggio was more a hero in the way he conducted his life, than the way he played baseball. We learned of his death today and he would just like to give thanks to Joe DiMaggio for being somebody that boys of all ages could look up to and try to emulate.

**Councilman Anita Newsom** noted that with Spring weather upon us soon, people are starting to drag out branches and do clean up activity and pull cars out of the garages and park them in side yards where it is not paved. Our Codes Enforcement personnel will be out and we need to do whatever we need to do to keep our City clean and looking the way it ought to look.

**Mayor Pro Tem Art Hammen** extended a special greeting to all the scouts in attendance tonight from Troops #247, #270 and #180. He told them we always appreciate their attendance at Council Meetings.

**Mayor George Nodler** had no communications at this time.

**Item 8. on the Agenda.** Communications from the City Manager.

**City Manager Kirk Davis** had no communications.

**Item 9. on the Agenda.** PUBLIC HEARING: to revoke a Special Use Permit on property at **5616-18 N. Antioch Road**. Owner: Robert Bledsoe/Cripple Creek Rock Company. (File #1082) Applicant: City of Gladstone.

**Mayor George Nodler** opened the Public Hearing and explained the hearing process.

**Mr. David Goldberg**, introduced himself as an Attorney with the law firm of McDowell, Rice, Smith and Gaar, Kansas City, Missouri, and said he was pleased to be here this evening on behalf of Mr. Bledsoe and his corporation. He distributed an advertising brochure on the company to the City Council.

Mr. Goldberg said he became aware of the issues that were involved in the possible revocation of this special use permit only about a week ago. He has represented Mr. Bledsoe in the past and their firm has been representing Mr. Bledsoe for sometime. The special use permit was given to Mr. Bledsoe and his corporation approximately two years ago. Until recently, there hasn't been much progress in terms of doing some of the items that relate to construction and improvements, most of which are fairly minor in scope and the reason for that is frankly very simple and his law firm can tell us about it.

He said the cover of the brochure depicts a project that is the litigation his client has been involved with for over two years. There is one million dollars at stake, it is a very beautiful pool he built for a homeowner and he has not been paid. That is exactly what has put him behind. For a considerable period of time his client has not had the cash flow necessary to do the improvements. However, Kearney Commercial Bank has very recently decided to back their client's efforts. They believe in him and they also have financial stake in the success of his business.

Mr. Goldberg said we are now fully aware and have been for several weeks with respect to the issues pertaining to the construction that needs to be completed in order to fully comply with each and every detail of the conditions that were originally given on the special use permit. He said there are other Attorneys in his firm who are handling the litigation and the litigation is something that, if you can imagine, almost put his client out of business. He is only now

beginning to recover. Because of that recovery, Kearney Commercial Bank has finally been able to show him that he is a worthwhile entity for that bank to support and to support in rather strong order. This letter was written after speaking with the President of the bank who was not able to be here with us this evening but he would obviously like the City Council to consider not revoking the special use permit. Also included in the packet is an unsolicited testimonial from a near neighbor who conducts business with Mr. Bledsoe's corporation, a page and a half listing of items that have been started with some completed since the City Planning Commission Meeting of a week ago. Mr. Bledsoe has been giving this his absolute full effort since that time and Mr. Goldberg said he is here to pledge on his behalf to continue that effort. It was suggested by a Councilmember he spoke with over the phone and by Mr. Wingerson that it might be helpful to come up with the timeline necessary for Mr. Bledsoe and his corporation to complete all of the requirements that were set forth in the special use permit. The bottom line of this timeline is that allowing for a little bit of extra time for bad weather, allowing for the issuance of a building permit for a very small building that is required in connection with the special use permit, they believe that three and half months would be a sufficient period of time to complete all of the requirements set forth in the special use permit.

Mr. Goldberg said he would like to suggest with several things. One, that the special use permit not be revoked at this time and we see if Mr. Bledsoe and his corporation can comply with the time line and that Scott Wingerson take a look at things every other week or at the request of his client to make certain that the compliance is being met and there are no further delays in this regard. His suggestion is that if there are further delays and due diligence is not being made with respect to the cooperation, that at that point Council should seriously consider revoking the special use permit.

But at this point he thinks it is too early and he would ask that Council give first reading only to the bill if council desires and then wait approximately three and a half months and Council request that Scott Wingerson make periodic reports perhaps once a month for the next several months to see if there is compliance. At that point in time he presumes there would not be much delay in revoking the special use permit assuming that weather conditions or some other item that is wholly out of the control of Mr. Bledsoe does not interfere.

Money is there and should not be an obstacle and as long as the weather is fairly decent they see no problem and Mr. Bledsoe is here to pledge that there will be no problems completing these. As can be seen in the magazines, Mr. Bledsoe is a very artistic man and if all of these improvements are completed as set forth in the special use permit this property is going to be extremely attractive. If there are problems that some neighbors have with respect to this we are certainly willing to try to deal with them or any other issues that Scott Wingerson and his department may come up with in connection with this.

He invited questions and said he would like to reserve time to respond to comments that may come up. He is here to respond to answer any questions and to make the Council feel comfortable that we now are beginning to have compliance and will see nothing but compliance going forward over the next three and half months until its completion.

Councilman Anita Newsom Ms. Newsom asked if the 3 ½ months is calendar days or 3 ½ working day months. Mr. Goldberg said he intended calendar months. Mr. Bledsoe said

in this construction schedule he is showing 3 ½ months but he intends to have it completed sooner than that.

Ms. Newsom said so it is including days out for bad weather conditions, etc. Mr. Goldberg said unless we have the wettest spring that we had had in years, 3 ½ months should do it.

Mr. Bledsoe stated that they have approval for the sidewalks from Mo Dot so that actually saved time and they can move immediately on that. Mr. Goldberg said in speaking with Scott it may take 4-6 weeks for the building permit approval for the construction of the small building but there is no reason they cannot complete other portions of the project like the fence, some of the landscaping and other items, noted on the timeline.

Councilman Roger Norris said they make an interesting presentation however he remembers the City Council meeting when this special permit was approved and he seems to remember quite a few neighbors who were opposed to the special use permit at the time and he remembers a bunch of promises being made that in his opinion should have been started immediately, not waiting and then we have a financial problem and things really get bogged down. He has gotten the impression over the past two years that his client has not been as forthcoming with our staff as this Council requires.

Mr. Goldberg said from representing a considerable number of people who have gone through adverse financial circumstances it is almost like going through a divorce. At that point in time you are just trying to survive the best way you possibly can and whether it be with this Council in all due respect, or whether it be a creditor that you are trying to deal with, or some old bank relationship -- whatever the case may be, you are doing everything you can to try to stay in business because if you try to fulfill all of your promises in one fell swoop you would be out of business immediately. Things can't be more positive right now for his business because we are going into the construction season and he has already spent considerable money in the space of five days and he thinks we will see nothing but improvements at this point. If not, he has wasted thousands of dollars since last Monday.

Councilman Norris said what we saw nearly two years ago both in artist renditions and photographs of the projects he had completed impressed them enough that they were willing to overcome the animosity of several neighbors in the area. Quite frankly, the City Council was impressed enough that they wanted that business and wanted it to look like the pictures and renditions not the huge mud hole that we have there now.

Mr. Goldberg said he believes in three and a half months we will see the project looking like the site plan with no variances. He said Director Wingerson said he would like to make a few minor variations but he can't do that without coming in front of the Council. These are things that would further beautify but because they are a change from what was approved two years ago we intend to make no changes at this point in time. The site plan that Council admired two years ago is what we will see built.

Mr. Goldberg said he understands the frustration of the City Council and residents in this project not having been completed long before now. He is suggesting a compromise at this point that will allow Mr. Bledsoe to show steady progress for the next 3 ½ months, he is not

He said Mr. Bledsoe will either do it now or he won't, so he is not asking for much of a delay. You need not wait until mid July or whenever 3 ½ months is up, you can bring it up before hand. He is either going to perform now or he isn't and he thinks it will be very clear from that standpoint. If for some reason they do not agree with Scott's assessment of what is going on they will be back here to the City Council to explain it and determine if the Council will agree with the progress being made.

Mr. Bledsoe said at the time the application was made two years ago, the people who were complaining were Antioch Travel and the insurance company and maybe two others. At the Planning Commission meeting, they talked about losing 8' of their ground from erosion and he took photographs of that and it is unfortunate they lost ground but they did not lose that ground because of him. He said he deals with Corps of Engineers situations all the time. They lost the ground in the photos due to the size of the culvert pipe and the amount of water that goes through that area. He wants to apologize to the City Council from the bottom of his heart. Mr. Bledsoe said what we see on this magazine is what he loves to do and he would like to do it on Antioch. He wants to bring that to Gladstone and he can financially do that now. He will do whatever he can to make the neighbors happy and he will be a good neighbor.

Mr. Goldberg said what we see in the beautiful picture is a million dollar loss that Mr. Bledsoe is suing to collect on where the owner claims that it does not quite meet his standards. Mr. Goldberg said he is trying to mollify some concerns in advance because the first thing he saw was the need to show the City Council continued progress. Whether that means they need to be here every month or whether Scott Wingerson needs to provide information when progress is not being made. They will cooperate in any reasonable manner.

#### IN FAVOR OF THE REVOCATION

**Ken Praisewater, 5606 N Antioch Road,** said the City Council heard the same discussion two years ago when the Special Use Permit was authorized and the same people who opposed the granting of the permit two years ago are in favor of revoking the permit tonight. He said that was about 700 days ago and as noted earlier, only about five days of work has been done. When you get a building permit for a house in Gladstone, you have a certain amount of time to build the house and you finally receive an occupancy permit. There might be a few things that don't work but you might be able to get a temporary occupancy permit so that you can move in for a period of 60 -90 days so you can finalize the work and then obtain a final inspection for a final occupancy permit. In this instance, it has been going on for two years and it sounds to him like we need to have a financial statement when we have a special use permit. He does not know many people who would let themselves as a businessman get behind a million dollars on a project. It gives him some worry down the road as far as getting this done.

Mr. Praisewater said there has been concern about what would happen to the ground if Mr. Bledsoe doesn't get to do business here. Some of the neighbors are certainly concerned about that. He said he understands whoever owns or leases it would have to abide by the City guidelines so he does not see that as a problem.

Mr. Praisewater said we made a mistake two years ago and he does not want us to make another mistake tonight. It is a waste of his time as well as the time of the neighbors and City taxpayers.

Mr. Praisewater said there has been concern about what would happen to the ground if Mr. Bledsoe doesn't get to do business here. Some of the neighbors are certainly concerned about that. He said he understands whoever owns or leases it would have to abide by the City guidelines so he does not see that as a problem.

Mr. Praisewater said we made a mistake two years ago and he does not want us to make another mistake tonight. It is a waste of his time as well as the time of the neighbors and City taxpayers.

**Billie Yateman, 5606 N Antioch Road,** said she is in favor of revoking the special use permit because of the lack of progress. She does want to see something done to put that land back to some kind of a palatable state because it is not in that condition right now. She does not know what process follows if his permit is revoked. Who is going to see to it that the mess that is there is restored to something that we can all live with. She asked the process for that?

Mayor Nodler said it would be up to the property owner to restore the property.

**Janet Cline, Antioch Travel, 5608 N Antioch Road,** said she was here two years ago and viewed the drawings and slides presented at that time and all she can say is that she is very disappointed because it is now two years later and nothing has really taken place except in the last week and hopefully something will be done with this. She is also concerned about what will happen if Mr. Bledsoe does not complete the project and she is just really sorry that this has all happened.

**Mr. Goldberg** said to those who are in favor of revoking the permit he would suggest that the time period extension requested is a very short and we have heard an apology from Mr. Bledsoe for not having it done beforehand. His business was doing quite well at the time the permit was granted but his financial circumstances started within months of receiving the permit and stopped things. He did start a considerable amount of grading almost right away but you are not going to see the improvements at that point in time. When you are only recently seeing improvements. If this special use permit is revoked he can almost guarantee we will wind up with an eye sore there. Certainly he would advise his client immediately to not spend another dime because he is just the tenant and he would advise him to move out because we would be putting him out of business at that location, that is clear.

Mr. Goldberg said so if you want an eyesore as a neighbor that is one choice. If you want to wait and see if he comes through in the next three and a half months certainly if he does all these people will be very happy. What they are talking about is they want the improvements done. We have heard no one say they don't want the improvements done. They all want it done. When is it going to be done, when is it going to be completed. He understands that 700 days have passed at this time and he can understand that but right now allow three and a half more months and we will see the improvements that were set forth in the site plan that the five City Council members who were here at that point liked. The neighbors obviously would like to see it completed in accordance with the plan and Mr. Wingerson's department would like to see it completed as well. He does not want to see an eyesore there or anywhere in Gladstone. This is an opportunity to complete this and he needs to do it, the money is there and the frankly the bank will be on his case as well because they need to see him stay in business. So it is for their benefit as well.

He said Mr. Bledsoe has his business in Gladstone and his house is in Gladstone and if he goes out of business he does not know where he will be at that time. It seems to him that we won't have what we thought we would have two years ago and frankly it is in the midst of construction right now so it will be worse than it was two years ago.

Mr. Goldberg said Mr. Bledsoe is here to do it and he thinks he will.

**Councilman Roger Norris** told Mr. Goldberg that sometimes when lawyers talk they like to throw out their little threats and when lawyers are making suggestions maybe they should make them to their client and not this Council. Because if you want to try to get the Council to find ways to let a special use permit be in effect he does not think you would be suggesting to your client that he not spend another penny.

Mr. Goldberg told Mr. Norris that was not intended as a threat but he sees that as the alternative. Either Mr. Bledsoe goes ahead and completes the plan and makes the site the beautiful site that everyone would like to see; or, he can't proceed. He's not permitted to do anything more in connection with the improvement of that site.

**Councilmember Anita Newsom** suggested we are losing the flavor of the public hearing by hearing one side and then the other and then giving a chance for rebuttal. We are encouraging a debate situation and that is not what we want for our citizens or people coming before the City council.

**Ken Praisewater**, said as he remembers, back in August of 1997 the City asked for a detailed plan for this site in letter form which was ignored. One week ago tonight there was also a direction given for a detailed plan and all he has heard tonight is three and a half months and as far as he is concerned that is not a plan.

In response, Mr. Robert Bledsoe approached the City Council table and displayed pictures to the City Council depicting his efforts since the Planning Commission Meeting and said he just wants to do a good job and be a good neighbor. This is his livelihood .... (Mr. Bledsoe did not use the microphone and some comments could not be heard on the tape).

#### **Opposition to Revocation.**

None.

#### **Staff Presentation.**

**Community Development Director Scott Wingerson** said both parties have fairly represented tonight what they represented to the Planning Commission which voted 8-2 for revocation. He had only a very short opportunity to look at the information provided by Mr. Goldberg on behalf of Mr. Bledsoe concerning the things that had been done since the Planning Commission. In the packet that was distributed it is about the third page back and items A-N. This is an accurate representation of what has been done since the Planning Commission meeting. Several of the items are private matters internal to Bledsoe Construction and Cripple Creek that he is not aware of. Other than that, there is a memorandum addressed to the Planning Commission



dated February 23, 1999 and he draws the Council's attention to that and would be glad to answer any questions.

Councilman Norris said questions have been raised about what would happen to the property itself if the special use permit is revoked and he asked Director Wingerson to explain the steps that would be taken, who would be doing what and the timeline.

Mr. Wingerson noted that in the draft ordinance, **Section 1. Revocation of Permit** basically reads that the special use permit authorized by Ordinance 3.590 is revoked and, **Section 2. Order to Restore Property to Original Condition.** reads that the applicant is hereby ordered to restore the storage areas on said property as near as practicable to their original condition, free and clear of all storage bins, materials and equipment. All installed fencing and landscaping shall not be removed.

He said that may give a general idea of what the property would like if the special use permit was revoked and the Cripple Creek Company was asked to cease their operation. In terms of how long that would take, we would have to continually enforce the provisions of this ordinance and go forward until the property is restored.

Councilman Norris said so it is an indefinite period of time.

Councilman Anita Newsom asked if it is legal to conduct business on that site until the letter of the ordinance is complied with. City Counselor Nancy Thompson responded that the actual conduct of the business on that site is conditioned upon complying with the terms of that special use permit.

**Councilman Art Hammen** referred to letters from Scott Wingerson dated July 1, 1998 and February 4, 1999 to Mr. Bledsoe and asked what response he had received from the letters.

Mr. Wingerson said he wishes he could answer the question more clearly, the second letter references a schedule submitted to his office but he is not able to provide that to the City Council and he apologizes because he does not know what happened to it. In fairness to Mr. Bledsoe, he did submit a schedule which called for completion in August as referenced in the second of the two letters.

Councilman Roger Norris said this is only the second special use permit he has seen come back to the City Council and he asks how we got to this point.

Director Scott Wingerson said the only way he can explain it is that he felt a responsibility to bring this back when the administrative remedy failed. The only remedy staff has is to come back through the process and in this case it was a hearing on the revocation of the special use permit before the Planning Commission and City Council.

Councilman Norris asked Mr. Wingerson if he has seen any attitude change from Cripple Creek or any of its officers and associates within the last several weeks when it became imminent that something was going to happen.

Mr. Wingerson said certainly they have seen activity on the property which they had not seen in the past two years.

**Councilman Art Hammen** asked if there is more likely to be a negative impact on the surrounding property owners if this special use permit is revoked or if we allow additional time to be complied with.

Mr. Wingerson said the goal originally was to see the end result, the process itself is not always a pretty process so he would suggest that if the project can be completed, staff would be in favor of that special use permit. If it can't be then staff has exhausted the means they have available to enforce the City Council's ordinance. That is why they are here tonight to make that determination.

Councilman Norris asked if it isn't for reasons exactly like this when it comes right back to the City Council that decisions are made in Mr. Wingerson's office on whether it would be a rezoning or a special use permit. Director Wingerson agreed.

Councilman Anita Newsom asked why it has taken two years to get to this point.

Director Wingerson answered that from a personal responsibility standpoint he believed that Cripple Creek would be a good addition to the City and that was supported by the City Council and two years ago. He too has heard the explanations given to the Planning Commission and this evening. He believed that project would be complete. As he explained to Councilman Norris, as a Staff, he has run out of administrative remedies and delays in an effort to assist Mr. Bledsoe in completing the project. He felt a professional responsibility and an obligation to the City Council to come forward and bring us to this point.

Councilman Roger Norris asked if the letter from Kearney Commercial Bank makes him feel any better. Director Wingerson said it has no impact on him. Mr. Norris acknowledged that it makes him feel better.

Director Scott Wingerson provided Council with pictures taken today (3/8/99) of the property.

Councilman Art Hammen said being proud of our City, he would certainly hope that if Cripple Creek continues to do business in Gladstone that future advertising indicates they are in **Gladstone** not Kansas City North as their brochure reads.

There were no further comments and Mayor Nodler closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL 99-9**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Fouth for operation of Cripple Creek Rock Co., Inc. on property located at 5616-18 N. Antioch Road. (File #1082)

Councilman Hammen moved to place Bill 99-9 on First Reading; Mr. Fricke seconded.

Discussion.

Councilman Hammen suggested we act on the First Reading tonight and delay any additional reading at least until the next Council Meeting to see what happens in the interim. If staff can come back and report that progress is taking place appropriately he would be willing to suggest we continue any further action on this bill. If any time staff advises that cooperation is not there from the applicant or that the activity is not taking place appropriately he personally will bring this back up for a second and final reading.

Councilman Norris said he agrees to an extent however he would perhaps go one step further and shorten the time required for him to show results. Rather than three and a half months, he would think 6-8-10 weeks to show some substantial progress and get this site completed. He said he has known Bob Bledsoe since he was 14 and Bob probably does not know this but when the special use permit was before the Council initially, Councilman Norris said he went around to some of the sites where he had done work and it is outstanding, it looks awesome. Mr. Norris said it hurts him that we are at this point and he is sorry that it wasn't a little quicker getting here and maybe we could have help. He does not want to revoke the permit tonight but he does not want it to be an eyesore in the summertime either.

Councilman Hammen clarified that the suggestion was to continue this item and it would be before us at every Council Meeting so there is no timeline in the motion, nothing giving him two months or any stated time. We just continue this item and if at any time we feel like the cooperation or the effort is not there we have the ability to revoke the special use permit. He would suggest we continue the second reading with the understanding that it is there at any time.

Mayor Nodler asked if this procedure will work. City Counselor Thompson said it was proper procedure.

City Counselor Thompson said that in the event first reading is given tonight it will appear on the next agenda for second reading and at that time if Council desires to table it to a date certain farther into the future they could do that as well. But after the first reading it would automatically appear on the next City Council Meeting agenda.

Attorney Goldberg said this is not that much different than he had requested. Since it is going to cost his client a fair amount of money to finish off the project he would hope that as a matter of good faith the City Council would take this off the agenda when the project is done. What he does not want to see is the project done and the permit revoked. He cannot imagine that the Council would do that because that would be almost taking advantage of his client of the tens of thousands of dollars he would spend. Maybe he is being too cautious as an Attorney but as a matter of good faith there must be some proper procedure to vote down the revocation when the project is completed. He asked if that makes sense.

Councilman Hammen said yes it does make sense and as the motion maker he would agree with that but he wants them both (Mr. Goldberg and Mr. Bledsoe) to understand that the hammer is there. If at any time staff comes back and says the cooperation is not there and the progress isn't there, then the special use permit won't be there.

Mr. Goldberg said that is understandable.

Councilman Norris said we are not allowing three months, one week and six days to do absolutely nothing. We want to see something done tomorrow.

Mr. Goldberg said he was actually suggesting what the Council has talked about and understands that at any point in time Mr. Wingerson can come up and say Mr. Bledsoe did not do it and the permit goes away.

Councilman Anita Newsom said considering the nature of the business she understands that spring and summer can be a very busy time for that business which is why she asked the question about conducting business on the site until the improvements are complete. She would be very said to hear that we delayed this until some future time and we hear that we have 14 days of nice sunny weather and nothing is taking place on the site because we are doing someone else's landscaping somewhere else. She realizes this is necessary to maintain income but hopefully a commitment has been made that if the Council delays the second reading tonight that the Applicant will move forward to get this completed to the point of putting business aside and getting this site completed. Otherwise, she does not know what we can do.

Attorney Goldberg suggested Mr. Wingerson be encouraged to come by from time to time and check on the progress especially right before the City Council meetings to give a report card on the project. Councilman Hammen stressed that Mr. Wingerson won't have to be asked to check on the progress, he will do that.

Councilman Hammen spoke to the adjoining property owners and told them his concern is with them that they have the best possible neighbor. He is concerned that if we revoke this tonight that they may have an eyesore to live with, but we will see as best we can, that they have the best neighbor - if it is not Mr. Bledsoe, then it will be the original property owner.

Councilman Norris said he would second that because the property will look as it was supposed to look two years ago. If Art doesn't, he will beat him to it and it will be over for Cripple Creek in Gladstone.

Mr. Bledsoe said he is getting into his busy season but his goal is to get this done as soon as possible and he appreciates the cooperation he has been getting from Scott Wingerson. Mr. Bledsoe said we all have something to gain here but his is concerned about keeping it on the agenda every meeting and asked if he could not perhaps come back in 30 days and see where we are. He will continue to move on the entry, cut the sidewalk and get the front done.

Councilman Norris suggested the second reading just stay on the table until perhaps the first meeting in May which is 60 days because by that time he should be well into the three and half months window of time in which he said he should be done. At that point it is fly or die.

Councilman Hammen told the applicant that two years ago the City Council took them on faith and at this point they will have to take the City Council on faith. As long as they do what they say they will do, the Council will ride with them, or at least he will but if they don't, the permit is gone.

Mr. Goldberg asked for clarification if the second reading will be on the next City Council Agenda. Counselor Thompson responded that the City Council has yet to make that determination and she also reminded that the Mayor has closed this Public Hearing.

Mr. Goldberg said what has been suggested is workable but he would appreciate the item not reappearing on every meeting agenda. If it has to be, that is the way it will be. If it is every meeting, we will see small increments of the progress but if it is once a month we will see that much more. Whatever the Council wants, they will work with.

Council discussed the fact that if they defer action on the second reading tonight it will be on the next City Council agenda and they would make a decision at that time on continuance to a date certain or otherwise.

Councilman Norris asked if Mr. Bledsoe could be informed when this will appear on the agenda so he does not have to retain a lawyer for every meeting. Councilman Hammen said he thought that is a courtesy the City could provide.

City Counselor Thompson stressed that certainly staff has the ability to provide Mr. Bledsoe with staff's recommendation prior to the City Council Meeting but staff cannot speak on behalf of the City Council to Mr. Bledsoe. Regardless of staff's report to Mr. Bledsoe, whatever the City Council would desire to do at that meeting is left to the Council's prerogative.

Councilman Norris said given the circumstances he does not think the Council would act without Mr. Wingerson's recommendation. City Counselor Thompson she understands but does want to clarify that the Council has the prerogative to act contrary to staff's report given to Mr. Bledsoe prior to the meeting.

Mayor Nodler said he would add that he is very unhappy that it has taken two years and that the applicant has only decided to do the work after having the Planning Commission vote to revoke his special use permit. He is bothered that that was the motivation.

**The vote on First Reading: All "aye" - Fricke, Norris, Newsom, Hammen, Norris. (5 -0)**  
The Clerk read the Bill.

Councilman Hammen said for the record he will not be making a motion to place this Bill on Second Reading this evening which will mean that it will appear on the next City Council Agenda (March 22, 1999).

**Item 10. on the Agenda. PUBLIC HEARING:** on a request to consider amendments to the Gladstone Zoning Ordinance (Ordinance #2.292, Chapter 32 of the Gladstone City Code) relating to C-2 and C-3 Zoning Districts. Applicant: City of Gladstone. (File #1083)

Mayor Nodler opened the Public Hearing and explained the hearing process.

**Director of Community Development Scott Wingerson** representing the City of Gladstone advised there is a memorandum in Council's packet concerning this amendment dated February 23, 1999. If adopted by the City Council, this amendment to the Zoning Ordinance will clarify

the appropriate zoning classifications and add performance factors relative to businesses whose primary function involves outdoor display.

Mr. Wingerson advised the City of Gladstone has a special event permit ordinance which allows for the temporary and short term outdoor display for promotional activities and outdoor sales in zoning districts. Most of the authority for granting those rests with the Community Development Department, the City Manager's Office and in certain cases ultimately the City Council. Basically what is proposed is to clarify three issues.

First, the amendment specifies that outdoor display of merchandise be allowed by right only in a C-2 zoning classification. That has been a matter of **policy** since he has been here and Mr. Stuart Borders who previously held a similar position with the City, but the ordinance does not support us in that so we seek to clarify that provision.

In addition, the ordinance adds performance factors specifically related to outdoor display now only in C-3 zoning classifications. Those performance factors include compliance with setback requirements in accordance with the existing codes; provision of customer parking for any building in accordance with existing code; provision of customer parking for the outdoor display areas at a ratio of one space per 1,000 ft. of outdoor display. That would compare to building sq. footage which is one space per 200 sq. ft. in the building. Provision for traffic aisles and fire lanes in accordance with existing code; requirements that provide for unobstructed entrance and permanent closure of unused driveways; and prohibition on attention attracting devices.

Finally and most important is the provision which provides increased Planning Commission and Council review of new businesses. In the event that a business which currently exists that is located in a C-3 zoning and primarily conducted indoors would change to a business conducted primarily with outdoor display it would require either 100% compliance with the performance standards or a variance from the Board of Zoning Adjustment. In cases where the property is CP-3 and the current business is primarily conducted indoors and is proposed for a change from primarily indoors to primarily outdoors in terms of display, a site plan revision is required and review of the Planning Commission and the City Council.

Mr. Wingerson advised that the Planning Commission recommended approval of this amendment and he invites questions.

Councilman Hammen asked if there should be some way to qualify "**primarily**" so that it does not get us in trouble later.

Councilman Newsom said as example a hardware store that has a business which is primarily indoors but when spring comes they move out picnic tables outdoors and then bar-b-que grills and then propane gas filling tanks - where do we draw the line.

Counselor Thompson said typically primarily means when you change either more than 50% of the sq. footage meaning that you have more sq. footage in outdoor display than indoor display or when more than 50% of your income is derived from the outdoor displayed products than

from the indoor displayed products - that's how you change the primary designation. It is either calculated on income or on sq. footage.

Mr. Hammen asked if the ordinance should read that way or if she is comfortable as it now reads. Ms. Thompson said she is comfortable with it because she thinks it has to be looked at under the facts and circumstances of each particular case.

Ms. Newsom said she does not want to see us get into a trick bag later trying to enforce this ordinance.

Ms. Thompson said it is much like a reasonableness definition where you use the common meaning or common usage. We can certainly add a definition that says more than 50% of the display area or revenue if Council desires. She said the only time it really applies is when you are changing a use from indoors to outdoors and you need to provide a site plan to staff to show how that use is going to be established on the property. Even without a site plan those uses which provide outdoor display have to comply with the performance standards which are set forth in the ordinance which cover the setbacks and customer parking for outdoor display and provide traffic flow patterns. So it still has to comply with those ordinance requirements even if it is not primarily a change from indoor to outdoor use.

Ms. Newsom said playing devil's advocate if you have a business that is primarily indoors but for a certain period of time everything they have is parked outside say for three months, does this affect them.

Counselor Thompson said the only thing that is affected by this ordinance is whether or not they have to provide the City with a formal site plan for display of that merchandise. That merchandise has to comply with the performance standards under the ordinance so it still has to comply with the setback, and the parking requirements and you still have to have the traffic flow lanes. What you are on the bubble with is whether or not you have to provide a site plan. Right now we only have a site plan for those uses.

Ms. Newsom asked if the number of days will come into play. Counselor Thompson said no.

Mr. Wingerson also noted that if they qualify, a special event permit would be appropriate in the example similar to the one Ms. Newsom provided because it limits the duration of that type of activity and there are standards in there for the percentage of revenue generated from the outdoor sales. So that would be an alternative for that type of business.

Ms. Newsom asked how this will be monitored? By complaint or will we drive around and check?

Ms. Wingerson said we will use all means necessary especially in straight zoning districts. Planned districts are much simpler administratively because traditionally applicants and property owners would come to us and find out any special requirements with a P classification. On straight zoning it is a matter of watching very closely when it occurs. He said this special event permit ordinance has been in affect about two years and we probably annually have 12-20 permits.

Ms. Newsom said from time to time she will see large inflated balloons at an establishment on the weekend but then there is no one to call and by Monday they are gone until the next weekend. Mr. Wingerson said hopefully the traditional businesses where those types of activities occur will fall under the special event permit ordinance by this year.

There were no further comments or persons desiring to speak for or against this Zoning Ordinance Amendment and Mayor Nodler closed the Public Hearing.

**Item 10a. on the Agenda.**      **FIRST READING BILL 99-10.** amending Sections 32-25, 32-26, 32-28, and 32-29 of the Gladstone Zoning Ordinance relating to C-2 and C-3 Zoning Districts. Applicant/owner: City of Gladstone. (File #1083)

Mr. Hammen moved to place Bill 99-10 on First Reading; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Mr. Hammen moved to accept the First Reading of Bill 99-10, Wave the Rule and place the Bill on Second and Final Reading; Mr. Norris seconded.

Discussion.

City Counselor Thompson offered the following amendment which will clarify the word "primarily":

*"A use on the property shall be considered to be conducted primarily outside an enclosed building when the square foot area occupied by items offered for sale on the premises outside of the enclosed building exceed the square foot area of indoor display or of the proceeds from the sale of goods and services displayed or performed outside the enclosed building exceed 50% of the gross income generated from the sale of goods and services on the premises."* (This language will be an additional sentence under Section 6. (f) of Bill 99-10.

The motion maker Mr. Hammen asked that this amendment be included in his motion. Mr. Norris who had seconded the motion concurred.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read Bill 99-10 as Amended.

Mr. Hammen moved to accept the Second and Final Reading of Amended Bill 99-10 and enact the Bill as Ordinance 3.703; Mr. Norris seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 11. On the Agenda.**      **Other Business.**

Councilman Anita Newsom asked if it might be within the parameters of the preparation with applicants for presentations before the Planning Commission and the City Council at hearings that they be informed that out of respect for the body they are appearing before that caps and hats not be worn during their presentation. She finds it disrespectful and acknowledges that perhaps



it is from the era she was brought up in. She noticed that hats and caps were not removed during the Pledge of Allegiance tonight and she believes that when somebody is coming before a body of officials whether they have respect for the individuals or not, they need to respect the body and show due deference.

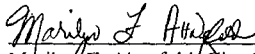
Director Wingerson advised the City Council that all applicants are counseled on the appropriate level of respect to the Council and Planning Commission.

\* \* \*

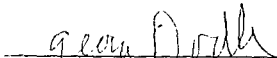
There being no further business to come before the Regular March 8, 1999 City Council Meeting, Mayor George Nodler adjourned the meeting.

Councilman Fricke moved for adjournment to the City Manager's Office for closed executive session for discussion of Privileged Communications and Real Estate Acquisition pursuant to 610.021(1) and 610.021 (2) of the Missouri Open Meeting Act Exemptions. Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor George Nodler

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 22, 1999**

**OPEN STUDY SESSION: TIME: 6:30 P.M.**

**REGULAR MEETING: 7:30 P.M.**

**Closed Executive Session will immediately follow adjournment  
of Regular Meeting pursuant to Missouri Open Meeting Act Exemption  
Section 610.021(1) for Real Estate**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 8, 1999 City Council Meeting Minutes.**
- 4a. **PROCLAMATION OF THE MAYOR** designating Wednesday, April 7, 1999 as "**CAROL HOPPER RECOGNITION DAY**" in the City of Gladstone.
- 4b. **PROCLAMATION OF THE MAYOR** designating the week of April 4 - 10, 1999 as "**INTERNATIONAL BUILDING SAFETY WEEK**" in the City of Gladstone, Missouri.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-24,** authorizing execution of a contract with Ace Pipe Cleaning, Inc. in the amount of \$89,500 from the Combined Waterworks & Sewerage System Fund for the Sanitary Sewer Cleaning & Televising Project. (#9905)

**RESOLUTION NO. R-99-25,** authorizing acceptance of a proposal from American Equipment Company, Kansas City, Kansas for the purchase of a One-Ton 4-Wheel Drive Truck with Dump Stake Body and Snow Plow for the net purchase amount of \$28,097.00 from the General Fund. (Includes \$3,130.00 trade-in allowance for 1991 Ford Pick-up Truck)

**RESOLUTION NO. R-99-26,** authorizing execution of a contract in the amount of \$300,000 from the Combined Waterworks & Sewerage System Fund with Black & Veatch Corporation for Phase 1 of the Sanitary Sewer Infiltration & Inflow Study. (Project #9903)

**RESOLUTION NO. R-99-27,** authorizing acceptance of a proposal from Midway Ford Truck Center, Inc. in the amount of \$15,825.00 for the purchase of a Half Ton 4x4 Pickup Truck from the Combined Waterworks and Sewerage System Fund. (Includes \$4,010.00 trade-in allowance for 1990 Chevrolet Pickup).

**NEXT ORDINANCE #3.704**

**RESOLUTION NO. R-99-28,** authorizing acceptance of a proposal from Dagley Chevrolet Truck Center, Kearney, Missouri, for the purchase of a One Ton Diesel Crew Cab Utility Truck for the purchase amount of \$27,060.00 from the Combined Waterworks and Sewerage System Fund. (Includes \$3,000.00 trade-in allowance for 1992 Ford Pickup).

**APPROVAL OF FINANCIAL REPORTS** for February, 1999.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING BILL 99-9,** revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Co., Inc. on property located at 5616-18 N. Antioch Road. (File #1082)
10. **APPROVAL OF BUILDING PERMIT** for an interior and exterior addition for entrance corridor for Kendallwood Animal Clinic, 2770 NE 60<sup>th</sup> Street. Applicant/owner: Randall R. Lary (BP99-0147)
11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment.**

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 22, 1999

Mayor George Nodler called the Regular March 22, 1999 Council Meeting to order in the City Council Chambers at 7:30 PM.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
Acting City Clerk Diane Whitaker

**Item 3. on the Agenda.**      **Pledge of Allegiance.**

Scouts from Troop 271 sponsored by United Methodist Church led the Pledge of Allegiance to the Flag in which all joined.

**Item 4. on the Agenda.**      **Approval of Regular Monday, March 8, 1999 City Council Meeting Minutes.**

Councilman Art Hammen noted a correction on Page 7 that Mr. Praisewater's name should read **Ken Praisewater.**

Councilman Anita Newsom moved to approve the Minutes as corrected; Councilman Roger Norris seconded; The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

**Item 4a. on the Agenda.**      **PROCLAMATION OF THE MAYOR.**

Mayor George Nodler read a Proclamation designating Wednesday, April 7, 1999 as "**CAROL HOPPER RECOGNITION DAY**" in the City of Gladstone in tribute to retiring City Collector Carol Hopper's twenty three plus years of dedicated service to Gladstone residents. Mayor Nodler presented the proclamation to Ms. Hopper and extended the appreciation and best wishes of the City Council. Councilman Roger Norris noted that Carol will certainly be missed.

**Item 4b. on the Agenda. PROCLAMATION OF THE MAYOR.**

Mayor George Nodler read a Proclamation designating the week of April 4 - 10, 1999 as **"INTERNATIONAL BUILDING SAFETY WEEK"** in the City of Gladstone, Missouri. Gladstone Construction Coordinator Alan Napoli accepted the proclamation from the Mayor.

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

Following the acting City Clerk's reading of the Consent Agenda, Councilman Dave Fricke moved to adopt the Consent Agenda as listed; Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**CONSENT AGENDA DETAIL:**

Mr. Fricke moved to adopt **RESOLUTION NO. R-99-24**, authorizing execution of a contract with Ace Pipe Cleaning, Inc. in the amount of \$89,500 from the Combined Waterworks & Sewerage System Fund for the Sanitary Sewer Cleaning & Televising Project (#9905). Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Fricke moved to adopt **RESOLUTION NO. R-99-25**, authorizing acceptance of a proposal from American Equipment Company, Kansas City, Kansas for the purchase of a One-Ton 4-Wheel Drive Truck with Dump Stake Body and Snow Plow for the net purchase amount of \$28,097.00 from the General Fund. (Includes \$3,130.00 trade-in allowance for 1991 Ford Pickup Truck) Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Fricke moved to adopt **RESOLUTION NO. R-99-26**, authorizing execution of a contract in the amount of \$300,000 from the Combined Waterworks & Sewerage System Fund with Black & Veatch Corporation for Phase I of the Sanitary Sewer Infiltration & Inflow Study. (Project #9903) Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Fricke moved to adopt **RESOLUTION NO. R-99-27**, authorizing acceptance of a proposal from Midway Ford Truck Center, Inc. in the amount of \$15,825.00 for the purchase of a Half Ton 4x4 Pickup Truck from the Combined Waterworks and Sewerage System Fund. (Includes \$4,010.00 trade-in allowance for 1990 Chevrolet Pickup). Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Fricke moved to adopt **RESOLUTION NO. R-99-28**, authorizing acceptance of a proposal from Dagley Chevrolet Truck Center, Kearney, Missouri, for the purchase of a One Ton Diesel Crew Cab Utility Truck for the purchase amount of \$27,060.00 from the Combined Waterworks and Sewerage System Fund. (Includes \$3,000.00 trade-in allowance for 1992 Ford Pickup). Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Mr. Fricke moved to approve the **FINANCIAL REPORTS** for February, 1999. Councilman Art Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.      Communications from the Audience.**

**Mary Jo Baum, Montage Salon and Gallery, 200 NW 72<sup>nd</sup> Street, Suite B & C, Gladstone, Missouri, 64118** stated that she has been a business owner for almost ten years in Gladstone and is a member of the Gladstone Chamber. She is bringing notice of a need for a traffic signal at Northwest 72<sup>nd</sup> Street and North Wyandotte. There are several accidents each year at that corner alone and with the increase of commerce, especially concentrated at that corner, she feels the need for immediate consideration for safety provisions in the form of a signal at that corner.

Ms. Baum advised that many of her clients are very concerned and would sign a petition to support this concern at the corner of 72<sup>nd</sup> Street and N. Wyandotte. Other businesses and organizations notified were: Linden West PTA, the Gladstone Area Chamber of Commerce, Jack Marcum with Northland National Bank, French Riviera Apartments, Larry Whitton, Dr. Boland with Kansas City Denture Clinic, as well as her clients and her co-workers clients.

Ms. Baum said she hopes the City will take action on behalf of the children who cross the street at that corner. Safety, beautification, flow of commerce and neighborhood growth is her reason for being here today.

Mayor Nodler thanked Ms. Baum and asked staff if a study has been conducted at that location.

City Manager Kirk Davis stated that to his knowledge none had been done, but we will do the appropriate traffic engineering analysis and see if it is warranted and meets the requirements of the uniform traffic code. Staff will report back within a six week time period.

Councilman Norris agreed that it is hard to see and the lights at Oak and Broadway don't work together too well. To turn left (by Bargain Barn is where she is talking about), is difficult as people come around Whitton's Station corner and then accelerate while the North Oak traffic is coming at you. Let's look into it.

Councilman Newsom agreed and said she has looped around by the Post Office and back to go to Linden West Elementary and it is not good trying to dart through the traffic.

### **Item 7. on the Agenda.      Communications from the City Council.**

**Councilman Dave Fricke** said he received a phone call over the weekend from Mr. E.B. Tripplett regarding wild cats running rampant through the City. He probably feeds birds and that is his concern. Mr. Fricke had spoken briefly with City Manager Kirk Davis and wanted to get the information in the record that staff would contact Mr. Tripplett and visit with him on this issue. Mr. Fricke asked if we have a leash law or anything relating to cats.

City Manager Davis responded that we do not, but we will look into what state statute allows in this case and what other cities are currently doing to see statutorily where we stand.

Mr. Fricke said he took this as a complaint and has heard from four or five people about neighbors turning cats out loose. He is interested in seeing what can be done.

City Manager Davis advised that someone will contact Mr. Tripplett.

**Councilman Roger Norris** said this is the last full meeting with Mr. Nodler officiating as Mayor and he wanted to comment what to comment that he has done an outstanding job this year and has been a good Mayor.

**Councilman Newsom** said following up on Mr. Fricke's cat episode she too had received a call from Mr. Tripplett. She sees things a little differently. She likes animals, but is allergic to cats. As a dog owner, she knows her responsibility, keeps her dogs in the yard or on a leash and gets proper shots, licenses, etc. What she cannot control are the cats being let out to wander, who come into her yard, soil her yard, carrying bacteria and diseases. Then she has to deal with these things in her dogs who are compliant. Pet owners/cat owners need to take responsibility and this needs to be monitored. She is tired of cats in her yard.

Mr. Norris said, not to take sides, but studies indicate that 62% of all cats never see a veterinarian in their lifetime. 84% of dogs are seen regularly by veterinarians.

Ms. Newsom stated that the disease-carrying part bothers her most. She hopes we can study the cat issue a little bit further.

Ms. Newsom mentioned the Amphitheater Golf Tournament coming up on May 6. The weather is cool now but may be a good time to think of golf to help benefit the Amphitheater and rally some people who love to swing a club at a little white ball.

Councilman Newsom asked the date for Spring Cleanup. City Manager Davis responded that it will be April 23-25 and more information will be forthcoming.

**Mayor Pro Tem Art Hammen** requested a renewal of his request to staff to increase enforcement of the City Sign Code. There are a number of violations on our main corridors, particularly 72<sup>nd</sup> Street and North Prospect, but the one that stands out as the most blatant is at the corner of 70<sup>th</sup> and North Prospect. There is a real estate sign with an arrow where you cannot see southbound traffic on Prospect because of this sign; it's dangerous. He saw a car try to pull out into the traffic. We need to do what we can to see that the sign code is enforced.

**Mayor Nodler** reminded everyone that the Gladstone City election is April 6 and urged everyone to be sure to vote.

**Item 8. on the Agenda.** Communications from the City Manager.

**City Manager Kirk Davis** advised that a Community Center Feasibility Study meeting will be held Tuesday evening at 7:00 pm in the Council Chambers. The next Community Center stakeholders meeting will be April 8, at 7:00 pm.

City Manager Davis reminded everyone again of the dates for beautification: April 23-25, 1999.

**Item 9. on the Agenda. SECOND READING BILL 99-9**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company on property located at 5616-18 N. Antioch Road. (File #1082)

**Councilman Roger Norris** moved to table Second Reading of this Bill for 30 days. The motion was seconded by Councilman Fricke.

**Mayor Nodler** asked Director Scott Wingerson if there was an update on the progress of the property.

**Community Development Director Scott Wingerson** advised an updated memorandum to City Manager Kirk Davis from him was placed at Council's table prior to this evening's meeting. Director Wingerson stated that there had been admirable improvements to the property. Examples of improvements include: approximately 50% of the required Antioch Road landscaping has been installed; 90%+ of improvements along the north property line have been installed (adjacent to residential houses); fencing and landscaping between the existing buildings have been installed; entry monumentation has been installed; and materials have been generally neatly stored. This is not a complete list of activities, but representative of Cripple Creek's desire to be done with this and to operate a sound business.

**Councilman Fricke** asked Director Wingerson if he was satisfied with the progress in this area.

**Director Wingerson** responded that yes, there has been very good progress over the last two weeks. As long as it continues on pace, we will continue to be satisfied.

**Councilman Norris** indicated he had driven by twice over the weekend, and once today and saw a lot of progress had been made on storage. The rock in front looks good and the north side looks almost done. His recommendation would be to stretch this out over thirty days so Mr. Bledsoe doesn't have to keep coming back here and have more time to work.

**Councilman Fricke** stated that is exactly why he seconded it.

**Mayor Nodler** stated it has been moved to and seconded to table the Second Reading of Bill 99-9 for 30 days which would fall at the April 26, 1999 City Council Meeting. There was no other discussion. The vote: All "Aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Robert Bledsoe of Bledsoe Construction/Cripple Creek** gave an update on what has and is taking place. The asphalt on the entryway is under contract. The sign will be installed this week, by Friday. 50 tons of slab rock has been brought in to build a wall (now half completed) on the back property line to decrease sight line and he will be planting outcropping in the back as well. He stated that he has received calls from residents and wants to help them in whatever way he



can. Mr. Bledsoe invited Council and staff to go through the lot if they wish. The sidewalk permit has been approved by Gladstone and State of Missouri and will be installed in the next few weeks.

Mr. Bledsoe said he appreciated the thirty day extension and should be ready to go in the next thirty days short of anything that may come up with his 16x20 building construction. He provided the City Council photos of the progress he has made and a copy of an ad change that does say "Gladstone" in his business address. He also showed them **Kansas City Homes and Gardens Magazine** as well as **Peak Magazine** which include his business advertisements

Mr. Bledsoe thanked Director Scott Wingerson, the City Council and staff for bearing with him and giving him the thirty days. He then asked the question: When the thirty days are up, and the asphalt is in, entry done and sidewalks, can I have my special use permit, provided we are in construction of the building? And then put it behind us for keeps and pay taxes and sell products?

Mayor Nodler stated we will address that issue at the end of thirty days.

Mr. Beldsoe asked if at the end of the thirty days, it is a possibility?

Councilman Norris said sure it is possible.

Councilman Newsom said she would hate to commit and then have weather hold him up.

Mr. Bledsoe said he would continue to trust because Spring is here and he wants to get this completed.

#### **Item 10. on the Agenda.**

Councilman Norris moved to approve the **BUILDING PERMIT** for an interior and exterior addition for entrance corridor for Kendallwood Animal Clinic, 2770 NE 60<sup>th</sup> Street. Applicant/owner: Randall R. Lary (BP99-0147). Councilman Fricke seconded the motion. Councilman Norris stated that for the record, he does not do business with Dr. Lary, so he will be voting on this issue. There were no further questions or comments. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler (5-0)

#### **Item 11. On the Agenda. Other Business.**

**Councilman Newsom** commented that she drove by Oak Grove Park this evening and it is nice to see that things are in shape in preparation for the spring season in the park.

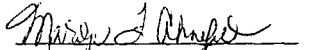
#### **Item 12. Questions from the News Media**

No news media were present.

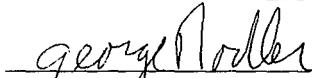
\* \* \*

Councilman Norris moved to adjourn the regular meeting and move to closed executive session for discussion of Real Estate Acquisition pursuant to 610.021(1) and 610.021 (2) of the Missouri Open Meeting Act Exemptions. Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor George Nodler

MARY JO BAUM  
MONTAGE SALON & GALLERY  
200 NW 72<sup>ND</sup> ST., SUITES B+C  
GLADSTONE, MO 64118

MARCH 22<sup>ND</sup>, 1999

MAYOR NODLER  
GLADSTONE CITY COUNCIL MEMBERS  
GLADSTONE CITY HALL  
GLADSTONE ECONOMIC BETTERMENT COMMITTEE  
GLADSTONE CHAMBER OF COMMERCE  
GLADSTONE, MO

DEAR LADIES & GENTLEMEN, CITIZENS OF GLADSTONE,  
AND MAYOR NODLER,

FOR THE RECORD, I AM MARY JO BAUM, BUSINESS  
OWNER IN GLADSTONE, MO, FOR JUST SHORT OF TEN

YEARS. I HAVE BEEN A MEMBER OF THE GLADSTONE  
CHAMBER UNDER LES SMITH AS PRESIDENT, JACK  
MARCHEM AND MANY OTHER NOTABLE PAST PRESIDENTS.  
MR. JOE WALLY INDUCTED ME INTO THE CHAMBER. I  
HAVE BEEN A FORMER MEMBER, SECRETARY, PRESIDENT &  
CHAIRMAN OF THE BOARD OF THE GLADSTONE JUNIOR  
CHAMBER OF COMMERCE, ALSO.

I AM BRINGING NOTICE OF THE NEED FOR  
A TRAFFIC SIGNAL NEEDED AT 72<sup>ND</sup> ST. NW &  
N. WYANDOTTE. THERE <sup>ARE</sup> SEVERAL ACCIDENTS PER YEAR  
AT THAT CORNER ALONE. WITH THE INCREASE OF  
COMMERCE, ESPECIALLY CONCENTRATED AT THAT  
CORNER, I URGE THE CITY TO DIRECT SOME

○ IMMEDIATE CONSIDERATION FOR SAFETY PROVISIONS  
IN THE FORM OF A SIGNAL AT THAT CORNER.

ON BEHALF OF MY CONCERNED CITIZENS OF GLADSTONE,  
AS A COMMUNITY-MINDED NUCLEUS, I PRESENT  
THIS DILEMMA. MANY OF MY CLIENTS ARE VERY  
CONCERNED AND STATED THEY WOULD SIGN A PETITION  
TO UNDERLINE AND SUPPORT THEIR CONCERNS ABOUT  
THE CORNER OF 72<sup>ND</sup> ST. NW & N. WYANDOTTE.

○ I HAVE NOTIFIED THE LINDEN WEST PTA AND  
THE CHAMBER, JACK MARQUH-NORTHLAND NAT'L  
BANK, FRENCH RIVIERA APARTMENT COMPLEX,  
LARRY WHITTON, DR. BOLAND-K.C. DENTURE CLINIC,  
ALL MY CLIENTS AND OUR CO-WORKER'S CLIENTS.  
WE CARE.

WE WISH THAT THE CITY WOULD TAKE ACTION  
ON BEHALF OF THE CHILDREN WHO CROSS THE  
STREET AT THAT CORNER.

○ SAFETY, BEAUTIFICATION, FLOW OF COMMERCE  
AND NEIGHBORHOOD GROWTH IS WHY I AM HERE  
TODAY.

SINCERELY,  
Mary Jo Baum

**Linden West PTA Unit  
Meeting Minutes  
February 9, 1999**

The meeting was called to order by Jody Hilton in the cafeteria of the Linden West Elementary school, 7333 North Wyandotte Gladstone Missouri, at 7:05 PM.

Troop and Pack 271 presented the Flag.

Inspirational thought by Alison Titus.

Minutes of the October 1998 meeting will be presented and at the March Unit meeting.

Treasurer's report was presented by Cathy Strong and after acceptance was filed for audit.

**Old Business:**

**Sock Hop:** The sock hop was a big success. Special thanks to parents who donated baked goods. \$352.00 was raised by the cake walk alone. Motion by Diane Barnes to send the sock hop profit in excess of \$75.00 to the playground fund with \$75.00 going to the Founders Day. The motion was seconded, there was no discussion, the motion passed.

**Levy Election:** Thanks to all the parents who supported the levy election.

**Nominating Committee:** Cindy Driver presented the slate of officers. Voting will be at the March Unit meeting.

President	Jody Hilton
1 <sup>st</sup> Vice President	Diane Barnes
2 <sup>nd</sup> Vice President	Alison Titus
Treasurer	Nancy Barney
Secretary	Joe Parnacott
Historian	Jennifer Albright

**New Business:**

**Reflections:** Debbie Parnacott presented the literature entry awards to the following students who read their entries:

- Courtney Campos
- Kyle Johnson
- Alyson Ott

Barnes and Noble gift certificates were presented to each student.

The next unit meeting will be March 16, 1999.

The meeting was adjourned.

**Linden West PTA Unit  
Meeting Minutes  
October 13, 1998**

The meeting was called to order by Jody Hilton in the cafeteria of the Linden West Elementary school, 7333 North Wyandotte Gladstone Missouri, at 7:05 PM.

Troop and Pack 247 presented the Flag.

Inspirational thought by Mrs. Riddle.

Minutes of the April and September 1998 unit meetings were presented and accepted.

Treasurer's report was presented by Cathy Strong and after acceptance was filed for audit.

**Old Business:**

Fundraiser: The fundraiser was a big success. We exceeded last years fundraiser and it was the best one in a long time. Delivery of items will be October 22. Please return money as soon as possible.

Bylaw Amendments: There was a motion to accept the amendments. It was seconded. There was no discussion. The motion passed.

Dan Green was thanked for rebuilding the soccer goals.

**New Business:**

Sound System: There was a discussion about two different bids for the new sound system. There was a motion to spend \$1,200.00 to \$1,700.00. It was seconded. The motion passed.

Volunteers are needed in the library. Please send a note with your child if you are interested.

The next unit meeting will be February 9, 1999.

The meeting was adjourned.

# Linden West Treasurers Report

15,798.19

Balance on hand as 2-1-99

Cash Received:	
Past Presidents Pin	18.00
Reading Incentive Shirt	6.50
Yearbooks	2138.00
Sock Hop Raffle	755.00
Memberships	25.00
Skating	73.50
Science Backboards	287.00
Clardy 1/2 CMSU	167.00
Interest Deposit	25.30
	<hr/>
	3495.30

## Cash Disbursed:

2-2	2466	Jodi Hilton	3.80
		Balloons Sock Hop	
2-2	2467	Joe Parnacott	4.85
		Postage Reflections	
2-4	2468	Stacey Mitchell	48.25
		Flowers for Chris Anderson	
2-12	2469	Excelsior Animal Clinic	145.50
		Cougar Spay/Declaw	
2-16	2470	Linden West	1403.36
		Sock/Raffle	
2-16	2471	Stacey Mitchell	19.94
		Cathy L. & Dr. Singers Birthday	
2-17	2472	National PTA	85.00
		Jodi Convention	
2-17	2473	Debbie Parnacott	60.00
		Reflections Gift Certificate	
2-19	2474	Price Chopper	18.41
		Teacher Luncheon	
2-25	2475	Ann Morrison	6.71
		Film Processing	
3-1	2476	Ryder Transportation	334.00
		CMSU Childrens Literature	
			<hr/>
			2129.82

Total on hand as of 3-2-99

17,163.67

3/8/99 3:24 PM

March 8, 1999

ATTN: The Gladstone Legislative Body  
Mayor: George Nodler  
Mayor Pro-Tem: Art Hammen  
Council: Anita Newsom  
Roger Norris  
Dave Fricke

Concerned Citizens and Animal Lovers

RE: Animal Control Ordinances and Policies

### Introduction

I am a registered voter and a tax-paying resident of Gladstone. I am also a volunteer at the Gladstone Animal Shelter, which has made me a concerned citizen. Because of my love for animals, I feel compelled to bring to your attention the out-dated ordinances and policies that are currently utilized by the Gladstone Animal Control which operates the Gladstone Animal Shelter.

In 1998, 206 dogs of 670 dogs impounded and 366 cats of 553 cats impounded were euthanised in the City of Gladstone. This means 47% of all cats and dogs impounded were euthanised. Euthanised of course is just a "kind" way of saying "humanely put to death by injection". The actual cost to euthanise a healthy, loving animal is only about \$5. Most people spend more than this to wash their car, buy a pizza, or go to a movie. Our loving pets have truly become "**disposable**".

Most communities, including Gladstone, harbor this out-of-sight-out-of-mind secret. A secret carried out far away from the public eye--an animal holocaust! In the Kansas City metropolitan area alone hundreds of cats and dogs are euthanised daily, the majority of which are healthy and loveable. This holocaust occurs because of apathy, ignorance, and irresponsibility on the part of the populous. Some people really don't care, but most are just unaware of all the facets of animal control. Others just try not to think about it.

The greatest impetus to the holocaust is the reckless breeding of animals for profit. Any legitimate breeder will inform you that there is little profit to made when animals are bred correctly. The concern of legitimate breeders is the health of the animal, not the profit. Puppy mills, unethical pet stores, and "back-yard" breeders have all contributed significantly to the need for animal control to euthanise large numbers of animals. Prior to the profit boom in domestic pets like cats and dogs, the primary function of animal control was to protect the community from potentially dangerous animal situations such as rabies, aggressive animals and wild animals. (How ironic that it is now the animals which need protection from a careless, irresponsible, profit-motivated community.) Animal control has metamorphosed to a point where they are now the community's garbage dump for disposable family pets. For \$5 the city will dispose of your unwanted pet as well as pets that have been picked-up because of irresponsible breeding or



irresponsible pet ownership. Most people ignore the fact that less than 50% (and realistically closer to only 30%) of all animals handled by animal shelters are actually adopted. (40%-80% are euthanised, depending on the animal shelter.) They satisfy their conscience with the thought that perhaps their animal will be one of the "lucky" few. They go on their way convinced that they were not the bad guys because they did not administer the lethal drug. **Leaving a pet at an animal shelter is more humane than "dumping" it on the road, but it is only the lesser of two evils for most animals.**

Who exactly are the bad guys? Most people refer to them as "dog-catchers", enlightened people refer to them as animal control officers. Many of these officers are compassionate, animal-loving people who often get a bum rap for doing society's dirty work. Because they pick-up animals and try to get them off the streets (for the safety of both people and the animals) and because they actually do the "dirty" work of euthanising they are the bad guys. **Wake-up citizens in the community!** I lay it at your feet. You are the irresponsible people who not only allow this situation to exist, you cause it to flourish. You do not spay or neuter your animals. You allow them to run free. You buy your pets from those who promote irresponsible breeding (puppy mills, unethical pet stores, back-yard breeders.) instead of considering a legitimate breeder or your local animal shelter. Do you even remember to thank your animal control officer for getting your animal safely off the street or are you just arrogant enough to think that paying the impoundment fee is thanks enough? After all, you are a tax-paying citizen. You turn your head so as not to see the holocaust that occurs in your own back yard.

What can we as a community do to help alleviate this holocaust caused by the over-population of domestic animals? We must take responsibility by addressing the situation instead of turning our heads the other way. We must admonish our city government to put into place city ordinances and policies that reduce the number of "unwanted" pets that end up at the animal shelter. At the same time we should support our local animal shelter by patronizing it when looking for a family pet. Many wonderful animals (even purebreds) end up at animal shelters. If you are truly looking for a quality purebred, take the time to seek out a reputable breeder. (Even the American Kennel Club at their premier event, The Westminster Dog Show, admonished those who own "show" quality dogs not to forget to adopt another loving dog from their local animal shelter.)

Ordinance and policy changes are desperately needed to make Gladstone a **proactive** instead of a **retroactive** animal-friendly community. From my observations as a volunteer at the Gladstone Animal Shelter for the past 6 months, I have ordinance and policy concerns in the following areas:

1. City Dog Licensing
2. Breeder Licensing
3. Puppy Lemon Laws
4. Cat Leash Law
5. Impoundment Fines
6. Adoption Screening
7. Adoption Fees
8. Off-Sight Adoption
9. Animal Shelter Vaccinations and Tests

## **1. City Dog Licensing**

Annual dog licensing is required by the City of Gladstone. Proof of current rabies vaccination is required for licensing. There is a \$1 penalty fee for late renewal. At present the licensing fees are as follows:

Spay or Neutered Dogs: \$2

Unaltered Male Dogs: \$4

Unaltered Female Dogs: \$6

Recently I licensed my 3 dogs with the City of Gladstone. As a concerned tax-paying resident as well as a responsible dog owner, I asked the City the following questions.

**My Question: Why are dogs required to be licensed in the City of Gladstone?**

**City Response: Dogs are required to be licensed to insure all dogs are currently vaccinated for rabies.**

**My Response: As an owner of 3 dogs, I feel discriminated against. Don't cats and ferrets carry rabies as well as dogs? Why doesn't Gladstone require city licensing for cats and ferrets?**

**City Response: It's really more for animal population control than just rabies.**

**My Response: Then why must I license my spay and neutered dogs? They contribute nothing to the animal population.**

**City Response: Well it's really so that we can return your dog to you if it is picked-up.**

**My Response: From my volunteer work with the animal shelter, very few animals are returned to their owners because of city licensing. Perhaps you can provide me with statistics?**

**City Response: No.**

(The city could provide me with no logical basis for city licensing. Unless it is illegal to own cats and dogs or they have been deemed dangerous animals to harbor in a city, the city has no right to monitor my ownership of such animals. As far as I am concerned, as long as I am responsible with my cat or dog, the city has no need to know if I have one or regulate how many I may possess. I consider it an invasion of my privacy. If I violate a city ordinance, abuse my animals or my animals become a nuisance to the community, then and only then does it become the city's business.)

**My Question: How many dog licenses are issued each year?**

**City Answer: Approximately 1800.**

**My Response: I have been told that estimates put the actual number of dogs residing in**

the City of Gladstone at 6000-8000. If only 1800 dogs are licensed in Gladstone, one might assume that only "responsible" dog owners license their dogs, maybe that's why you rarely deal with licensed dogs at Animal Control.

**My Question:** I would like to see a break-down of the cost to administer the city licensing of dogs by responsible dog owners. Does the revenue collected even cover the administrative cost of licensing?

**City Response:** Animal Control does not turn a profit; therefore, the revenue is put into the General Fund.

**My Response:** Notwithstanding where the money goes, I would like to know does the revenue collected from the responsible dog owner who licenses his dog at least cover the administrative cost of licensing?

**City Response:** Probably not.

**My Response:** I will assume at this point that the form to license a dog, the man-power to process the form, the annual renewal form, and its mailing costs are not covered by the licensing fee. In addition, it is my observation from volunteering at the animal shelter, that if a licensed dog owner does not renew after being sent a renewal notice, an animal control officer must follow-up with a phone call and possibly a physical visit to the residence. Many times in the follow-up the officer learns that the resident has moved or the dog has died. Tax-payer man-hours are used in this exercise in futility. As I am sympathetic with the plight of our disposable animals, I feel the animal control officer's time could be better utilized in programs to increase public awareness through education or to promote programs which help place adoptable animals.

Basically I discovered that the city licensing ordinance had no definable basis and it wasted the tax-payer's money along with the fee imposed on the dog owner. Worst of all, licensing does nothing to reduce the number of animals euthanised in our community.

I was disturbed by this situation so I did some research. My research resulted in the following citizen recommendations regarding animal ordinances in the City of Gladstone. The goal of these recommendations is to reduce the number of animals euthanised and more effectively utilize animal control resources.

1. Abolish City Dog Licensing
2. Institute Breeder Licensing of Dogs, Cats, and Ferrets
3. Institute Puppy Lemon Law
4. Institute Cat Leash Law

## **2. Breeder Licensing**

The premise of breeder licensing is to curtail irresponsible breeding. This can include backyard breeders, unethical breeders, and even irresponsible owners who neglect to spay or neuter problem animals. (e.g. animals that jump the fence and run loose)

St. Joseph, Missouri currently has in place a city ordinance that requires a Breeder's License for cats and dogs. The Breeder's License ordinance includes the following fees, fines and stipulations.

Fee: \$20/litter

Stipulation: 1 litter/year/animal

If the litter is destroyed because of health problems, written veterinary proof is required to breed again in the same year.

Stipulation: All animals in a litter must have veterinary proof of proper vaccinations.

Fine: \$100-\$500 per violation.

Breeder License violators are easy to find as they must seek a market for their animals. (e.g. newspapers, signs, sitting out front of Wal-mart) Breeder licensing directly attacks one of the major problems facing animal control, animal over-population. Rather than regulating the owning of animals, regulating the selling of animals would appear to be a better solution to our animal control problems. I feel Gladstone should institute a Breeder's License Ordinance for all dogs, cats, and ferrets.

## **3. Puppy Lemon Law**

Many states are moving to Puppy Lemon Laws to hold pet store owners responsible for the quality of pets they sell and in effect discourage the puppy mill production of animals. If you hold citizens responsible for the animals they breed and sell, it only seems reasonable to hold the pet store owners equally responsible for the puppies they sell. (See the attached February 10, 1999, The Wall Street Journal article on Puppy Lemon Laws.) I believe Gladstone should adopt a Puppy Lemon Law Ordinance for the retail selling of animals.

## **4. Cat Leash Law**

Cats are becoming an increasing problem in our community both in numbers and in nuisance. I have recently learned that our animal control officers don't even have the authority to pick-up a cat running loose. Cats are more prolific than dogs yet we allow them to run loose on our streets, procreating litters of kittens every few months that will either die on our streets from being hit or else end up at the shelter because of some good Samaritan who feels they might get a better deal at the shelter than on the streets. The off-spring of unspayed cats will obviously be unspayed as well and able to reproduce within six months--the problem only compounds. Up until three years ago, the shelter euthanised approximately the same number of cats as dogs. In the last three years the shelter has euthanised roughly 2 times as many cats as dogs. Obviously the cat population is becoming a problem. I believe the City needs to consider a Cat Leash Law Ordinance.

In addition to the previous ordinance recommendations, I feel that some of the operating policies of the Gladstone Animal Shelter should be updated to reflect a more animal-friendly approach to dealing with our lost and unwanted pets.

### **5. Impoundment Fines**

Currently the impoundment fines for an animal are as follows:

- 1st Impoundment: \$20
- 2nd Impoundment: \$25
- 3rd Impoundment: \$30

If our goal is to reduce the number of animals euthanised yearly (which I strongly feel it should be), I have observed that this schedule of fines does little to address this problem and in some cases only serves to make the responsible dog owner feel like a criminal when searching for a scared animal that has gotten out during a storm or some other unintentional, unforeseeable situation.

Anyone who has actually visited the Gladstone Animal Shelter realizes animal space is at a premium. One policy for which I do applaud the animal shelter is their policy of keeping an adoptable animal as long as space allows. Unfortunately space does not always allow. With only 16 kennel runs and 2 observation kennels, it doesn't take very long for the shelter to fill up and have to consider euthanising for space. I believe that one policy change could help this space problem. Stray animals must be kept for 7 days to give an owner time to locate their pet. Although many go unclaimed, many of the animals that are claimed remain at the shelter several days before being picked-up by their owner (occupying valuable kennel space). If the residents of Gladstone realized that when their animal was lost if they were to immediately contact the animal shelter that the 1st impoundment fine would be waived, I believe it would encourage more people to claim their animal sooner and free up much needed kennel space. Truth is, anyone who immediately claims their animal is more than likely a responsible pet owner desperately looking for a very loved pet. There is not a problem pet and chances are animal control will not have to deal with them again. Why make them feel like criminals? Although most of these people are more than willing to pay the fine, these really aren't the problem animals. It is the repeat offender that is the problem. I believe that in order to encourage residents of Gladstone to immediately claim their animals, Gladstone Animal Shelter should waive the 1st impoundment fine if the animal is claimed within 24 hours of being impounded. I also believe this would put the Animal Control Officer in a much more friendly light as far as serving the community. It would erase the stigma that an Animal Control Officer has nothing better to do than cruise the streets and pick-up pets to generate city revenue.

My second concern related to impoundment fines is the impoundment fines of unaltered animals. These unaltered animals running loose in our community are the ones causing the over-population problems that result in many animals being euthanised. They should be the most heavily fined. Even if the animal got out by mistake, the owner has not done the responsible thing and spay or neutered their animal. I have been informed by animal control officers that 90% of all dog problems (bites, aggression, road accidents) are the result of unaltered male dogs running

loose, not to mention the number of litters they contribute to while they run fertile through our neighborhoods. As our goal is to encourage responsible pet ownership that results in fewer unwanted pets, I believe the 1st impoundment fee for an unaltered animal should be an option. That option would be to either pay a fine equal to the cost of spaying or neutering the animal or to have the animal spay or neutered. Currently the State and City of Gladstone do not allow animals to be adopted from animal shelters without being spay or neutered. Why should we allow problem owned animals to leave without the same mandate. I realize that on a very rare occasion a purebred, possibly breeding quality dog, may be impounded in which case the owner should have the option to redeem his animal unaltered. Still a fine equal to the cost of spaying or neutering should be imposed. Our goal should be to reduce the number of unwanted pets that have to be euthanised. I believe this policy change would go along way in helping to reach that goal.

#### **6. Adoption Screening**

As an animal lover, I am appalled that any person over the age of 18 desiring to adopt any animal may adopt it from the Gladstone Animal Shelter without question. Are we really doing an animal a favor by adopting it to someone without any indication of why they want it or how it will be treated. I definitely believe some screening process is needed to assure a good match and reduce the possibility of an animal being returned to the animal shelter. Let us not forget how disposable these animals have become to society. Sure the animal may be euthanised if it is not adopted, but to quote a cliché, what good does it do to go "out of the frying pan and into the fire"? Without some sort of screening how can we feel comfortable adopting out an animal. Most animals are cute and cuddly when small, what happens to these animals when they grow up and are no longer cute and cuddly? Many are returned to the same shelter that adopted them. Many are, sad to say, mistreated. Many live out their lives in a pen on the very outskirts of their owners property or worse yet on the end of a chain. Much of this could be prevented by proper screening. I believe the Gladstone Animal Shelter should institute a screening procedure to help assure a good placement for an adopted animal.

In addition, I believe that the Animal Control Officers should be invested with full discretionary authority to approve or reject a potential adoption. If we cannot rely on their experience and expertise when dealing with animals, why should they be Animal Control Officers? They are the ones looking out for the welfare of our unwanted pets. Give them the authority to do so in adoption. After all, we give them the authority to decide which animals will be euthanised and when they will be euthanised. They, more than anyone, are aware of what happens if an animal is not adopted. With that burden, wouldn't they use their authority wisely and in the best interest of the animal? I believe Animal Control Officers should be given full discretionary authority in adopting animals.

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## 7. Adoption Fees

The adoption fees for animals at the Gladstone Animal Shelter are as follows:

Unaltered Dog: \$16 Adoption Fee + \$75 spay/neuter cost = \$91

Unaltered Cat: \$16 Adoption Fee + \$49 spay/neuter cost = \$65

Spay/Neutered Dog or Cat: \$16 Adoption Fee

The good point related to this adoption schedule is that the size or sex of a cat or dog does not give it a cost advantage in adoption. This is only fair to the animals, especially when you consider that large dogs are the most difficult animals to adopt and usually are the most costly to spay or neuter. No animal should be discriminated against just because of its size or sex.

I do believe the adoption fee for a spay or neutered animal at the Gladstone Animal Shelter is pathetically low and only contributes to the notion that unwanted pets are disposable. In the last month alone, I have seen 2 dogs--that were assessed by animal control officers to be good adoptable dogs--returned to the shelter. These dogs were both spay and neutered and adopted for \$16. In 6 months of volunteering I have not noticed one dog adopted for a total cost of \$91 returned. Unfortunately the 2 returned animals were euthanised. 2nd chances are rare at a shelter, especially if the person can return the animal by claiming it growled at them and then not have to pay a \$20 drop-off fee as well as have their \$16 applied to another animal if they desire. The adopter is only out \$16 for an animal that didn't satisfy him. The adopter may have even just changed his mind about owning a dog. As noted earlier, I believe screening may help prevent this problem. The two dogs euthanised were good dogs, they were just mismatched. I also believe that increasing the adoption fee for a spay or neutered animal would prevent reckless adoption of a cheap dog or cat.

As it stands now, if my dog is impounded and I wait 7 days to claim him, it will cost me \$55 for the impoundment fee and boarding fee. If my dog is spay or neutered and I wait the 7 days until he is available for adoption, I can adopt my own dog for \$16. (If my dog is older, the chances of someone waiting to adopt him at the end of 7 days is very slim.) A smart person realizes that if he wants to leave town on a holiday such as the 4th of July to simply allow his dog to be impounded and adopt him after a week thus receiving a week's worth of boarding (at a time when most private kennels run full) for a very cheap \$16. I believe the adoption fee for a spay or neutered dog should be raised to at least \$55 to avoid this loophole but most importantly to avoid the reckless adoption of cheap dogs.

Sad to say, fewer than 2% of all cats are claimed by their owner; in fact, most cats at the shelter are actually dropped-off by their owners. In spite of this, and because many cats do come to the shelter spay or neutered, the adoption fee for spay or neutered cats should be raised, maybe not to the level of a spay or neutered dog but it should be raised. I think a reasonable increase in the adoption fee for a spay or neutered cat would be to increase the adoption fee from \$16 to an adoption fee of \$25.



I also believe that Senior Citizens should be given a significant break in cost when adopting an animal. These people live on fixed incomes and are the ones most likely to want a pet for companionship and give it the attention during the day that an animal deserves. I believe the adoption cost (not the spaying or neutering cost) should be significantly reduced or waived altogether for Senior Citizens, assuming the animal control officer has screened the potential adopter and approves the adoption.

### **8. Off-Sight Adoption**

During my volunteer efforts to increase adoptions at the Gladstone Animal Shelter I have been advised that the Gladstone Animal Shelter has a policy that prohibits taking animals from the Gladstone Animal Shelter to other locations which might improve the animals' chances of being adopted. Many area shelters are successfully taking animals off-sight for adoption purposes. One case in point is the Independence Animal Shelter. They actually have an arrangement with Petco and Petsmart pet stores where they permanently place cats available for adoption in cages that the stores provide at their location. The adoptions are still handled by the animal shelter and are still under their guidelines, but the store provides the much-needed exposure. It's a win-win situation: the shelter benefits by adopting some of their animals and the store benefits by being able to sell all the needed items that accompany an adoption. Opportunities to adopt animals by taking them off-sight should not be declined because of a "no off-sight policy". Anytime the shelter can properly arrange to show their adoptable animals off-sight provides both the shelter and the animals needed positive exposure. I believe the Gladstone Animal Control should repeal its "no off-sight policy"; it is not animal friendly and it is passé.

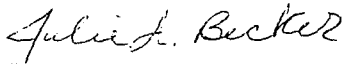
### **9. Animal Shelter Vaccinations and Tests**

Gladstone Animal Shelter vaccinates all animals for common species-related diseases as well as rabies. Unfortunately, they do not perform basic health tests on the animals. For cats, the major health risk is feline leukemia (deadly for most cats) and for dogs the major health risk is heartworm (deadly if left untreated and difficult to treat). These problems are so prevalent that owners are strongly recommended to annually vaccinate their cats against feline leukemia and to test dogs annually for heartworm as well as keep dogs on a heartworm preventative. The cost for the animal shelter to administer these tests would be minimal, approximately \$1 per test. The benefits would be invaluable. Any animal which tested positive would be a candidate for euthanising when space becomes an issue. This would be a tremendous help to the animal control officers when deciding which animals should be euthanised. (It is a little easier to euthanise a sick animal than a healthy animal.) And since these diseases are hard, if not impossible, to cure, it is usually in the best interest of the animal. Knowing in advance if an animal has one of these diseases would also eliminate the problem of having to "undo" an adoption once the animal has been tested outside the shelter. These tests are cheap and easy to administer and provide the animal control officer valuable information when making decisions related to euthanising and adopting an animal. I also think people are entitled to know prior to adoption (and getting attached to an animal) whether or not an animal has one of these diseases. I believe that the Gladstone Animal Shelter should screen all cats for feline leukemia and all dogs for heartworm.

### Conclusion

Pets should never be considered disposable, they should be loved and cared for with a lifetime commitment. They are not living toys that you get rid of once you get tired of them. Euthanising our disposable pets should not be standard operating procedure; unfortunately an irresponsible society has made that the case. Responsible pet owners and animal lovers should do all they can to change the deplorable situation that now exists because of the irresponsible element in society. I believe that Gladstone is basically an animal-friendly community composed of many responsible pet owners. The ordinances and policies that govern our animals should be updated and revised to reflect the community's basic **pro-animal** attitude. In addition, educational programs should be put in place to teach our future generations the errors of this generation's ways as well as animal safety. I realize at this point the only mission of the Gladstone Animal Control is public safety. The mission needs to be amended and expanded. I believe that the Gladstone Animal Control should develop a mission statement that strongly emphasizes adoption over euthanasia as well as the importance to educate the public--especially the children. We can end the holocaust, but not without change.

Respectfully submitted for your consideration,



Julie A. Becker  
Volunteer  
Gladstone Animal Shelter

## ***Sick as a Dog***

### **Pet Stores That Peddle Ailing Canines Face 'Puppy Lemon Laws'**

**Unable to Curb Bad Breeders,  
Animal Lovers Take Aim  
At Retailers' Bottom Line**

**Paco Finds Love on Three Legs**

By ROBERT JOHNSON

Staff Reporter of THE WALL STREET JOURNAL

POINT PLEASANT BEACH, N.J.—Nat Sladkin, holding his three-legged Chihuahua, Paco—who is adorned with a thick gold necklace—speaks over the racket of 100 or so variously pedigreed puppies in his store, Pet Depot. "They're the cutest things in the world," he says.

The 58-year-old Mr. Sladkin would seem the ideal person to trust when buying something of such innocent seduction. After all, he is president of both the Chamber of Commerce and the Republican Club in this coastal town of 15,000 residents. The business he owns with his wife, Paula, has been in the same downtown location for 16 years and sells more than 100 puppies a month.

But some of his customers say Mr. Sladkin epitomizes the evils of pet stores that

sell dogs. There are 39 complaints pending against him with the state Division of Consumer Affairs, most of them for allegedly retailing sick or disabled puppies. A handful of customers have been picketing the store to complain about their pets' poor health. And several years back, the state consumer agency shuttered Pet Depot for two days because of allegations about the sale of sick puppies, among other things; to settle that case, Mr. Sladkin, without admitting or denying any wrongdoing, agreed to follow a New Jersey Attorney General's Office order that he won't sell dogs he "knows or should know are unfit for purchase or clinically ill." Mr. Sladkin says consumers who complained simply weren't prepared for the responsibilities of caring for their puppies.

Of such troubles, Mr. Sladkin says, "It isn't usually the consumers, it's the damned Humane Societies, veterinarians and hobby breeders that try to give pet stores a bad name." Besides, he adds, people keep buying his puppies: "I haven't had to eat one yet," he says with a smile.

These days, that doggie in the window can all too often be a sick puppy. And pet stores, once viewed as warm-and-fuzzy places, are being lumped into the same buyer-beware category as car dealers and pawn shops.

#### **Illness Abounds**

Far from promoting the next generation of Westminster Kennel Club winners, which wound up its annual competition in New York yesterday, some stores are peddling dogs prone to life-threatening respiratory woes or colon, kidney and bladder ailments that will make housebreaking impossible, veterinarians say. Other genetic maladies may not show up for years, such as hip dysplasia, which is often attributed to unscrupulous inbreeding; replacing the hip of, say, a golden retriever, commonly costs \$3,000. The California Assembly Office of Research reported last year that 48% of the puppies in that state's pet stores are ill or incubating an illness when purchased.

In recent years, efforts to curb the problem were aimed at the hundreds of so-called puppy mills among the nation's 3,200 dog-breeding facilities. High-profile raids of these farms in turn triggered a string of new regulations from the U.S. Department of Agriculture and 26 states aimed at forcing the facilities to uphold levels of health care, cleanliness and breeding requirements. But the attention hasn't slowed the sale of sick canines, largely because of lax enforcement of the puppy-mill laws and lobbying by pet-industry retailers.

Now, the nation's 10,000 pet stores that sell dogs are being viewed by many state legislators and pet-protection groups as puppy-mill accomplices to be held accountable. Over the past decade, at least seven states, including New Jersey, California and Florida, have adopted so-called "puppy lemon laws" that generally allow consumers to return defective dogs.

#### **Street-Level Regulation**

Simply put, taking aim at pet stores is the latest twist in trying to regulate "faulty" products at street level when the manufacturers can't be stopped. Between 80% and 90% of the 125,000 or so puppies sold by stores each year come from large breeders, according to an estimate by the American Society for the Prevention of Cruelty to Animals, an estimate that pet-retail industry officials don't dispute.

"It just isn't possible to stop this tragedy without cutting off the market that many mills depend on: the stores them-

*Please Turn to Page A8, Column 4*



*Nat Sladkin and Paco*

# Pet Stores That Peddle Ailing Canines Face 'Puppy Lemon Laws'

*Continued From First Page*  
selves," says Alan Augustine, a dog-devout New Jersey assemblyman from Union who has received several complaints from constituents. Over coffee in a diner near his office, Mr. Augustine's eyes well up as he shows a picture of the late Scrumpy (short for Scrumptious), his mixed-breed "Benji style" pet of 12 years who died in 1997.

Mr. Augustine is making New Jersey the country's hottest pet-store battleground, with proposed legislation that would force stores to pay triple the vet bills for sick animals and either refund the full purchase price or provide free replacement animals to owners of any that die within a month. The bill also includes a 10-strikes-and-out provision to close stores for ringing up that many sales of unsound pups in a six-month period.

Pet-protection groups and puppy buyers, as well as U.S. Department of Agriculture breeding inspectors, are lining up behind Mr. Augustine's bill. Lisa Weisberg, vice president of government affairs at the ASPCA in New York, says, "It's time to make the store owners pay for what is in effect their partnership with puppy mills."

But Mike Maddox, attorney for the Pet Industry Joint Advisory Council, which represents 2,000 pet retailers, objects to the legislation, saying "When you're attempting to regulate what's being sold at the retail level, you're not addressing the breeding conditions that cause the problem."

Dog breeders—many of them farmers whose hard times have prompted the addition of puppies as a cash crop—are spread out across thousands of miles in the Midwest, Southeast and Middle Atlantic states. The Agriculture Department has a mere 72 inspectors to keep tabs on the thousands of breeders, and their duties also include about 4,800 other animal-related businesses, from circuses and zoos to airline pet-shipment operations. Pet stores are specifically exempt from the federal inspections under the Animal Welfare Act of 1966.

The states, too, have been largely ineffective in cutting down on breeder abuses because of the same budgetary and manpower factors that constrain the federal inspection effort.

What usually happens, then, is that federal and state inspectors find themselves reacting to the occasional report about extreme conditions. "One thing they are good at is solving the atrocious problems, like frozen puppies in the snow," says Holly Hazard, executive director of the Doris Day Animal League in Washington, a nonprofit group that campaigns against pet abuse. "A Pocketbook Issue"

With the New Jersey legislation, animal lovers hope to gain control of the situation by taking aim at the bottom line, hitting pet-store owners where it hurts. "We're going to make this a pocketbook issue at the retail level and start winning for a change," says Rose Marie "Bunny" Riddick, an animal-rights activist who lives in nearby Brick Township.

Excluding exotic birds and reptiles, which sell in lower volume, puppies are the most profitable items in the pet store. Store owners typically buy the dogs from large-scale breeders for prices between \$35 and \$75, depending on the breed, and the markup is routinely eight to 10 times that. Thus, a cuddly white miniature poodle that wholesales for \$50 from a barnyard pen in Missouri could retail for \$500 in New Jersey.

"Pet stores that have to pay triple damages on a \$500 puppy are going to start forcing their suppliers to deliver higher-quality products," says Mr. Augustine, the New Jersey assemblyman.

Defective dogs returned to pet stores are likely to meet a sad end, however. That is because their value drops fast after the age of 12 weeks to almost nothing at four months. Many are then sold to research laboratories or given to animal shelters.

## The End of the Line

Purebred dogs account for 25% of all canines turning up at such shelters in recent years, according to a joint study in 1995 by the ASPCA and other pet groups. At that rate, about 750,000 purebreds are being given up each year, a number equal to about 60% of those being registered annually with the American Kennel Club in New York.

"The shelter is too often where the puppy pipeline ends," says Stephen Zawistowski, an animal behaviorist at the ASPCA in New York. "Along the way, there is the brief highlight in the store window where someone stops and says, 'Isn't that adorable?'"

Mr. Maddox of the pet store trade group argues that store owners have a strong business incentive for selling the healthiest puppies they can. "Stores obviously try to sell the best puppies they can, because when dogs are brought back, it costs them time and money," he says.

Amateur "hobby breeders," who raise their favorite kinds of pups in their homes, sell about three times as many puppies as pet stores do. By and large, the high numbers of health problems don't seem to show up in these dogs. Yet many shoppers continue to go to pet stores because "you usually can't just walk into a hobby breeder's home and get what you want right then and there," Mr. Zawistowski says. "When you're all ready for a puppy, there's nothing as deflating as being told, 'I'll have one for you in two months.' We're a convenience society, and puppies are usually an impulse purchase."

## Appealing Merchandise

Indeed, that impulse strikes often in Mr. Sladkin's store. Toward the back of the packed narrow aisles, neatly stacked metal cages hold row after row of cocker spaniels, German shepherds and dachshunds. In another area, larger pens, each lined with clean newspaper, hold several dogs at a time. Mr. Sladkin, a former auto-repair-shop owner, has an excellent track record with the county health department.

Asked if he buys from puppy mills, Mr. Sladkin demurs. "What's a puppy mill? I buy from licensed breeders." (All dog breeders with at least four breeding females must obtain a federal license, which costs anywhere from \$75 to several hundred dollars depending on the size of the operation. Once they get the license, breeders are subject to surprise inspection at any time.)

Into Mr. Sladkin's shop in October 1997 walked Cathy Passaretti, looking for a York-

shire terrier. "Suddenly there he was, sitting in front of us with those big brown eyes. My three-year-old daughter was tugging me, begging for this puppy." So the Sayreville, N.J., housewife paid \$525 in cash for the dog, appropriately named Chance. "Plus, we bought the-leash, the ball and the most expensive dog food—which he never touched."

Chance quickly developed bladder, colon and kidney problems that Mrs. Passaretti says resulted in "bloody runs all over the floor. He smelled like a corpse all the time."

## Canine Colitis

Finally, after eight months, \$600 in vet bills and a diagnosis of canine colitis, Mrs. Passaretti sued Mr. Sladkin in Ocean County Court and won a refund judgment that he still hasn't paid. A hearing regarding the nonpayment is scheduled for May. Mrs. Passaretti eventually found an elderly couple who agreed to adopt Chance, even though his illness continues and he also faces extensive dental work to remove an impacted set of teeth.

Mr. Sladkin won't discuss the matter, citing the pending litigation. Imperfect dogs, he argues, can still make good pets. As an example, he holds up Paco, the seven-year-old Chihuahua that he bought from a breeder even though it was born missing one leg. "Paco isn't any less lovable because of his problem."

And he fumes about Mrs. Passaretti's vet, who signed a certificate that Chance had been "unfit for sale." "Some of these veterinarians will sign anything for a pet owner who has just decided a puppy is too much trouble," he says, noting that he has his own vet visit the store several times a week. "If illness after illness develops after my vet examines the dog, that's life. You can't foretell these things."

Adds Mr. Sladkin: "It's a good thing some people can't take their babies back to the hospital just because they get sick, or a lot of parents probably wouldn't keep their own kids."

CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 12, 1999

REGULAR MEETING: 7:30 P.M.

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 22, 1999 City Council Meeting Minutes.**
5. **PROCLAMATION:** designating the month of April as "Child Abuse Prevention Month" in the City of Gladstone. Sponsor: Healthy Families Mid-America.
6. **PROCLAMATION:** designating the month of April as "National Volunteer Month" in the City of Gladstone.
7. **FIRST READING BILL 99-11**, declaring the results of the Tuesday, April 6, 1999 Gladstone General Election as certified by the Clay County Board of Election Commissioners that candidates Dan Bishop and Anita Newsom have been elected to Three Year Terms on the Gladstone City Council.
8. **SPECIAL PRESENTATION AND REMARKS:** Mayor George Nodler and Councilmembers.
9. **CITY COUNCIL OATH OF OFFICE: ANITA NEWSOM**
10. **CITY COUNCIL OATH OF OFFICE: DAN BISHOP**
11. **ELECTION OF MAYOR AND OATH OF OFFICE**
12. **ELECTION OF MAYOR PRO TEM**
13. **CONSENT AGENDA**

**RESOLUTION NO. R-99-29**, accepting work under contract with Cook, Flatt & Strobel for the design of Prospect Plaza Public Improvements under Project #9975 and authorizing final payment from the Capital Improvements Sales Tax Fund. Grand Total Contract Amount: \$48,500.00; Final Payment Due: \$36,375.00.

**RESOLUTION NO. R-99-30**, accepting work under contract with Rhomar H. Construction for 63<sup>rd</sup> Terrace Drainage Improvements under Project #9605 and authorizing final payment from the Capital Improvements Sales Tax Fund.

**RESOLUTION NO. R-99-31**, authorizing execution of a contract in the amount of \$31,480.00 with Heratland Construction, Inc. for the construction of the ADA/Female Holding Cell. Fund: Capital Improvements Sales Tax Fund.

**RESOLUTION NO. R-99-32**, authorizing Change Order #3 in the amount of \$27,200 to the 705 NE 67<sup>th</sup> Place Drainage Improvement Contract with Industrial Excavating & Equipment Company under Project 9613 and authorizing the appropriation of additional funds from the Capital Improvements Sales Tax Fund.

**APPROVAL OF WINE TASTING LICENSE**, for Hy-Vee Food & Drug Store, 7117 N Prospect. Managing Officer: Jerry Israel.

#### **REGULAR AGENDA**

14. **Communications from the Audience.**
15. **Communications from the City Council.**
16. **Communications from the City Manager.**
17. **APPROVAL OF BUILDING PERMIT** for remodeling of existing 1,480 sq. ft. building space at 324 NE 72<sup>nd</sup> Street for Steak Out Kansas City. (BP#99-0169)
18. **APPROVAL OF BUILDING PERMIT** for 1500 sq. ft. tenant remodeling of customer service area at 100 NW Vivion Road for Courtesy Chevrolet. (BP#99-0170)
19. Other Business.
20. Questions from the News Media.
21. Adjournment.

***You are cordially invited to the Lobby Reception  
Honoring the City Council***

*co-hosted by  
City of Gladstone and Gladstone Area Chamber of Commerce*

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 12, 1999

Mayor George Nodler called the Regular April 12, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor George Nodler  
Mayor Pro Tem Art Hammen  
Councilman Anita Newsom  
Councilman Roger Norris  
Councilman Dave Fricke  
Councilman Elect Dan Bishop

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Clerk Marilyn Ahnefeld

#### Item 3. on the Agenda. Pledge of Allegiance.

Scouts in the Audience representing Troop 354 and Troop 301 led the Pledge of Allegiance to the Flag in which all joined.

#### Item 4. on the Agenda. Approval of Regular March 22, 1999 City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Regular March 22, 1999 City Council Meeting Minutes as written. Councilman Roger Norris seconded. The vote: All "aye" - Fricke, Hammen, Newsom, Nodler, Norris. (5-0)

Item 5. On the Agenda. Mayor George Nodler read a Proclamation designating the month of April, 1999 as "**Child Abuse Prevention Month**" in the city of Gladstone as sponsored by Health Families Mid-America.

Karen Daentl representing Health Families Mid-America, accepted the proclamation and thanked the Mayor and City Council for acknowledging Child Abuse Prevention Month. She indicated she has placed brochures in the City Hall lobby area which suggest how members of the community can participate in this effort and also noted that individuals can purchase Children's Trust Fund special license plates as another way to assist this cause. Mayor Nodler thanked Ms. Daentl and her organization for their efforts.

**Item 6. on the Agenda.** Mayor George Nodler also read a Proclamation designating the month of April, 1999 as "**NATIONAL VOLUNTEER WEEK**" in the City of Gladstone, Missouri as sponsored by the President's Summit for America's Future. Gladstone Parks & Recreation Director Steve Buschor accepted the proclamation from the Mayor on behalf of all community volunteers.

**Item 7. on the Agenda.** **FIRST READING BILL 99-11**, certifying the results of the Tuesday, April 6, 1999 Gladstone General Election and declaring that candidates **Dan Bishop** and **Anita Newsom** have been elected to Three Year Terms on the Gladstone City Council.

Councilman Roger Norris moved to place Bill 99-11 on First Reading; Councilman Art Hammen seconded.

The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-11, Waive the Rule and place the Bill on Second and Final Reading; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

Councilman Norris moved to accept the Second and Final Reading of Bill 99-11 and enact the Bill as Ordinance No. 3.704; Councilman Hammen seconded. The vote: All "aye" - Fricke, Norris, Newsom, Hammen, Nodler. (5-0)

**Item 8. on the Agenda.** **SPECIAL PRESENTATION AND REMARKS.**

Mayor George Nodler congratulated Dan Bishop and Anita Newsom on their election to the City Council and thanked the City Council for allowing him to serve as Mayor this past year. He said it was a very positive experience for him and an easy one with the help of the City Staff and the City Council.

Mayor Nodler also commended City Manager Kirk Davis on his first year with the City as City Manager. He told Mr. Davis he had done an excellent job and we are all very proud of him.

Mayor Nodler read and presented a special Proclamation to Councilman Dave Fricke recognizing his service as a member of the City Council and acknowledging his numerous contributions of his time and talent to his community spanning four decades.

Mayor Nodler also presented a **Key to the City** Plaque to Councilman Dave Fricke in appreciation of his service to the City and Mr. Fricke received a standing ovation from the audience.

Councilman Roger Norris said he had the honor of serving with Mayor Bill Reynolds who left the City Council before his term ended to marry and move to Arkansas. To fill the vacancy, the Council followed its procedure they use to fill Board and Commission positions and put a news release in the paper inviting residents to send in



their letters of interest for an interview. We received eleven letters from eleven very qualified people who came in and talked about their wishes and views. Mr. Norris said they were looking for Bill Reynolds and when Mr. Fricke came in and showed them 38 years of continuous service to the community it was hard to say the other ten applicants were better. Mr. Fricke filled a void and a need and the Council is grateful to him.

Councilman Norris encouraged Mr. Fricke to stay involved and add additional years to his city service and told him he was glad to call him a friend.

Councilman Anita Newsom said Mr. Fricke's many years of service have been quiet, consistent, good years. He has always been there and willing to do whatever is needed and that is how all of us hope we can be as team members serving on the City Council. She thanked Mr. Fricke for accepting the interim appointment to the City Council last year and his subsequent election. She told him his quiet, consistent service to the City is exemplary and she does not know of anyone who can match it. Ms. Newsom said Mr. Fricke's work at being an effective team member was outstanding and pointed out that not everyone realizes the amount of materials a Councilmember must examine, the study, the phone calls and visits. There are a number of people present this evening who have served in this capacity and have some idea of what we are talking about. She said Mr. Fricke's learning curve was straight up and he met the challenge.

Ms. Newsom said she was very pleased to have served with Mr. Fricke these past two years because he has been a voice of wisdom and she will always recall his stealth sense of humor and she thanked him for the opportunity to work with him.

Mayor Pro Tem Art Hammen said he also expresses his sincere thanks to Dave Fricke for his service on the City Council. He has learned a lot from him and he hopes that he will continue to be active in city affairs. He told Mr. Fricke he has done a lot for the citizens of Gladstone, perhaps even more than they realize.

Mr. Hammen told Mr. Fricke he had had some big shoes to fill and he filled them well and thanked him again and shook his hand.

Mayor Nodler added his thanks to Mr. Fricke and told him it had been a real pleasure to work with him and thanked him for doing such an excellent job. He told him he would be missed and said the City Staff will always remember the quantity of post-it notes Councilman Fricke used at our goal setting session.

Councilman Dave Fricke thanked the City Council for the decision they made in appointing him two years ago. He said since that time it occurred to him that down the road his fellow Councilmembers might feel they were sorry they chose Dave Fricke but he hopes he is hearing tonight that Council feels they did make the right choice.

Mr. Fricke told the City Council that he has found out their secret, and he now knows what makes them tick. They are not encumbered by anything the City might offer them; they have no baggage and every decision made is with no ulterior motive and

is not based on what somebody else might decide or say. That has meant a great deal to him because it means that they have put Gladstone and its citizens first. This is the way he feels. If he meshed at all with this City Council, that is why. He said to him, that is why the Council has longevity and is still here. He told the City Council he enjoyed working with them very much.

**Item 9. on the Agenda. CITY COUNCIL OATH OF OFFICE: ANITA NEWSOM**

City Clerk Marilyn Ahnefeld administered the Oath of Office to **Anita Newsom** for a three year term on the Gladstone City Council.

Councilman Roger Norris welcomed Councilman Anita Newsom back to the Council table and commented that he has never served on a Council that did not include her presence and he would have found that unpleasant.

**Item 10. on the Agenda. CITY COUNCIL OATH OF OFFICE: DAN BISHOP**

The City Clerk gave the Oath of Office to Dan Bishop for a three year term on the Gladstone City Council.

Mayor Nodler welcomed Councilman Bishop on behalf of the City Council as he took his place at the table.

**Item 11. On the Agenda. ELECTION OF MAYOR AND OATH OF OFFICE**

Councilman Anita Newsom nominated Mayor Pro Tem Art Hammen to the office of Mayor of the City of Gladstone; Councilman Roger Norris seconded.

Discussion.

Councilman Norris said this will be Councilman Hammen's second time as Mayor and he trusts it will be as rewarding as the first term. He recalled that during Mr. Hammen's previous Mayoral service, the City was recognized as being in the top 10% of well financially managed cities and he asked him to see do that again for us.

No other nominations were made. The vote: All "aye" - Bishop, Norris, Newsom, Hammen, Nodler. (5-0)

The City Clerk gave the Oath of Office to Mayor Art Hammen. Mayor Hammen thanked his fellow Council and the audience for their applause.

**Item 12. On the Agenda. ELECTION OF MAYOR PRO TEM**

Councilman Roger Norris nominated Anita Newsom to the office of Mayor Pro Tem; Councilman George Nodler seconded. There were no other nominations. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen, (5-0)

Mayor Pro Tem Anita Newsom presented a bouquet of flowers on behalf of the City Council and City Staff to Mayor Art Hammen's wife, Johanna. Ms. Newsom acknowledged that being Mayor takes a lot of extra time away from family life in the performance of those duties and this is our way of extending our appreciation to Mrs. Hammen.

**Mayor Art Hammen** thanked all who are present this evening and commented that it is certainly a great turn out for a City Council meeting and it would be wonderful if we had this level of attendance at every Council meeting. He thanked his wife, Johanna and told her that without her help he would not be here. He also thanked his three daughters, Wendy, Becca, and Jessica and his parents who are present tonight and who 36 years ago had the foresight and wisdom to move to Gladstone and in fact still live here. Mayor Hammen also thanked the city staff and said this is by far the finest city staff he has ever worked with and ever assembled in any metropolitan area beginning with City Manager Kirk Davis and the entire management team and all employees. There just is not a better group of people to work with. He also thanked his fellow Councilmembers and told them he is excited about being able to serve a second term as Mayor and looks forward to doing the very best job he can.

Mayor Hammen said he would offer a special thank you to George Nodler for his service as Mayor and presented him with a plant from the entire council and staff in appreciation for the leadership he provided this past year.

**Item 13. On the Agenda.      CONSENT AGENDA**

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to approve the Consent Agenda as read; Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**CONSENT AGENDA DETAIL:**

Councilman Nodler moved to adopt **RESOLUTION NO. R-99-29**, accepting work under contract with Cook, Flatt & Strobel for the design of Prospect Plaza Public Improvements under Project #9975 and authorizing final payment from the Capital Improvements Sales Tax Fund. Grand Total Contract Amount: \$48,500.00; Final Payment Due: \$36,375.00. Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-99-30**, accepting work under contract with Rhomar H. Construction for 63<sup>rd</sup> Terrace Drainage Improvements under Project #9605 and authorizing final payment from the Capital Improvements Sales Tax Fund. Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-99-31**, authorizing execution of a contract in the amount of \$31,480.00 with Heartland Construction, Inc. for the construction of the ADA/Female Holding Cell. Fund: Capital Improvements Sales Tax

Fund. Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-99-32**, authorizing Change Order #3 in the amount of \$27,200 to the 705 NE 67<sup>th</sup> Place Drainage Improvement Contract with Industrial Excavating & Equipment Company under Project 9613 and authorizing the appropriation of additional funds from the Capital Improvements Sales Tax Fund. Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved for **APPROVAL OF WINE TASTING LICENSE**, for Hy-Vee Food & Drug Store, 7117 N Prospect. Managing Officer: Jerry Israel. Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

#### **REGULAR AGENDA**

#### **Item 14. on the Agenda. Communications from the Audience.**

**Julie Becker, 5710 N Indiana**, advised that at the Monday, March 8, 1999 City Council Meeting she presented the City Council with a list of recommendations related to the animal control ordinance and policies in place in the city of Gladstone and some of her concerns as far as their effectiveness in not only controlling our animal population but in helping our unwanted pet situation and she provided newly elected Councilman Dan Bishop a copy.

Ms. Becker said she volunteered at the City's Animal Control Shelter from 1:00 PM - 5:00 PM last Saturday and she would like to challenge anyone in the City who is looking for a place to volunteer during National Volunteer Month, the shelter is a good place to start.

Ms. Becker said she was asked the last time she was here why she is so involved in what is going on out there and that is why she is here tonight to explain a little better. One of the reasons is because she does volunteer at our facility and she photographs the animals and places the photos at such places as Sam's, Wal-Mart, Toys-R-Us, Pet World and Home Depot. Every time she looks through the camera and sees one of these animals and realizes that about half of the animals that go through our shelter are being euthanized she is really bothered. Had she never been a volunteer she would never have been aware of this and now that she is aware she wants to make more people aware. She displayed a poster of her work so that people present at the council meeting tonight can see what is out at the shelter and what she plans to do about it.

Ms. Becker advised that she realizes that the adoption end of Animal Control is not as much a City concern as a volunteer effort and to that end she will organize and found an organization of volunteers for H.E.L.P. A.D.O.P.T. (halt euthanizing loving pets; animals depend on people today). One of the reasons she is developing this organization is the fact that we have 1200 animals who went through our shelter last year and roughly half were euthanized. She cares about these wonderful animals and

she hopes the community starts being aware. She said one of the alarming things she found was how often she hears the comment "I did not know Gladstone had an animal shelter". Some of that has come because they have recently started advertising pets in the **Dispatch Newspaper**. She is hoping to make people aware and wanted to let us know what she is doing on her end to help in this effort.

**Item 15. on the Agenda. Communications from the City Council.**

**Councilman Dan Bishop** said it is great to be here and he looks forward to working with each member of the City Council and the Mayor as well as the City Staff and doing good for the City and expressed his thanks.

**Mayor Pro Tem Newsom** said campaigns can take a lot out of a person and they can also be invigorating. This campaign did take a lot of time away from her family members and she expressed her thanks to her mother, Lorene Newsom, brother, David Newsom and nephews, Steven and Rob Newsom who are present this evening for all their support during the time she has served on the City Council and during this campaign.

Ms. Newsom told Councilman Dan Bishop that the learning curve that it takes when you come on the City Council had been referred to this evening. You think you work long and hard to gain a Council seat, but the work has just begun. We have high expectations as citizens for the City of Gladstone and the citizens have high expectations of us and she welcomes him to the challenge.

**Councilman Roger Norris** congratulated Councilman Bishop on his election and Councilman Newsom on her re-election.

Mr. Norris told Mr. Bishop that in his campaign he saw a kid who wanted to get elected and he told him not to take that wrong because he used to be that. He saw a kid who wanted to be elected to the City Council and knocked on as many doors as he could and did a good job and worked hard and got people to believe in him. It reminded him of a campaign that he was involved in where he did that. He said he hopes he will allow him to pick his brain on things he heard and things he found because those people out there are why we are up here.

Councilman Norris welcomed Councilman Bishop to the team and told him he will find it rewarding and challenging and lightheartedly commented that about half of those people who loved him about a week ago will hate him about this time next year.

**Councilman George Nodler** also welcomed Mr. Bishop to the City Council.

**Mayor Art Hammen** added his welcome to Councilman Bishop and told him he looks forward to serving with him in the coming year. He also welcomed Ms. Newsom back to the City Council and told her he looked forward to serving with her as well and said he appreciated the opportunity to sit in the middle seat as Mayor in the coming year.

The Mayor also welcomed all the scouts with us this evening. He said scouting is a great organization and encouraged all the scouts to continue along with all of their activities and work hard toward that Eagle Scout Award because it is a very rewarding achievement. He noted we have about eighteen scouts here this evening and we are very pleased to have them.

**Item 16. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** announced that Beautification Week is April 23-25 in Gladstone Central Park and Brush Disposal is May 14-16 at the Gladstone Public Works Facility.

**Item 17. on the Agenda. APPROVAL OF BUILDING PERMIT** for remodeling of existing 1,480 sq. ft. building space at 324 NE 72<sup>nd</sup> Street for Steak Out Kansas City. (BP#99-0169)

Councilman Norris moved to approve the Building Permit as submitted; Councilman Nodler seconded.

Discussion.

Councilman Newsom asked what type of business this will be. Staff advised that it is a take out steak restaurant. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 18. On the Agenda. APPROVAL OF BUILDING PERMIT** for 1500 sq. ft. tenant remodeling of customer service area at 100 NW Vivion Road for Courtesy Chevrolet. (BP#99-0170)

Councilman Norris moved to approve the Building Permit as submitted; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

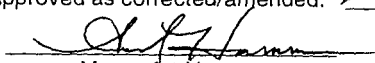
# # #

There being no further business to come before the April 12, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the meeting and invited all present to the Lobby Reception co-hosted by the City of Gladstone and the Gladstone Area Chamber of Commerce honoring the City Council.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

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

  
Mayor Art Hammen

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 26, 1999**

**OPEN STUDY SESSION: 5:30 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of Regular Meeting  
pursuant to Missouri Open Meeting Act Exemption  
Section 610.021(2) for Real Estate Acquisition**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 12, 1999 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the period May 16<sup>th</sup>-22<sup>nd</sup>, 1999 as **"EMERGENCY MEDICAL SERVICES WEEK"** in the City of Gladstone.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-33,** accepting Temporary and Permanent Easements from The Woodlands Homes Association, Inc. in conjunction with the Woodlands Drainage Improvements Project #9945.

**RESOLUTION NO. R-99-34,** accepting a Temporary Construction Easement from property owners in conjunction with the East Creek at N Main Drainage Improvement Project #9808.

**RESOLUTION NO. R-99-35,** accepting Temporary and Permanent Easements from property owners in conjunction with the 69<sup>th</sup> & N Cherry Drainage Improvement Project #9704.

**RESOLUTION NO. R-99-36,** accepting Temporary and Permanent Easements and a Drainage Easement from property owners in conjunction with the 61<sup>st</sup> & N Olive Drainage Improvement Project #9416.

**RESOLUTION NO. R-99-37,** authorizing execution of a contract with Cook, Flat & Strobel, Engineers in the amount of \$23,500.00 from the Capital Improvements Sales Tax Fund for the design of the Claymont Drainage Improvement Project #9955.

**RESOLUTION NO. R-99-38,** authorizing acceptance of work under contract with Kaw Valley Engineering for the design of the 76<sup>th</sup> Street Improvement Project (N Oak to N Troost); and authorizing final payment in the amount of \$3,489.64 from the Transportation Sales Tax Fund.

**NEXT ORDINANCE # 3.705**

**RESOLUTION NO. R-99-39**, accepting a Temporary Construction Easement from a property owner in conjunction with the 1999 Street Rehabilitation & Reconstruction Program. (Project #0001)

**APPROVAL OF INTERIM FINANCIAL REPORTS FOR MARCH, 1999.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF BUILDING PERMIT** for construction of 3,050 sq. ft. foyer and canopy addition at 800 NE 72<sup>nd</sup> Street. Applicant/owner: Antioch Bible Baptist Church.
10. **SECOND READING BILL 99-9**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock, Co., Inc. on property located at 5616-18 N Antioch Road. (File #1082) (Tabled from 3/22/99 City Council Meeting.)
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



## **MINUTES**

### **CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING**

**MONDAY, APRIL 26, 1999**

Mayor George Nodler called the Regular April 26, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

**PRESENT:** Mayor Art Hammen  
Mayor Pro Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
Councilman Dan Bishop

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scout Ryan Alyea, Troop 271 led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular April 12, City Council Meeting Minutes.**

Councilman Anita Newsom moved to approve the Regular April 12, 1999 City Council Meeting Minutes with correction as noted by Councilman Dan Bishop to insert the word "moved" in Paragraph 4 of Item 7. Councilman Roger Norris seconded. The vote: All "aye" - Hammen, Newsom, Norris, Nodler, Bishop. (5-0)

**Item 4a. on the Agenda.** Mayor Art Hammen read a Proclamation designating the week May 16 - 22, 1999 as "Emergency Medical Services Week" in the City of Gladstone. Gladstone Public Safety Director William Adamo thanked Mayor Hammen and accepted the proclamation on behalf of his department.

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

Following the Clerk's reading of the Consent Agenda, a member of the audience asked if the name of the property owner who is conveying an easement by Resolution 99-39 can be given. City Counselor Nancy Thompson suggested the item be removed from the Consent Agenda for discussion under the Regular Agenda as Item 5a.

Councilman Anita Newsom moved to approve the Consent Agenda as amended; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**CONSENT AGENDA DETAIL:**

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-33**, accepting Temporary and Permanent Easements from The Woodlands Homes Association, Inc. in conjunction with the Woodlands Drainage Improvements Project #9945. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-34**, accepting a Temporary Construction Easement from property owners in conjunction with the East Creek at N Main Drainage Improvement Project #9808. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-35**, accepting Temporary and Permanent Easements from property owners in conjunction with the 69<sup>th</sup> & N Cherry Drainage Improvement Project #9704. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-36**, accepting Temporary and Permanent Easements and a Drainage Easement from property owners in conjunction with the 61<sup>st</sup> & N Olive Drainage Improvement Project #9416. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-37**, authorizing execution of a contract with Cook, Flat & Strobel, Engineers in the amount of \$23,500.00 from the Capital Improvements Sales Tax Fund for the design of the Claymont Drainage Improvement Project #9955. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-38**, authorizing acceptance of work under contract with Kaw Valley Engineering for the design of the 76<sup>th</sup> Street Improvement Project (N Oak to N Troost); and authorizing final payment in the amount of \$3,489.64 from the Transportation Sales Tax Fund. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF INTERIM FINANCIAL REPORTS FOR MARCH, 1999**. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 5a. on the Agenda.** RESOLUTION NO. R-99-39, accepting a Temporary Construction Easement from a property owner in conjunction with the 1999 Street Rehabilitation & Reconstruction Program. (Project #0001)

Councilman Newsom moved to adopt Resolution No. 99-39; Councilman Norris seconded.

Discussion.

Director of Community Development Scott Wingerson advised that this resolution accepts a temporary construction easement from property owner, Vincent Licari, 5217 North Baltimore for the installation of sidewalk to connect up two segments. Mayor Art Hammen asked Mrs. Quackenbush who had asked the question if Mr. Wingerson's response clarified this item and she acknowledged it did.

The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

### **REGULAR AGENDA**

**Item 6. on the Agenda.** Communications from the Audience.

None.

**Item 7. on the Agenda.** Communications from the City Council.

**Councilman Dan Bishop** thanked the City and the Gladstone Area of Commerce for the reception honoring the City Council following the April 12, 1999 City Council Meeting. He said that it was a very nice gesture and was greatly appreciated.

He also advised that he was given an orientation at City Hall and presented with a great deal of information both verbal and printed and thanks City Manager Davis, the City Clerk, City Counselor and all the Department Heads for very patiently going through all of the information which included the purpose and functions of their departments and their current major projects. In light of the current Council review of the proposed budget, this orientation was invaluable to him and he hopes it will be done in the future for all newly elected members.

Councilman Bishop said he also appreciated the call he received from Assistant City Manager Laura Gay advising how the City was faring in light of the heavy rain conditions that occurred last Thursday. He was also glad to hear that there were reports of few complaints with the notable exception of sewer problems in the area of 58<sup>th</sup> & Garfield.

**Councilman Anita Newsom** said working in the public schools and in light of what has happened in Colorado this past week, all she can do is plead with everyone to listen and watch the young kids around you. A lot of it has to start in the home and all she can say is "take some time to give a kid a hug and listen to him".

**Councilman George Nodler** commended the staff for all of their hard work on the budget presentation earlier this evening. Mayor Hammen agreed and said we will be looking forward to the next budget presentation.

**Mayor Art Hammen** said he would like to make everyone aware, but particularly the City Council, of a meeting that took place today. As Mayor he was asked to be a part of a three member executive board for a new program called **Gladstone Neighbors Helping Neighbors**. The other two members of this executive committee are the Gladstone Area Chamber of Commerce Chairman Leo Slenker and the Gladstone Economic Betterment Council Chairman Pete Hall.

The meeting was called by Mr. Hall and the purpose was to get off the ground with a new program to encourage the citizens of Gladstone to help those in need when it comes to property maintenance. As discussed earlier, we have people who go out and take a look at property code violations and let residents know when there is a problem and in many cases that is taken care of immediately just by being brought to someone's attention. Many of our property owners can take care of their own problems, but there are instances where there are people in our community who simply don't have the ability, financially or physically to take of them.

The purpose of this new Neighbors Helping Neighbors organization is to assist those folks in taking care of their problems. In the coming weeks, there will be a group of seven other people organized as the staff and leadership of group and some in this room may be asked to volunteer some time as a private citizen to this organization. Mayor Hammen said he feels very strongly that this is a way that each of us can give back to the community in helping people who truly are in need of that help. It is the goal of this group to be up and running in May with the program.

Mayor Hammen read the initial goal of the organization which is: "To assist individual residents within the City of Gladstone to take action within their immediate neighborhood in preserving and enhancing the property of others for the good of the community". The Mayor said in their meeting today they agreed that the goal needed to be refined a little bit and simplified because it is just in preliminary form but they think it does state the purpose of the group. He wanted to make everyone aware of it and encourage anyone desiring to volunteer their time to let him know of their interest.

**Item 8. on the Agenda.**      **Communications from the City Manager.**

**City Manager Kirk Davis** reminded of the May 13, 1999 combined Parks and Recreation and Capital Improvements Meeting. He noted May 6, 1999 is the date of the Theater in the Park Golf Classic which benefits the amphitheater in Oak Grove Park and he knows we are looking for players. He also announced that Sunday May 2, 1999 from 3:00 PM - 5:00 PM is the **Kids Fest** in Oak Grove Park.

**Item 9. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for construction of 3,050 sq. ft. foyer and canopy addition at 800 NE 72<sup>nd</sup> Street. Applicant/owner: Antioch Bible Baptist Church.

Councilman Roger Norris moved to approve the Building Permit for 800 NE 72<sup>nd</sup> Street; Councilman George Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. ( 5-0)

**Item 10. on the Agenda. SECOND READING BILL 99-9**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock, Co., Inc. on property located at 5616-18 N Antioch Road. (File #1082) (Tabled from 3/22/99 City Council Meeting.)

Councilman Norris moved to accept the First Reading of Bill 99-9 and place the Bill on Second Reading; Councilman Newsom said she would second for purposes of discussion.

Discussion.

Councilman Norris asked where Council's leverage is if we are at the second reading on revoking this special use permit. City Counselor Nancy Thompson advised that the City Council still has a second opportunity before they take their vote on the second reading to table this item into the future.

Councilman Norris said he wants the City Council to know his thought process on this matter. Council gave Mr. Bledsoe 30 days to make changes in the way he was fulfilling his obligation. It is now thirty days and Mr. Bledsoe is here. He wants Mr. Bledsoe to fix his problem but the recent rains have had an adverse affect on what he has been trying to do at his business. Mr. Norris said Mr. Bledsoe was out there the very next day working at the changes until the rains started. He would like more input from Staff and City Council members but it has been a pretty wet period.

Ms. Newsom said she has similar feelings to Councilman Norris' in that quite a bit of progress was made during the first 30 days then the weather and other situations have slowed the progress so that she is not ready at this time to completely revoke the special use permit, nor is she ready to do away with revocation if things are not brought into compliance.

Councilman Nodler asked for a report from Staff on what has been completed.

Director of Community Development Scott Wingerson referred Council to a transmittal letter that was provided them describing the progress to date. He said on March 22<sup>nd</sup> the City Council granted an additional thirty days which brings us to today. Since that time, the privacy fence has been installed; the entry arch completed; grading for the Antioch Road sidewalk is underway, and part of the delay there is because of a conflict with a KCPL manhole that needs to be lowered or adjusted so that the sidewalk, grading and retaining walls can be installed. He said Mr. Bledsoe has been diligent in working with Kansas City Power & Light, as has the City, to come to some reasonable conclusion on that matter. In terms of the building plans for the proposed office building, they have not been submitted. Items 1,3,and 4 of the ordinance relating to landscaping and screening have been partially complied but they relate to the sidewalk

installation. Items 2,5,6, relating to the location of items offered for sale and storage of trucks and equipment are complete and in compliance.

Mr. Wingerson said Mr. Bledsoe is here and may have additional information but he tends to agree with Councilmembers Newsom and Norris concerning the majority of the delay being weather and a secondary concern being relocation of utilities.

Councilman Dan Bishop stated that while he was not on the City Council at the time this Bill was introduced on March 22nd, he was present at that meeting and he has familiarized himself with the record and he does intend to vote on this issue.

Mr. Bob Bledsoe, 5618 N Antioch Road, said the weather has not been good for the construction side of his business or the retail. They cut out sidewalks almost three weeks ago to get ready for pouring the sidewalks and to get asphalt following that and then KOPL said he needed to either lower the manhole or pay for lowering it. He said he was told by the Missouri State Highway Department prior to getting his permit for the sidewalk to go around the manhole. So he is in a "who is paying for what" situation right now, but he will get it worked out.

Mr. Bledsoe said as time is ticking and he is spending money and losing money and it looks like he is committed to doing this, he asks if there can be discussion about putting this behind him at perhaps the next meeting so he does not have this stick over his head. He would like to be working on bids and he is committed to putting in the sidewalk and the asphalt and opening up a retail shop which he will show us by the next meeting. He said he would like to be able to close this issue at the next meeting providing the progress is satisfactory to the City Council.

Mayor Hammen said that was certainly something the Council can do depending on the report they receive the next time they visit this issue, whether it is the next Council Meeting or 30 days from now. The Mayor said on item 7. which is the construction of the building he understood Mr. Wingerson to say no plans had been submitted yet.

Mr. Bledsoe said he is debating on an old wood barn or log cabin style of a 16x 24 structure because they are pretty much cookie cutter from both companies and they give you a blue printed plans and it is just a matter of getting those to Scott Wingerson and Alan Napoli because he has already inquired about utilities and water, etc.

Mr. Hammen said this weather would seem to be an ideal time to work on that decision

Councilman Norris told Mr. Bledsoe that before the Council visits this matter again he needs to make sure that decision is made and those plans are in Mr. Wingerson's hands.

Mr. Norris said if there is no further discussion he would remove his motion to place this Bill on Second Reading and instead move to Table the Second Reading of Bill 99-

9 for another thirty days until the May 24, 1999 City Council meeting. Councilman Newsom who had seconded the original motion concurred.

The vote to table the Second Reading to the May 24, 1999 City Council Meeting. All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 11 on the Agenda.** Other Business.

**Shirley Quackenbush, 3309 NE 68<sup>th</sup> Terrace**, said she recalled the discussion on the Royal Transmission, 72<sup>nd</sup> & N Oak expansion last year and at that time the owner indicated there would be only one opening off of 72<sup>nd</sup> Street. and only one on N Oak. She asked if there was a particular reason why he was not made to conform to what he suggested he would do.

Mr. Wingerson replied that the reason the flat work for the concrete was not done last construction season is because of the landscaping required by the plan both from a staff recommendation and a Council recommendation standpoint. That flat work is under contract but he does not know when it is scheduled. When the flat work is done the landscaping will be in and the plan will be as approved by the City Council.

Mayor Hammen said so ultimately that second access will still be closed. Mr. Wingerson said that is correct.

Mrs. Quackenbush asked if there isn't a time frame for completion.

Mr. Wingerson said the business is under a temporary certificate of occupancy to allow them to continue to operate. Because of that construction and the way they did it the addition was actually integral to the operation of their business and during the construction of the facility, a portion of the existing bays were not usable which is the reason we did the temporary certificate of occupancy and held it over because of inappropriate times for landscaping. By the time the physical building construction was done, it was not appropriate to do the landscaping thus we allowed a time period for the flat work also consistent with the landscaping.

Mrs. Quackenbush said so in otherwords because of weather and so forth we should expect this to be done no later than the end of summer. Mr. Wingerson said yes that would be his expectation.

# # #

Councilman Roger Norris moved to adjourn to Closed Executive Session for Discussion of Real Estate Acquisition. Councilman Anita Newsom seconded.

There being no further business to come before the April 26, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 10, 1999**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of Regular Meeting  
pursuant to Missouri Open Meeting Act Exemption  
Section 610.021(3) for Personnel Discussion**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 26, 1999 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-40**, authorizing execution of a contract with Powers Trenching & Excavating, Inc., in the amount of \$83,773.22 from the Capital Improvements Sales Tax Fund for the Woodlands Drainage Improvement Project (#9945).

**RESOLUTION NO. R-99-41**, authorizing the City Manager to execute a Billboard Site Lease at the Gladstone Water Treatment Plant with Ad Trend, Inc.

**RESOLUTION NO. R-99-42**, declaring certain unused City property as "Surplus Property" and authorizing its sale to the highest bidder at auction or by sealed bid together with certain Abandoned and Unclaimed Property held by the City.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING: \*\*** on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084)

**\*\* (AUDIENCE NOTE: APPLICANT REQUESTS CONTINUANCE OF THIS PUBLIC HEARING UNTIL THE MONDAY, MAY 24, 1999 CITY COUNCIL MEETING).**

**NEXT ORDINANCE #3.705**

- 9a. **FIRST READING BILL 99-12**, rezoning property at 4901 Old Pike Road from CP-2 to CP-3. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084)
- 9b. **FIRST READING BILL 99-13**, approving a Site Plan in connection with development of property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, LP (File #1084)
10. **FIRST READING BILL 99-14**, approving the "**First Replat of Stonebrook Estates**", 72<sup>nd</sup> & N Norton, and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/Owner: Stonebrooke LLC (File #1085)
11. **FIRST READING BILL 99-15**, repealing Gladstone Municipal Code Sections 29-66(A), (B)(1) and (B)(2) and enacting a new ordinance levying new Sewer Billing and Commodity Charges.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, May 10, 1999

Mayor Art Hammen called the Regular May 10, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Anita Newsom  
Councilman Roger Norris  
Councilman Dan Bishop  
  
City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

ABSENT: Councilman George Nodler

#### Item 4. on the Agenda. Approval of Regular April 26, City Council Meeting Minutes.

Mayor Pro Tem Anita Newsom moved to approve the Regular April 26, 1999 City Council Meeting Minutes as written; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen, (4-0)

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

Following the Clerk's reading, Mayor Pro Tem Anita Newsom requested that **Resolution R-99-41** be removed from the Consent Agenda and placed on the Regular Agenda as Item 5a. Mayor Pro Tem Newsom moved to approve the Consent Agenda as modified; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

#### CONSENT AGENDA DETAIL

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-40**, authorizing execution of a contract with Powers Trenching & Excavating, Inc., in the amount of \$83,773.22 from the Capital Improvements Sales Tax Fund for the Woodlands Drainage Improvement Project (#9945); Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-42**, declaring certain unused City property as "Surplus Property" and authorizing its sale to the

highest bidder at auction or by sealed bid together with certain Abandoned and Unclaimed Property held by the City; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION NO. R-99-41**, authorizing the City Manager to execute a Billboard Site Lease at the Gladstone Water Treatment Plant with Ad Trend, Inc.

Mayor Pro Tem Anita Newsom moved to table Resolution 99-41 for further study until the May 24, 1999 City Council Meeting at which time she understands elevations will be available; Councilman Norris seconded.

The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

## **Item 6. on the Agenda.** **Communications from the Audience.**

None.

## **Item 7. On the Agenda.** **Communications from the City Council.**

**Mayor Pro Tem Anita Newsom** asked Public Safety Director Bill Adamo if the bicycles listed on the auction list are generally all sold and at what prices.

Director Adamo responded that they are usually all sold and generally bring from a range of \$2-\$3 up to \$15,\$20,\$30.

Ms. Newsom said she always had a burning desire to purchase a whole bunch of them and give them to kids at Christmas time if she had a place to store them.

Mayor Hammen commented that the Bikes and Trykes for Kids at Christmas could benefit from these bikes and asked if there is a means to donate them or if they must be declared surplus and auctioned off.

Staff agreed they must be auctioned. Counselor Nancy Thompson further clarified that unfortunately the City does not have the ability to make donations to charitable organizations under state law. Not just monetary, but also the City cannot make in-kind or monetary donations to charitable institutions unless we have a contractual arrangement where services are provided back to the City for such goods and services.

Ms. Newsom also advised there is a Chamber of Commerce luncheon on May 27, 1999 and she hopes that her fellow Council and City Staff can attend because twelve members of the Fox Hill School City Council will be in attendance at the generosity of the school's business partner. She said these young people have worked very very hard the last two -three years on the Fox Hill City Council and they are looking forward to meeting community leaders and other elected officials and this is a really big time for

them. When you see them at the Chamber luncheon please come up and introduce yourself, they are really excited about getting to come and interact with other leaders.

**Councilman Dan Bishop** said last Wednesday he had the opportunity to attend a luncheon that was sponsored by the North Kansas City School District, the Kansas City, Missouri Police Department, Northland Neighborhoods, Inc., the University of Missouri Extension Center, Emanuel Presbyterian Church, and the Northland Regional Chamber of Commerce. The theme of this luncheon was diversity and he commends all of those organizations for addressing this issue in a pro-active manner. He believes as we think about our Gladstone home and our northland home, it is still pretty homogenous but we are seeing greater diversity coming up here. One of the interesting parts of this luncheon was that they had a half hour where each table discussed a series of questions, and the third question of the series was what challenges face the northland as we experience diversity, and what steps do we need to take to meet these challenges.

He thinks it is really healthy to start thinking about these issues and he understands there will be another such meeting sponsored by at least some of these organizations and he would encourage the City to be involved, especially someone from public safety who are our front line people out in the community day in and day out, and to think about these issues of diversity.

Mr. Bishop said he is grateful that this weekend is Spring Brush Disposal because his garage cannot hold much more yard waste so he is looking forward to this disposal opportunity.

**Councilman Norris** had no communications at this time.

**Mayor Art Hammen** noted that Councilman George Nodler is absent because his father was involved in a car accident and George is with him this evening. Our thoughts are with George and his father.

Mayor Hammen suggested we might want to look at the 72<sup>nd</sup> Street construction detour signage posted on N Prospect which says that 72<sup>nd</sup> Street west of Antioch is closed. He finds it confusing and wonders if the sign should make some reference to 72<sup>nd</sup> Street East or West of N Prospect.

City Manager Davis agreed that this may be the only street in the metro area with so many names and agreed it can be confusing as far as Antioch Road, N Prospect, M-1 Highway and N Indiana depending on how far north or south you are.

The Mayor said this is just something we may want to think about.

**Item 8. On the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** announced that in preparation for the City of Gladstone FY 2000 annual budget we have asked LAGERS (Missouri Local Government Retirement System) to prepare a supplemental actuarial evaluation which outlines the cost of certain benefit changes. The City is proposing to go from LT5-65, **5 year final average salary** to LT5-65, **3 year final average salary** which is part of the budget package discussed last study session. We must provide this notice 45 days before action may occur on this budget to be effective July 1. He advised the actuarial evaluation is available in the office of Assistant City Manager Laura Gay should anyone desire to review it.

The City Manager also reminded of the Thursday evening, May 13<sup>th</sup> joint meeting of the Park Board and the Capital Improvements Committee to discuss the Community Center Feasibility Study which will ultimately be coming to the City Council. This will be a preliminary presentation to both of these boards on the results of the study.

He also noted that the **EMS Fair** is Saturday, May 15<sup>th</sup> in Oak Grove Park from 10:00 AM - 2:00 PM; and that **Brush Disposal** is also this weekend at the Public Works Building, 76<sup>th</sup> & Antioch Road on Friday, Saturday and Sunday.

**Item 9 on the Agenda. PUBLIC HEARING:** on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Sues Leasing 92A, LP (File #1084)

Mayor Hammen opened the public hearing and immediately continued the hearing to the May 24, 1999 City Council Meeting at the request of the applicant.

The Mayor noted that because of the continuation of this hearing until May 24, 1999, **Items 9a. and 9b.** related to this application will not be introduced this evening.

**Item 10. on the Agenda. FIRST READING BILL 99-14,** approving the "**First Replat of Stonebrook Estates**", 72<sup>nd</sup> & N Norton, and directing the appropriate officials to affix their signatures to the Plat for recording. Applicant/Owner: Stonebrooke LLC (File #1085)

Councilman Norris moved to place Bill 99-14 on First Reading; Councilman Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0). The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-14, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0). The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-14, and enact the Bill as Ordinance 3.705. Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris asked if everything is in order and Staff assured it was.

The vote: All "aye" - Bishop, Norris, Newsom, Nodler. (4-0).

**Item 11. on the Agenda. FIRST READING BILL 99-15,** repealing Gladstone Municipal Code Sections 29- 66(A), (B)(1) and (B)(2) and enacting a new ordinance levying new Sewer Billing and Commodity Charges.

Councilman Norris moved to place Bill 99-15 on First Reading; Councilman Bishop seconded.

Discussion.

Councilman Norris said this is one of those items that a Councilman hates, because you work hard to get elected and sometimes you get things handed to you that you can do absolutely nothing about. He said individuals who were here for the study session will understand that this is strictly a pass through of Kansas City's sewer commodity rate increase that we have to pass along to our citizens.

During the study session this evening with Kansas City, Missouri representatives it was noted that we are subsidizing some of the expense and not passing it on to our Gladstone residents to the tune of about \$128,000. It would be nice at some point to be able to apply that \$128,000 to some much needed work. But annually, rather than addressing some of our needs we end up having to cover and address the obvious needs of Kansas City and their short shortcomings in poor long range planning.

The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-15, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0). The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-15, and enact the Bill as Ordinance 3.706. Councilman Bishop seconded.

Discussion.

Councilman Bishop suggested that we include this information on the new sewer rate increase in the next edition of the **Gladstone Reporter Newsletter** and explain the necessity for the increase. City Manager Davis advised that the newsletter is in final print stage so it is too late for this issue but it could be a part of the late Summer issue. The City Manager indicated Press Releases to the news media on the rate adjustment would be issued.

The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

**Item 12 on the Agenda.** Other Business.

Mayor Art Hammen announced that with the concurrence of the Council, City Council Liaison appointments to the City Boards and Commission would be as follows:

**Planning Commission - Councilman Dan Bishop** filling one position and **Councilman Norris and Mayor Pro Tem Newsom** splitting the second position with Ms. Newsom attending the first meeting of the month and Mr. Norris the second.

**Capital Improvements Program Committee - Councilman George Nodler and Mayor Art Hammen**

**Board of Zoning Adjustment - Mayor Art Hammen**

**Uniform Codes Board of Appeals - Councilman George Nodler**

**Gladstone Industrial Development Authority - Councilman Roger Norris**

**Parks & Recreation Advisory Committee - Mayor Pro Tem Anita Newsom**

**Gladstone Special Road District No. 3 - Councilman Roger Norris**

**Cable TV Advisory Committee - Councilman Dan Bishop**

**Recycling & Solid Waste - Mayor Pro Tem Anita Newsom**

Mayor Hammen also announced the appointment of **Kathy Smith** to the **Parks & Recreation Advisory Board** for a term ending December 1999 to fill the unexpired term of member Joyce Wild who resigned. Councilman Norris moved to confirm the appointment; Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Hammen announced that other needed appointments will be made in the near future.

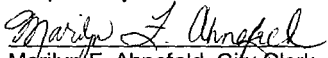
# # #

Councilman Roger Norris moved to adjourn to Closed Executive Session pursuant to Missouri Meeting Act Exemption Section 610-021(3) for Personnel Discussion. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)



There being no further business to come before the May 10, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 24, 1999**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment of Regular Meeting  
pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation discussion  
and 610.021(2) for discussion of Real Estate**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 10, 1999 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF SERVICE PLAQUE to Joyce Wild** in appreciation of her service as member and Chair of the Park & Recreation Advisory Committee.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-43**, authorizing execution of a contract with Larkin Group, Inc. in the amount of \$40,500.00 from the Combined Water & Sanitary Sewer Sales Tax Fund for the evaluation of Water Plant/Water Quality Issues.

**RESOLUTION NO. R-99-44**, authorizing the Mayor and City Manager to execute a Law Enforcement Traffic Services Grant Application with the Missouri Division of Highway Safety.

**RESOLUTION NO. R-99-45**, authorizing the City Manager to execute a Right-of-Way Agreement by and between North Kansas City School District No. 74 and the City of Gladstone.

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the **3<sup>rd</sup> Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, Friday & Saturday, June 18-19, 1999; and the **20<sup>th</sup> Annual GladFest Celebration** on Friday, Saturday, Sunday, October 1-3, 1999 in Gladstone Central Park, 69<sup>th</sup> & N Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone.

**APPROVAL OF BEER LICENSE** for **GLADSTONE AREA CHAMBER OF COMMERCE** at the **Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, (2-day license) Friday & Saturday, June 18-19, 1999; and the **20<sup>th</sup> Annual GladFest Celebration** (3-day license) on Friday, Saturday, Sunday, October 1-3, 1999 in Gladstone Central Park, 69<sup>th</sup> & N Holmes.

**NEXT ORDINANCE # 3.707**

**LIQUOR LICENSE RENEWAL** for Bubbles Wine and Spirits, 7407 N Oak, Class "C"  
Package Liquor License.

**Approval of Financial Reports for month of April, 1999.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING BILL 99-11,** revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock, Co., Inc. on property located at 5616-18 N Antioch Road. (File #1082) Tabled from 4/26/99 City Council Meeting.)
10. **PUBLIC HEARING: \*\*** on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084) (Continued from May 10, 1999 City Council Meeting)  
  
**\*\* (AUDIENCE NOTE: APPLICANT REQUESTS RECONTINUANCE OF THIS PUBLIC HEARING UNTIL THE MONDAY, JUNE 14, 1999 CITY COUNCIL MEETING).**
11. **APPROVAL OF BUILDING PERMIT** for construction of 11,760 sq. ft. retail building at 6401 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: Bradley Operational Limited Partnership (BP #99-0284)
12. **APPROVAL OF BUILDING PERMIT** for interior remodeling of Antioch Middle School, 2100 NE 65<sup>th</sup> Street. Owner: North Kansas City School District. (BP#99-0275)
13. **PUBLIC HEARING:** on proposed 1999-2000 Annual Operating Budget for the City of Gladstone, Missouri.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, May 24, 1999

Mayor Art Hammen called the Regular May 24, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen  
Mayor Pro Tem Anita Newsom  
Councilman Roger Norris  
Councilman Dan Bishop

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
Acting City Clerk Diane Whitaker

ABSENT: Councilman George Nodler

#### **Item 3. On the Agenda. Pledge of Allegiance**

Mayor Art Hammen led the Pledge of Allegiance in which all joined.

#### **Item 4. on the Agenda. Approval of Regular May 10, City Council Meeting Minutes.**

Councilman Roger Norris moved to approve the Regular May 10, 1999 City Council Meeting Minutes with corrections as noted on the copies placed at the Council's table. Additionally, on Page 6 regarding Council liaison appointments to the Boards and Commissions, there are two appointments to the Capital Improvements Program: Councilman George Nodler and Mayor Art Hammen. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

**Item 4a. on the Agenda.** Mayor Art Hammen read and presented a **Service Plaque to Ms. Joyce Wild** and extended the appreciation of the City Council and thanked her for her years of service as a member and Chair of the Parks & Recreation Advisory Board.

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

Following the Acting City Clerk's reading, Mayor Pro Tem Anita Newsom requested that **Resolution R-99-45** be removed from the Consent Agenda and placed on the Regular Agenda as Item 5a.

Councilman Dan Bishop requested that **Resolution R-99-44** be removed from the Consent Agenda and placed on the Regular Agenda as Item 5b.

Mayor Pro Tem Anita Newsom moved to approve the Consent Agenda as modified; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

#### **CONSENT AGENDA DETAIL**

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-43**, authorizing execution of a contract with Larkin Group, Inc. in the amount of \$40,500.00 from the Combined Water & Sanitary Sewer Fund for the evaluation of Water Plant/Water Quality Issues. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Anita Newsom moved to approve the **PARK FESTIVAL USE PERMITS** for the **3<sup>rd</sup> Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, Friday & Saturday, June 18-19, 1999; and the **20<sup>th</sup> Annual GladFest Celebration** on Friday, Saturday, Sunday, October 1-3, 1999 in Gladstone Central Park, 69<sup>th</sup> & N Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Anita Newsom moved to approve the **BEER LICENSE** for **GLADSTONE AREA CHAMBER OF COMMERCE** at the **Gladstone Summertime Blues Fest** in Oak Grove Park, 76<sup>th</sup> & North Troost, (2-day license) Friday & Saturday, June 18-19, 1999; and the **20<sup>th</sup> Annual GladFest Celebration** (3-day license) on Friday, Saturday, Sunday, October 1-3, 1999 in Gladstone Central Park, 69<sup>th</sup> & N Holmes. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Anita Newsom moved to approve the **LIQUOR LICENSE RENEWAL** for Bubbles Wine and Spirits, 7407 N Oak, Class "C" Package Liquor License. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Anita Newsom moved to for **Approval of Financial Reports for the month of April, 1999**. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

#### **REGULAR AGENDA**

**Item 5a. on the Agenda** **RESOLUTION NO. R-99-45**, authorizing the City Manager to execute a Right-of-Way Agreement by and between North Kansas City School District No. 74 and the City of Gladstone.

Councilman Roger Norris moved to approve Resolution No. R-99-45 Councilman Dan Bishop seconded.

Discussion: Ms. Newsom stated that she would abstain from the vote because the North Kansas City School District is her employer.

The vote: "Aye" - Bishop, Norris, Hammen; "Abstain" - Newsom. (3-0-1)

**Item 5b. on the Agenda** **RESOLUTION NO. R-99-44**, authorizing the Mayor and City Manager to execute a Law Enforcement Traffic Services Grant Application with the Missouri Division of Highway Safety.

Councilman Roger Norris moved to accept Resolution No. R-99-44. Councilman Bishop seconded.

Discussion.

Councilman Bishop asked for more detail on this item. Director of Public Safety Bill Adamo explained that this is an on-going grant for the last 7 or 8 years with the Division of Highway Safety that allows the City to conduct sobriety checkpoints throughout the year, to pay salaries, overtime, and purchase needed equipment and materials in connection with the checkpoints.

The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

**Item 6. on the Agenda.** **Communications from the Audience.**

**Elizabeth Murray, 6002 N Charlotte, Gladstone.** Ms. Murray stated that she has enjoyed the opportunity to learn more about City government as she has observed each Council meeting this semester. Ms. Murray has been impressed by the sincere goal of the Council and City to work for the improvement of Gladstone. She has seen in the decisions that were made, the loyalty to the citizens of Gladstone. She will be going to Washington, D.C. to work in Congressman Roy Blunt's office for an internship and hopes to find a group of people with similar goals as she has seen here. She thanked the Council and staff for their hard work.

**Betty Beck, 2416 NE Pursell Road, Gladstone.** Ms. Beck asked when and how and what they have to do to get the creek behind her property corrected. Ms. Beck said she has been told time and time over the last five years as soon as they get the money it will be fixed. Now the money is appropriated and that's all. Each time it rains her creek bank washes away. She has worked with Mr. Menefee and has been promised that there would be plans given to them as to what they will do and now they have been told there is no easement. Ms. Beck stated that the sewer trunk line is back there and she questions what will be done when that line breaks. She doesn't know who to go to or what to do. Ms. Beck stated that she has lost 6-8 feet of ground due to this creek and some kind of correction needs to be done.

Councilman Norris asked just where this property was located. Director of Community Development Scott Wingerson stated that it is located behind the Praisewater Insurance office and Antioch Travel.

Ms. Beck then mentioned that on Antioch Road, permission was given to put in some kind of rock business (reference Cripple Creek Rock Company) and they were supposed to build a privacy fence leaving access to get to the creek but so far there is no privacy fence but the trees give them privacy. Something needs to be done about this.

Councilman Norris told her she came to the right place and Ms. Beck responded that she hoped so, she has lived here for a long time and thanked Council for their time.

Ms. Newsom asked Director of Community Services Jerry Menefee for clarification. We have the study funded but do we have the funds for the specific project improvement?

Director Menefee stated that money is allocated in the current budget to get equipment to straighten the creek in her channel. His department has taken quotes from bulldozer contractors and are trying to get back in the creek to straighten it out safely with all the rain on the eroding bank. The severely eroding bank is in the process of possibly compromising the sanitary sewer there which we need to rebuild, so we need to get in there as soon as we possibly can too.

Ms. Newsom asked what the remedy will be. Mr. Menefee said the channel makes a jog there and we will be grading out the north bank and pushing it to the south bank and making a gentler slope there and putting some large rock in the bottom to help armor it against future low flows. The intent is to try to get that started in the next few weeks.

Councilman Bishop asked Mr. Menefee if this stretch of creek was looked at by Black and Veatch and if so, have your proposed remedies been run by Black and Veatch and what have they said about it. Mr. Bishop indicated that we do not want to create problems with their proposal come September.

Mr. Menefee stated that this will not impact the drainage study. The remedy would be taking about a lots width of frontage there to move the creek back away from the property. The real control point is near the box culvert at Antioch several lots away. The repair will not impact the channel. He has looked at it and done simple hydraulic equations and does not see a problem with it.

Councilman Bishop indicated that he asked the questions because it seems like Mrs. Beck's problem is a more severe problem and not an uncommon situation along that creek. He stated that he has heard about it from numerous people.

Mr. Menefee responded that yes, there are steep banks in that area because the channel has changed over the years, going from northwest to southeast and actually makes a jog there and heads to the south edge into her bank. A large tree helps facilitate that. This area is steep because of the erosion that has occurred.

Councilman Bishop asked if Mr. Menefee was in a position tonight to commit to a time frame when the project will be completed. The Community Services Director responded that he would have to consult his foreman regarding the necessary quotes from contractors and could not answer at the moment.

Ms. Newsom asked Mr. Menefee how many dry days it would take to get solid enough ground to get in there. He responded he would have to look at this, but would estimate a week's worth of dry weather.

Councilman Newsom asked if we would be ready to mobilize when this occurs. Mr. Menefee indicated that they would try to get a bulldozer back in there to do the work and said he could get back to Ms. Newsom with specifics after he talks with his foreman. Ms. Newsom responded that if it were in her back yard, she would have Mr. Menefee on speed dial.

Mayor Hammen thanked Mrs. Beck and asked her for additional patience. Please know the City is trying to do what they can and will follow up on her behalf. He asked that she be a little patient with Mr. Menefee.

**Don McLaughlin, 2607 NE 69<sup>th</sup> Terrace**, stated that he is only looking for information. He indicated that he is curious about the next step with the community center. What happens now after the presentation this evening.

City Manager Kirk Davis answered that there were several studies under way at this time and this is the first one completed. There are two critical time frames coming up: September/October completion for the Stormwater Master Plan and the Council goal-setting session during this same period of time. Additionally, discussion around the end of August/September will occur about financial alternatives that may be available and with the idea that Council can discuss alternatives that fit for each project and begin to prioritize what is important to the Council and community and mobilize for potential elections that are available to us in the year 2000. The completion of all studies must be in order and this just happens to be the first one. We must do a reasonably good job of prioritizing and preparing the needs after we get all the study results and find out what the financial alternatives may be.

Mr. McLaughlin said he agrees and stated that he is 100% for the community center but we must get all our priorities together. We have sewer and drainage issues and have to tie these in and check out with our pocket book.

Mr. McLaughlin then asked about the status of television coverage of Council meetings that was discussed a month or so ago.

City Manager Davis answered that his question was timely, that staff had met just last week to discuss steps to analyze our current ability to televise our Council meetings. Council had asked staff to look at this in a cost effective manner. We have contacted Time-Warner for technical advice and Bryan Richison has contacted other cities to see what they do and options available. We are now contacting local colleges to help out and are moving forward in this area.



**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dan Bishop** commended Sports Management Group for the final report and their outstanding job on this project. SMG made every effort to involve citizens and put together an impressive packet of materials and final executive summary for us. Mr. Bishop stated that it is too early to know what will happen. Regardless, Sports Management Group did a quality job for the City and he commends them for that.

**Councilman Roger Norris** gave Council and staff an update on Councilman Nodler's father who was injured in a traffic accident which is pretty serious at the age of 80. Mr. Nodler's family is in town tonight and they are all at the hospital.

**Mayor Pro Tem Anita Newsom** stated that she has known retiring Park Board Member Joyce Wild longer than anyone else in the room tonight because they grew up in the same town. She appreciated working with her on the Park Board and appreciated her ability to look at the big picture and ask critical questions at the right time. Ms. Newsom hopes Ms. Wild can come back in the future and serve in the City because she appreciated having the ability to work with someone who has similar views on things.

Mayor Pro Tem Newsom received expressions of concern from citizens regarding the location of the carnival in the Hy-Vee parking lot. It was not clear to them if it was a Hy-Vee activity and they seemed to have no understanding that it was Chamber sponsored. Traffic was congested and parking bad. She said we must look at why businesses are in town and where we place these things before we start taking up precious parking space for carnivals even as much fun as they are.

Ms Newsom also wanted to echo Councilman Bishop's comments on the Feasibility Study for the Community Center. People that have stormwater and sewer problems feel the community center is the last thing they want to hear about; those with no stormwater or sewer infiltration problems are ready to get out their shovels and double their taxes and start building, they want it so desperately. Public sentiment will be a real mixed bag when looking at priorities. This will be an opportunity for our community to come together and look at the big picture of the city's needs and financial abilities. Staff has always had a good track record of laying out the facts for the public to make educated decisions and our electorate is a pretty smart electorate.

**Mayor Art Hammen** mentioned that Channel 9 featured a story on Gladstone updating/replacing our aging sirens to provide storm warning to our citizens. He was glad to see us get this kind of coverage to show we are taking steps to provide modern, state-of-the art warning systems for our citizens.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** stated that City Hall will be closed for the Memorial Day Holiday. The Household Hazardous Waste Drop Off Program will be Saturday, June 5 from 9 am-1 pm at Oak Park High School.

Mr. Davis also advised Ms. Newsom that he will pass along her comments to the Chamber of Commerce regarding the carnival and impact on the Hy-Vee parking lot.

**Item 9. on the Agenda.** **SECOND READING BILL 99-11**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock, Co., Inc. on property located at 5616-18 N Antioch Road. (File #1082) Tabled from 4/26/99 City Council Meeting.)

Councilman Roger Norris moved to place Bill 99-11 on Second Reading. Councilman Dan Bishop seconded.

Discussion.

Councilman Norris told Mr. Robert Bledsoe he is becoming a regular here and it is time that ceases. Mr. Norris read from a Memorandum dated May 20, 1999 from Director Scott Wingerson detailing the status of compliance with the terms of the original special use permit. Mr. Bledsoe was given 30-50 days to comply and it is obvious he has not complied with everything. We need to find some resolution to this.

Mr. Robert Bledsoe, Cripple Creek Rock, Company, responded that he is experiencing the same problems referred to earlier by Mr. Menefee with the rains. He was stuck with his loader in that same creek just last night. The screening he needs to provide is fencing along the back and he cannot even finish building his stone wall because it is down by that creek. They are building the grade up 2-3 feet and have been given the fill dirt from the Hen House to raise this up. Until it dries, when you take equipment in, you just sink. It has been raining for the past four weeks. Today they moved all of their plants they had planted along Antioch Road for KCPL so they can lower the manhole then he can build sidewalks along Antioch Road.

Mr. Bledsoe said he has done everything in his power to work with Gladstone to beautify Antioch Road. We do good, quality work and are having the same problem as the City is with rain.

He said he ran three water lines to his lot in the past thirty days and after they backfilled over it rained and then they sunk in a foot and a half. He has his Buffalo up on Antioch Road and the water line run to his waterfall. His may be the only working waterfall on Antioch Road because Wall-Mart called him to repair theirs. He invites Council to walk his back lot and see what is taking place because the slab wall being built cannot be seen when you drive by. The posts for his entry and exit are up and he is doing everything he can.

Councilman Norris told Mr. Bledsoe that back when the weather had been nice, he had made some remarkable progress toward compliance; but now we really need to hear reasons why we should grant further continuances.

Mr. Bledsoe said the reason is because he has Antioch Road cut out for three sidewalks which it doesn't have. He observed someone fall off a bicycle across the street because they were riding in gravel. Gladstone does not have sidewalks all along Antioch Road and if he is going to spend his money on sidewalks that the City

will own and beautify Antioch Road he does not think it fair to set a timeline. He wanted to meet the last timeline. He was told to get a building permit and he has a picture of a log cabin style he proposes and he will spend a lot of money. Right now he is losing a lot of money on both ends.

Mr. Bledsoe said he wants to keep coming to these meetings to provide updates and a year from now he wants it to all be behind us. Until that time, he has his old building leased out to Andrew Concepts and they are spending the money to make it look great with paint and plants. If they look good, he looks good. He said half of Antioch Travel's sign is blown off and their shed is blown over in the back of the building and piled up, so we need to move down the road and knock on these people's door.

Mr. Bledsoe said he is making an effort in Gladstone and will be paying taxes. He is getting calls from people in Smithville, Liberty, Excelsior Springs and Kearney who want to spend money in Gladstone. He apologized that he cannot give a time line because of the weather but he will be working everyday. He said he lives in Gladstone so we need to work together on this and said Council is beating up the wrong guy on this.

Councilman Norris told Mr. Bledsoe that we want him to be successful there and acknowledged that weather is affecting everything, but we need to find a light at the end of the tunnel.

Mr. Bledsoe said he wants a good, profitable business in Gladstone. He said he cannot provide working drawings of his proposed building until they are completed because he changed the floor plan but did provide Council with pictures.

Mayor Hammen said he probably is as keenly aware of the weather problems as anyone but what bothers him is that when we met four weeks ago, staff said they were waiting for the building plans to be submitted. Even if we had had four straight weeks of rain, there is no reason Mr. Bledsoe was prevented from submitting the building plans. Mr. Bledsoe said it takes 90 days to cure that out. Mayor Hammen asked how the rain affects submission of the plans and when they can be expected.

Mr. Bledsoe said he can't get the plans from the company until they are done. The company is changing the plans because basically they are being made just for him. He offered to bring in the name and phone number of the company for us to follow up.

Mayor Hammen asked how long ago he requested the information. Mr. Bledsoe responded about two weeks ago. Mr. Bledsoe said it would take about 90 days to complete the building. The Mayor asked how long the manufacturer told him it would take to get the plans for submission to the City. Mr. Bledsoe said he did not make it a big point but that he will submit the plans to Mr. Wingerson when they are available.

Mayor Hammen asked Director Scott Wingerson if he had any comments on this item. Mr. Wingerson said he did not.

Councilman Norris told Mr. Bledsoe that the building plans are a priority and Mayor Hammen told Mr. Bledsoe that Director Wingerson can give him specifics on what is needed.

Councilman Norris asked City Counselor Nancy Thompson if he can change his motion to table this item and she confirmed that is his option. He also asked if there is anything that should be put on the record before he makes his motion. Mr. Wingerson said there was not.

Councilman Norris moved to Table the Second Reading of Bill 99-11 until the June 28, 1999 City Council Meeting. Mayor Pro Tem Newsom seconded.

The vote: All "Aye" - Bishop, Norris, Newsom, Hammen. (4-0)

**Item 10. on the Agenda.** **PUBLIC HEARING:** on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084) (Continued from May 10, 1999 City Council Meeting)

**Mayor Hammen opened the Public Hearing and continued the Hearing until the Monday, June 14, 1999 City Council Meeting as requested by the Applicant.**

**Item 11. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for construction of 11,760 sq. ft. retail building at 6401 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: Bradley Operational Limited Partnership (BP #99-0284)

Mayor Pro Tem Anita Newsom moved to approve the Building Permit for 6401 N Prospect; Councilman Norris seconded.

Discussion.

Councilman Norris asked the applicant if they have any problems with any item listed on the Staff Report Sheets.

Mr. Frank Tomber, Bradley Real Estate asked Councilman Norris if he would recite those items from the Staff Report. Mr. Norris did so and Mr. Tomber confirmed they have no problems with any item listed on the Staff Report.

Mayor Pro Tem Newsom asked if we know what kind of tenants we are looking at or is it all speculative. Mr. Tomber said there will be more than one tenant but it is all speculative at this time. They are having discussions with several tenants at this time and are close to a lease for a little more than half the building with one tenant. He commented that they too are impacted by the rains.

The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

**Item 12. On the Agenda.**      **APPROVAL OF BUILDING PERMIT** for interior remodeling of Antioch Middle School, 2100 NE 65<sup>th</sup> Street. Owner: North Kansas City School District. (BP#99-0275)

Councilman Norris moved to approve the Building Permit for 2100 NE 65<sup>th</sup> Street; Councilman Bishop seconded.

Discussion

Councilman Norris asked what a prototype room is and why is there no lighting in this room.

Kathleen Warman, Wickham, Jarman, and Warman Architects, representing North Kansas City School District advised it is an existing room with lighting that is not affected by the remodeling and so the lighting was not noted on the plans either way. She advised they are remodeling several classrooms in schools throughout the district; we call it moving from home ec to high tech. They are essentially reworking old shop rooms and home ec rooms and working in computer stations for computerized cooking, baking, and shop activities. She said it should be an interesting curriculum.

Councilman Norris asked Ms. Warman if they have noted the three recommendations on Sheet ME1.00. Ms. Warman said they are working with Alan Napoli in resolving these items. Mr. Norris asked if this includes smoke detectors as well as a one hour rated ceiling. Ms. Warman assured it does.

The vote: "Aye" - Bishop, Norris, Hammen. Ms. Newsom "Abstained". (3-0-1).

**Item 13. on the Agenda.**      **PUBLIC HEARING:** on proposed 1999-2000 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Art Hammen opened the Public Hearing, explained the hearing process and invited City Manager Kirk Davis to make his presentation.

**City Manager Kirk Davis** said he is pleased to present the 1999/2000 annual budget this evening because this presentation is the culmination of a very intense effort over the past three months as well as the efforts of the entire community over the past year through many activities. City Manager Davis said he will discuss the General Fund and Enterprise Funds and Assistant City Manager Laura Gay will discuss the proposed Personnel Changes as well as the Capital Improvement Funds.

Last February each of the Departments began putting together the budget for fiscal year 2000. The budget decisions made by each of the departments are based upon several guidelines and policies established by the City Council. For example, the budget is based upon the goals established by the Council last year. Those goals provide guidance as to where competing resources should be invested. It is based upon policy and service level discussions that occur throughout the year. It is based upon the mid-year budget review. The budget also reflects a great deal of public input gathered throughout the year at public hearings, public workshops, community meetings, day to day citizen contacts, and a representative government that works very hard.

A budget is a document that reflects all of this input. The budget is a plan that identifies specific types and levels of services and the amount of sources of money that can be spent for those services over this next year. The budget meets many purposes and uses. It is a financial and operational document used by the staff for financial control and planning. The City Council uses the budget to make or confirm policy choices involving competing needs and finite resources.

Gladstone is primarily a residential community. It is approximately 9 square miles, approximately 28,000 residents, yet cannot expand. The City anticipates very little revenue from new growth in the future. Redevelopment and renovation must be our focus. In many respects these efforts can be a bigger drain on our budget than managing new growth.

The taxpayers benefit from a very low tax rate and very reasonable fee and rate schedules. These lower rates are attributed in part to a healthy business community that happens to be located primarily on two corridors. In other words, the health of this business community is essential to the health of the entire community. While this requires the City to be extremely vigilant in protecting our neighborhoods, it also means we must be vigilant in planning for the renovation of our corridors.

This community, by virtue of the levels of sales tax revenue received, is impacted by a very good economy (36 %). This does not mean we do not have to continue to pursue new revenue sources to maintain service levels. This year however, a good economy and controlled costs allow us to present a balanced budget. Departments were asked to maintain funding levels for the service, supplies, and operations accounts. The department directors have done a good job of maintaining service levels without substantive increases in these accounts. However, this cannot continue every year. Sound financial planning is required. In the next year the City will be faced with several funding challenges. Many of these challenges may require public assistance. Other funding challenges must be conquered utilizing existing funds. In this regard it is important for the City to complete a financial trend analysis, to begin long term financial planning. It is also incumbent upon us to review our schedule of fees and charges to make sure we are within our market ratios for the services provided. I am often asked what does the city do. I like to tell folks we are a \$20 million corporation with 150 employees and we put out approximately 150 different products. Like any sound corporation a long-term financial review of our operation and the development of good financial policies are essential to the long term health of the organization and community.

The budget adopted last year by the Council focused on planning and the efficient expenditure of tax dollars on key capital improvements. A storm water master plan was prophetically identified, a sewer infiltration study was funded, a review of our water plant was funded, a community center feasibility study was funded, and a space needs analysis for the public safety department was funded. All are underway in one stage or another.

The community center feasibility study was presented to the Council this evening. Many of these studies are very extensive and will require a great deal of discussion

concerning funding alternatives and priorities. During the last year the citizens of our city suffered from several very serious storms. While I believe the City did a very good job of immediately responding to those needs, it became very evident that a long term plan was necessary to address most of the concerns. The proposed budget focuses on those needs. A sewer maintenance program is currently underway and will immediately impact our residents. Funding is set aside within the combined water and sewer system fund for capital improvements to the sewer system where the most need is identified by the sewer maintenance program. Still to be determined is if the funding will provide the service levels the council and community desire.

The storm water master plan is underway and he can comfortably say it will require significant funding. Given the resources available there is substantial money dedicated to the results of the study reflected within the capital improvements budget. Again, funding levels and service levels are still to be determined.

During the past year the city reviewed the capital equipment replacement schedule. The capital equipment reflected in this budget is consistent with the schedule and recommendations from this committee.

City Manager Davis noted the budget also reflects a very good personnel package for the employees. The council and management team both believe in the importance of maintaining a qualified and competent staff. Among other things, the Budget maintains consistency with the pay and compensation plan, improves the retirement plan, and recognizes an important holiday. All of these issues were high on the surveyed list of recommendations received from the employees committee.

The City Manager said again the budget is the culmination of efforts of dozens of employees, the council and advisory boards and commissions. It truly is a team effort, with a lot of input. Upon completion, departmental budgets were reviewed by the budget team consisting of the assistant city manager, management assistant, finance director and city manager. The process involves the analysis of revenues, review of operational line items, recommendations of a personnel package, and a prioritization of all capital and supplemental requests. This process is utilized for all of the funds.

In reviewing this budget one must be cognizant of two unique resources that were available during the last fiscal year and skew many of the trends. The city was the beneficiary of approximately \$500,000 in one time only use tax monies, and approximately \$600,000 from certificates of participation designated for technology improvements and Y2K

Councilman Norris asked why we are budgeting fewer trips for seniors. City Manager Davis said we are budgeting in a very conservative fashion, we do not know that they will be taking fewer trips but when they do they always represent positive cash flow and we are just trying to be real conservative in what activities we think will be funded this next year.

Director of Parks & Recreation Steve Buschor said when we budget revenues for our trips we take the minimum number of people who will take part in those trips multiplied by the cost of the trip and come up with a number which serves as a minimum. Most

of our trips fill up and exceed those expectations but those limits are set based on program minimums.

City Manager Davis turned the presentation over to Assistant City Manager Laura Gay for her review of the proposed Personnel Package and the Capital Improvement Plan.

**Assistant City Manager Laura Gay** said as the City Manager mentioned, personnel services represent approximately 68% of our budget and obviously that is an area we take very seriously because it is a large portion of the budget and we recognize that is an ongoing cost on an annual basis.

The Fiscal Year 2000 Budget contains a total of 150 full-time positions which is an increase of four (4) full time positions over the current fiscal year. As we looked at positions this year, we tried to look at new revenue sources that were associated that might assist us in funding those positions. The first position recommended is a full-time Fire Inspector in the EMS Division of the Public Safety Department. Several meetings ago, the Council will recall we changed the way in which we handled our ambulance billing which resulted in an increase of approximately \$60,000 annually and we looked at that as a source of revenue to potentially fund this Fire Inspector's position. This individual would perform various fire safety and prevention activities including: inspection of properties for compliance with codes and ordinances; presentation of public education and training programs for business and the general public; operation of the fire incident reporting system; and fire scene investigations.

The second position proposed is the addition of an Assistant to the Director of Community Services. Currently, in terms of staff this is the second largest operating department behind Public Safety. This is our street crew and water and sewer crews and in terms of the administrative staff, they have a Director. We feel with many of the studies and projects and programs that will be coming forth this year whether storm water, master plan implementation, creek maintenance, sanitary sewer, water plant studies, etc. that the department will benefit from some administrative help.

Also in the Community Services Department we are requesting upgrade of an existing part-time Street Maintenance Worker to full-time to allow the Department to establish more consistent, effective work teams.

Finally, the fourth position proposed for FY'00, is the addition of a GIS Coordinator in the Community Development Department. Over the past several years, the City has made a significant investment toward the development of an accurate and usable geographic and tabular database. The administrative transfer from Capital Improvement and Transportation Sales Tax funds was increased this year primarily to cover the costs associated with this position. This individual will be responsible for maintaining the data that we currently have and also maintaining the data that will be provided as a part of the Storm Water Master Plan, the Sewer I&I Study and Sanitary Sewer mapping. We are spending a significant amount of funds in this current fiscal year on the master plan and those projects and it is important for us to maintain that investment.



In addition to the four full time positions, the budget also contains a proposal to reclassify three positions which are creation of an Assistant Water Plant Supervisor's position, creation of a Code's Supervisor's position in our Codes Enforcement Division, and a reclassification actually downgrading the position of Assistant to the Director of Community Development to Construction Coordinator. The reclassification will allow the Department to provide more flexibility in performing the services and programs they offer to the public.

Assistant City Manager Gay noted that in addition to the new positions and reclassifications each year, the Personnel Office is involved in a comprehensive annual market survey. In fiscal year 1996, the Council adopted a new Classification and Compensation Plan philosophy that guides the City's salary structure so as a part of that each year we have committed to going out to the market and benchmarking approximately 60% of the positions within our organization to determine external market competitiveness and then we use that data to establish internal benchmarks that help us create the salary range structure for the coming year. She called attention to Pages 7 and 9 of the Budget Public Hearing Document that is the pay plan philosophy as well as the salary range structure which is proposed to be effective in November 1999. After the market analysis this year, approximately 34 of those positions moved as a result of the market survey.

In addition, on the personnel side we look at potential benefit enhancements each year. For fiscal year 2000 we are proposing an enhancement to the City's existing Retirement Program. The City participates in the Missouri Local Government Employees Retirement System (LAGERS) which is a "defined benefit plan" which requires the benefit payable upon retirement to be determined by an established formula. The City of Gladstone currently has elected that the final average salary be determined by the highest 5 consecutive years during the last 10 year period. The recommendation is to amend the formula to calculate the final average salary based on the highest 3 consecutive years during the last 10 year period. The upgrade is estimated to cost approximately \$24,500.

Assistant City Manager Gay said we also propose the addition of Martin Luther King Holiday to those currently observed by the City. For the past three-four years we have been surveying other local and state government employers and monitoring the number of holidays offered by the City of Gladstone and do recommend that the City Council add the Martin Luther King Holiday. The addition of the Martin Luther King Holiday would increase the number of paid holidays from 10 to 11 and would be consistent with what the majority of other government employers are providing.

Ms. Gay said if there were no questions on personnel, she will move to the Capital Improvements Program.

Each year, as a part of the annual budget process, Staff works with the Capital Improvements Program Committee to revise and update the five year Capital Improvement document. That includes revenue from both the half-cent Capital Improvements Sales Tax and the half-cent Transportation Sales Tax. Revenues from both of those sources are expected to exceed \$3.1 million in Fiscal Year 2000. The Five Year Program supports capital project city-wide as well as debt service for

Happy Rock Park, the Home Depot public improvements and the 1997 Certificates of Participation.

While we do put together a Five Year Plan, certainly we do track expenditures and revenues in those funds separately, so she will highlight each of those funds individually.

The Capital Improvements Sales Tax Fund this year represents a shift in philosophy in the way the projects were funded and prioritized. We were seeking to provide greater flexibility knowing we had several studies that were in progress that we would be bringing forward and capital projects and issues that would need to be addressed during the course of this fiscal year. The proposed FY00 budget and capital improvement plan establish a commitment to resolve the major stormwater concerns throughout Gladstone. Over the life of the five year plan, a total of \$4.4 million has been allocated to construct improvements identified through the Stormwater Master Plan. In years 3-5, the stormwater allocation is equal to 2/3 of the available fund revenue.

The Parks projects include replacing lighting at the Central Park ball fields, replacement of the Flora Park backstop and resurfacing several parking lots at public facilities. The focus is on maintaining existing facilities throughout the City's park system.

Revenues are projected to be \$1,639,000 in this fund and the primary source of revenue is the one-half cent Capital Improvement Sales Tax which is expected to generate \$1,577,000.

Expenditures are proposed in the amount of \$1,650,575 which are slightly higher than revenues which is simply because we do carry a fund balance over from year to year.

The Half-Cent Transportation Sales Tax was approved by voters in 1995 primarily for road maintenance. We are in year four of that five year program that was originally presented and are on track and anticipate that we will complete that program as identified and communicated to the citizens and expect to use this revenue source to continue that program achieving that 15 year maintenance cycle on all of our residential streets. The FY00 budget adds an Intermediate Maintenance Program, and ADA Curbcut/Sidewalk Program and an Arterial Sidewalk Program to the annual street program this year. These programs are all designed to enhance the vehicular and pedestrian transportation network within the City of Gladstone. This fund also provides the resources for the construction of the 72<sup>nd</sup> Street project which we are pleased to see underway and 55<sup>th</sup> Terrace at Old Pike Road. These are both significant in size and scope.

The financial projections assume the fund will be supplemented by an annual contribution of approximately \$300,000 from the Gladstone Special Road District #3.

The fund also looks at street reconstruction projects and focuses on those that are of highest priority in terms of use and safety. Within that five year plan, we have

proposed to look at 70<sup>th</sup> Street from Woodland to Euclid; 76<sup>th</sup> Street from Oak to Troost and 76<sup>th</sup> Street from Antioch to Public Works.

The CIP Committee recommended approval of the first year of the program and endorsed the remaining four years in concept. As Council is aware, this is a fluid document and looked and revised on an annual basis.

Assistant City Manager Gay said there are three other minor funds she will discuss:

Street Improvement Fund. During FY 1999, the Street Improvement Fund made the final debt service payment on the Wal-Mart Street Bonds. As of June 30, 1999, the unreserved fund balance is projected to be \$71,260. It is proposed to transfer the balance of the fund, \$71,260, to the Transportation Sales Tax Fund and close out the Street Improvement Fund.

She said City Manager Davis referenced the Capital Equipment Replacement Fund and this budget does include a recommendation to include \$125,000 to that fund which was started as a part of the mid year budget process this year with an eye toward leveling out capital purchases in future years.

Special Parks and Playground Fund. No expenditures are budgeted for Fiscal Year 2000. A small amount of revenue in the amount of \$2,000 is budgeted and this is an assessment where the builder has an opportunity to provide park space or contribute to the special parks and playground fund

Assistant City Manager Laura Gay invited questions at this time.

City Manager Kirk Davis said in conclusion, the staff is very pleased to present a balanced budget. He said it represents a budget that is consistent with the Council's goals established last September and consistent with planning tools that are in place, and responds to the citizen issues identified in the past year given the amount of finite resources we have available right now. It is a conservative budget that focuses on basic infrastructure, yet does not include tax or rate increases.

Mr. Davis said he would be remiss if he did not thank the department heads for their efforts, and the efforts of their staffs who did a great job. He also thanks the budget team, Laura Gay, Cash Sweiven, and Bryan Richison. Finally, he would like to express his appreciation to the Council for their input, advice, support, and the time spent reviewing the proposed budget.

Mr. Davis said the entire management team is here to answer any questions and that concludes his budget presentation.

Mayor Art Hammen advised that we are still in the budget public hearing and invited the Council or the audience to ask questions or make comment.

**Mr. Don McLaughlin, 2607 NE 69<sup>th</sup> Terrace,** said he is curious about an item in the Community Development Budget that is listed as a corridor study and asked what it will do.

City Manager Davis said the corridor study is a document that will perform several functions. We are proposing a corridor study be done for N Oak Trafficway this fiscal year. The study will look at land use currently in that corridor, gather input as to what people would like to see in those land uses, identify vacant ground and advise us on what potential economic development activities can occur in those properties. It will advise as to any amendments to our ordinances that may be in order to encourage the type of development that the Planning Commission and Council would like to see, and deal with aesthetics and necessary transportation improvements given the uses that may be identified by the Planning Commission and Capital Improvements Committee and any other advisory boards as well as the City Council and citizens. It will involve input from neighborhoods and business owners as to what they would like to see happen along that corridor. Basically it is a market based land use study.

Mr. McLaughlin asked if this will commence immediately. Mr. Davis said there is not a specific schedule but sometime during the year. Mr. McLaughlin said he does have a few questions on this issue that that he would like to address to the City Council perhaps at the next meeting. He has no objection to the money being spent at this point but it does have an interesting conflict with some other areas that he would like to discuss at a later meeting.

Mr. McLaughlin told City Manager Davis that he heard him say in one of the study session meetings that the City might gain about \$100,000 from the reassessment and he asks if that is incorporated in the budget and if the Hancock Law affects this.

Mr. Davis said we have projected a \$110,000 property tax revenue increase and suggested Mr. Sweiven might want to answer Mr. McLaughlin's question. Finance Director Cash Sweiven said from his reviews it does not appear that Gladstone is affected by the Hancock Amendment.

Mr. McLaughlin said he was going to ask if the employees did their own salary survey since they have such a nice benefit package but he notices the budget document explains who does it and how. He will say that he completely endorses our personnel package because we have one of the better young professional staffs who do an excellent job and we should do everything we can to keep them.

Councilman Norris commented that we fight the headhunters off yearly. Mr. McLaughlin said he imagines we do because they have reason to be looking in Gladstone.

Mr. McLaughlin said based on what we know now, there are a lot of sanitary sewer problems we are aware of and asked if we have enough money to take care of what we know about with \$150,000. It sounds kind of short-sighted to him.

City Manager Davis said he does not believe we will have enough money available to fix all the problems we have. We have an infiltration and inflow study underway and we have begun the first year of a multi-year program to televise all of the lines and we are looking at the two problem areas of Mill Creek and Hamilton Heights. We will continue to ask for the 3<sup>rd</sup> and 4<sup>th</sup> year and the program has already proven beneficial

because they have identified areas of infiltration already and cleaned the sewers removing tree roots in several locations and he does believe it is money well spent. He does not know the extent of all of our needs but is pretty confident that \$150,000 is not going to cut it but given the fact that there is no rate increase yet in the budget for this fiscal year and given the fact that this amount is roughly double what we had last year for sewer maintenance, that is the position we are in at this time.

Mr. McLaughlin said he thinks it would take an increase in his water bill and he believes we should get on with that show.

City Manager Davis said infiltration is something the Council is aware we will have to deal with anyway as a result of Kansas City's sewer agreement we are currently negotiating. Mr. McLaughlin said but that may not be our only problem. Mr. Davis said, probably not.

Mr. McLaughlin said he wants to make a pitch for something that Public Safety included in their budget but the City Manager did not approve but something we really need to do and that is opticom. He said it gives emergency vehicles the ability to give themselves a green light through traffic intersections. He is familiar with it in Florida city and they cut their response time a full minute by using the system. He does not think we can cut much more off our response time but he does think for public safety and the safety of our citizens we really need to consider this. North Kansas City and Liberty have it and he does not know how it will tie in with Kansas City but it would give us better response time into the Briarcliff area. He had an experience coming down M-1 into 72<sup>nd</sup> street on a Saturday afternoon and he was the 3<sup>rd</sup> car back behind a rather large van. They got a green light, got into the intersection and all of a sudden everybody started crowding the right lane. He sees a public safety vehicle with siren and red lights coming up the left side of the island on N Prospect. That system would cost us \$160,000 and we could have spent a million dollars in liability in the few seconds he was there on N Prospect. He knows that CPA's and finance people like to have big reserves and he does too but he thinks we have \$170,000 in the capital equipment budget and he would like to see us spend it for the safety of all of us.

City Manager Davis said he does agree with Mr. McLaughlin and this will be a high priority if it is not already. The primary reason it was not recommended for funding is because the issue of opticom will be an essential part of any discussion the Council has relative to the space needs and staffing analysis in Public Safety that is currently underway. Potentially we could be relocating Public Safety from this building to another site or at least part of Public Safety and where they are located and the response time from various parts of town all come into play and are consistent with discussions regarding opticom. He said the Council may wish to move more quickly than that in terms of funding this item but his thought process and he thinks Director Adamo would agree, is that we do not want to shove this under the table but we do want it to come up with discussions on Public Safety and service provisions from that department to our community. He said Kansas City is also looking at a master opticom system and we certainly want to be consistent with that. He assures he is a big proponent of the system but wants it to come up with discussions of Public Safety service provisions.

Councilman Norris suggested this could be part of the Mid-Year Budget for discussion. City Manager Davis said his intent was to discuss it at Council goal setting sessions.

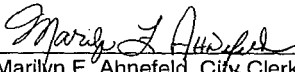
City Manager Davis again thanked the Council and Staff. There were no further comments and Mayor Hammen closed the budget public hearing.

**Item 14. on the Agenda. Other Business.**

Councilman Roger Norris moved to adjourn to Closed Executive Session pursuant to Missouri Meeting Act Exemption Section 610-021(1) for Litigation discussion and 610.021(2) for discussion of Real Estate. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

There being no further business to come before the May 24, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 14, 1999**

**OPEN STUDY SESSION: 7:15 M**

**REGULAR MEETING: 7:30 PM**

**Closed Executive Session will immediately follow adjournment  
of Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(2) for  
discussion of Real Estate and 610.021(3) for Personnel discussion.**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 24, 1999 City Council Meeting Minutes.**

5. **CONSENT AGENDA**

6.

**RESOLUTION NO. R-99-46**, authorizing the City Manager to execute a contract with Commenco, Inc. for an amount not to exceed \$18,108.00 per year from the General Fund for preventative maintenance and repairs of the City's 800 MHz radio system.

**RESOLUTION R-99-48**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation for the period July 1, 1999 through June 30, 2000. Gladstone Local share: Not to exceed \$16,474.

**RESOLUTION R-99-49**, a resolution of the Gladstone City Council urging the members of Missouri's Congressional delegation to become co-sponsors and active supporters of the Conservation and Reinvestment Act of 1999.

**ANNUAL LIQUOR LICENSE RENEWALS:** Package licenses for: **Quick Trip**, 6309 N Antioch Road, **Quick Trip**, 2590 NE 72<sup>nd</sup> Street, **Conoco**, 5810 N Antioch Road, **Oscos Drugs**, 6129 N Antioch.

**NEW LIQUOR LICENSE** for Maclimited, Inc. dba **Donovan's Grill**, 6825 N Oak. Class "A", six day liquor by drink license. Managing Officer: Michael McCormick (formerly Dale's Sports Bar)

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. \* **PUBLIC HEARING:** on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084)  
  
\* **AUDIENCE NOTE: APPLICANT HAS REQUESTED TO WITHDRAW THIS REZONING APPLICATION.**
10. **RESOLUTION NO. R-99-47,** adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.
11. **FIRST READING BILL 99-16,** amending Schedule VIII of the Model Traffic Ordinance to establish additional **"Stop Sign"** locations.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 14, 1999

Mayor Art Hammen called the Regular June 14, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen  
Mayor Pro Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
Councilman Dan Bishop

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Scouts from Troop 271, Gashland United Methodist Church led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular May 24, 1999 City Council Meeting Minutes.**

Mayor Pro Tem Anita Newsom moved to approve the Regular May 24, 1999 City Council Meeting Minutes as written. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Newsom moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

#### **CONSENT AGENDA DETAIL:**

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-46, authorizing the City Manager to execute a contract with Commenco, Inc. for an amount not to exceed \$18,108.00 per year from the General Fund for preventative maintenance and repairs of the City's 800 MHz radio system.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION R-99-48, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation for the period July 1, 1999 through June 30, 2000. Gladstone Local share: Not to exceed \$16,474.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION R-99-49, a resolution of the Gladstone City Council urging the members of Missouri's Congressional delegation to become co-sponsors and active supporters of the Conservation and Reinvestment Act of 1999.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS: Package licenses for: Quick Trip, 6309 N Antioch Road, Quick Trip, 2590 NE 72<sup>nd</sup> Street, Conoco, 5810 N Antioch Road, Osco Drugs, 6129 N Antioch.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to approve the **NEW LIQUOR LICENSE** for Maclimited, Inc. dba **Donovan's Grill, 6825 N Oak. Class "A", six day liquor by drink license. Managing Officer: Michael McCormick** (formerly Dale's Sports Bar) Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda. Communications from the Audience.**

**Mr. Don McLaughlin, 2607 NE 69<sup>th</sup> Terrace, Gladstone, Mo.** told the City Council he had a couple of items he would take several minutes to address.

First, he said at the last City Council Meeting he congratulated the City for its ***fine young*** professional staff. Because someone commented on his reference to young, he will now clarify that in his eyes everybody under 65 is young professional staff.

Mr. McLaughlin said his second item is that he is really concerned and would ask the Council to give serious consideration to canceling the contract that we now have with the Gladstone Economic Betterment Council. He said he and Councilman Norris had a sidewalk discussion several weeks ago and Councilman Norris said he felt there wasn't enough public involvement in the meetings and enough people attending, and that there really was no foundation for his (McLaughlin) concerns from a long time ago that this city government was too entangled with the Chamber of Commerce and some of the other civic organizations.

Mr. McLaughlin said he worked for ten years as a Regional Inspector General for the Department of Health and Human Services, and he decided that even though he did not have subpoena power or the power to put people under oath that he would conduct a little review of the monies that City government spends with the Chamber of Commerce in this city.

He said he was a little surprised at the rather minor item but we have fourteen (14) full time memberships in the Chamber which costs us \$1,500.00 a year. He really wonders if that is necessary.

The second item that concerns him is the contract with GEBC for Economic Development. In his work he is used to doing probe samples and what a probe sample is in the auditing and investigative field is to go out and examine records in an area where you think there may be a problem. You talk to some people who work in that area and are knowledgeable about it and then you decide whether or not you should do a full fledged investigation. He said he has done a probe sample and he is going to ask City staff to do a full investigation audit or perhaps even involve the state auditors if necessary.

He said on December 18, 1995, the Council discussed a proposed contract with GEBC at a council meeting to handle economic development. He said that contract is five years and \$286,000. That is a lot of money. Representing GEBC in signing the contract was its President, Pete Hall. Councilman Norris expressed in that meeting his trust in Mr. Hall as well as his fellow members of the Council. Pete Hall stated that he represented both GEBC and the Chamber at the Council Meeting. He is also Chairman of the Capital Improvements Committee and active in four members of this Council's political campaigns in the past.

The other GEBC signature was Les Smith, Secretary of GEBC who is a member of the Chamber of Commerce and the appointed Chairman of the City Planning Commission, political backer of four members of the Council, and he believes if he is correct still a business partner of Mayor Hammen. Mayor Hammen acknowledged that was correct. The by-laws dated April 5, 1990 indicate that no officer can be elected to the same office more than three years in a row without a one year break in service. Both Mr. Hall and Mr. Smith appear to have held office continuously since 1990 and would therefore not appear to be a proper signature on that contract.

Mr. McLaughlin continued that basically the contract is a three party involvement. Jana Miller from the City was going to move from the City's employ to GEBC as Executive Director and as Chamber President. There was to be shared office and staff between the two organizations and the idea was to enhance the total salary for Jana, and the City's interest would be served by maintaining her or some other experienced economic development specialist in that job. This was to prevent a high turnover in the Chamber position as had occurred in the past. The Council meeting of December 18, 1995 discusses that agreement and there were six pages of transcript. At some points it appears to be a rather heated discussion. Then City Manager James Norris helped

write the agreement and he said he would not even consider it except to enhance Jana Miller's pay, and the need to keep her in the economic development role.

Still referring to Gladstone City Council 12/18/95 minutes, Mr. McLaughlin said they reflect that there would be enough money to hire a quality person who would not need to use the job as a stepping stone in the future. Councilman Norris in the minutes expressed concern about politics in the Chamber, recognized that the City would have no role in hiring or firing the person in the job, and saw the City's money as going out with us having nothing to say about it. Mr. Reynolds pushed for approval that night fearing the Chamber would consider it negatively and be hurt by any another decision. Ms. Newsom said she wouldn't be held hostage by the Chamber and was elected to represent 27,000 people and wanted safeguards in place to ensure cooperation and that performance standards were written. He said Mr. Hammen shared Councilmembers Newsom and Norris' concern but was willing to vote on the 18<sup>th</sup>. Ultimately that was left hanging until the next meeting on January 8, 1996 so there could be some changes in the contract.

Mr. McLaughlin said apparently the contract was discussed in a study session prior to the meeting and the contract is broken down as \$63,000 for 1996; \$61,000 for 1997; \$56,000 for 1998, \$54,000 for 1999; and \$52,000 for the year 2000. He asked the Council if anyone remembers from those meetings (in 1995 and 1996) where those numbers came from? He said there is nothing in the meeting notes and apparently it was discussed in a Council Study Session. Mr. McLaughlin said he really worries about study sessions. He said the regular meeting says it was discussed in the earlier study session but it does not say whether the money was discussed. It just seems like a lot of money for there not to be some interest in what that money was for, or where it came from, whether it related to Jana's salary before or what?

He said the contract says the Economic Development Plan which is completed yearly will include specific dates for task completion. He displayed GEBC's annual plan that was given Council on March 22<sup>nd</sup> in a study session which he said is less than Economic Development 101. If you were starting from scratch, you would need a document like this. He would hope that we are not starting from scratch at this point in time. There is not a single date for completion of any item in this annual plan. You asked for performance standards, there are none. The contract says that GEBC will work with Clay County and State area economic development agencies. Ms. Hadley may be a fine person but she is only a courtesy member of the Clay County Economic Development Council because no one has ever paid dues for her. She gets only a limited amount of the circulation of documents that come out of that organization. It is interesting because the City which has contracted out our economic development activities has ten persons who belong to that Clay County Economic Development Council at a cost of \$1800/year.

The contract says that GEBC will research and implement the redevelopment plan and proposal for N Oak which takes into consideration methods of financing, business creation, beautification and building improvements. The North Oak redevelopment plan shall define the redevelopment areas, determine the feasibility of redevelopment and opportunity for growth, determine the most advisable avenues that should be

taken to ensure success in this development plan and initiate the streetscape plan including negotiations with property owners and implementation of the improvements. At the last Council Meeting, a \$20,000 item was included in the City budget for the Community Development Department to do something which very closely parallels this. He assumes it has never been done by GEBC. GEBC was required to submit an annual economic function budget to the City Manager and the Council and it has never been given until it was requested by the City in April of 1999, at least the City has no record of it.

GEBC was to create a Gladstone Community Internet Page Web Site within one year of the original effective date of the agreement to be approved by the GEBC Board, the City Council and the Gladstone Area Chamber of Commerce. He said he called the City Hall one afternoon and asked if he could have the web site address and was switched to a staff person who works with computers who responded that we don't have one but are thinking seriously about developing one in the future. He called the Chamber of Commerce and asked for the web site address and there is a web site address under Virtual Kansas City and under Virtual Kansas City you get a beautiful view of the Kansas City skyline and a listing of three firms who have web sites under that address: a Kansas City Artist, the Gladstone Chamber of Commerce, and a Tree Trimmer. If you query that web site you get a picture of Jana Miller being sworn in in January of 1998 as the Chamber of Commerce President, a couple of pictures of Mr. Hammen and Mr. Norris riding in the 1997 GladFest Parade, and very limited demographic information about the City of Gladstone. There was also an advertisement for **Barnum** which was one of last year's Theater in the Park productions.

Mr. McLaughlin said he has talked to Grandview, Liberty and Belton and you can find their web site simply by querying their city name and on those web sites there is information on city government, how the city can participate in council meetings, calendar of events, history, community profile, attractions, tax rates, organizations, education, chamber of commerce, economic development, and they had pictures of available commercial real estate for developers. Between the three, they average 4,500 web site visits per year. They have 50-100 inquiries per month, 25% of those coming from E-mail over the computer system, so they are directly from the web inquiry. They average two-three direct serious contacts monthly by businesses interested in locating in their city based on the Internet information.

Reports out of GEBC. Mr. McLaughlin said we all know that the weekly reports out of GEBC are very erratic. The April 2<sup>nd</sup> quarterly report was submitted by Cindy Hadley, who he understands has a secretarial background and hopes to complete course work within two years to become a Certified Economic Development person. He thought we had entered this agreement based on the meeting of December 18, 1995 to guarantee a highly qualified economic person in this job. That is what the record shows, that is not what we have.

GEBC was to submit an annual economic function budget to the City Manager and the City Council. None apparently was submitted for any year - 1996, 1997, or 1998 until he requested a copy to review where our tax money was being spent on economic

development activities. In 1996 the GEBC contract called for an expenditure of \$63,000; \$34,050 was for 75% of the director's salary. He restated, we are paying 75% of the director's salary. \$6,500 is for actual staff and overhead costs; \$2,100 for marketing; \$922 for mailing; \$3,800 for training and conferences and the last and he thinks the most interesting item is \$13,878 as a loan payment, interest payment, and real estate taxes on a 72<sup>nd</sup> street property. He said he thought that was most interesting so he explored the 72<sup>nd</sup> Street property. This is a 41,000 sq. ft. lot at the corner of N Walnut & 72<sup>nd</sup> Street titled to GEBC on December 30, 1992 transferred from Northland National Bank and at that time there was a \$70,000 mortgage registered against the property. This property had a sign on it for several years that it was the future home of the Gladstone Chamber of Commerce. It is now for sale for \$145,000.

Mr. McLaughlin said what he tells us now is what he picked up from talking to people and he cannot verify it because there is no written record. The land was reported to be a gift if the Chamber built its office on it. And this is a gift from the Northland National Bank which is directly across the street from this building and apparently thought it would be nice to have the Chamber of Commerce directly across the street. An Oak street banker reportedly objected and killed the project in a Chamber of Commerce power struggle. The Chamber, GEBC and the City then had to find a payment method for that lot because then it had to be paid for since the Chamber was not building on it. We apparently found the means in this GEBC contract.

Mr. McLaughlin said since we are not getting the professionalism or full value for our tax dollars we can cancel it by removing it from the budget tonight because if money is not budgeted that contract is automatically canceled. He thinks we should do that but at a minimum he thinks it deserves investigation because he really protests his tax dollars being used to buy the Chamber of Commerce a building lot. He wonders if we can recover it. He does not know. Maybe that is up to legal Counsel. He believes his probe study reflects the need for review by the City Manager, the City Counselor and the City's Auditor, and if necessary petition for the State Auditor. It is not the right thing to do, he does not think it should have been done. And if he is correct and the investigation shows he is correct, then he thinks the people responsible should resign from their appointed or elected positions or be removed. Mr. McLaughlin said that was all he had and thanked the City Council.

**Mayor Art Hammen** asked Mr. McLaughlin if there were any specific questions he would like to have answered because he has raised several important issues here. Mr. McLaughlin said as he has stated he would like to have our City Manager, the City Counselor, the City Finance Staff and our employed Auditors look at this because he thinks it was wrong and he thinks the contract ought to be canceled.

The Mayor asked Councilmembers Newsom and Norris whose names were mentioned if they have a response at this time.

**Councilman Roger Norris** asked Mr. McLaughlin if he was a member of the Gladstone Area Chamber of Commerce. Mr. McLaughlin said he was not. Mr. Norris asked why not. Mr. McLaughlin said because he was not a business man. Mr. Norris

said you don't have to be because he was a member of the Chamber of Commerce before he was an elected official and he was not a businessman but wanted to serve his city. Mr. McLaughlin said he cannot afford it because this City won't buy his membership. Mr. Norris said he wonders why Mr. McLaughlin would not put his interest to a good and positive use.

Councilman Norris said if his memory serves him correctly we had State Senators and Representatives and other dignitaries at the ground breaking because the building was to be built by the North Kansas City School District and he believes you will find the reason it was not built was because the North Kansas City School District was going to be unable to build a building to commercial standards within the time frame that we really needed it to get done. Yes it just continues to sit there, but it was not a power struggle within the Chamber of Commerce.

**Mayor Pro Tem Anita Newsom** said she would add that there was extensive research in attempting to get building materials donated to that project both because the School District could not fund them and the Chamber did not have the funds at the time. There was extensive research trying to get donated materials and in-kind labor for part of the excavation and things like that the high school students could not do, and we had very limited success from the community in helping with that kind of a project.

Councilman Norris said he agreed. He also pointed out that the City's dollar amounts of contribution continue to decline each year. He said you should also understand that when Jana Miller left here our Economic Development Director left here. If you check the records closely you will see that the City realized a cost savings. When we signed that contract we understood what we were getting and we had known quantities on all sides. Things maybe have not worked out to the best we hoped and dreamed, but it is certainly not to the point where we are talking recalls and the actions Mr. McLaughlin suggests. In the past three years we have twice been recognized as being in the top ten percent of financially managed cities either in the country or in this area. Mr. Norris pointed out that our new auditing firm found nothing last year to even raise a flag.

Councilman Norris told Mr. McLaughlin that if there is wrong doing it will be dealt with and taken care of and he thanked him for raising the issue.

**Councilman George Nodler** asked what percent of the budget is spent on memberships to the Chamber and funding under the GEBC agreement. Finance Director Sweiven said it would be approximately .2% of the annual budget. Mr. Nodler also asked what percentage of the revenue we spend is generated by sales tax dollars from businesses that belong to the Chamber. City Manager Davis said as he mentioned in our budget public hearing last week, sales tax from all funds generates about 36% of the revenues available.

Councilman Newsom said so we have an investment of .2% in order to gain 36% of our budget that we spend for city services to our citizens. City Manager said that is one

way to look at it, but that would not include other revenues we receive from the business community like property taxes, fees and things of that nature.

**Robert Quackenbush, 3308 NE 68<sup>th</sup> Terrace,** commented that there were actual plans for the GEBC/Chamber Building and they did go out for construction bids on a plan spec basis because he saw the plans. Obviously it never got off the ground but he can confirm that there were plans.

Mayor Hammen asked Chamber President Cindy Hadley who was in the audience if she desired to make comment at this time. Ms. Hadley said she did not.

Mayor Hammen asked City Manager Kirk Davis if he had any comment. The City Manager said not at this time, but obviously if the City Council desires to move in any direction he asks them to please advise.

Mayor Pro Tem Newsom said as the record shows she had concerns about having performance standards and having things in place at the time the agreement took place. She has asked annually if not more often about those kinds of things. Understandably when you have an experienced professional in a job and then that professional leaves for whatever reason, you are left with a void and down time trying to fill that spot with another qualified professional. This is not an excuse but a reason why there are lapses in the product or services which we have received from our contract with the Chamber. This is part of the explanation. There is an ongoing reason for us to receive reports from GEBC to find out what kind of economic development services we are getting and we are just starting to get back up to speed as far as where we were a few years ago. It has been an evolution process because we did have a real flat down time.

**Councilman Dan Bishop** said it is one thing to say that it is only .2% of our budget that has been spent on GEBC but regardless of the amount of money being spent there is a contract that the City is involved in and a party to and it would seem that the contract should be performed by all parties. Mr. McLaughlin has raised a number of issues which he hopes will be followed up on. He said he was taking notes and there is the three year term of office which is all that is allowed, and if we have a President and Secretary who have been in office more than three years, then is that appropriate under the terms of the contract? In terms of the reporting as referenced by Councilman Newsom, it seems like if it calls for certain weekly or quarterly, or annual reports that certainly he would expect to receive those. He thinks there is some confusion in his mind about the differences between the Streetscape called for in the agreement with GEBC and the study included in the budget to be voted upon tonight. Mr. Bishop said anything the City Manager can do to clarify and enlighten him on the item in tonight's budget would be helpful. On the web site called upon in the contract, he would hope there will be one soon.

Councilman Bishop said he hopes there is consensus and agreement among the Council that the contract that was entered into ought to be adhered to. Councilman Norris said we agree.



City Manager Davis said one thing that Mr. McLaughlin did point out and we are trying to correct as we speak is that reporting issue within the agreement. And he thinks we are doing a little bit better job of following the standards established in the agreement and he agrees it should be followed. We have a little bit of a learning curve with a new City Manager and a new Chamber President and he thinks we are on the path of correcting that recognizing that last September in Council's goal setting session they spoke about economic development as a priority and it has been since then. We have talked about the redevelopment of the corridors. Frankly, he would not have guessed that this agreement talked about a corridor study until it came up recently. The corridor study he envisions is a little bit different than just an economic corridor study. It should talk about zoning, ordinance recommendations and should have transportation issues built in and will indeed incorporate some streetscape and design amenities for both buildings and for landscaping and will talk about market based analysis based on services available and what is needed in the community and will involve a whole lot of public input and he does have every confidence that our staff can handle this project. The Chamber should participate in this as a representative of the business community but it is slightly more far reaching than the analysis mentioned in the agreement as he mentioned last week during the budget public hearing.

Councilman Bishop asked if the Streetscape that is called for in the GEBC agreement was carried out if it would make the job easier in doing the initial things that we envision being done in the corridor study, would it be a first step in that direction?

City Manager Davis said he does not think so but are they married, yes. When you start looking at available lots and underutilized properties and start looking at depth requirements and start looking at where your neighbors are impacted by commercial development, he thinks the needs within the streetscape will change.

Councilman Newsom said she was involved in streetscape from the start and looking at the corridor study and comparing it to the streetscape she thinks that streetscape was a very surfacy type issue dealing strictly with a visual perception and look to identify Gladstone and to spruce up the look of the community where this is a more in-depth and a more systematic project so it will work more from the roots of what we need to work from and it is not going to be so much the window dressing that streetscape initially was going to be.

Councilman Norris said that is true and he would add that this streetscape or corridor study as it pertains to N Oak and the 72<sup>nd</sup> Street corridor west of the residential property on 72<sup>nd</sup> Street over to the intersection of Broadway is primarily the streets they looked at, and if we remember the time frame we had spent some \$20,000 with the firm of Howard, Needles, Tammen and Bergendorff and we had meetings with the Streetscape Committee that was made up of Planning Commission, Capital Improvements Committee members and Councilmembers who made up the core of that committee. When we looked at the possibility of going into a joint partnership for economic development from the Gladstone Area Chamber Commerce through GEBC we were in the midst of wrapping that streetscape up and since the Chamber deals with business and business is who is on North Oak and 72<sup>nd</sup> Street west of the residential properties, that seemed to be a good marriage.

Councilman Norris said there is an escrow fund out there with streetscape funds in it for trees, etc. to implement that program but they also ran into some roadblocks with business owners who just do not like to lose a couple of parking lot spaces for an additional tree or garden or green space. So that is a slow project that is going to have to be done one parcel at a time as this city goes into redevelopment which was another big topic we discussed at the same time this contract was being let which was how do we do redevelopment and who is going to do that. We can't wait for Sam Walton to come here. It is going to have to be the guy who sells vacuum cleaners who can build his store better and have it look better, this is where the encouragement is going to come from. The Gladstone Chamber of Commerce represents business which is where the majority of our revenue is derived from for the services given to Mr. McLaughlin and all of us, and to alienate an integral part of our city would be detrimental to Mr. McLaughlin and everybody else here.

Councilman Norris said doubling of the property tax in the city would give us a million extra dollars and one Home Depot would get us that.

Councilman Bishop asked if the HNTB study was a result of the GEBC required street scape and if it is accurate that GEBC has not done a streetscape.

Councilman Newsom said she understood that GEBC was to help implement the streetscape in economic development phases. Such as when some business along North Oak, as example the transmission place, would come in for redevelopment or a new business would come in. Streetscape standards in place and voted upon would be incorporated in that site plan before it would be approved. GEBC was to help sell this concept to the business owners and make it clear to them why it was important so that we had an identity and a nice clean look for the City and also safer ingress/egress other than having four ingress/egress to a corner business and no parking and unsafe turn lanes and line of site.

Councilman Bishop said Paragraph 3 of the Agreement calls for research and implementation of a development plan or proposal for N Oak which takes into consideration methods of financing, business creation, beautification and building improvements. It sets out three things the N Oak redevelopment plan shall do and initiate the streetscape program is part of it.

Councilman Norris said that Mr. McLaughlin has raised this issue at least once before publicly and asked City Manager Davis if he has met with the Chamber Board, Chamber Director and GEBC about reports, etc. and if so, what has been discussed and what is the progress.

City Manager Davis replied that yes they have met and have received the GEBC Plan that Mr. McLaughlin referred to. The document may not have been as complete as it could have been but we wanted to get a report in front of the City Council and did not want economic development to sit. We wanted to begin the process of being more accountable and that is why you have the documents you do. They have submitted their quarterly reports and it is a constant at every Board Meeting that economic

development and strategic planning are discussed. Everyone is acutely aware of the requirements of the contract and how it will be adhered to from this point forward, and actually since February/March forward.

Councilman Norris then asked the City Manager if Mr. McLaughlin would have an issue if he were to revisit this soon. Mr. Davis' reply was that he hoped not, that all depends on the eye of the beholder. Will we try to do the good economic development things that we think we can do? Yes, we will make every effort to do that and will make every effort to achieve the Council's goal.

Councilman Norris asked the City Manager if they could look at the last two to three years of history and revisit them perhaps because possibly there were things agreed to in the beginning because Jana knew how the city operated. He stressed he means nothing against our new Chamber Executive Director Ms. Hadley because she is doing a fine job but she is on a learning curve he is glad he is not on anymore. He suggested monthly and quarterly reports could be very meaningful. The City Manager agreed.

City Manager Davis stated that he wanted to revisit one earlier comment to clarify. His vision of the Corridor Study is that it is more of a planning document than an economic development document. Good planning makes for good economic development and he recognizes that relationship.

Mayor Hammen told Mr. McLaughlin that he raised some good issues here tonight and the Council does take them seriously. The Mayor suggested that it would be important for Mr. Pete Hall to be invited to the next Council meeting on behalf of GEBC along with Mrs. Hadley and Mr. McLaughlin to give Mr. Hall the opportunity to respond with any comments he would like to make as well as Mrs. Hadley on behalf of the Chamber. Council will ask staff to research these issues and come back to him with some answers to his questions.

**Item 6. On the Agenda. Communications from the Audience.**

**Mr. R.E. Carver, 3400 NE 68<sup>th</sup> Terrace,** asked how many people received the recent issue of the *Missouri Conservationist* magazine. On page 14, there is an article that tells that we are losing many songbirds to cats. He was here three years ago because a stray cat comes by and "marks" a whole row of onions ready for the table. He called Animal Control, they told him he could trap it and either take the cat to the owner if it has a collar, or take it to them. He feels he should not have to put up with this and related that last Monday he had a nest of robins and at 8:50 am all four young ones were in the nest. At 9:20 am, there were Robin wings and other parts about the tree and he looked at the nest and found it empty with one dead robin laying out in the yard. He quoted the magazine article that even a well fed cat will kill just to kill because that is their nature, they are not killing to eat.

He said we do need to do something but he understands they cannot be put on a leash in Gladstone. He told how he has trapped squirrels and skunks and taken them to Smithville Lake to the timber rather than get rid of them. We need to do something

about cats and we have not totally taken care of the dogs because he mowed today and he had to shovel in two places in his yard even though he does not own a dog. He has lived here 33 years and has probably cleaned up for more dogs than are licensed here today. When people walk their dog they let them go in someone else's yard. When the dog is finished they look around to see if anyone is looking and off they go.

He will take a stray cat to its owner or animal control once but he thinks that should end his obligation. Even the Conservation Department tells people that if a deer is destroying property to shoot him but he knows you cannot discharge firearms in the city.

Mr. Carver urged that we get the cats taken care of so he does not have to wear a number across his chest.

Councilman Norris told Mr. Carver that over the past several weeks we have been reading reports generated by Public Safety Support Services Bureau Commander Doug Scheffner dealing with animal issues at our shelter and part of that dealt with cats. Because we are a 3<sup>rd</sup> Class City, under the Missouri State Statutes we cannot license cats in Gladstone. There are some other things we can do which have been brought up in the past several months and we are conducting an ongoing study and Captain Scheffner will be providing recommendations on how we can best deal with cats.

Councilman Norris said that because he is in the pet food business he can tell us that statistically, 65% of all cats never see a veterinarian in their entire life.

Councilman Newsom said and then we wonder why she does not want them running around her backyard and giving diseases to her dogs.

Mayor Art Hammen thanked Mr. Carver for his comments and told him that we have some similar concerns. He suggested that Mr. Carver be given a copy of the memorandum authored by the City Counselor on the subject of cat licensing in which she offers her opinion that as a city we do not have legal authority to enact legislation regarding licensing of cats and quotes previous city legal counsel who also concurred with that view. He provides this to Mr. Carver so that he is aware that we share his concerns and are looking at some possible ways to deal with this problem. Mayor Hammen also suggested that there are some civil actions that are available to Mr. Carver.

City Counselor Nancy Thompson advised that animal control upon receipt of a complaint will come out and actually provide traps and impound the animals if animals are caught so that Mr. Carver does not have to do anything that might be unlawful.

**Item 7. on the Agenda. Communications from the City Council.**

**Councilman Dan Bishop** said in reviewing the minutes from the last City Council Meeting he saw under his comments that he had expressed his appreciation for the

good work done by the Sports Management Group and realized that he neglected to also commend the staff of the Parks & Recreation Department and Director Buschor and members of the volunteer Parks & Recreation Advisory Board for their efforts and the hard work that is gone into the final report from the Sports Management Group. There was a great deal of effort to involve the citizens and obtain their input.

He also noted the comments from Mrs. Beck on Pursell Road at the last meeting on creek erosion to the rear of her yard. He asked if we have a follow up report to make.

Scott Wingerson reported that Mrs. Beck's property is on the other side of Antioch Travel, 58<sup>th</sup> & Antioch Road. Black & Veatch in their storm water master plan is in the process of completing their review of that portion of the creek behind Mrs. Beck and has provided some preliminary suggestions for our review. That report on the storm water master plan is due in September. The second item is that we are discussing remedial measures to relocate a small section of the creek behind Mrs. Beck's property further towards Mr. Bledsoe property through fill to provide a short term resolution to the problem. We are working with some of the contractors we have on the capital improvements side to see if we can get that done within the allowed budget.

Councilman Bishop asked if Mrs. Beck has been made aware of what is happening in this regard. Mr. Wingerson said she has.

Mr. Bishop also asked what ultimately happened to the Gladstone Picnic in the Park event on Sunday, June 13th because when he and his wife went by it was raining. Director Steve Buschor said the celebration did go on as scheduled and about 150 persons were there.

**Councilman Roger Norris** said he is sorry Mr. Don McLaughlin has left the meeting because he did want to comment that Gladstone is a Platinum Member of the Clay County Economic Betterment Council and as such if there is any information GEBC needs there should be no problem obtaining it.

Councilman Norris reminded us that today is Flag Day and wished our flag Happy 222<sup>nd</sup> Birthday. He noted that 1.4 million Americans have died for our flag and that is certainly something to think about.

**Councilman George Nodler** said it is vital for Gladstone to have a strong and vital Chamber of Commerce and there is nothing unusual in municipalities contributing to make that happen.

**Mayor Pro Tem Anita Newsom** said she does issue her annual challenge tonight to her fellow Councilmembers to join her in sponsorship of the Summer Gladstone Theater in the Park program.

She also noted we have the Blues Fest this coming weekend in Oak Grove Park on July 18 and 19 and asked who is in charge of the weather. City Manager Davis advised that Parks & Recreation Director Steve Buschor has already looked into the

long range forecast which looks like rain for some of the weekend but we are hopeful it will not affect the Blues Fest.

**Mayor Art Hammen** thanked the Scouts present for coming to our meeting this evening and invited them to come back any time. Their leader indicated the scouts are working on their Communications and Citizenship in the Community and Nation badges.

Mayor Hammen also asked City Manager Davis if he had an update on the prospect of televising Council Meetings and other important Committee Meetings. City Manager Davis responded that Bryan Richison is working with Time Warner on this issue. Mr. Richison said he is arranging a meeting date with Melanie McMullin of Time Warner and in the meantime has been doing some research and testing of our current equipment.

The City Manager said as discussed in an earlier study session the idea was to bring this forward in an August or September study session with costs; and that is still our plan. The Mayor encouraged the Manager to try to do this in August but recognizes that his plate is full.

**Item 8. on the Agenda. Communications from the City Manager.**

**City Manager Kirk Davis** said he is glad Councilman Newsom mentioned the Blues Fest coming up this weekend and encouraged all to attend.

He also mentioned the success of the Household Hazardous Waste Program held on June 5, 1999. They have heard from Kansas City on how pleased they were with the partnership arrangement. There was an excellent response with 118 Gladstone residents taking advantage of this program out of 329 participants and the total pounds turned in was higher than expected.

Assistant City Manager Laura Gay responding to a question from the Mayor indicated that three employees and four members of the Gladstone Recycling and Solid Waste Committee volunteered at the Household Waste program event.

**Item 9. On the Agenda. PUBLIC HEARING: on a request to rezone from CP-2 to CP-3, property at 4901 Old Pike Road. Applicant: Glad K.C. Partners, L.L.C. Owner: Credit Suisse Leasing 92A, L.P. (File #1084)**

Mayor Art Hammen announced that that Applicant has formally requested withdrawal of this rezoning application and asked the City Counselor if Council action is needed.

Counselor Nancy Thompson suggested Council official action allowing the rezoning application to be withdrawn for the record is appropriate.

Councilman Norris moved to approve the request to withdraw this Rezoning Request Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 10. On the Agenda. RESOLUTION NO. R-99-47, adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.**

Councilman Roger Norris moved to adopt Resolution R-99-47; Councilman George Nodler seconded.

Discussion.

Mayor Pro Tem Newsom said the Staff, Departments, and Department Heads have done an outstanding job of looking at the needs of the city, by prioritizing them and bringing forward just exactly what is needed. We always want more than we can afford but they have done an excellent job of prioritizing what is best for the citizens. Her hat is off to them and she thoroughly endorses the budget plan as presented.

Councilman Norris said he certainly agreed.

Councilman Bishop said this is his first time through the budget process and he appreciates the straightforward, uncomplicated way in which it was presented. For a first-timer it is was fairly understandable and he appreciates that.

Mayor Hammen said he would also add his compliments to the City staff because this undertaking is no easy task. He recognizes the time and energy it takes on the part of a lot of people and he feels that everyone involved has done a good job. He told City Manager Davis that he appreciates what he has done and how it has been presented to the City Council.

The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 11. on the Agenda. FIRST READING BILL 99-16, amending Schedule VIII of the Model Traffic Ordinance to establish additional "Stop Sign" locations. (N Myrtle & NE 72<sup>nd</sup> Street; N Norton & NE 72<sup>nd</sup> Street, N Euclid Court & NE 72<sup>nd</sup> Street, NW 51<sup>st</sup> Street & Old Pike Road, N Tracy & Englewood Road, N Manor Drive & Englewood Road).**

Councilman Norris moved to place Bill 99-16 on First Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris asked if the appropriate studies had been done to support the location of these Stop Signs. City Manager Davis assured they had and read the locations.

The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-16, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

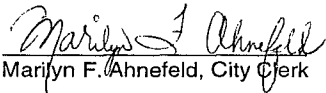
Councilman Norris moved to accept the Second and Final Reading of Bill 99-16, and enact the Bill as **Ordinance No. 3.707**; Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.**

Councilman Roger Norris moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(2) for discussion of Real Estate and 610.021(3) for Personnel discussion. Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

There being no further business to come before the June 14, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen



CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 28, 1999

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment  
of Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021 for Litigation  
and Privileged Communications.

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 14, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of July as "**National Parks and Recreation Month**" in the City of Gladstone.
- 4b. **SPECIAL PRESENTATION** to Community Services Director Gerald W. Menefee.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-99-50**, designating the "Martin Luther King Holiday" as a legal Holiday observed by the City of Gladstone and amending Section 1200.8 of the City of Gladstone Personnel Manual to include such holiday.

**RESOLUTION R-99-51**, authorizing execution of a contract with G.C. Construction, Co., Inc. for public improvements at 64<sup>th</sup> & Antioch Road for a total amount not to exceed \$411,987.20 from the Capital Improvements Sales Tax Fund. (Project #9980).

**APPROVAL OF LIQUOR LICENSE RENEWALS** for **Godfather's Pizza**, 328 NE 72<sup>nd</sup> Street, **Gladstone Bowl**, 300 NW 72<sup>nd</sup> Street, **The End Zone**, 7632-36 N Oak, **Applebee's**, 6069 N Antioch Road.

**APPROVAL OF FINANCIAL REPORTS for May 1999.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

**NEXT ORDINANCE # 3.708**

9. **SECOND READING BILL 99-11**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek, Co., Inc. on property located at **5616-18 N Antioch Road**. (File #1082) (Tabled from 5/24/99 City Council Meeting).
10. **PUBLIC HEARING:** on a request for a **Site Plan Revision** on property at **801 NW Vivion Road**. Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)
- 10a. **FIRST READING BILL 99-18**, approving a **Site Plan Revision** for property at **801 NW Vivion Road**. Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)
- 10b. **FIRST READING BILL 99-19**, approving the **Final Plat of "Bellevue Professional Park"**, **801 NW Vivion Road**. Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)
11. **PUBLIC HEARING:** on a **Request to Rezone from CP-3 to CP-2**, property at **7107 N Oak**. Applicant: LHE, P.A. Owner: Ray Sapp (File #1089)
- 11a. **FIRST READING BILL 99-20**, rezoning property at **7107 North Oak from CP-3 (Commercial District-Planned) to CP-2 (General Business District-Planned) for Eckerd's Drugs**. Applicant: LHE, P.A. Owner: Ray Sapp (File #1089)
- 11b. **FIRST READING BILL 99-21**, approving a **Site Plan** in conjunction with rezoning of property at **7107 N Oak**. Applicant: LHE, P.A. Owner: Ray Sapp (File #1089)
- 11c. **CONSIDERATION OF SIGN VARIANCE** for **7107 N Oak**. Applicant: LHE, P.A. for Eckerd Drug Store (File #1089)
12. **PUBLIC HEARING** on a request for a **Site Plan Revision** for property at **6906 N Oak**. Applicant: Auto Zone, Inc. Owners: James A. Duncan and Phillip W. Duncan. (File #1091)
- 12a. **FIRST READING BILL 99-22**, approving a **Site Plan Revision** on property at **6906 North Oak**. Applicant: Auto Zone, Inc. Owners: James A. Duncan and Phillip W. Duncan. (File #1091)
- 12b. **APPROVAL OF BUILDING PERMIT** for construction of new 5,418 sq. ft. building at **6906 N Oak** for **Auto Zone**. (BP99-0363)
13. **FIRST READING BILL 99-17**, amending the method of determining a member Employee's final average salary under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.646 as amended.
14. Other Business.
15. Question from the News Media.
16. Adjournment.

## MINUTES

### CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 28, 1999

Mayor Art Hammen called the Regular June 28, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen  
Mayor Pro Anita Newsom  
Councilman Roger Norris  
Councilman George Nodler  
Councilman Dan Bishop

City Manager Kirk Davis  
Assistant City Manager Laura Gay  
City Counselor Nancy Thompson  
City Clerk Marilyn Ahnefeld

#### **Item 3. on the Agenda. Pledge of Allegiance.**

Mayor Art Hammen led the Pledge of Allegiance to the Flag in which all joined.

#### **Item 4. on the Agenda. Approval of Regular June 14, 1999, City Council Meeting Minutes.**

Mayor Pro Tem Anita Newsom moved to approve the Regular June 14, 1999 City Council Meeting Minutes as written. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

#### **Item 4a. on the Agenda. PROCLAMATION: designating the month of July as "National Parks and Recreation Month" in the City of Gladstone.**

Mayor Hammen presented the Proclamation to Gladstone Parks & Recreation Supervisor Sheila Lillis who thanked the City Council on behalf of all program participants, volunteers, the Parks and Recreation Advisory Board, and Staff. She advised that Parks and Recreation Board Chairman Freddie Nichols is attending a National Sports Culture Conference in the New Millennium in Arlington, Virginia and Director Steve Buschor in keeping with the spirit of the proclamation is out recreating himself.

#### **Item 4b. on the Agenda. SPECIAL PRESENTATION to Community Services Director Gerald W. Menefee.**

Mayor Art Hammen advised that an appreciation plaque has been prepared for Mr. Menefee who is leaving the city's employ following nine years of service to accept a position in the private sector. Unfortunately Mr. Menefee could not be present this evening because his wife has been hospitalized and the plaque will be presented instead at a reception in his honor on Thursday, July 1<sup>st</sup>.

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Newsom moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**CONSENT AGENDA DETAIL:**

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-50, designating the "Martin Luther King Holiday" as a legal Holiday observed by the City of Gladstone and amending Section 1200.8 of the City of Gladstone Personnel Manual to include such holiday.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION R-99-51, authorizing execution of a contract with G.C. Construction, Co., Inc. for public improvements at 64<sup>th</sup> & Antioch Road for a total amount not to exceed \$411,987.20 from the Capital Improvements Sales Tax Fund. (Project #9980).** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved for **APPROVAL OF LIQUOR LICENSE RENEWALS for Godfather's Pizza, 328 NE 72<sup>nd</sup> Street, Gladstone Bowl, 300 NW 72<sup>nd</sup> Street, The End Zone, 7632-36 N Oak, Applebee's, 6069 N Antioch Road.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS for May 1999.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.      Communications from the Audience.**

**Communications from the audience.**

**Don Mc Laughlin , 2607 NE 69<sup>TH</sup> Terrace,** said he spoke to the Council at some length at the last meeting regarding the GEBC contract and many areas of non-performance. He said Mr. Hall mentioned in Study Session earlier tonight that there is only so much you can do with \$50,000. If that is true he would like to know why in each of the years 1996-97 and 1998, between \$11,000 and \$14,000 dollars was spent in

mortgage payment, taxes and interest on a vacant lot on North 72<sup>nd</sup> Street. He asked if Mr. Hall would like to respond.

Mayor Hammen asked Mr. McLaughlin if he would complete any other comments he might have and then Mr. Hall would be given an opportunity to respond.

Mr. McLaughlin said he thinks that members of the public will have a very, very difficult time understanding the City's function in this budget and how this contract is operated.

He has a problem with money being used for things other than the GEBC contract when a functional budget was supposed to be submitted to the City. He said you will see in the information he gave the Council that #1 is a functional budget that Mr. Davis required for 1999. Apparently none was submitted for 1996, 1997 and 1998 but when he asked for functional budgets for those years, the City went back to GEBC and provided these numbers. He said he is also intrigued with the Director's overhead line item for 1998. This is a figure that is to cover the director's salary and overhead costs and it is his understanding that this position was totally vacant for 6-7 months in 1998. Yet the costs attributed to it in this expense report increased \$4,000 in 1997. That is more than a little difficult for him to understand.

Mr. McLaughlin said City Manager Davis stated we had a web site. The contract asks for a web site to be developed and approved by the City Council, Chamber of Commerce, and the GEBC Board within the first twelve months of the contract. He said as he told us in the last meeting, there was never a Gladstone community web site developed. There was a Chamber of Commerce purchase of space in a commercial vendor called Virtual Kansas City and the information was extremely limited. As he told us, Grandview, Liberty and Belton have community based web sites and direct email contact from those web sites to the City or Chamber, whichever one is running it, based on email direct input, they are getting one to three serious inquiries from businesses wanting to locate there each month. That means we have lost 36-100 contacts if our results would be anything like that. But for anyone to call what they had on that commercial space a Gladstone community web site is totally in error. He told us last time it was in the space located with two others, one a dance studio and tree trimmer.

Mr. McLaughlin went on to discuss streetscape. He said even if we don't like it today, 3 ½ years ago we contracted with this organization to implement it and negotiate with merchants to put it in place. In 1993 we spent \$39,000 out of \$250,000 from CIC group to develop a plan for streetscape. Since then there has been 3 ½ years to implement streetscape, and not one penny has been spent. Not one penny.

If you go back to the December 18, 1995 meeting there was much discussion about what Gladstone was going to get and benefit from this contract. The major thing was getting Jana Miller and if Jana Miller left, someone of her competence and ability to replace her. Cindy Hadley is a lovely person. She is very competent. In her own quarterly report she said she would be qualified as an economic development specialist in three years. That is not what we paid for.

Mr. McLaughlin said he visited the GEBC Chamber office today and asked for public records concerning their non-profit status and their taxes. Those forms are available for the public from a non-public organization. He said he knows it does not affect our contract but it affects who we are doing business with and that organization has not filed a tax return for 96, 97, or 98. He said he thinks rather than gloss this over, you should recognize the mess we are standing in and terminate this agreement. We should recoup the money spent for other than economic development functions and hire an economic development specialist reporting directly to the city manger. And if this sweetheart agreement is not terminated, then it should be renamed and call it the Gladstone Area Chamber of Commerce Public Welfare Act of 1996. Mr. McLaughlin stated that was all he had to say.

Mayor Hammen thanked Mr. McLaughlin and asked if anyone else wished to address the Council at this time.

**Jack Marcum, President of Northland National Bank,** thanked the Mayor and Council for allowing him to speak and stated that going back, he was part of the inception of the GEBC contract. He was president of the Chamber, and as you may recall Nelsie Sweeney, the Chamber Executive, left due to her pregnancy. We were without a Chamber Director for some months and tried to fill the void with Robert Hacker but he was not permanent, only temporary. As you recall, we had difficulty finding a person of quality to fill the position on our own. Mr. Marcum had asked Les Smith and Pete Hall to work with Jim Norris to see if they could perhaps consolidate some of the functions that the City was performing, the functions the Chamber was performing, and thereby generate enough money from Chamber dues and City money so we could hire a person of quality. The person we did hire was Jana Miller.

Mr. Marcum said he recognizes that contract was specifically oriented towards her. He stated he does not know Cindy Hadley real well, but we have still managed to do some good things with Cindy in place. Other than that, he feels he would leave it up to the current officers of the Chamber of Commerce and officers of GEBC and certainly the Council to evaluate.

Mr. Marcum stated that the other issue he would like to discuss is that specifically two weeks ago statements were made regarding the property at 102-104 NE 72<sup>nd</sup> Street, the property just due north of the Northland National Bank. Some statements were attributed to Northland National Bank that were false and need to be corrected for the record here and now.

Number one, he had foreclosed on this property. Most of you folks are business people and know that banks do not want to have foreclosed real estate sitting on their books. Mr. Marcum said he tried to sell the property for over a year and could not get it sold. He thought it would be a good site for a community development building. He pitched the idea to Mr. Hall who said it would need to be run before the GEBC Board. He sold the property for \$130,000 and agreed to accept \$60,000 in tax credits and a \$70,000 note from GEBC. That \$70,000 note has been paid down to \$50,000 since its inception in 1993. But also keep in mind that the value of the property sold for \$130,000 is now up to \$150,000 or \$160,000 now. \$130,000, was approximately \$3.00 per foot. The

property has increased in value from the \$3.00 level. GEBC has the property for sale now and it is probable they will generate some income if and when the property does sell, above and beyond the original cost of \$130,000, but certainly well above the current balance of \$50,000 due on the loan to the bank. He asked if there are any questions about the original contract inception or about the sale of property to GEBC. Mr. Marcum stated he does not have any preconceived notions of what GEBC has in mind regarding the property; if they choose to build an office building, great; he would, however, restrict putting a Christy's, but other than that he is open to any recommendations that the City Council or Planning Commission would approve.

Councilman Norris asked if Mr. Marcum knows why the building did not get built. He went on to say that we have an idea from the last Council meeting put forth by a resident.

Mr. Marcum's reply was that they thought the building could be built for about \$750,000-\$800,000. Donations of about \$500,000 came from people that were accepting tax credit for doing the work. They had achieved a written or at least a verbal agreement from the North Kansas City School District that they would build the building through the labor classes. The total contract to build the building came in at \$1.2 million and they had only \$500,000. They could not build without a substantial loan. Because the building was to be two-tiered with a front drive-in level and back drive-in level, the back probably could not rent for high enough money to recover and pay a note. They were stuck with \$500,000 committed, needed \$1.2 million and had no way to get the other \$700,000 and no cash flow to make the payments. At that time they decided to back off and not construct the building.

Mayor Hammen asked if there were any other questions.

Don McLaughlin asked what does any construction on that lot have to do with the City making the payments through the GEBC contract. Mayor Hammen inquired of City Manager Davis who deferred to Mr. Hall to respond.

**Pete Hall, 5621 N Clinton Place** answered that he was not aware of any payments the City has made to that property or any that GEBC may have. He then asked Cindy Hadley if any payments have been made from the City. He has no knowledge of payments that the City made for GEBC property. After they decided to do a development center or incubator system for that property, the Board of Directors decided after getting the costs and calculation numbers, that to develop this, they were not able to make a cash flow. They then elected to put the property up for sale and take the funding from the sale, the difference from the selling price and what we then owed on the property and use it toward the community development council or corporation as referred to earlier. We assumed there would be \$50,000-\$70,000 available for business loans and to form the corporation and help out the business community and practice economic development which is part of the business plan for 1999. The property is currently for sale, we pay a portion of the principle, interest and certainly taxes on the property each and every year through any funds we have available. The funds we get from the City of Gladstone go to the subcontract with the

Chamber of Commerce and would not be available to be used for payments of anything.

Mr. Hall then stated that he had further comments to make under these circumstances. At the last City Council meeting, it was his understanding that allegations and personal disparagement was directed toward the City of Gladstone, GEBC, himself and other community volunteers who take their time to work for the good of this community. He was not going to add creditability to the half truths and misinformation shared with the City Council at that meeting by even addressing them. He believes that this Council is too intelligent and too well informed to be mislead into reacting to opinions of an individual who seems to be just plain unhappy or bored or perhaps someone with an agenda that is not known by all. He also is fully aware that we live in America and everyone has the right to their own opinion; however, it saddens him to know that rather than becoming involved in helping others in our community, some may find it much easier to sit back and criticize those who do try to make a positive difference.

Mr. Hall continued his statement that he has operated business locations in 9 different municipalities within the Kansas City metropolitan area; has been an active member in 7 Chambers of Commerce and speaks with some knowledge when he says that there is no better place to be, live or raise a family or to do business than Gladstone, Missouri. The leadership of this city; the dedicated City Council and the hard working city staff, the not-for-profit GEBC and the very community oriented GACC are all models for other cities throughout the Midwest, he knows that for a fact, and for that we can all be very proud.

For a landlocked city that is 90% developed Gladstone's economic growth over the last 5 years has been phenomenal. Home Depot, Wal-Mart, the complete redo of Prospect Plaza, Gladstone Plaza upgrade, the Englewood Road corridor, west of North Oak, just to name a few. The residential tax base is one of the lowest in the KC area and the city services are among the very best. Mr. Hall said yes, he is proud to be a citizen of Gladstone and even more proud to join with hundreds of volunteer residents in having a positive effect on our community and to play a small part in helping this city.

Mr. Hall went on to say in closing that he would be remiss if he did not share two final thoughts; First, something that most of us are aware of is that the business community of the City of Gladstone provides almost 70% of the tax revenue that drives the City which in turn allows the resident base low taxes and high quality city services. In addition, over 35 % of the sales tax collected in Gladstone is provided by other than Gladstone residents. Lastly, there is no other community in this state that asks, invites and even encourages citizen participation in local government like Gladstone does. We don't have to participate in politics or be elected to serve, to use our talents to help set direction for our community. The City Council is to be commended for their foresight in this policy that "the many are always much smarter than the few". If you want to make a positive difference, if you choose to help your community, you truly can in Gladstone.

Mr. Hall then thanked the City Council for the opportunity to share his comments.



Mayor Hammen thanked Mr. Hall, then asked for any other comments from the audience.

Don McLaughlin stated he had one more comment. The figures he quoted the Council as real estate costs on the vacant lot at 72<sup>nd</sup> Street are from a fax sent to City Hall by Cindy Hadley on May 14, 1999. It says money from the functional budget for economic development was spent in loan payments, taxes, and interest on that lot. He wants everyone to remember that once taxes are collected, whether they are sales taxes that voters voted in, or whether real estate taxes, they belong to the citizens of this community and should be spent for proper things.

Mayor Hammen thanked Mr. McLaughlin, then asked if anyone else wished to address the Council at this time.

**Bill Albright, 6817 N Bellefontaine** commented that he has been a Gladstone resident for thirty-one years, is retired and on a fixed income. He is very interested in how our tax dollars are spent. He was not at the June 14 meeting but has read with some interest the minutes of that meeting. There were some items of real interest to him, in particular there seemed to be quite a bit of confusion, indecision or muddy ground regarding the streetscape project and the corridor project, particularly as it relates to when, what, how it is done, and so on. There seems to be a certain inertia as to when we do this, when we do that, we don't do this, we don't do that, etc.

He said as a taxpayer he has an interest in some kind of efficiency regarding these two entities and how they work together; like which comes first the chicken or the egg. There have been statements made about the progress of the City and he would have to agree as a long time resident, that he has seen marked improvements in all facets of the community. However, there is one area he would like to see a million dollars spent if that is possible, and that is on the surface water problems in Gladstone.

Mayor Hammen asked if there was anyone else who would like to address the Council.

**Lee Bussinger, 3031 NE 73<sup>rd</sup> Terrace.** He stated that he has lived in this City for about thirty-five years and he is pretty darned happy about the way his tax dollars have been spent.

**Amy Heithoff, 1313 NE 74<sup>th</sup> Terrace,** Jamestown Subdivision. She wanted to share with everyone just where they are. They have one of those terrible water problems that one of her fellow Gladstonians was talking about. They have been in negotiations with the City for nine years, very intensely for the last nine months. She was told the problem would be fixed in March; were told many other dates too, but March, 1999 was the most recent. We are in June, almost July and still not there. Days like today and weekends like this weekend, make them very, very nervous. She has her office in her basement and their neighbor lives next door and has no use of his backyard either. She just wants to share with the Council that the problem is still not fixed and would like to see it moved on with no more obstacles and get concluded.

Also, in terms of safety, Ms. Heithoff said she wanted to remind Council of the child in Blue Springs who died because of the very same problem in her back yard, having a river in their back yard, that is not named a river. Ms. Heithoff asked Council to take a sincere and personal approach and make sure these problems get corrected.

Ms. Heithoff said she had a couple of other things too. She commented that most parts of Gladstone are nice and beautiful, but a few parts are a travesty. One is the funny little cinder block house across the street from the Antioch Bible Baptist Church. She asked why that house is still standing.

Mayor Hammen replied that if she comes back in two meetings, it will be demolished. She stated she understood the one by the church was purchased and would be demolished, but the tan building on the south side is the one she speaks of. The Mayor stated the one at 72<sup>nd</sup> and Campbell would be demolished within two weeks as a result of volunteer activities from members of this community. Ms. Heithoff said that was wonderful news and thanked the Council for that and said it should be on the front page of something.

Ms. Heithoff's additional concern was that there was a drug house in her neighborhood where the people had moved out and last week moved back in. They have contacted the police about suspicious activity and wanted to make Council aware of this.

Mayor Hammen asked if there was anyone else who desired to speak.

**Bill Albright**, wished to speak regarding two other items. One issue he dealt with earlier regarding surface water problems. August 13, 1982 was a 100-year rainfall or whatever engineers called it which had a marked impact on him. Within 15 minutes water came down his back yard with a log in it, hit the window in the basement and in 15 minutes his basement was completely flooded up to the floor joists. Since that time there is a holding pond and if that pond goes, he and his wife will probably be living in North Kansas City.

Mr. Albright stated again that he has lived in Gladstone for thirty-one years. He then asked if there were any individuals, entities or corporations that are in arrears on their taxes. The Mayor asked City Manager Davis to respond.

Mr. Albright said he is asking if there are any entities who owe taxes to the City; City Manager Davis said if he understands the question, yes there are several folks who may be behind in their taxes. The Mayor asked if we are any different in that respect. The City Manager replied not to his knowledge.

**Joannie Smith, 801 NE 67<sup>th</sup> Place** said she had a couple of questions. She has lived in Gladstone almost thirty years and she too appreciates Gladstone but on Thursdays when you look in the paper, our crime is two to three times higher than any other northland entity. She said she has asked but never gotten answers as to what is going on. They will show comparisons about once a month and our crime is way high and yet she knows Gladstone does not like it to ever be in the paper so unless we read that little section we never know what is going on. She is not sure why.

Ms. Smith said she heard reference to a lady who had a three year contract and then some gentleman told her she was fired (reference GEBC) and yet we are not privy to that either and it is our taxes that were paying her salary. She would like to know why we as taxpayers are kept out of the loop in learning details that are important to us.

City Manager Davis said without getting into a long discussion, the individual was not an employee of the City, there were personnel issues involved and she was not fired, but did resign.

**Barry Bland, 1309 NE 74<sup>th</sup> Terrace,** said he would like the Council to know the severity of the water problems he has heard discussed tonight. He has three children, ages 17, 10 and 3. He is a very happy, proud father. He can't use his backyard on days like today or for three-four days after. He can't let his dog go out without giving him a bath every time he comes in. He is losing trees in his backyard from water rot, his fence is eroding away. There are a lot of things that are affecting him personally as far as the creek. He bought this house five years ago and the creek was about 10" wide, it is about five times that width now. He has done lots of renovation to his home to make his property appreciate in value and to display he is a proud citizen of this community. It is time that the City takes a look at what they are going to do to make this safe because as Ms. Heithoff pointed out, there was a child who died in Blues Springs and he would be devastated if that happened to his child. He hopes the City Council takes seriously these water problems and looks at them from both a professional and personal point of view and give serious consideration to moving on with the project.

Mayor Art Hammen told Mr. Bland that we certainly do take it seriously and asked if he is aware of the storm water master plan study that is currently underway in Gladstone.

Mr. Bland said no, he had gotten blueprints drawn up on his yard along with Amy and Andy's and has signed a temporary easement release for the City to do work. He thought the City was moving on with the project but he heard tonight that it is basically no better than it was a year ago. He knows there are plans in the works and has seen Council and Committee members out there looking at this creek and he has signed paperwork that the City needs notarized. But he heard tonight that we are basically at the same place that we were at March of last year.

Councilman Norris asked who said that the project was delayed. Mr. Bland said he has a document from Mr. Norman LeClerq discussing what would be done to his backyard which makes it appear that the City is moving on with the situation. He showed the letter to Councilman Norris.

Councilman Norris said this letter does not say the project is stopped.

**Director of Community Development Scott Wingerson** explained that the Capital Improvements Committee authorized some funding to perform a project designed mainly to protect the Heithoff residence who experienced some flooding in the basement during our hard storms about this time last year.

Since that time, a lot has transpired. Probably the most important thing as it relates to the overall city is the Comprehensive Storm Water Master Plan which is underway. In fact we hope to have a draft of that report for the staff's initial review in the next week or so. That is a very big project. The Heithoff and Bland residences are on the upper reaches of Rock Creek which is the major drainageway in the city affecting more residences than any other drainageway that we have. In combination with that based on the funding from the Capital Improvement Committee, staff started a design. Every step of the design process was provided to Black & Veatch for their consideration. We eventually reached a design that at the time met the Black & Veatch requirements, based on where they were with the Comprehensive Storm Water Study relative to Rock Creek. That is the plan that was presented to Ms. Heithoff and that is the plan for which we have requested a temporary construction easement from the Bland residence.

As Black & Veatch goes through this process of storm water, they go through a sophisticated modeling procedure based on information. Every time it is run, the model continues to be revised and fine tuned and get closer to what will actually be presented to the public and to the City Council as the Storm Water Master Plan. He believes that there was clear direction from the City Council as well as the Capital Improvement Committee, that any project that was done relative to storm water that included a master plan level creek or drainageway that Black and Veatch would be involved in that. He believes that is wonderful policy. Over the last two weeks, the height and shape of the proposed retaining wall has changed slightly. Mr. Wingerson said he believes that they will have the final portion of the model relative to the Heithoff and Bland residence which will allow them to modify the plan that was presented to the Heithoff and the Blands if necessary. From that point they can go forward and address any impact relative to the sealed bids or change orders and then the bid and easements will be presented to the Council for approval.

Mayor Pro Tem Hammen said so the bottom line is that this project has been bid, so it is not stopped. Mr. Wingerson said that is correct.

Ms. Heithoff asked why they don't have a start date if the project has been bid. Mr. Wingerson responded that the project was bid on the original design and if the design changes it could have impact on the contract with the contractor and that is why it has not been brought forward to the Council for consideration until we know the impact of any changes suggested by Black & Veatch on the contract. So that is why it has not come forward.

Ms. Heithoff said the problem is we are in the rainy season and every day that goes by is a problem and they have trouble leaving town worrying about what they might come home to. She said we have to have some action. She said she had a discussion with Mr. Wingerson before the meeting and he agreed he would at least hook up the external pipes. Her next question was why could not the dirt be brought in to provide some kind of embankment. They either need to do that or they need sand bags. Today, at six feet from their house is too close. They really need some hard core

dates and times. She understands the City wants to combine these two projects but all the water is aiming at their house.

**Joannie Smith, 801 NE 67<sup>th</sup> Place,** said they had the same problem on their street and when a lady rushed in to sue the city, they fixed hers but the rest of the homes are now getting the runoff, so when you go to fix something you need to look at the whole picture and not just a part of it.

Councilman Norris thanked Ms. Smith for saying what he wanted to say because we have a \$410,000 contract with Black & Veatch for study of the entire overland surface water and everything that has something to do with upstream affects downstream and there is nothing that is going to be done upstream that affects anybody detrimentally downstream.

**Ms. Smith** said they have been to meetings for 25 years about getting this corrected. The City did not finish the drains in the houses behind them and when their drains were built they were open drains and it has taken that long to get this far. The neighbor did get her money because she sued the City and the City paid her right away, and again nothing was said.

**Andrew Dominguez, 1313 NE 74<sup>th</sup> Terrace,** told Councilman Norris that a lot of people are afraid to complain and are afraid of being questioned by people like him who are not very responsive to our community.

**Terry Hoppenthaler, 2706 NE 57<sup>th</sup> Terrace,** said she has had a drainage problem for close to the 20 years she has lived there. They went through the process, attended capital improvement meetings, spoke with several Councilmembers. She waited her turn and went through the process. There were people who were much worse off than she was. Her drainage project was just completed and she is appreciative of the City staff and City Council and could not be happier because for the first time in 20 years she did not have to tear up the carpet in her basement. She thinks there is a way to do it and you have to treat City staff with some respect and you receive that in return. She is happy with the way her situation was addressed and appreciates the City Staff, City Council and the Capital Improvements Committee.

**Amy Heithoff, 1313 NE 74<sup>th</sup> Terrace,** said she forgot to say that since they are the Chairpersons of their neighborhood association, several neighbors have confided in them that they are not willing to go to battle with the City like this. She said it has been nine years for them.

**Mayor Pro Tem Anita Newsom,** told Ms. Heithoff that she is sorry but she takes offense at the term "going to battle with the city". We are all here to help and to work through this together. She lived in Jamestown and she is on this Council because she had stormwater problems and had to work through the system to get them fixed. As soon as she got them fixed she moved, but that was her choice. She has stormwater problems in her own backyard now. She has to wait her turn like everybody else.

Please don't refer coming to the City and working through the system like every other citizen as "doing battle" with the City.

Ms. Heithoff said then why does it feel that way.

Ms. Newsom said she does not know why Ms. Heithoff feels that it feels that way. It is a long process and a big picture process. Ms. Heithoff said well it does feel that way. Ms. Newsom said it is a big picture process and you cannot look at one specific incident, we have to look at the big picture of the city. She is sorry that the neighbors have received some sort of feeling that they can't come to the City when we have had open stormwater meetings and open forums.

Ms. Newsom said there were times when the interchange that has taken place tonight in the Council Meeting would not have happened because there used to be a five minute limit. You could come up once and you could talk for five minutes and when it was over with, you were cut off and you had to go sit down. She said she sat in the back row and watched that take place and decided she would never be a part of a Council that did that to people. Everybody has the right to speak. You will find no one on this Council who will cut people off like that. She does not appreciate people casting personal aspersions on a member of the Council. We are members of a team. Yes, they are individuals and yes they run and serve as individuals but they serve the City as a team. They have to deal with baggage that was packed for them a long time ago by previous Councils when there was not the technical expertise, when we did not have the capital improvements sales tax to provide the studies and things we have now. People had to deal with the tools that they had at that point in time and we all have to deal with it now. She said she does not think you will find anyone sitting on the Council throwing stones at people who served on the Council previously. We would never publicly do that whether we agreed with them or not.

Ms. Heithoff said she thinks that has already occurred throughout the meeting, but what she came up here to say was that people are suggesting that they put their houses up for sale and that is what is happening. Instead of coming to figure out the solution. They are just saying let's just move out and they are not going to buy where there is a creek again and talking about moving out of Gladstone completely.

Ms. Newsom said that is their choice. Mr. Heithoff said that is true but if we can solve this problem. Mrs. Newsom asked if she does not feel we are making a grand scale effort to solve the problem.

A gentlemen was speaking from his seat in the audience and the Mayor suggested that anyone desiring to speak should come to the microphone one at a time.

Ms. Heithoff said it is taking a great deal of effort and asked how many times the Council has seen her. She said they have had this same problem for nine years. They would just like to see that it is really fixed this summer, maybe within the next month or two. That is all they are asking.

Mayor Hammen asked if there is anyone who has not yet addressed the Council who would like to do so.

**Shawna Hamel, KANSAS CITY STAR Northland Police Reporter**, said she thinks we have gotten off track tonight. There have been a lot of personal attacks made, and so forth, and she thinks it would be best dealt with on a one on one complaint basis instead of attacking the Council. Because from her standpoint as a professional, this may look pretty funny, but it is embarrassing and kind of like - how old are we here.

Ms. Hamel's remarks were met with applause.

**John Woody, 7201 North Woodland**, said he thinks he heard comments about baggage being packed and having to live with what other people have done and he believes perhaps proper credit has not been given to previous Council's in the city of Gladstone who have done things and addressed the water problem through the years. The Lee Bussinger led Council passed the million or two million dollar bond issue to address some of the problems on Rock Creek and it is a problem that is with us has to be addressed in Gladstone. We can't do a magic wave of the wand and take care of everybody's needs. He said he gets water and he believes everyone in Gladstone gets water at one time or another.

He said the Bussinger led Capital Improvements group corrected a problem at 72<sup>nd</sup> & N Woodland where they took out the culverts and put in the box culverts which moves the water and eliminated the backup there because the problems up creek would be much worse than they are now.

But he is concerned when he drives down North Troost from 72<sup>nd</sup> Street to the north and looks to the left and sees a development going in and he wonders what water is going to be coming off of that dumping into Rock Creek and increasing the problem and he got concerned because on the other side of 72<sup>nd</sup> Street where they developed houses, they put in another culvert for water to go through. His area has not had problems to that extent, but he gets concerned when we address some of these problems and then we turn around and find these places being developed or made a parking lot.

Mr. Woody said another situation is the holding pond in front of the bank that used to be Zardas. That is a holding pond area and then that was turned into a parking lot and then he wonders about all of the townhomes that are being built along Antioch Road and in his mind that is a flood plain. He has trouble understanding that we are addressing the problem if we approve more developments if they dump more water into Rock Creek.

Mayor Hammen pointed out that when a new development is proposed the city's requirement is that storm water cannot leave property any faster than it does prior to development. Mr. Woody said he does understand that. The Mayor said in many cases we actually improve the situation by reducing the level of stormwater that is coming off the property. Mr. Woody said he depends on city staff to protect our interests but he is saying as a citizen driving around town and knowing the problems

that have occurred in the past and the basements that have filled across the street from him and then to see some of these things take places it looks like we are working against the goal of our long term objectives. He did want to stress that past city council have worked on water problems and have sponsored capital improvement projects but we do have a long way to go.

Mayor Hammen told Mr. Woody he was absolutely correct.

**Milton Wallace, 3101 NE 69<sup>th</sup> Street,** said he has been a resident of the city for 41 years and has been in attendance at recent City Council Meetings and has some concerns. The Japanese have a saying "Let's not look for the persons to blame but let's look for solutions to the problem". In the businesses that he has managed he has tried to use that as a philosophy and also loves the three C's of Dale Carnegie that it does little good to criticize, condemn, or complain. He has had the pleasure of sitting in some of the City Council seats and serving with Pete Hall and Lee Bussinger. It always helped him when somebody came forth with some solution to the problem and tonight he would like to offer these suggestions to the Council and the new City Manager. He is getting up in years and is concerned with how our dollars are spent and is concerned about the fact that we have reinvented the wheel in Gladstone numerous times. He believes he served on the City Council three times and has been the President of the Gladstone Chamber of Commerce, and served on the Council when the Gladstone Economic Betterment Council was initiated so he has been there, done that, and worn those shoes.

Mr. Wallace said we have had at least a half dozen studies and would suggest to City Manager Kirk Davis that he pull up all of those past studies. Everything from the street to the overlay for Gladstone because he has been for economic development for bringing businesses to Gladstone for a number of years and he has taken a few unpopular votes up there where he voted for something. It is very easy for a resident to say I don't want anymore business in Gladstone. He sees Liberty go by us and College Boulevard makes Kansas City look sick and he sees all kinds of problems. It is these businesses and especially sales tax dollars that are going to keep our taxes low. So he is for business and for the improvement and bringing more business to Gladstone.

The first thing is we would have to be very proactive. After all the studies are looked at, the Council could solve this problem. We never had in the past, he thought, a Council that had enough guts to do what is really necessary and that is all the Council really has to do is change the zoning up and down our major streets to a depth that would allow a real significant developer to come in and make some kind of improvement. We have businesses up against one of the most influential and high priced subdivisions in Gladstone so it can't hurt. But the Council has to do something positive and do something to make it easy for people to come in here and build the businesses and do the things that are necessary and not have much of a struggle.

Mr. Wallace says the same was true of streets. We paid for two or three streets but we still need an east-west street relief to relieve 72<sup>nd</sup> Street but that has been delayed or tabled. We did the necessary things and he was glad to be a part of them.



He said he served on the Council when the City put in the sewers and the water system and we have added water tanks and done a lot of good things and the Councils have been there and assisted. He believes that we don't have to spend a whole lot more money if we get the GEBC, the Council, and Staff looking at all of the studies we have had and maybe bringing some outside people in that could assist in decisions to move Gladstone forward quickly. He said we also had a wonderful downtown plan when Mayor Hammen was the Planning Commission Chair and we spent a lot of time and money on it but to his knowledge it has been shelved.

It makes him sick to see all the things that are going on in Liberty along their corridors and generating sales tax when he does not see us progressing. He knows we have grown some and have Home Depot and some improvements and businesses on Englewood Road and the City was successful in keeping Wal-Mart in Gladstone because that would have been a disaster if we had lost them. We do have some improvement in the Prospect Plaza Shopping Center and are bringing in a first class merchant.

He told the Council they need to do what is necessary to make it easy for developers to do the things that will help us bring more business.

He would make one last suggestion to Mr. Pete Hall, Mr. Les Smith and the GEBC group that it be a high priority to make this an action oriented group that will have good results and he would sell the property on 72<sup>nd</sup> Street owned by GEBC real fast.

**Item 7. on the Agenda.      Communications from the City Council.**

**Councilman Dan Bishop** said our Regular City Council Meeting begins at 7:30 PM and it has become the practice to hold Study Sessions during which items of great import are discussed. He and his wife were watching the government access channel on cable last Sunday evening and saw that the Council Meeting was scheduled for 7:30 PM as customary and the agenda was listed, but he saw no mention of the study session beginning at 6:45 PM which would address an evaluation of the GEBC contract. He personally feels that although the study sessions are open to the public that it really does not help if the public does not know those study sessions are taking place. He personally would like to see the study sessions publicized more widely and a good place to begin would be on the government access channel.

He also reported that on Friday, June 18, 1999 he had the privilege of attending the Newly Elected Officials Conference in Jefferson City sponsored by the Missouri Municipal League. He found it very helpful and can say to the credit of our staff he does not think there was any concept introduced which he had not been made aware of in some manner which is a credit to the orientation he received from City staff and the assistance he has received from his fellow Councilmembers and the pointers they have shared with him to make his transition to the Council easier.

Councilman Bishop said it was beneficial to have the material presented in an organized and in depth manner and he appreciated the City Manager attending the conference with him.

**Councilman Roger Norris** had no communications at this time.

**Councilman George Nodler** congratulated the Gladstone Area Chamber of Commerce on the success of the Blues Fest.

**Mayor Pro Tem Anita Newsom** said tying in with Councilman Bishop's comments about the conference, you will find that we all have problems in our backyard, in our own community, and our sphere of influence. But sometimes when you go to a meeting like that you will find Gladstone hiring the caliber of professionals that we hire and having the kind of citizen input that we have, we are going to be on the cutting edge for communities of our size and larger. She is proud of our city and proud to say she comes from Gladstone and proud that she has been allowed to serve the city of Gladstone. We will find that leaving the boundaries of the city of Gladstone it is a whole different world out there and we have it a lot better than we sometimes realize.

**Item 8. on the Agenda.**      **Communications from the City Manager.**

City Manager Davis announced that the 4<sup>th</sup> of July celebration will be held in Oak Grove Park. The band starts playing at 8:30 PM and fireworks at about 10:00 PM. He also advised that the first Theater In The Park has the production of **Music Man** on July 9, 10<sup>th</sup> and 11<sup>th</sup>. He also noted City Hall will be closed on Monday, July 5<sup>th</sup>, in recognition of July 4<sup>th</sup>.

The City Manager also announced that Jerry Menefee who is leaving the City's employ to take a position in the private sector has served the city for nine years and a small reception will be held in his honor at 4:00 PM on Thursday, July 1, 1999 from 4:00 PM - 6:00 PM.

**Item 9. on the Agenda.** **SECOND READING BILL 99-11**, revoking a Special Use Permit issued to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek, Co., Inc. on property located at **5616-18 N Antioch Road**. (File #1082) (Tabled from 5/24/99 City Council Meeting).

Councilman Norris moved to place Bill 99-11 on Second and Final Reading; Ms. Newsom seconded for discussion purposes.

Discussion.

Councilman Norris said Council was provided a report from Director Scott Wingerson which details the progress made at this location and suggests the Council allow Mr. Bledsoe an additional ninety day extension for completion of the Special Use Permit conditions. Councilman Norris said Mr. Bledsoe has made significant progress in his efforts to come into compliance but the rains have had an impact.

Councilman Newsom said she concurs with Councilman Norris' comments, there has been progress made on the site. She would like to see Mr. Bledsoe move forward in the next ninety days.

**MOTION TO TABLE:** Councilman Norris moved to table the Second Reading of Bill 99-11 to the September 27, 1999 City Council Meeting; Councilman Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

**Item 10. On the Agenda. PUBLIC HEARING:** on a request for a **Site Plan Revision** on property at **801 NW Vivion Road**. Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)

Mayor Hammen opened the Public Hearing and explained the hearing process.

**Thomas Nolte, Nolte & Associates, Architects & Landplanners, 7611 State Line Road, Kansas City, Missouri**, said he is here to represent an application for a two and a half-story office building to be located at Bellevue & Vivion Road on a CP-2 zoned site. The proposed building is 54,000 sq. ft. and they have met with the Planning Commission and received their unanimous vote. They have received staff's report from the Planning Department and agree with all the stipulations 1-16 listed and will be more than happy to answer any additional questions Council might have on this site.

Councilman Bishop asked Mr. Nolte if he would elaborate on what would be done in terms of site preparation and providing a buffer between the existing Claymont Pointe Condominiums and the proposed office part.

Mr. Nolte said they have residential property adjacent on the south and they have adequate setback and have supplied additional landscaping. There are some landscaping issues and they will try to preserve as much of the existing tree coverage in the southwest corner as possible. The rest of the site is relatively bare except for the volunteer trees that would be in the drainage areas. They will be making improvements to the drainage area, therefore most of those trees in the drainage area will be lost as they make those improvements. But on the south property line by the residential property they are adding approximately 30 new pieces of landscaping material. What is interesting about this site is that the southern property is considerably higher than the office and from those decks we have a grade differential in some parts of 40 ft. So the residential property is considerably higher which as an enhancement there are two stories that face south and three stories that face north because the grades fall so steeply in there. He said they have made sure they have provided adequate roof top screening for all the roof top mechanical equipment because the residential properties are going to be higher than the building and looking down on their roof. They have been careful with their roof selection material making sure it is a single ply membrane roofing which is a nice clean material and also the screening as he indicated.

There were no additional persons desiring to speak for or against this application.

City Staff presentation: Director of Community Development Scott Wingerson said he would highlight one condition and discuss the previously approved plan for this property. Condition #12 may be a little bit unusual in that it says that the property shall be rezoned CP-O prior to the issuance of a building permit. This request suggests a

site plan revision which will bind the property in terms of development until another plan is approved with a recommendation from the Planning Commission and approval of the City Council. He said it would be his anticipation that upon these approvals and upon the transfer of ownership of this property to the developer, a change of zoning request from the current zoning to CP-O would be filed. It is also important to note that the currently approved development plan proposes 35,000 sq. ft. of retail and a separate pad site. The current zoning of the subject property supports this development plan and contains very few stipulated conditions. Of the 16 conditions which the developers agree with, a very large majority of those are designed for the protection of the residential property owners to the south and also to the east. As Mr. Nolte stated, the application is recommend to the Council unanimously by the Planning Commission.

**Item 10a. on the Agenda.** **FIRST READING BILL 99-18,** approving a **Site Plan Revision** for property at **801 NW Vivion Road.** Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)

Mayor Pro Tem Anita Newsom moved to place Bill 99-18 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Councilman Newsom said she sees this plan as quite a bit better than the previously approved plan and believes it will fit better with the neighborhood and the general feeling of that area of town. She has heard from a number of residents in that area who are excited that a building of this type of design and use will be in place instead of a commercial retail outlet or similar, so she is very much in favor of this application.

Councilman Dan Bishop said he has had communications with a couple of residents of Claymont Pointe who generally have been in favor of this proposal and he is also.

The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 99-18, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 99-18 and enact the Bill as **Ordinance No. 3.708.** Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

**Item 10b. on the Agenda.** **FIRST READING BILL 99-19,** approving the **Final Plat of "Bellevue Professional Park", 801 NW Vivion Road.** Applicant: Nolte & Associates. Owner: Larry Mitchell. (File #1088)

Mayor Pro Tem Anita Newsom moved to place Bill 99-19 on First Reading; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 99-19, Waive the Rule and place the Bill on Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 99-19 and enact the Bill as **Ordinance No. 3.709**. Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Hammen wished the applicants good luck.

**Item 11. On the Agenda. PUBLIC HEARING:** on a **Request to Rezone from CP-3 to CP-2**, property at **7107 N Oak**. Applicant: LHE, P.A. Owner: Ray Sapp (File #1089)

Mayor Art Hammen noted for the record that because he has a financial interest in the adjoining property he would be abstaining from any action on Agenda items 11 through 11-c and ask that Mayor Pro Tem Anita Newsom conduct the public hearing.

Mayor Pro Tem Anita Newsom opened the Public Hearing and explained the hearing process.

**Applicant Lane Ramsfield, Commercial Net Lease Realty, 455 South Orange Avenue, Orlando** said they have assembled a two parcel piece of property encompassed by N Oak, 72<sup>nd</sup> Street and N Locust Street which is approximately three-quarters of a block as depicted. Their desire is to build a 11,000 sq. ft. free standing Eckerd's Drug Store on the property. In going through and developing the site plan they have worked closely with the City staff trying to identify what the needs would be for traffic and these types of considerations. Prior to making an application they looked at numerous site plans and ultimately came up with the one that is included in the packet. They have been through the Planning Commission Public Hearing and received a unanimous recommendation for approval.

There are some contingencies or conditions but the majority are standard practice and ones they would normally do in developing this property. There are a couple he will address. They have made an application for sign variance on this property and this is because on the building signage under City Ordinance, it is 10% in total sq. footage of the elevation or 120,000 sq. ft. whichever is the least. Obviously the 10% is a proportionate consideration that one would want to look at. The maximum amount of signage that they propose would be approximately 7 ½% of that elevation, so proportionately they would be within the 10% ordinance requirement but it is approximately 160,000 sq. ft. so it would be 40 sq. ft. over. Given the size of the building, they suggest that it would be appropriate to grant the variance. They also ask for two monument signs given the fact that they are surrounded by three public

streets. Early in the review with staff they wanted to have access off of 72<sup>nd</sup> Street and then they knew there was a concern on N Oak as far as the intersection, the stacking and other traffic considerations, so they desire to put in two monument signs. Typically they like to have 20' pylons with 175' signs at their stores throughout the United States, however signage is always a debatable issue in cities. Some allow them and some don't, but they have included monument signs in the application.

He said there was a right of way consideration, but in searching the records further they believe there is significant right of way so there would not be a need to grant additional. There is qualification that the rezoning would not take place until such time as Commercial Net Lease were to close on the property, since they are down-zoning a piece of this.

There is one last item he would like to address. They have been working with staff to balance out the right of way and traffic consideration, etc. In doing so there is a recommended condition that they develop a shared access with an adjoining property just west of the water tower. They certainly have been willing to do that and realize that in the process to do that they will incur additional expense in the redevelopment and renovation of that parking lot and of course there would be cross access agreements that would have to be established.

Mr. Ramsfield said he personally feels that it would tremendously enhance the value of that property to have a cross access agreement with a national tenant on that property. Regrettably, as of tonight, Mr. Ramsfield said they have not been able to come to an agreement on that property. They do not have the right to stand here and say that they would be able to even have a joint curb cut and access because they do not have an agreement to do it on that property. So he has to bring that out as a matter of record and at this point he has no additional comments. The rest of the conditions speak for themselves and they have no objections to them. He invited questions/comments.

**Councilman Bishop** asked if there is likelihood that given more time an agreement could be reached on the joint drive.

Mr. Ramsfield said he certainly hopes so. They would incur a substantial amount of money renovating that property not just the entrance. They would reseal and renovate and re-stripe and there would be some additional curb work completed on the property. They could do that and would be willing and proposed it and had a response with two choices - they could either buy the property or could buy the access agreement in order to implement it. The figures associated with that, basically destroyed their ability to go forward with the project at all. Whether or not they could get together, he is not sure. He is willing and would like to but as of this date there are financial barriers they were faced with that they were not able to overcome.

Mayor Pro Tem Newsom said then as of tonight the proposal presented does not include the shared access. Mr. Ramsfield said that is correct because as of tonight he does not have the right to propose the shared access.

Councilman Bishop asked the actual distance between the existing entrance and the one they proposed. Mr. Ramsfield said it is minimal and just separated by the property line. Mayor Pro Tem Newsom invited others **In Favor** of the application to speak, there were none.

**Opposed.**

**Terry Koontz, 7101 N Oak,** said he owns the property just south of this proposal. Since the Planning Commission Meeting, he has been contacted once by the applicants and was contacted again this evening at 7:30 PM to view a revised plan. So that is why there is no agreement as of yet because he was just approached at 7:30 PM tonight so he has not had the opportunity to discuss the proposals with other owners to get their feelings. He is all for the project, his hesitations are the problem with parking, the proposed revisions which eliminates five of his parking spaces and he has a shortage now. Secondly, he would still like to see the Council request that the project be a **right in and right out** only in and out of that service. To try to make a left turn coming out of N Oak any time of day out of that location is horrendous especially during rush hour traffic.

**Councilman Dan Bishop** said he would ask the same question of him as he did the applicant, given more time can something be worked out on the revised plan. Mr. Koontz replied that he is willing to talk with them.

**City Staff Presentation:**

**Director of Community Development Scott Wingerson** said last week the Planning Commission asked if he was comfortable forwarding this item to the Council knowing that the shared parking and shared access agreement had not been completely resolved. He said a week ago he felt very strongly that the issue would be resolved prior to tonight. Unfortunately that has not occurred although he believes there has been progress over the last six - seven hours. At this point he would ask the Council to consider a continuance of this Public Hearing until two weeks from tonight to allow that to occur and allow staff as well as the developer to report to Council on the progress made in that period of time. With that suggestion, he does not know the impact on the developer as far as the contractual obligations with the Sapp property or the Chaddock property.

Councilman Roger Norris said he came here this evening fully prepared to move this application forward and asked if there is any way we could bring all these interested parties together before the end of this agenda rather than delay.

Director Wingerson said he would normally say yes, but he will also be asking for continuance of agenda items 12 through 12b. on behalf of the application and staff. He acknowledges though that all the parties are in the room on the Eckerd project and could have discussion.

Councilman George Nodler said the applicant had other issues on right of way and asked how staff feels about those. Mr. Wingerson said with additional research the

applicant has shown compliance with City Code so other than the shared access the developer and staff are in agreement on the conditions.

Mr. Bishop asked Mr. Wingerson what his position was on Mr. Koontz's request for right in, right out only. Mr. Wingerson said that is certainly something to analyze further generally. It would be based on a traffic study which will be performed prior to issuance of a building permit. At this point it has not been fully analyzed.

Councilman Norris asked if undue hardship would result in continuance of this public hearing until the July 12, 1999 City Council Meeting. Mr. Dale Sapp, speaking from the back of the room, said a two week delay would not jeopardize the contract from their perspective.

Mr. Ramsfield said they have already submitted this for their company committee review on July 25<sup>th</sup> so the gun is at their head but they would not lose their contractual options if the hearing is continued to July 12<sup>th</sup>.

**Harvie Chaddock**, owner of the property at the SE corner of 72<sup>nd</sup> & Oak asked if the only hold up on this is the community driveway between Terry's Travel and the Ray Sapp property. Mayor Pro Tem Newsom said that is her understanding.

Mr. Chaddock asked why the City wants a common entrance to both properties when it has been a dual entrance for years. He said obviously Eckerd doesn't want to have bait dangled at them and then have nothing happen. He is concerned they will want to back off.

He said Mr. Wingerson pointed out to him that this (shared drive) was done on Antioch Road at the Applebee's and Osco location. Mr. Chaddock said that is not too good a situation over there and he thinks it may be more suitable to leave things the way they are here rather than tie it up.

Director Wingerson said sharing a driveway serves to limit congestion on the driveway because when people are accessing more than one location with one driveway there is more of an expectation on the part of the vehicle driver of where things might happen, where things might slow and where turning movement might occur for themselves as well as for other drivers. The second point is ease of access. The third point is not necessarily a planning theory but good site planning. The proposal before us shows a driveway nearly on the south property line of the proposed Eckerd property which is currently Ray Sapp's. The driveway for Terry's Travel onto N Oak is nearly on the north property line of Terry's travel so basically you have a distance of about 10 feet. We can go up and down N Oak and Antioch Road and point to exactly those kinds of situations but would all agree that it is not right because of all of the turning movements occurring into close proximity to each other. You have multiple lefts, rights, straights, in and outs all at the same time. It is extremely confusing.

Mr. Wingerson said his best example is the driveway between McDonald's and Quick Trip on Antioch Road. The exit from McDonald's and the entrance/exit at the location has a high degree of confusion in terms of what people are doing in the turns in and



out of that location. He said Alan Michaels is in the audience and may choose to speak from an engineering perspective on the advantage of shared driveways. And Mr. Ramsfield may want to speak to that in terms of the benefit to property owners who share driveways, because usually there is an increase of property values and usually it is based on a premise that retailers benefit from being close to retailers who may not be in the same business but could attract similar individuals.

Harvie Chaddock said his concern is that if we drag our feet at the City level until Eckerd's Drug backs off, we will be the ones that lose, because they are going to bring more tax dollars than he does right now on the property. He suggests this may be food for thought for the Council.

Terry Koontz said he is all in favor of the project but he cannot justify making a decision in 30 minutes or an hour on something that may or may not adversely affect the future of his building. He is willing to sit down with Eckerd and the Applicant in a good faith effort to try to resolve this.

**Motion to Continue the Public Hearing:** Following additional discussion, Councilman Roger Norris moved to continue the Public Hearing on the 7107 North Oak Rezoning until the Monday, July 12, 1999 City Council Meeting; Councilman Dan Bishop seconded. The vote: "aye" - Bishop, Norris, Nodler, Newsom. (4-0)

Mayor Pro Tem Newsom also noted that with continuance of the Public Hearing, the **related Agenda Items 11a.** (Rezoning Bill 99-20), **11b.** Site Plan Approval Bill 99-21) and **11c.** (Sign Variance) **would not be introduced tonight but will be on the July 12, 1999 City Council Agenda.**

*Following the close of deliberations on the 7107 North Oak rezoning, Mayor Art Hammen returned to preside over the balance of the June 28, 1999 City Council Meeting.*

**Item 12. on the Agenda. PUBLIC HEARING** on a request for a **Site Plan Revision** for property at **6906 N Oak.** Applicant: Auto Zone, Inc. Owners: James A. Duncan and Phillip W. Duncan. (File #1091)

Mayor Art Hammen opened the Public Hearing and explained the hearing process.

**Director of Community Development Scott Wingerson** advised that on behalf of the Applicant as well as City Staff, continuance of this Public Hearing is requested until the July 12, 1999 City Council Meeting. He noted that the request is made because there is an issue of building materials that needs to be resolved.

**Motion to Continue the Public Hearing:** Mayor Pro Tem Newsom moved to continue the 6906 N Oak rezoning until Monday, July 12, 1999; Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Mayor Art Hammen noted that in light of the Public Hearing continuance, related **Agenda Items 12a.** Bill 99-22 approving the Site Plan; and **12b.** Building Permit

Approval will not be introduced tonight but will appear on the July 12, 1999 Agenda.

**Item 13. on the Agenda.**      **FIRST READING BILL 99-17**, amending the method of determining a member Employee's final average salary under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.646 as amended.

Councilman Roger Norris moved to place Bill 99-17 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Mayor Pro Tem Newsom said she is certainly in favor of this bill which changes the method of calculating the final average salary for our City employees under the LAGERS retirement system as discussed during the Budget Public Hearing and earlier Budget Study Sessions. Councilman Norris said he certainly concurred.

The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-17, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-17 and enact the Bill as **Ordinance No. 3.710**.

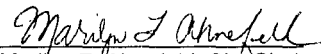
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#### **MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION.**

Councilman Roger Norris moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for discussion of Litigation and Privileged Communications. Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

There being no further business to come before the June 28, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Respectfully submitted:

  
Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐

  
Mayor Art Hammen

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