

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 12, 1999

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 28, 1999, City Council Meeting Minutes.**
- 4a. **PRESENTATION OF SERVICE AWARD** to Mr. Ed O'Neill recognizing his service to the City as a member of the Planning Commission and Capital Improvements Program Committee.
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-52, accepting work under contract with Sports Management Group for the Community Center Feasibility Center; and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$64,554.73; Final Payment Due: \$4,447.46.

RESOLUTION R-99-53, rescinding Resolution 99-40 and authorizing execution of a contract with Industrial Excavating & Equipment for the Woodlands Drainage Improvement in the amount of \$112,130.60 from the Capital Improvements Sales Tax Fund. (Project #9945)

RESOLUTION R-99-54, authorizing Change Order No. 1 in the amount of \$70,995.15 to the 1999 Street Rehabilitation and Reconstruction Program and authorizing appropriation of additional funds in such amount from the Transportation Sales Tax Fund for constructing improvements on Englewood Road from N Flora to N Oak.

RESOLUTION R-99-55, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt on an as-needed basis at \$21.60/ton (7 day delivery), \$23.00/ton (24 hour emergency delivery), and \$20.17/ton if picked up by the City at their local storage facility. Funds are budgeted from the General Fund.

APPROVAL OF LIQUOR LICENSE RENEWALS for **Margarita's**, 7013 N Oak, **Smokehouse BBQ**, 6304 N Oak, **King Super Store**, 7020 N Oak, **Phillip's 66**, 7303 N Oak, **Northland Elks**, 7010 N Cherry, **Uncle Nebo's**, 7102 N Oak, **Firehouse North**, 6948 N Oak, **Tailgaters**, 316 NE 72nd Street, **Golden**

Eagle II, 6502 N Oak, **Bob's IGA**, 6553 N Oak, **Bob's IGA**, 5945 N Antioch Road, **Total Petroleum**, 5800 N Oak, **Kwik Shoppe**, 7603 N Oak, and **Tortilla Flats**, 5716 N Antioch Road.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-99-56**, authorizing execution of an **Amended Agreement** with the **Gladstone Economic Betterment Council** for economic development services.
10. **CONTINUED 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)
- 10a. **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)
- 10b. **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)
- 10c. **CONSIDERATION OF SIGN VARIANCE** for **7107 N Oak**. Applicant: LHE, P.A. for Eckerd Drug Store (File #1089)
11. **CONTINUED 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)
- 11a. **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)
- 11b. **APPROVAL OF BUILDING PERMIT** for construction of new 5,418 sq. ft. building at **6906 N Oak** for **Auto Zone**. (BP99-0363)

12. **PUBLIC HEARING:** on a request for a Special Use Permit on property at **6306 N Prospect**. Owner/applicant: Karen Kalmus (File #1086)
(Audience Note: This Public Hearing will be opened and immediately continued to the Monday, August 9, 1999 City Council Meeting).
13. **PUBLIC HEARING:** on a request for a Special Use Permit on property at **6308 N Prospect**. Owner/applicant: Laura Luzicka (File #1087)
(Audience Note: This Public Hearing will be opened and immediately continued to the Monday, August 9, 1999 City Council Meeting).
14. **FIRST READING BILL 99-24**, approving the **Final Plat of Tract A, Carriage Commons Replat at 3201-3213 NE 63rd Terrace**. Applicant/owner: Talon Development. (File #1095).
15. **FIRST READING BILL 99-25**, approving the **Final Plat of Tract C, Carriage Commons Replat at 3100-3122 NE 63rd Terrace**. Applicant/owner: Talon Development. (File #1096).
16. **APPROVAL OF BUILDING PERMIT** for tenant remodeling of existing Kinko's Store, 7201 N Oak. Applicant: Perry L. Butcher & Associates, Architects. Owner: Gladstone Village Center, Inc. (BP 99-0471)
17. **APPROVAL OF BUILDING PERMIT** for 61,350 sq. ft. Hen House Store in Prospect Plaza Shopping Center, 6475 N Prospect. Owner: Bradley Real Estate, Applicant: Gastinger Walker Harden Architects (BP 99-0474)
18. **APPROVAL OF BUILDING PERMIT** for 1,125 sq. ft. office for Cripple Creek Rock Co., Inc., 5614 N Antioch Road. Applicant: Robert Bledsoe. Owner: Byers Enterprises, LLC. (BP 99-0475)
19. Other Business.
20. Questions from the News Media.
21. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 12, 1999

Mayor George Nodler called the Regular July 12, 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 28, 1999 City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular June 28, 1999 City Council Meeting Minutes as written. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 4a. on the Agenda. Mayor Art Hammen presented a **SERVICE AWARD** on behalf of the City Council to **Mr. Ed O'Neill** in recognition of his service to the City as a member of the Planning Commission from January 1992 to June 1999 and Capital Improvements Program Committee from January 1993 to June 1999.

Mayor Pro Tem Newsom asked if the dates on the plaque include all of Mr. O'Neill's service on the Planning Commission because she recalled him welcoming her to the Planning Commission when she served in 1988/1989.

Mr. O'Neill responded that he did serve on the Planning Commission back in the late 80's and was given a plaque for his service at that time. He was again appointed to the Planning Commission in 1992.

He told the City Council that his service on the Planning Commission all began because he came to a City Council Meeting to air a grievance and it evolved from there.

He said he thanks the City for giving him the opportunity to serve because he certainly learned a lot more than he gave.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to adopt the Consent Agenda as listed; Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-52, accepting work under contract with Sports Management Group for the Community Center Feasibility Center; and authorizing final payment from the Capital Improvements Sales Tax Fund.** Total Contract Amount: \$64,554.73; Final Payment Due: \$4,447.46. Councilman Roger Norris seconded. The vote: All "aye" Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-99-53, rescinding Resolution 99-40 and authorizing execution of a contract with Industrial Excavating & Equipment for the Woodlands Drainage Improvement in the amount of \$112,130.60 from the Capital Improvements Sales Tax Fund.** (Project #9945) Councilman Roger Norris seconded. The vote: All "aye" Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-99-54, authorizing Change Order No. 1 in the amount of \$70,995.15 to the 1999 Street Rehabilitation and Reconstruction Program and authorizing appropriation of additional funds in such amount from the Transportation Sales Tax Fund for constructing improvements on Englewood Road from N Flora to N Oak.** Councilman Roger Norris seconded. The vote: All "aye" Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-99-55, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt on an as-needed basis at \$21.60/ton (7 day delivery), \$23.00/ton (24 hour emergency delivery), and \$20.17/ton if picked up by the City at their local storage facility.** Funds are budgeted from the General Fund. Councilman Roger Norris seconded. The vote: All "aye" Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved for **APPROVAL OF LIQUOR LICENSE RENEWALS** for Margarita's, 7013 N Oak, Smokehouse BBQ, 6304 N Oak, King Super Store, 7020 N Oak, Phillip's 66, 7303 N Oak, Northland Elks, 7010 N Cherry, Uncle Nebo's, 7102 N Oak, Firehouse North, 6948 N Oak, Tailgaters, 316 NE 72nd Street, Golden Eagle II, 6502 N Oak, Bob's IGA, 6553 N Oak, Bob's IGA, 5945 N Antioch Road, Total Petroleum, 5800 N Oak, Kwik Shoppe, 7603 N Oak,

and **Tortilla Flats**, 5716 N Antioch Road. 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.

None.

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

Councilman Dan Bishop said he attended the 4th of July Celebration in Oak Grove Park which was a great evening with the fireworks display and the Northland Band. There was a tremendous turn out (he heard between 10,000 - 14,000 people) and although it was congested leaving the park, everyone seemed to be in good spirits.

He said the past weekend was this year's first Theater in the Park production, ***Music Man***, and he was told that when you add up the attendance from Friday through Sunday, it would total approximately 10,000 people in the park. He was very impressed with the quality of the set and the performances of the actors in the production. Van and Susie Ibsen deserve many thanks for the hours and hours of work they put in on Theater in the Park productions. He urges everyone to attend the second production which is ***Guys and Dolls*** scheduled for the first weekend in August.

Councilman Bishop also thanked Ed O'Neill for his service to the City. He had the privilege of serving with Mr. O'Neill on the Capital Improvements Committee and always appreciated his insight and historic wisdom of the city.

Mr. Bishop referred to a press release he had seen reporting an incident at Hy-Vee involving a highly disruptive individual who attempted to grab one of our Public Safety Officer's weapons. The officer received quite a blow to the eye requiring stitches which makes you think how much worse it could have been. We owe a great debt of gratitude to the men and women of our Public Safety Department who put their lives on the line day after day in the performance of their duties.

Councilman George Nodler said he too personally thanks Mr. Ed O'Neill for his thoughtful service on the Planning Commission and Capital Improvements Committee.

Mayor Pro Tem Anita Newsom said she joins the Council in thanking Ed O'Neill for his service to the community and told him that as long as he lives in Gladstone he should understand that his service does not end with receiving a plaque tonight. She also told Mr. O'Neill that his opinion is well respected and she hopes he never withholds it.

Mayor Pro Tem Newsom complimented the City department responsible for erecting the flag banners along our corridors each year. She recalls when these banners were purchased during Desert Storm and they still look good and serve to remind her of how we all draw together as a community.

She commented that the fireworks celebration was like something out of a picture book. If George M. Cohen had choreographed and picked the weather for the July 4th celebration it could not have been better, and Theater in the Park just put a cap on the park festivities during the past several weeks.

This afternoon she drove on the resurfaced section of Englewood Road which looks good, drives good and has nice pavement markings. She recalls when it was constructed several years ago and it was a major hassle but it looks great and makes a big difference particularly when this is one of the entrances to our city.

Ms. Newsom also noted that at the Thursday evening meeting of the West Gate Division of Missouri Municipal League we will honor our Gladstone Citizen of the Year. A number of communities issue press releases or obtain press coverage to recognize the honorees and she suggests that Gladstone do the same.

Mayor Hammen said he would be remiss if he did not add his thanks to Mr. Ed O'Neill. He reminded Mr. O'Neill that the City Council will be interviewing for open positions on the boards and commissions and said he looks forward to receiving his letter of interest and hopes he will return to us.

The Mayor said the 4th of July Celebration and Theater In the Park performances were excellent and he extends his compliments and appreciation to all the staff and participants.

The Mayor announced that the first **Gladstone Neighbors Helping Neighbors** organization project is the demolition of an old block house at 72nd & Campbell and invited anyone interested in participating to contact the Chamber of Commerce office or any member of the City Council.

Mayor Hammen also advised that Mr. O'Neill's retirement creates a Planning Commission liaison vacancy on the Capital Improvements Program Committee. He recommends to the Council the appointment of Planning Commissioner Carol Rudi.

Mayor Pro Tem Anita Newsom moved to approve the appointment of Carol Rudi as Planning Commission liaison to the Capital Improvements Program Committee. Councilman Roger Norris seconded.

Councilman Norris said Ms. Rudi is an outstanding choice because she has served on the Planning Commission for six years, and certainly does her homework which is so vital given the amount of dollars the Capital Improvements Committee deals with. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

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

City Manager Kirk Davis had no communications at this time.

Item 9. On the Agenda. RESOLUTION R-99-56, authorizing execution of an **Amended Agreement** with the **Gladstone Economic Betterment Council** for economic development services.

Councilman George Nodler moved to approve Resolution 99-56; Mayor Pro Tem Anita Newsom seconded the motion.

Discussion.

Councilman Norris said he would go on record supporting this agreement and said he looks at it as a three way effort in getting positive results for a great city. There are so many things that the City Council and staff does and we are one of the few cities that have more volunteers than paid staff so that is unique. There are some avenues through the Chamber or the Gladstone Economic Betterment Council for giving a helping hand to some businesses coming into our community. We need to maintain positive strokes when it comes to the business community because most people who live here have not looked at where the revenues come from, but they come from the Hy-Vees and the Bob's IGAs and the Ray Sapp Hardwares of our community.

Mr. Norris said we are a community and a family and when the GEBC and the Chamber look at the amended agreement they will see that the changes that are made are in everybody's best interests. We need to continue down the positive road that has kept us in positive numbers, Even when the rest of this State in the early 90's was in a recession, Gladstone never dropped below zero and has always had positive growth. That is the kind of encouragement they have given to us and in turn he thinks we should give to them.

It was clarified that additional wording as agreed to in the Study Session this evening on this item will be added to Item 5. Annual Evaluation in the Amended Agreement and now read as follows: **5. ANNUAL EVALUATION. "The City Manager shall perform an annual evaluation of the services rendered by GEBC under this agreement and provide a report to the City Council".**

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

Item 10. On the Agenda. CONTINUED 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 said he will go on record that he will be abstaining from discussion on Agenda Items 10 through 10C and requested Mayor Pro Tem Anita Newsom to conduct the public hearing.

Mayor Pro Tem Anita Newsom reopened the Public Hearing on this rezoning request and advised that at the June 28, 1999 meeting we heard from the Applicant and asked if he had additional information at this time.

Alan Michaels, LHE, said that at the June 28, 1999 City Council Meeting, the point that resulted in continuance of the public hearing was the agreement or lack of with the south property owners for shared access. He is happy to report that they have reached an agreement as shown on the exhibit he displayed. The changes in the site plan over the previously submitted plans are the shared access with the south property owner, which was one of the staff recommendations. As part of that modification to the site they had gone through several site variations to overlay and re-stripe the south property and do so in a manner that would regain that property owner all of the parking that would be lost as a result of that shared access. In doing that, their efforts led them to the head-end parking that you see on 71st Street, four spaces down there as well as the remaining spaces on the site.

He said the site will be overlaid and restriped and should match and look pretty nice with the Eckerd lot. The point that is outstanding and of primary interest to Eckerd are this agreement which really at this point is an agreement to make an agreement. They have come together and they agree on the site plan. The formal agreement has not been drafted yet but that is a formality.

They have also submitted a sign variance and the approval of the site plan is tied together with it. The sign variance includes a request for two 77 sq. ft. monument signs. One at the corner of 72nd & N Locust and another one just north of the entrance on N Oak Trafficway. The other request is for additional sq. footage on the wall sign. City ordinance allows 120 sq. ft. or 10% of the building area. Eckerd would like to do 7% of its building wall area which is greater than 120 sq. ft. but it is proportionate in relation to the building. He understands that staff's only objection is with the monument sign on 72nd Street where their recommendation was for 50 sq. ft. versus 70 sq. ft. He understands they approve of all other items. Mr. Michaels said they maintain that the 77 sq. ft. monument sign on 72nd Street is very important for Eckerd and the 77 sq. ft. really is not disproportionate considering that their lot will take up three-fourths of the block in that area, so they still request the 77 sq. ft. monument sign. They have no other issues and agree with all of staff's recommendations.

Mayor Pro Tem Newsom asked if there were other persons desiring to speak for or against this rezoning application.

Larry Sapp, one of the owners of Ray Sapp Hardware, said his family has been very quiet through this process but do want their feelings to be known. He said they have been in Gladstone for 47 years and they have tried to provide a service to this community and be a good neighbors by assisting civic groups and giving donations and they feel they have done that. In today's retail environment, it is becoming harder and harder for a small business like theirs to survive. They still have a very viable business but the offer from Eckerd's probably has come at the right time. With the pressure from big box stores, stores like theirs will likely disappear, just like small drug stores will. It will be a bitter-sweet experience for them because they have been a part of this town for a long time. He said they do not want to leave but the time is right and they ask that this application be approved so they can get on with their lives.

Community Development Director Scott Wingerson advised that the Planning Commission unanimously recommended approval of the rezoning request.

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

Item 10a. on the Agenda. **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)

Councilman Roger Norris moved to place Bill 99-20 on First Reading; Councilman George Nodler seconded.

Discussion.

Councilman Norris told Larry Sapp that 47 years was a long, long time and for the record he will acknowledge that Ray Sapp Hardware has been an outstanding business owner in this city and Ray Sapp Hardware is a landmark. Mr. Norris said to get to his house you go to Ray Sapp's and hang a right on 72nd Street. He is thrilled to approve this rezoning. He told Larry Sapp that he has known and trusted him his entire life and knows he would not allow anything to be done to the property which he has controlled so long that would be a detriment to the city. Councilman Norris said secondly, he has a policy of approving a down zoning from CP-3 to CP-2.

Mayor Pro Tem Newsom said that she agreed with Councilman Norris' comments. One of the first things she learned when she moved to Gladstone was that Ray Sapp and Balls White Front were landmarks. She said that will still be Sapp's Corner regardless of what is built there. She appreciates having known the Sapps and having them in our community all these years and told them not to be strangers.

The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1). The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-20, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-20, and enact the Bill as **Ordinance No. 3.711**; Councilman Nodler seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "abstained". (4-0-1).

Item 10b. on the Agenda. **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)

Councilman Roger Norris moved to place Bill 99-21 on First Reading; Councilman George Nodler seconded.

Discussion.

Councilman Norris said in reviewing the site plan, he does like what he is seeing and sees it as a good use for this corner. The traffic on that corner is incredible and he can only hope and pray that Eckerd is as good a neighbor as the Sapps. If so, they will have a great relationship.

Ms. Newsom commented that Eckerd has come to us with several different proposals and as much as she will hate to see this corner change, she feels it is the best proposal that has been brought to us and she will wholeheartedly be voting in favor.

The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1). The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 99-21, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-21, and enact the Bill as **Ordinance No. 3.712**; Councilman Nodler seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "abstained". (4-0-1).

Mayor Pro Tem Newsom welcomed Eckerd Drugs to our community.

Item 10c. on the Agenda. **CONSIDERATION OF SIGN VARIANCE** for 7107 N Oak. Applicant: LHE, P.A. for Eckerd Drug Store (File #1089)

Councilman Roger Norris moved to approve the Sign Variance for 7107 N Oak; Councilman George Nodler seconded.

Discussion.

Councilman Norris said there was discussion during the Public Hearing on the 77 sq. ft. sign on 72nd Street and given the fact that this building will take up pretty much the entire block with exception of the water tower and building to the south, he does not feel it is out of line to be some 27 sq. ft. larger. There are areas in town where we have cut them some slack and Gladstone Plaza Shopping Center is an example where we allowed their signs to be changed and allowed a reader board which is actually too close to the street but it fits in that location. It appears to him that this 77 sq. ft. sign on the corner at 72nd Street will be in compliance with the visual look of the building. As for the lettering on the building, he recommends approval of the sign as requested. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1).

Item 11 on the Agenda. CONTINUED 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 that the Applicant will make his presentation followed by those desiring to speak for or against this application and finally we will hear from City Staff.

Sam Malanoski, Kaw Valley Engineering, said he represents the Applicant and explained that the main issue in continuing this public hearing at the June 28, 1999 City Council Meeting was the exterior treatment. They have been working with staff to rectify that and instead of having split face block they have come up with a Combination Eifs Split Face Block as shown in Council's packet. He referred to the colored rendering which depicts the use of dark, medium and light gray. He said they have tried to work with staff to address all issues and agree with all recommendations of the site plan.

Councilman Norris pointed out that this location backs up to 26 acres of woods and asked what plans they have to keep trash to a minimum behind their property.

Mr. Malanoski responded that the company has trash containers and contracts for a normal pickup.

Councilman Norris asked if he has built other Auto Zone stores. Mr. Malanoski said yes.

Councilman Norris asked if he had been back to those locations and seen trash problems. Mr. Malanoski said Auto Zone is pretty conscientious and they go out of their way to make a good impression. They are in the business to sell auto parts and if the City is not happy with them that gets back to their customers, so they have always had a good experience.

Mr. Norris asked if they will comply with all thirteen conditions of the site plan. Mr. Malanoski said they have no problems with any item and are in a position to get the revised plan back to the City as soon as they get through this process.

Mayor Hammen asked if there were persons desiring to speak in favor or against this application. There were none.

Director of Community Development Scott Wingerson advised that the Planning Commission unanimously recommended approval. In terms of the color elevation which is actually a building permit consideration, the area depicted is gray and a scored split face block. The lighter area that might appear tan on the plans is an exterior treatment of drivit or synthetic stucco and a border on the bottom.

Mayor Pro Tem Newsom said it appears that the westernmost boundary of the Auto Zone property does not go all the way back to the woods. Wingerson said that was

correct. She said at some point in time there needs to be discussion about trash on the other parcel to the north but that is another whole issue.

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

Item 11a. on the Agenda. . **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)

Mayor Pro Tem Newsom moved to place Bill 99-22 on First Reading; Councilman Norris seconded.

Discussion.

Councilman Norris said living in this area he is concerned about trash but that concern is outweighed by the need to turn a vacant property into a viable business so he will be voting in favor.

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

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-22, 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.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-22 and enact the Bill as **Ordinance No. 3.713**; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 11b. on the Agenda. **APPROVAL OF BUILDING PERMIT** for construction of new 5,418 sq. ft. building at **6906 N Oak** for **Auto Zone**. (BP99-0363)

Councilman Nodler moved to approve the Building Permit for 6906 N Oak; Councilman Bishop seconded.

Discussion.

Mayor Pro Tem Newsom said the Building Permit Staff Report does not reflect the changes in the materials discussed.

Director Scott Wingerson explained that the staff report was prepared prior to the June 28, 1999 Council Meeting and acknowledged it does not reflect the changes. He said the approval of this building permit should be subject to the staff conditions on the site plan itself as well as the building permit staff report. The Eifs Synthetic Stucco was presented tonight for the purpose of making it a part of the record and making Auto Zone accountable and would be part of a revised set of building plans that incorporate all of staff's comments as well as Council's comments before the building

permit is issued. Ms. Newsom stressed that she wanted to clarify that so that it does not come back to haunt us later.

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

Item 12. On the Agenda. . **PUBLIC HEARING:** on a request for a Special Use Permit on property at **6306 N Prospect.** Owner/applicant: Karen Kalmus (File #1086)

Mayor Hammen opened the Public Hearing and announced that this **hearing is continued until the Monday, August 9, 1999 City Council Meeting.**

Item 13. On the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit on property at **6308 N Prospect.** Owner/applicant: Laura Luzicka (File #1087)

Mayor Hammen opened the Public Hearing and announced that this **hearing is continued until the Monday, August 9, 1999 City Council Meeting.**

Item 14. On the Agenda. **FIRST READING BILL 99-24,** approving the **Final Plat of Tract A, Carriage Commons Replat at 3201-3213 NE 63rd Terrace.** Applicant/owner: Talon Development. (File #1095).

Councilman Norris moved to place Bill 99-24 on First Reading; Mayor Pro Tem Newsom seconded. 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 99-24, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris noted the Planning Commission voted 10-0 to approve this final plat.

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 99-24, and enact the Bill as **Ordinance No. 3.714;** Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 15. On the Agenda. **FIRST READING BILL 99-25,** approving the **Final Plat of Tract C, Carriage Commons Replat at 3100-3122 NE 63rd Terrace.** Applicant/owner: Talon Development. (File #1096).

Councilman Norris moved to place Bill 99-25 on First Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris advised that the Staff recommends approval of this final plat and the Planning Commission unanimously recommended approval (10-0) at their July 6, 1999 meeting.

Councilman Norris moved to accept the First Reading of Bill 99-25 Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem 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 99-25, and enact the Bill as **Ordinance No. 3.715**; Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 16. On the Agenda. . **APPROVAL OF BUILDING PERMIT** for tenant remodeling of existing Kinko's Store, 7201 N Oak. Applicant: Perry L. Butcher & Associates, Architects. Owner: Gladstone Village Center, Inc. (BP 99-0471)

Councilman Norris moved to approve the Building Permit for 7201 N Oak; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris asked if everything is in order and Ms. Newsom asked what changes Kinkos is making.

Director of Community Development Scott Wingerson said yes everything is in order and explained that the corporate renovation of interior spaces for Kinko's includes bathroom and customer service area changes.

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

Item 17. On the Agenda. **APPROVAL OF BUILDING PERMIT** for 61,350 sq. ft. Hen House Store in Prospect Plaza Shopping Center, 6475 N Prospect. Owner: Bradley Real Estate, Applicant: Gastinger Walker Harden Architects (BP 99-0474)

Councilman Nodler moved to approve the 6475 N Prospect Building Permit for Hen House; Councilman Norris seconded.

Discussion.

Bill Browning, Gastinger Walker, introduced himself as representing Balls Foods and said the finishes are a continuation of what is already going on with Hobby Lobby in the center The upper areas will be an efis finish, the lower areas are painted brick portion below the teal green band. They have worked with Director Wingerson on the modifications adding landscaping to the site and it is very important to the owners to

create a sense of human scale in their grocery store projects, and they feel they have brought a lot of the human scale into their proposal.

Councilman Norris asked if everything was in order and Director Wingerson said yes. Mayor Pro Tem Newsom said she likes the colors and cannot believe the changes that have already taken place in the overall look of the shopping center in what has been done to Hobby Lobby and this will just add to it. She said this is something the City and our citizens deserve.

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

Item 18. On the Agenda. APPROVAL OF BUILDING PERMIT for 1,125 sq. ft. office for Cripple Creek Rock Co., Inc., 5614 N Antioch Road. Applicant: Robert Bledsoe. Owner: Byers Enterprises, LLC. (BP 99-0475)

Councilman Norris moved to approve the 5614 N Antioch Road Building Permit; Councilman Nodler seconded.

Director Scott Wingerson confirmed that everything was in order. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)


Item 19. On the Agenda. Other Business.

Mayor Pro Tem Newsom said it was heartwarming to see so many positive faces in the audience this evening because normally we don't see a lot of people in the audience unless someone has a problem.

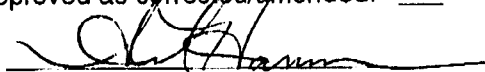
* * *

There being no further business to come before the July 12, 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, JULY 26, 1999

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 12, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating July 26 - July 30, 1999 as "**EPSILON SIGMA ALPHA INTERNATIONAL WEEK**" in the City of Gladstone, Missouri.
Sponsor: Gladstone Iota Omega Chapter of Epsilon Sigma Alpha International.
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-57, authorizing acceptance of a proposal from KCR International of Kansas City, Mo. in the amount of \$67,400 for purchase of a 2 ½ ton dump truck with snow removal equipment from the General Fund. (Includes \$7,600 trade-in allowance for 1992 Chevrolet Kodiak dump truck with spreader and plow.)

RESOLUTION NO. R-99-58, authorizing adoption of a revised "**PURCHASING POLICY**" for the purchase and procurement of all goods and services for the City of Gladstone, Missouri.

RESOLUTION NO. R-99-59, authorizing acceptance of work under contract with Double Check Co. Inc. for the fuel tank upgrade and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$13,126.00. Final Payment Due: \$656.30.

RESOLUTION NO. R-99-60, authorizing and ratifying expenditure of funds in the amount of \$23,319 from the Combined Water and Sewer System Fund to GC Construction for emergency repairs to the sanitary sewer line located at NE 72nd & N Troost.

APPROVAL OF LIQUOR LICENSE RENEWALS for Dominic's, 6300 N Oak; and Hy-Vee Store, 7117 N Prospect.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-99-61**, authorizing Temporary and Permanent Easements from property owners in conjunction with the 1313 NE 74th Terrace Drainage Improvements. (Project #9970)
10. **FIRST READING BILL 99-26**, approving the Final Plat of **"REPLAT OF LOT 31, EVANSTON PLACE"**, 3406 NE 57th Terrace. Applicant/Owner: Margaret Ferrell. (File #1097)
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 26, 1999

Mayor Art Hammen called the Regular July 26, 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 George Nodler
Councilman Dan Bishop

Acting City Manager Laura Gay
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 July 12, 1999 City Council Meeting Minutes.

Mayor Pro Tem Anita Newsom moved to approve the Regular July 12, 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. Mayor Art Hammen read a **PROCLAMATION** designating July 26 - July 30, 1999 as "**EPSILON SIGMA ALPHA INTERNATIONAL WEEK**" in the City of Gladstone, Missouri. This organization is an international women's organization devoted to philanthropic education and social endeavors and is in its 70th year of service.

Pamela Baker, Roberta Garrett, Alberta Baker and Jean Parker were present from the **Gladstone Iota Omega Chapter** and accepted the proclamation from Mayor Hammen.

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

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler 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 George Nodler moved to adopt **RESOLUTION NO. R-99-57, authorizing acceptance of a proposal from KCR International of Kansas City, MO. in the amount of \$67,400 for purchase of a 2 ½ ton dump truck with snow removal equipment from the General Fund. (Includes \$7,600 trade-in allowance for 1992 Chevrolet Kodiak dump truck with spreader and plow.)** Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-58, authorizing adoption of a revised "PURCHASING POLICY" for the purchase and procurement of all goods and services for the City of Gladstone, Missouri.** Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-59, authorizing acceptance of work under contract with Double Check Co. Inc. for the fuel tank upgrade and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$13,126.00. Final Payment Due: \$656.30.** Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-60, authorizing and ratifying expenditure of funds in the amount of \$23,319 from the Combined Water and Sewer System Fund to GC Construction for emergency repairs to the sanitary sewer line located at NE 72nd & N Troost.** Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved for **APPROVAL OF LIQUOR LICENSE RENEWALS** for **Dominic's**, 6300 N Oak; and **Hy-Vee Store**, 7117 N Prospect. Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

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

Ann Alexander, said she was a member of the Board of Meadowbrook Manor Town Homes (68th Terrace - 67th Terrace, Askew to Antioch). She asked if Gladstone had given any thought to Kansas City's development north of us. The waste water run-off will affect us and she would like to see the City be pro-active rather than reactive. At this point Mr. Ed Barth has negotiated from Prospect & Highway 152 to Agnes and she does not know how far south it will go but that area will eventually be developed, there is no question about it. Since she knows that Kansas City is concerned about any run off from Gladstone to Kansas City, she asks if this would not be a good time to talk to Kansas City about problems we might have and the two cities work together.

Mayor Art Hammen told Ms. Alexander that was a very good question and staff will be asked to look into that.

Director of Community Development Scott Wingerson said what we know about the Barth project is that it is in the Kansas City TIF Commission and continuing through that process. Although there was some information to the contrary in the paper recently we still believe the project is before the TIF Commission. In terms of the City of Gladstone, certainly we will review any run-off whether it is storm water or sanitary sewer that affects Gladstone as part of their submission. The property is currently zoned R-1 and the last proposed plan he saw includes construction of several apartment buildings on the Gladstone portion which would require a rezoning to go through the Planning Commission and City Council. That will be our appropriate avenue to discuss the project, however we are following it very, very closely as it winds its way through Kansas City.

Ms. Alexander said her other comment is that 4,283 Gladstone citizens voted that they wanted Dan Bishop as a Councilperson. Watching the attitude of the Council which is somewhat less than courteous, she would like to see them work as a team because anytime you reject a new Councilperson who has been elected with 4,283 votes, if you do not work with that Councilperson you are basically slapping the faces of the very people who voted for him and are part of the Council's constituents.

Mayor Hammen thanked Ms. Alexander for her comments.

Amy Heithoff, 1313 NE 74th Terrace, complimented the Neighbors Helping Neighbors organization on the demolition of the small block house at 72nd & Campbell. She extends her thanks to all who had a part in that and they certainly add their support to Councilman Dan Bishop as well.

Don McLaughlin, 2607 NE 69th Terrace, said he had been having some preliminary discussions with the Missouri State Auditor's Office concerning an audit of the GEBC contract since he does not seem to get anyone's attention here regarding the money that was spent supposedly for economic development but instead was spent for mortgage and tax payments on a vacant lot. And also there was a period of six months in 1998 when the Director's position was empty yet the executive salary line item supplied by GEBC shows a \$4,000 increase over 1997. He does not think it is right and if he cannot get attention here then he will go at it another way.

The City may want to look at our contracting procedures in the City of Gladstone because we updated them concerning money amounts on the Consent Agenda tonight but the State Auditor brought to his attention that there is a very stringent requirement on conflict of interest in the State Statutes and he would suggest that the City Attorney look at Section 105.454 and the definitions in 105.450. It says in affect which he will capitalize: if a city official either elected or appointed is also an officer of a corporation, and GEBC is a corporation, and it says a corporation of any type whatsoever, that they cannot participate in any manner, directly or indirectly in which he attempts to influence any decision of any agency of the state or political subdivision when he knows that the results of such a decision might be the acceptance of the performance of service for consideration in excess of \$500.00 per transaction or \$1,500 per annum. That contract for the least expensive year is \$52,000 and he thinks the two people who were involved in that discussion may well be guilty of Class B Felonies and the City Manager

being a member of that Board of Directors may be putting himself in a very, very, precarious position. Mr. McLaughlin said he would suggest that perhaps some subordinate level of City government officials should be involved in the Board of GEBC, the City Manager is supposed to be judge and jury on that contract and how can he do that when he is developing the work plan and effectively doing some of the work.

Sherry Blazekovic, 6710 N Bellefontaine, said she and her husband own a home at this location and have lived there approximately eight years. During those years, she has had several concerns she has brought to the attention of the City, one of which is improvements on the creek that runs behind her home. She has spent a great deal of money numerous times either through the deductions on her insurance or replacing things in her basement when carpet was damaged when the water would come in and she is slowly seeing her back yard sink off into the creek and this is something she has been concerned with for several years.

Several months back she had the opportunity to meet Mr. Bishop when he was walking in her neighborhood going door to door introducing himself. At the time, she said she stood and talked with him a little while and said so what is it you plan to do if you are elected and as we have seen people across the country do, they make promises, they get elected, they don't honor them. So she listened to what he had to say and one was storm water improvements and she thought "yeah". He is promising this but what is going to happen when he gets elected, will she see this improvement. He also promised that he would look into a new community center which she thought was great because she can remember 30 years ago going to the community center across from city hall so a new community center was appealing to her. He also mentioned that he was interested in neighborhood preservation and blight. She has a house up the street from her which looks absolutely terrible and has for 8 years. Personally she believes it affects the property values of all the homes in the neighborhood. So she thought, good, Mr. Bishop is interested in the same things she was interested in, but if he gets elected will anything come of it or are these just empty campaign promises. So she is glad to see that she received a survey that someone is looking into a new community center so she hopes that something will come of that.

As was mentioned tonight, she was glad to see that the house on 72nd Street was demolished and she hopes that the City will look into doing that throughout Gladstone because she thinks that will help preserve all of their property values. She recalls in late March or April an article in the Dispatch where it was mentioned that Mr. Bishop was the first one to mention actually working towards neighborhood preservation and blight in Gladstone. It is something that a lot of people probably don't think about because we are in the suburbs but it is a problem. So she would like to commend him for keeping two of his three campaign promises.

Ms. Blazekovic said the biggest concern to her is what is going to be done about storm water improvements specifically the creek behind her home. She lives on the northwest corner of 67th Terrace & N Bellefontaine. Approximately 4 years ago the City spent significant amounts of money to have studies done by Burns & McDonnell or another engineering firm as to what could be done to improve that creek and they had public meetings and she and her husband attended all of them as well as her

neighbors. Her husband worked for Burns & McDonnell at the time and his specialty is groundwater management and groundwater contamination. Her neighbor is an engineer specializing in groundwater for Burns & McDonnell. Both of them got together and spent countless hours on their own and prepared a proposal and brought it to the City that was pretty much like what the City wanted to do but it showed how they could save hundreds or thousands of dollars. Then we find out after attending all these meetings that this was just exploratory, there really was not money to do anything. So her question is why was that money spent back then for an exploratory study only to find out what needed to be done when there was no money for it. Now she finds out the City is doing another study of stormwater improvements again. So why are we spending money to look at the same thing that has been looked at in the past. She said those are her concerns.

Mayor Hammen thanked Ms. Blazekovic for her comments.

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

Councilman Dan Bishop said he would have to admit that both the Storm Water Study and the Community Center Study were undertaken and begun before he was elected to the City Council, so he can't take credit for the initiation of those two studies. He said he did talk a lot about neighborhood preservation and blight during the course of the campaign and he does believe that they managed to bring that issue to the forefront of public thought and he is grateful that steps are being taken to address that issue now.

Mr. Bishop said several meetings ago he talked about the need to publicize the City Council Study Sessions on the Cable Access Television and he has been informed and admits that he overlooked the fact that the Study Session Agenda was already being broadcast at that time. It just was not on the message crawler that runs across the screen but he does want to commend staff for the fact that it is now trailing across the bottom of the screen and is displayed several other times during the course of the other announcements. He believes it is much more obvious now that there is a study session that is open to the public and he thinks that is good to the extent that it can increase public participation and get people here to the study session because we do deal with issues of great import at our study sessions.

He also notices former Councilman/Mayor Ken Winkler in the audience tonight and welcomes him.

Councilman Roger Norris advised that at the June meeting of the Clay County Coordinating Committee they put together an assignment list and he found his name back on that list and elected to the Total Transportation and Policy Committee which is a sub-committee of the MARC Board which splits up the TTP dollars which in this case is 14 billion dollars of Federal ISTEA money. He was previously on this committee and they structured it so that Kansas City would not have 85% of the voting total when they controlled 52% of the land mass. It was a fight he did not want to get into again as he had already secured our money for the 72nd Street improvements now underway which was a direct benefit of his participation at that time.

Councilman Norris said he recommend at the Committee's July meeting that they continue with the leadership and guidance of Councilmember Connie Hadden, Mayor Pro Tem of the City of Liberty who has served on that committee for the past two years. She has done an outstanding job and has certainly done nothing to weaken Clay County's participation in that committee and he offered to serve as that committee's Alternate in the case of an absence of Ms. Hadden.

Councilman George Nodler commended Mayor Hammen and the Neighbors Helping Neighbors Committee for their work on the 72nd Street & Campbell house demolition project and helping to remove a little bit of blight from Gladstone. It was certainly a community effort on the part of those volunteers.

Councilman Anita Newsom said commenting on blight, she would point out that Gladstone started dealing with blight the first or second year she was on the City Council when we hired a full time Codes Enforcement Officer and now we have two full time Codes Enforcement Officers who basically cruise the city and try to help neighbors keep their property in compliance and not get out of control and it was through the codes enforcement officer's due diligence that they have found neighbors who need help and help bring these causes to the citizens group. It was not the City who tore the house down, it was a citizens group of Gladstone residents who have formed this organization. So it is not the City going around and tearing houses down, just a little clarification that we have not been ignoring blight.

Ms. Newsom said she keeps hearing on the news about other cities having water supply problems and asks where we stand. Acting City Manager Laura Gay advised that the City Manager spoke with Channel 9 last week who did a special last Thursday evening on water rationing and supply in the metro area. With the improvements that have been made over the years and the storage capacity that we now have it has positioned us in good stead to weather times like these.

Ms. Newsom said one of the papers had a water rate comparison and asked if she recalls that Gladstone was next to the lowest in the metro area. Laura Gay said we are 3rd or 4th. Ms. Newsom said our rates are very competitive and does realize that the last bill included the primacy fee.

She also compliments the staff and management for dealing with the 72nd & N Troost sewer collapse and emergency repairs. It was done quickly and although a hassle for some of the residents, it was done expeditiously and this is one of the reasons we keep budget reserves.

Mayor Art Hammen reported that there were approximately 70 volunteers who joined forces last Saturday for the first Neighbors Helping Neighbors project of razing the old cinder block building at 72nd & N Campbell and a number of those persons are sitting in the audience including several city staff members who gave of their own personal time to be a part of that project. The building is down and a lot of the material has been hauled off but there is still more to go and that will be removed fairly soon. He compliments Sun Newspaper Reporter Kelli Haux who with her husband volunteered as individuals to help raze that building and be a part of the Neighbors Helping

Neighbors program. The Mayor said those who stuck it out until 2:00 PM on Saturday afternoon can appreciate how hot it gets on a July afternoon. He said the group is already looking forward to the next Neighbors Helping Neighbors Project and advised the next couple of projects have tentatively been identified and he would encourage everyone to get involved. It is strictly a volunteer organization and all of the materials, supplies and labor was all volunteered on Saturday and we expect the same for future projects. The bottom line is not only do we help people in need, but we help ourselves and improve our community and he thanked all who participated.

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

Assistant City Manager Laura Gay advised of the death of Mr. Mark Moore who was involved in a drowning accident over the weekend. Mr. Moore had formerly been with Land Plan Engineering and done a lot of work with the City of Gladstone during his tenure with the firm. He had become a familiar face to the City and we certainly express our condolences to his wife and family.

Ms. Gay advised that the **August 2, 1999 Planning Commission Meeting has been canceled** due to lack of agenda items.

She also announced that the final Theater in the Park production for this season, ***Guys and Dolls*** will be performed August 6th through August 8th in Oak Grove Park at 8:30 each evening. She urged everyone to come out and join us.

Item 9. on the Agenda. RESOLUTION R-99-61, authorizing Temporary and Permanent Easements from property owners in conjunction with the 1313 NE 74th Terrace Drainage Improvements. (Project #9970)

Councilman Roger Norris moved to place Bill 99-61 before the Council for discussion; Mayor Pro Tem Anita Newsom seconded. All "aye" - Bishop, Nodler, Norris, Newsom, Hammen.

Discussion.

Director of Community Development Scott Wingerson said his purpose in standing before the Council this evening is to explain some of the materials in the Council's packet relative to the acceptance of the easements listed on the agenda. He said, the residents in the James Town area have two different storm water concerns and these residents are defined as surrounding upstream from 1313 NE 74th Terrace.

The first concern which affects approximately six homes is ponding in the rear yards and continual flows of water through the Rock Creek channel. As the Council knows, this area is considered the upper reaches of the Rock Creek. Nuisance flows are continual flows of water and common in a drainage basin of this size consisting of hundreds of acres basically due to ground water. All water that discharges will ultimately make its way to Rock Creek if it is within that basin. Of the six property owners, three are affected directly by ponding, three are affected indirectly by the ponding because of the increase in mosquitoes and other types of nuisances.

Second, the residents of 1313 NE 74th Terrace reported storm water in their basement last year. This is the only case we know of where structural flooding was reported in the immediate area. In response to the ponding and small flow concern, about a year ago or a little bit longer, the Community Services Department installed a small diameter pipe and re-graded portions of the properties with ponding concerns. It was a very theoretically sound idea but because of the velocity of water in Rock Creek, that small diameter pipe was washed down stream. The issue was also presented to the Capital Improvement Committee before that was done in order to have as much information as we could. The City contracted with Logan & Associates, an engineering firm in Liberty to prepare a report to give us some idea of the causes of water in the basement and to offer some suggestions.

The report does not actually give any concrete causes. The Council knows that the causes of water in basements is extremely varied, it implies that when Rock Creek rises to a certain level it touches the foundation and storm water could enter the open foundation drains and seep into the basement. One of the proposed solutions is the installation of a sump pump, the connection of the foundation drains and regrading to solve the ponding concern. At the same time we knew that the Storm Water Master Plan was underway and numerous conversations have been held with our project representative. Our main concern was that we did not propose anything to the Capital Improvements Committee or the Council tonight that would require removal upon installation of more long term Master Plan projects. The solution referenced in Council's packet does just that, it allows improvements but does not require anything to be removed as part of a longer term solution.

Mr. Wingerson said it made sense to break the project down into phases, one which immediately solves the ponding and small flows and flooding concerns and also does not result in installing improvements which would be removed upon the Master Plan improvements.

The first phase includes the installation of a sump pump to alleviate the flooding concern and comprehensive regrading and restoration of the property to alleviate small flow and ponding concerns. The second phase of the project which is more long term comes from the Storm Water Master Plan and the Master Plan is suggesting that the large arch pipe that is in direct proximity to the residents at 1313 NE 74th Terrace be replaced and lowered at 74th, and that a retaining wall be installed to channel that water and allow those box culverts to operate at their best efficiency. On the agenda tonight, is Resolution 99-61 which authorizes the City to accept easements from the property owners in preparation of the phase #1 improvements. Should the Council choose to move forward with phase #1, staff recommends that the presented easements be accepted and that the staff be directed to obtain change order prices for the work to be completed expeditiously. Currently we are working on obtaining those prices from contractors under contract with the City. In the event that the City Council should choose not to move forward with Change #1, no action on Resolution 99-61 should be taken and staff will obtain quotes to perform the necessary restoration based on the activities of the Community Services Department.

Mr. Wingerson reviewed the documents provided the City Council. First is Resolution 99-61. Second is the temporary construction easement from Ms. Heithoff and Mr. Dominguez, and Mr. And Mrs. Bland as well as Standard Easements from Ms. Heithoff and Mr. Dominguez. The next set of attachments is the report from Logan & Associates referenced. The next set of documents is three drawings; the first is a full retaining wall around the Heithoff residence, the second is a modified retaining wall that is shortened and provides the efficiency to the existing arch pipe, and the third is basically a grading plan which shows the location of the sump pump and the extent of the grading. The next page says Aylett Survey Company at the top and this was provided to give the Council a reference point where existing drainage easements and sanitary easements exist in relation to the location of the home. The last part of the packet is a very, very draft page from the Storm Water Master Plan and the only purpose for providing it was to show that the replacement of the arch pipe is indeed planned. This is a fluid document and is nowhere near to a point where the Capital Improvements Committee or City Council would approve it but we wanted to provide it as a reference.

Mr. Wingerson said he would be glad to answer any questions at this time.

Councilman Roger Norris said since we have spent the money on the Black & Veatch survey and their report is back now, where would this project rank in importance as far as doing it now and how critical is it.

Mr. Wingerson responded that it is very difficult to guess that. If Phase #1 of the project was to go forward after this evening's meeting then the Master Plan project would drop slightly in priority because the structural flooding concern would have been alleviated. However that being said, because this is the upper reach of Rock Creek it is traditional that improvements downstream occur before improvements upstream so that the people downstream are not adversely affected by the improved efficiency upstream. Basically, the people downstream don't get flooded if you perform those improvements first.

Councilman Norris said, so if we bring in the dirt, do the grading as Logan and Associates suggests, if there is ponding water there now and it won't be there then, guarantee him that those people downstream don't now deal with that water.

Mr. Wingerson said the ponding areas are not so much wet ponds but marsh ponds resulting in unmaintainable backyards and there is a little bit of water there but it is more of a mush pond than a wet pond. Mr. Norris said so you are trying to dry the ground out, not necessarily move water any faster. Mr. Wingerson said that is right, allow the existing ground to drain more efficiently which will allow nature to dry the soil.

Councilman Norris said in the July 22, 1999 letter from Director Wingerson to City Manager Davis it was mentioned that this is the only recorded case of structural flooding on the October 4, 1998 storm last year in this immediate area. Mr. Norris said both he and Director Wingerson can come up with people off the top of their heads who were flooded in their basements through sanitary sewer lines every time it rains in the City, what makes this project a higher priority.

Mr. Wingerson said the Capital Improvements Committee visited this project on their bus tour last year and actually ranked it as a 13 which is fairly high for the Capital Improvement Committee. They felt there was some validity to solving the concern. Sanitary sewers are a little bit different but the logic stands to reason that there are also people in town whose basements flood when it rains in addition to these people. We have tried very hard to address those over the years to keep those down to a bare minimum.

Councilman Norris said the plan that was submitted to the Capital Improvements Committee was a much larger plan and up around \$40,000 - \$45,000 which carries with it when you are talking those kinds of dollars, the implication of a much bigger problem. This could very well have led to their belief that it is 13th on their list. If that is the case, what are we doing for items 1-12.

Mr. Wingerson said he would have to go back and research Item 1-12 but he believes they are being addressed either through the Capital Improvements Plan or through the Storm Water Master Plan as much much larger issues.

Councilman Norris said the letter states that subsequently it has been determined that the construction of a retaining wall would be detrimental to the Storm Water Master Plan long term improvements for the area. That's why the project now at least easement-wise has been scaled down so dramatically. Mr. Wingerson said Black & Veatch is recommending that the bottom of the new culverts that go in be actually a foot lower than they exist today. That would require that a portion of any retaining wall that was built in the near future would have to be removed in order for that work to occur and we felt that scaling it back if we could protect the resident and still accomplish some grading for the ponding was wise so we did not have to tear up improvements that we made a short time ago.

Referencing the same letter, Councilman Norris said it is notes that the property was platted in 1975 and a building permit issued in 1990. He asked Mr. Wingerson if in his professional judgment there is a reason why this piece of property sat there without a building permit being obtained for fifteen years? Mr. Wingerson said there are numerous reasons that occurs, the first thing that would pop into his mind is that it is a difficult lot to develop.

Councilman Norris said in the Logan & Associates report and also referenced in Mr. Wingerson's letter is that the first thing that needs to happen is the installation of a sump pump on the property required in Phase 2 if not previously installed. It also says in the implementation of Phase 1, several issues require clarification, first the property owners have been asked to contribute \$750 to \$1,000 for the project. This request is based on the need to make improvements which could benefit private property. Mr. Norris said he notes that it says private property. To date the residents have not expressed a desire to partner-finance to this degree with the City. Mr. Norris said it is his understanding from talking to City Manager Davis that from discussion with Councilman Bishop he understands there is no promise or commitment to help the City. Mr. Norris said in other projects and as an example on the 76th Street project, there

was a serious financial contribution from Mr. Janecek because a lot of the improvement would be benefiting private property even though in that case all work would be done technically on City property and anything that wasn't, he had escrowed funds for it.

Councilman Norris asked why we are even considering doing work on private property for a house that was built after the storm drainage was there. And the house was built with no back windows, no back door, no exit out of the basement at all. Obviously, somebody knew the potential of a problem. Why is it now our responsibility to jump well ahead of the process that we have set out and fix this now when we have paid Black & Veatch \$410,000 for a study. Why spend the \$410,00, why not just do whatever.

Director Wingerson said it is difficult to answer that question directly and suggests that is the question before the Council tonight. He said from his perspective the logic is that with the Black & Veatch recommendation reaching a certain level of maturity where both Black & Veatch and staff are comfortable with the long term solution, it became pretty clear that a sump pump would need to be installed to perform those improvements. The reason for it is in order to make those improvements and construct the proposed retaining wall in the Master Plan, additional fill would have to be brought in. In order to bring that additional fill back in, it has to go back up next to the basement wall with no windows at 1313 NE 74th Terrace. When that occurs, it requires that the foundation drains be connected and when that occurs it institutes the use of a sump pump. So that is the logic for doing it at such time as the City goes forward with phase two storm water improvements.

Councilman Norris said he thinks he just heard that no matter what we do, eventually we are going to put a sump pump on private property to benefit one house.

Mr. Wingerson said he thinks the Storm Water Master Plan improvements benefit all of Rock Creek. And that is the difference.

Mr. Norris said as for improvements on private property, that is something we have not ventured into without a real tight agreement and without financial contributions being made from both sides - the City and the private property owner. That is not the way we have done things at any time since he has been a member of the City Council, there has always been an agreement or it sits. He remembers that on the 57th & Grand when we could not obtain easements, the property was re-evaluated and the moneys reappropriated. Yes, it was revisited a couple of years later to finally get the agreements made.

Mr. Wingerson said that is correct.

Councilman Norris asked then why we are even discussing making improvements on private property.

Mr. Wingerson said he thinks it was recommended by the Capital Improvement Committee that a project be designed to solve it. It has evolved. The original project and we provided that as background data, certainly was different than what is being

discussed here tonight. The logic from his perspective was that if we are going to install a sump pump on Phase 2 Master Plan Improvements and we can provide some solution in the short term, then at least it warrants discussion as a matter for the City Council.

Councilman Nodler said he had a question concerning the foundation drain. If the City required at the time of the building that there be no openings in the basement and now the foundation drains permit the water to come in, what was the point of having no windows or doors if you have foundation drains that permit the water to come in.

Mr. Wingerson said we have tried to piece that together up to 1999 to try to find out exactly what did happen. The property owners have told the Capital Improvements Committee and perhaps the City Council, that the City did not allow installation of additional dirt. He said there could be some very, very sound reasons for that. One impacting the capacity of Rock Creek and the other requiring that the foundation drains then be installed in the easement. He said the plot plan from the time of the building permit application shows the corner of the house at about 7" from the easement line, so any extension of the foundation drains would have allowed the foundation drains to extend into the easement so that could have been another reason. We cannot piece that together accurately but we believe it was the City that said there were no windows or doors in the construction of that home at least to an elevation of 948. That elevation is referenced throughout all the documents in Council's packet tonight.

Mr. Nodler said so now we are being asked to put a sump pump in to alleviate the problem of foundation drains which should not have been put in anyway according to the agreement that they not put in any openings to their basement. Wouldn't those foundation drains be in violation. Mr. Wingerson said sound construction practices because of the proximity of Rock Creek and the proximity of the large arch pipe within 16 - 17' of the home, would certainly have suggested in today's construction industry the installation of a sump pump.

Mr. Nodler also questioned how many people attended the Black & Veatch Storm Water Meeting we held and how many individuals sent in questionnaires to Black & Veatch complaining of water problems. Mr. Wingerson responded 160 individuals attended the meetings and about 3,000 returned questionnaires. Mr. Nodler asked if all are a part of the comprehensive plan that will be presented. Mr. Wingerson said many are and there will be a subsequent strategy to deal with those that aren't.

Mr. Nodler asked out of the 3,000 returned questionnaires, where they would rank this particular case as far as a priority. Mr. Wingerson said he cannot answer that because he has not asked Black & Veatch that question.

Ms. Newsom asked other than prioritizing by starting downstream and working up, are there other priorities for jumping that normal phasing.

Mr. Wingerson said the larger projects in the Storm Water Master Plan are based on a prioritization that is based on frequency of flooding in the structures, the number of structures affected normally during a flood, the extent of erosion. All of those normal

things that the Capital Improvements Committee has looked at basically since its inception. So it is based on a variation of that. It is much more sophisticated with the professionalism of Black & Veatch guiding it, but it is the same general premise. Construction scheduling is a different matter that impacts the prioritization but does not directly influence where it ranks unless it is directly tied to a higher priority project. The project in the Master Plan currently, in the event that the Council would agree to do the phase 1 improvements, would rank in the lower third of the 45 projects.

Mr. Nodler asked how many times this individual's home has been flooded in the last 7 or 8 years. Mr. Wingerson said they may want to address that but he believes once for sure but maybe twice. Mr. Nodler said once or twice in 8 or 9 years? He said he wonders how many Gladstone residents have had water in their basement more than once or twice in 8 or 9 years.

Ms. Newsom said in Mr. Wingerson's memo it states that an insurance claim was filed against the City's insurance carrier from the October 4th storm and the insurance claim was denied. Why? Mr. Wingerson said he does not know the details, his guess would be that the insurance company considered it an act of God and an event that the City could not foresee. Ms. Newsom asked if there is not certain criteria set up by the insurance carrier as far as personal responsibility, acts of God, etc. Mr. Wingerson said there are guidelines as far as the City's responsibility but he is not sure there are guidelines for private property owner responsibility.

Ms. Newsom said so the decision from the insurance company was based on fact and existing criteria and not arbitrary or capricious. Mr. Wingerson said he is not qualified to answer that, he does not know how the insurance was claimed or the documentation provided but his guess would be that certainly the insurance company considered it and based it on that consideration.

Mr. Nodler asked if our insurance carrier paid off on any claims as a result of that storm. Mr. Wingerson said, yes.

Assistant City Manager Laura Gay said she does not know the specific criteria the insurance company uses in each of those cases but they collect the information we have on existing drainage easements and certainly they evaluate the magnitude of the storm event and those factors in evaluating the claim.

Councilman Dan Bishop said that some of the questions that Councilman Norris raised cause him to remember how this started because he was on the Capital Improvements Program Committee at the time this situation came forth. He thinks, like Director Wingerson suggested, there is a ranking system that the Capital Improvements Committee has to consider projects that are submitted to them and he was on that bus tour when they first looked at the property at 1313 NE 74th Terrace. He said frankly he went back and looked last week where the Committee ranked it and it was actually ranked higher than he recalled, and it seems to him that it was above half and maybe in the top third. He admits the Committee as a whole ranked the project higher than he personally ranked it but the thing that struck him about some of the projects that were ranked above it was that the first one was N Walrond over in Meadowbrook North

which is a situation where a storm water system under the street has become inadequate, therefore the stormwater drains over the street and basically runs from yard to yard and getting wider as time goes on. Obviously, that is a major project that would take some major funding options to address. It seemed like this project was one that was within the scope of what could possibly be addressed with existing funding possibilities and based on the Board's ranking of it, he believes staff decided it would be a project to attempt to accomplish. He asked if that is true. Mr. Wingerson said, yes.

Mr. Bishop said in terms of why is this jumping so far ahead, he admits that he first thought that when the Storm Water Master Plan study was undertaken that all storm drainage projects were going to be put on hold and stopped flat out and then when the Master Plan was done, start back up. He had to be instructed by Mr. Wingerson that that was not true that there were certain storm water projects that had been prioritized under the CIP Board's structure that were going to be done and he thinks we have had a couple of those that have come before the Council. He remembers Mr. McDaniel on N Flora and that is not a situation where his structure is invaded by water but an erosion situation on the west side of Flora at 64th. He also recalls Mrs. Beck on Pursell Road coming to us and that too was an erosion problem, although he hates to minimize it because to a person who is losing their yard that is serious. As Mr. Wingerson advised at that time, the only criteria staff was using on these smaller scope projects was to make sure they did not conflict with the overall Black & Veatch Master Plan. He asked if he is correct in understanding that is how we got to this point.

Mr. Wingerson said the intent of the Committee was certainly to help as many people as we could in the short term while we were waiting for the results of the Master Plan. That has consistently been the Committee's, and he believes the full Council's, stance to do that.

Mr. Bishop said, and there was no criteria set out that those projects must all be situations where the houses were actually flooded because there are some erosion projects that are being addressed as well. Mr. Wingerson said he does not recall the Committee exactly saying that but certainly there are some projects that are not structural flooding on the list.

Councilman Norris said some of those projects that have come through have been in the pipe for a lot longer and have gotten to the point where many of them have been engineered and some funding before the overall master plan was even started.

Mr. Wingerson said that is correct and said an example would be 61st & Olive where there is a pipe failure that we have been working on for several years and just now have the opportunity to build with the cooperation of the residents.

Mr. Bishop said, but that is not to say that this project had not begun its way through the process before the master plan study began.

Ms. Newsom said she understands that rather than a formal bidding process this is a change order to an existing bid and questions what it does to us financially. Is it the

best way to get the best price or are we better off to do a big project. She said we have spent a lot of money on the study and are going to come up with 45 projects to deal with and must come up with the most financially expeditious and prudent way to spend our funds. Change Orders usually get to us financially, as example the project at 72nd & N Troost sewer collapse emergency. When you have an emergency you have to deal with it, that is where a change order comes in; or you have a change order because of construction and you have something like asbestos that you have to deal with. She questions if a change order is the most financially prudent way to deal with this.

Mr. Wingerson said they looked at that from three different perspectives. One would be if you were to install the improvements being discussed tonight as part of the Master Plan certainly there would be a little bit less expense because of the unit quantities of that reach of Rock Creek, so the dirt and clearing would be less, etc. The sump pump would be pretty consistent regardless. The second way they looked at it was to bid it as a project by itself. The downfall to that would be the new mobilization charge that you would have pay if it was a project by itself. The amount of money we are talking about, although very significant is pretty small for most of the contractors who work for the City at this time, so we felt it would be more expensive to bid it than to look at it as a change order. For the change order, we will attempt to our best capability to use the unit prices from whatever contract is change ordered. For example, it might be Hamilton Heights. If there is a unit quantity for dirt we will ask them to stay as close to that as possible. And the sump pump again is a separate issue that no one is going to have unit prices on.

Mr. Wingerson said he believes that in this instance, if the Council desires to go forward in the short term, a change order is the best way to approach it.

Mayor Art Hammen asked Mr. Wingerson if he would agree that the storm water structure that is underneath the road to the south of this property was designed properly or any reason to believe it was not designed properly. Mr. Wingerson said no.

The Mayor asked if the City has caused any change upstream or downstream that would adversely impact this property. Mr. Wingerson said there are two potential impacts. One would be the water storage tank at Oak Grove Park and the second would be Oak Lane Townhomes, however they have installed detention that exceeds the City's requirements so the flows through Rock Creek are marginally reduced by the creation of that development and the holding of storm water. The Mayor said, so that would not adversely impact this project. Mr. Wingerson agreed.

The Mayor said the City's policy as far as he knows is that if there is a problem and there is an existing easement, the City normally assumes responsibility in the easement, but if there is no easement doesn't the City normally look at that as a private property issue. Mr. Wingerson said yes, very often.

Mayor Hammen asked what the City proposed in discussions with the property owner as far as remediating this particular problem at least on an interim basis until the permanent long term plan can be implemented.

Mr. Wingerson said there has been a lot of discussion with the property owners. The latest revolved around the issues that were discussed tonight and focused on the grading and the restoration, the resolution of the ponding concerns, and a way to deal with the small flows through Rock Creek. They also talked about the installation of a sump pump and he tried to explain the benefits of an interior sump pump to combat some of the other possibilities of basement flooding, mainly groundwater. The owners really did not have any interest in the installation of an interior sump pump. That brings us to the suggestion that an exterior sump pump would be appropriate in a water type pit really to relieve the pressure on the foundation drains.

The Mayor said, so the suggestion was that the City would perform the grading within the easement and perhaps even on some private property if we have temporary easement granted for that and as a part of that project the property owner would install the sump pump. Mr. Wingerson responded not exactly, he discussed with the property owner potential contribution for costs incurred for the grading necessary for the installation of a sump pump. The Mayor asked the result of that discussion. Mr. Wingerson said in his discussion with them, they declined to contribute.

Councilman Bishop asked to clarify that at this time the proposal is not to go ahead and do the final recommendations of the Storm Water Master Plan, but an intermediate step that won't negatively impact the final implementation of the project. Mr. Wingerson said yes, that is the Phase #1 improvement.

Mayor Hammen said he would depart from normal procedure and invite the property owners to come forward and make any comments.

Andrew Dominguez, 1313 NE 74th Terrace, introduced himself and his wife Amy Heithoff. Mr. Dominguez said to address just a few historical points made, the plat of the property was in 1975 and when he purchased the property, their real estate agent advised that the developer kept the last property for his son in Arizona and when he turned of age he put it on the market which is when they purchased it. So it had only been on the market for about a month. When they started to build they had concerns about the creek and spoke with the then City Engineer who advised that according to engineering studies, there was no reason that they would have to worry about the creek ever touching their home as long as it was built within certain specifications and they still have those original building designs from Frank Amberson. Mr. Dominguez said they still however, had some concerns and it was their decision as well to not put any windows or walk-out as well for safety reasons. At the time he and his wife were engaged and she was living in the home by herself and neither wanted any kind of additional outlets from the basement. They still had a concern about the creek and asked their builder, Frank Amberson if he would consider bringing in additional dirt to raise the property up from the foundation approximately 5'. That was their suggestion and just a number which they threw out at random. He brought in approximately a couple of feet of dirt back there and when the City Building Inspector went to the property, they were immediately advised that in order to get occupancy of the home, that amount of dirt would have to be removed completely even though it was on their property not on easement property.

Mr. Dominguez said they went along with that. Had they not been as young and naïve back then they might have gone to the Building Inspector's immediate Manager and had their builder continue on with the project.

On the issue of how many times they have been flooded, Mr. Dominguez said it has only been twice. They are extremely proud of their home and welcome a visit and you will see they very much maintain it. They are always very concerned about the quality of homes they sometimes see in Gladstone and are very cognizant about how important the exterior and interior of their home looks. Their home has only been flooded twice. As far as why they won't build a sump pump inside the home, they have not been flooded out before and feel that Mr. Amberson built them a very strong, durable, home. It has only been a problem when the waters come from other subdivisions enter into Jamestown and water level hits their foundation. So it is only the exterior waters coming from other neighborhoods that it becomes an issue within Jamestown where we have that creek that becomes a river. They have brought photos in before of what that river looks like and they showed them to the Capital Improvements Committee and they were very concerned when they saw that. They have been working very well with the City of Gladstone in trying to address the issues they have back there. He said Jerry Menefee did propose what they thought was a way to alleviate some of the problems. Not knowing exactly what that would involve they went on ahead and allowed him to do the project which Scott Wingerson made reference to with the pipe, but it really did not resolve anything at all. All it did was spread the waters further out when we had any kind of rain and of course the pipe eventually disappeared within a year. So they have been very willing to work with the City on addressing some of these issues.

Mr. Dominguez said they first approached the CIP Committee about five years ago and prior to that they always called the City inquiring about the safety of the back creek. They have no children but if they did he would be very concerned about the safety features that are back there. Regardless of whether or not they are getting water in their basement you really have to look beyond whether or not they have water in there, but what kind of quality neighborhood we are providing for the children in Jamestown and the children of Gladstone. Children just love to go to creek areas, it is a magnet to them and that can be a tragedy waiting to happen. One of the reasons why their neighbor right next to them is moving out is because he can't really trust having his child play out there.

Aside from just the safety issues, he knows the City is looking at some of the larger, long scale projects because they met with Scott Wingerson and the Black & Veatch representative in their home. They shared with them the current plan before the Council. They shared a more comprehensive retaining wall a couple of months ago and they had some concerns about the costs and thought perhaps it was excessive for what they needed. All along he and his wife have always indicated that all they want is for the City to acknowledge that they should have allowed them to have done something when they built their home. At that time the City said no, so it became the City's responsibility to maintain that area so they have been waiting for the City to do something and nothing has been done.

Mr. Dominguez said they did file an insurance claim. He said the insurance company will provide a copy of their letter which says it was denied because the reason they had flooding in their basement was because of sewer backup. He said he and his wife are adamant that it was not sewer backup, but water that came from the expanding creek in the back. In light of the fact that they had been working with Laura Gay, Kirk Davis and Scott Wingerson in good faith, they decided that rather than pursue it and appeal the denial as they were told they could, they would try to alleviate the problem at hand which was the water coming into their home.

Amy Heithoff said there were also significant costs that were incurred because it is not just their home but also the place of her business which is almost a half million dollar business and she pays Gladstone City taxes for that.

Ms. Heithoff said the flooding means she and Andy are off work to deal with the flooding in the basement, but not just dealing with flooding but business as well. They have been going at this for nine years, not just last year. She said you have seen us a lot this last year, but it has been a concern for nine years.

So, yes, there is merit in helping with one house in Gladstone just like there is merit in tearing down one house on 72nd Street. So your rationale, Roger and George, is that I don't see any merit in that at all. We have come to you numerous times, we have been very patient, we have all the facts in order, the City is willing to help and we would encourage you to consider our project.

Mayor Hammen asked if Council had any questions for Ms. Heithoff or Mr. Dominguez.

Councilman Norris commented that generally when temporary easements and permanent easements are brought to the City they are in order. Everything is not in order here. Because of where your property is, it fell into a bigger scope at the top of the creek, and that is not where we start fixing problems. There were a lot of people at those stormwater meetings, he made it to the second one. There were probably 120 people there. And several have water every time it rains. There is one member of this committee sitting here now whose sump pump goes crazy every time it rains because his garage and basement floods every time it rains. It's his house, there is a hill, the City did not build the hill.

Mr. Norris said in his opinion, just his opinion, in this particular case, because it is addressed in that stormwater issue and because we have only so much money and the citizens of Gladstone have entrusted us to spend that money he wants to know the answer to two questions from his colleagues. How does he go to the two-thirds of the people that this doesn't rank in front of and explain to them why the next time it rains, they are still getting water. He wants to know the answer to that. He does not know what to tell them. And then on the other side of it, I don't want to have to look out at this crowd and say I spent \$400,000 of your dollars and then disregarded it. This Councilman isn't going to do that. I don't care if everyone in this room hates my guts. I could care less. I am here to do a job and I will do it. Thank you.

Mayor Hammen asked if there were any other comments or questions. Being none, he said he would make a couple of comments. He wanted to address first of all the comment made when Ms. Heithoff and Mr. Dominguez built the house and wanted to add some fill in the back. He referred to the memo a copy of which can be provided to Ms. Heithoff and Mr. Dominguez if they don't have one. In part that memorandum states that any additional fill brought in at the time of construction could have impacted the capacity of the Rock Creek channel and would increase the likelihood of stormwater entering the open foundation drains. It goes on to list other reasons why that request was denied. The questions he has for Ms. Heithoff and Mr. Dominguez are that you have made an impassioned plea, and he doesn't deny that anyone up here doesn't empathize with you. All of us, or most of us at one time or another have had a stormwater problem. What he doesn't understand is that the City has offered to accelerate at least an intermediate solution to your problem beyond what the Black and Veatch study is recommending. In return for your cooperation, and partnering with the City to pay for some of the private property issues, it is his understanding that you are not willing to do that. Why.

Ms. Heithoff stated there were several reasons. Number one, the fact that the insurance claim was denied. It was well over \$2,000 that was lost of business items, computer reference documents, reference books needed for her company, filing cabinets, carpet, cleaning, not to mention time off work. That was all denied, and she thinks it was done arbitrarily; no one came out to look, it was just denied. The other essential fact here that we cannot get people to understand is that we don't have a water problem with our foundation. Our house is fine. We would not have a problem if not for the City's water that is intruding on our private property. Had the City taken care of the creek like they should have, it would not have gone out of its banks in the first place and stretched from where she was standing to where Mr. Bishop is sitting to hit their house. So you can see, if the City had done their job in taking care of their property we would not have a problem. On the two occasions where the City water came up its banks, crept over their yard and hit their foundation, she thinks proves the fact of where the problem lies. She said they have had a number of expenses that have not been reimbursed and a lot of just aggravation, a lot of time spent, a lot of time away from her company that they feel they would not have had, if the City had taken care of the problem.

Mayor Hammen stated it is obvious that we do not agree on the source of the problem. But as one business owner to another, is it more important to stand on principle or is it more important to protect your business. It seems to him at this point, it is more important for them to stand on principle, even if it means losing their business.

Mr. Dominguez stated that he is not the business owner, his wife is. He does not know if they can readily answer that question. We are starting to get into the question of ethics and philosophy and doesn't know if he can address that or if his wife can. He stated the whole issue we have here, Mr. Mayor, is that we have incurred costs; there was an additional yard situation that hasn't been made reference to during the flood. A tree was dangerously leaning over into another neighbor's property; they asked the City if it was an easement property, would they remove it, which they did. He didn't expect them to bring in a backhoe to remove a tree which totally destroyed the north end of the

property, the lawn. You can asked Public Safety Director Bill Adamo. He went over to him and apologized to him that he actually had to see that; it was quite an eyesore for a long time. He never called Laura Gay to ask when they would come over there to maintain the property like they said they were going to. He took care of it himself. He seeded the property. He doesn't know what the water bills were, but he used additional water to grow seed in that area. He didn't touch the back portion because Jerry Menefee kept saying they would do some more improvements back there. But he did take care of the front.

The other thing Mr. Dominguez said he wanted to point out was that when the City did contract with Mr. Chuck Logan, one of the first things he said when he came out to the back was that he couldn't believe this was still a problem. Mr. Dominguez said that was quite an eye-opening comment from him. Asking what he meant, he said the City of Gladstone has known for a long time they should have done something about this. He was a former City employee or contracted by the City and this should have been addressed a long, long time ago. Mr. Dominguez said unfortunately this falls upon your shoulders because it seems like there is a legacy we are dealing with here. He said we come before you as representatives to make a decision on this. As far as the issue of a business and principle, Mr. Dominguez said he is not sure what or how we expect them to answer the question. He asked, how would you answer it.

Mayor Hammen commented to Mr. Dominguez that it seems to him that he is hearing that it is more important that the taxpayers foot the bill to correct their problem than to protect the continuing business that he and Ms. Heithoff have. Your concern is of disruption of business, loss of records, equipment and so forth. That is the way it comes across.

Mr. Dominguez replied that it is a disruption of their lives. Yes, his wife has a business down there; it is a complete disruption of their lives, and if you have had flooding you know what they mean by that. It is not exactly the most pleasant experience to come home to every day. They have learned to live with that. And when people say you are fools, why in the hell did you build there, and somebody from the City has told them that before, his response is the City told them it was okay to build. Maybe in hindsight, 20-20 vision as a 40-year old versus a 30-year old, he probably wouldn't build there today. But he believed in the City that when they gave them the permit that there would be some integrity in the maintenance of the property back there and he wouldn't have to worry about it becoming an issue, because it wasn't until last Summer. The other issue is when they go on vacation, when he is at work, in the back of his mind is what is it doing in my back yard. Living with that is unpleasant and he would not wish that upon anyone.

Ms. Heithoff stated that kind of summarizes it too, it has been such an aggravation, such a consuming situation. She said you all know, you have heard from us many times, Scott is like the next door neighbor. Laura knows, I'm sure we are known by our first names, we are not strangers to this whole thing. It has been extremely, extremely aggravating. The real angry part, ironic part, is that it doesn't have to be this way. It is the lack of control of the creek on City property that causes all their problems.

Addressing the Mayor she said, so yes if you say I live by principles, I do Art, I do live by principles and I will continue to.

Mr. Dominguez then addressed the Council on why they expect the citizens of Gladstone to pay for their problem. He stated that he does not have children, neither does his wife. But whenever there is a referendum out there to support taxes for the North Kansas City School District, they are the first to say we need to pay these taxes.

Mayor Hammen asked what that has to do with the City of Gladstone.

Mr. Dominguez said the whole point is that as taxpayers we need to support each other. That is it. It is not just about them, it is about the other lady right here who has a problem. It is about all of us. It is not just Amy and I. It is about the neighbor next door who has kids in school that I don't have and I am willing to support them. That is what it is all about. And if the City says we can't afford this kind of expenditure and if we ever have an emergency back there, can you say you can't afford the safety of one child. What is that value, what is that cost to the City. What is the death of one child in Jamestown to the City. Is it \$30,000, is it a million dollars, I don't know. But those are the questions you all have to sleep with, I don't. And it is a tough question.

Councilman Norris stated that they do deal with that. Because they do deal with that and look at it that way, there are two-thirds of the projects in front of yours. Because we do care about the kids and we do care about the safety and the property, whether it is homes or not. The fact of the matter is, the creek and the drainage pipe were there when you got the building permit. The City didn't tell you that you could build, the City didn't tell you that you couldn't build, it wasn't that you should or could. It is an R-1 platted zone, you pretty much do what you want. You had to follow specific guidelines, so someone knew there was going to be water there, there are no doors and no windows. That's why, that's why there is even the discussion here tonight. Mr. Norris said he thinks the staff has bent over backwards to do everything in its power to bring this issue to us and explain it to us every way you can, inside, outside and upside down. The fact still remains there are still two-thirds of the projects in that Master Plan ahead of yours in priority. That is really...

Ms. Heithoff interjected, so e the next time we get flooded, your insurance company will cover our costs. We won't be denied. You either have to give us that assurance or we have to take you to court, Councilman Norris.

Councilman Norris replied, well then, I suggest you do that.

Mr. Dominguez then stated that he thinks it is unfortunate that we have to suggest any kind of legal issues or anything like that when we can really resolve this among us.

Councilman Norris answered, we will in time, sir.

Councilman Newsom asked the Mayor for a couple of clarifications. She said a building permit is just that. It gives you the permission to build on your property within accepted standards that the City has adopted. With their building codes. It does not provide

assurance against acts of God or anything else, that an airplane wing can't fall off. It does not give that kind of protection. There was a case quoted in the news about a place in California where people have built on a very scenic hillside. They had days and days of rain and they had a minor earth tremor. Those two things happening together, made six houses slide down the valley. They had sued the city and their claims were denied because, again they were given the permission to build within accepted standards, but certain acts of God did not help that situation out at that point in time.

The reference that the water is on the City's property, when water does not stay on City property, it is not City property, it is your property in which the City holds an easement trying to maintain the water on that property. So it is not City property, it's yours, you pay taxes on it, maintain it, just like I do the stuff in back of my house in my stormwater easement.

Whenever a child should lose their life due to some accident, it is tragic, or if anyone loses their life prematurely, it is surely tragic. Ms. Newsom said when there are storms for several hours the little girl across the street is not allowed out of the house because she wants go play in the storm drain just below my house. It is quite an attractive place to play. They love to watch the water rush out, they like to dangle their feet in it, but don't realize it is five to seven feet deep depending on where you are. There has to be some point of parental responsibility and people teaching their children what is proper and what is not proper.

Ms. Newsom stated she would like to be able to mandate something so kids would not be put at risk. State and federal laws have been passed about seat belts and all kinds of safety requirements, but when she sees people pick up their children at summer school, put two in the front seat without seat belts, it makes her sick. A parent came the other day and picked up six little girls and put them in the back of an open pick-up truck. They all thought it was great fun and headed towards the highway. She felt weak at the knees because she felt this was not safe, not good. We cannot mandate parental responsibility, but parents can take responsibility for their children and for their property.

Just addressing those two issues, Ms. Newsom stated she would never do anything to create a hazard for a child. But we sit up here and have to look at the big picture of the entire City and that is what they are doing tonight.

Mr. Dominguez said on the issue of whose water is it. When you look at that design of that drainage area, the City allowed the water to come into the subdivision to the north, there is water coming from Troost, Oak Grove area and the new subdivision going in. So these are areas which the City has knowingly allowed the development to occur historically. Which brings us to where we are today. Whose water is it. Well, Mr. Norris had a good comment, maybe we can get God to turn off the water some day.

Ms. Newsom stated that water goes from Kansas City through Gladstone and through Kansas City.

Mr. Dominguez said the water is all over and as far as making reference to what is happening in other cities, on the Kansas side the City of Merriam bought out the homeowners. He is not asking Council to buy them out, but that is something that the city proactively did. They saw they could not do anything more for these neighbors and recognizing the kinds of deficit these people had, they were willing to go in and meet them on that. Thank you very much for your time.

Councilman Bishop stated he had a couple more things to say. Councilman Nodler raises the point that if we do this project, what do we tell the other homeowners in Gladstone who are getting water in their homes more often, maybe get water every time. How do we tell them, what do we tell them. But the point is we are currently doing projects that came through the CIP Board. As he discussed earlier, there are erosion projects and what do you tell the homeowners who get water in their homes. We are doing these erosion projects now, yours are just going to have to wait a while longer. The reality is there are certain projects that are in the pike that are being done. Councilman Norris says he has a problem with disregarding the report. He supposes to the extent it's not doing them in the order of priority that is true. It's not disregarding the report in that it's doing something that is contrary to the report but it is an intermediate step.

Councilman Bishop stated he tends to support this resolution because he was on the CIP Board when this first came forward and it was ranked high by the CIP Board. It has started through the CIP Board.

Mr. Bishop then asked Scott Wingerson if money was allocated for it. (Mr. Wingerson nodded, yes.)

Mr. Bishop said at the time that money was allocated by the CIP Board, he does not think there was any discussion at that point of having the homeowners contribute financially to the resolution. This is something that has come along after.

Councilman Bishop then spoke to Amy Heithoff and Andy Dominguez and said he does not know what will happen when the vote is taken up here. The sense he is getting, and he is new to the Council, is that if you are not willing to help with improvements on the private property he does not think it is going to go, but he could be wrong.

Ms. Heithoff stated that they are willing to help up to a degree. But they also have had a lot of their expenses that were not reimbursed. So maybe that claim needs to be looked at again. The part that they were looking at doing was connecting the drain pipes, which was going to be a total of about \$100.00 and that was something they took on themselves. It has only been recently, less than a week that they had anyone bring up money that they were going to have to pay. It is clearly not their fault. It is not a fault in their house or they would have water more.

Councilman Bishop told Ms. Heithoff that the point the Mayor is making is that the option being presented tonight in a certain sense is, are you willing to chip in here to bring an intermediate resolution to this.

Ms. Heithoff replied, up to \$100.00 yes.

Councilman Bishop remarked that he does not think that is going to get it done. So the point is are you willing to chip in to something more in line with staff recommendations.

Ms. Heithoff responded, no, they are not.

Councilman Norris called for the question.

Councilman Newsom clarified that action had already been taken on the previous motion to place Resolution 99-61 on the table for discussion.

Councilman Roger Norris moved to adopt **Resolution 99-61, authorizing acceptance of Temporary and Permanent Easements from property owners in conjunction with the 1313 NE 74th Terrace Drainage Improvements. (Project #9970);** Councilman Anita Newsom seconded.

The Mayor asked if there was further discussion. Councilman Newsom said discussion had taken place for her part. Councilman Norris agreed.

Hearing no further discussion, Mayor Hammen called for the vote:

The vote on adoption of Resolution R-99-61: Mr. Bishop "Aye"; "No" - Mr. Norris, Mr. Nodler, Ms. Newsom, Mayor Hammen. (1-4).

Mayor Hammen advised this resolution was defeated.

Item 10. on the Agenda. **FIRST READING BILL 99-26**, approving the Final Plat of **"REPLAT OF LOT 31, EVANSTON PLACE"**, 3406 NE 57th Terrace. Applicant/Owner: Margaret Ferrell. (File #1097)

Councilman Norris moved to place Bill 99-26 on First Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. The Clerk read the Bill.

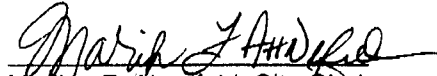
Staff confirmed for Councilman Norris that everything was in order as far as the plat and Mr. Norris noted that the Planning Commission had recommended approval by a vote of 7-0.

Councilman Norris moved to accept the First Reading of Bill 99-26, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

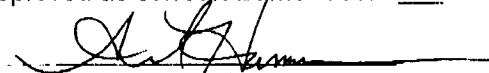
Councilman Norris moved to accept the Second and Final Reading of Bill 99-26 and enact the Bill as Ordinance 3.716; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

There being no further business to come before the July 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, AUGUST 9, 1999**

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 26, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Recognizing the "100th Anniversary Year of the Veteran's of Foreign Wars of the United States" in connection with the VFW National Convention in Kansas City, Missouri on August 14th through August 20th, 1999. Sponsor: Gladstone VFW Post #10906 and VFW Ladies Auxiliary.
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-62, authorizing the purchase of (51) American Body Armor Brand Ballistic Vests for a total purchase amount of \$21,672.45 from the General Fund. Funding source: 1999 Federal Local Law Enforcement Block Grants

RESOLUTION NO. R-99-63, accepting streets constructed to serve in Oak Lane Townhomes Subdivision for city maintenance.

RESOLUTION NO. R-99-65, authorizing the City Manager to provide a two year notice to companies engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of Gladstone, Missouri, of the City's intent to provide solid waste collection services to Gladstone residents, pursuant to RSMo 260.247.

RESOLUTION NO. R-99-66, authorizing the City Manager to execute a Letter Agreement between the City of Kansas City, Missouri and the City of Gladstone, Missouri for the disposal of lime sludge for an annual payment of \$68,500.00.

RESOLUTION NO. R-99-67, authorizing acceptance of work under contract with Industrial Excavating & Equipment for the 705 NE 67th Street Drainage Improvement Project and authorizing final payment in the amount of \$1,907.36 from the Capital Improvements Sales Tax Fund. Grand Total Contract: \$95,367.98 (Project #9613)

RESOLUTION NO. R-99-68, authorizing issuance of a Massagist Business Permit to Elizabeth C. Halstead for a period of one year pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak.

RESOLUTION NO. R-99-69, authorizing issuance of a Massagist Business Permit to Sharon E. Tyrrell, Massage Therapist, for a period of one year pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak.

APPROVAL OF FINANCIAL REPORTS FOR MONTH OF JUNE, 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 shell for tenant finish at 6449 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: Bradley Real Estate (BP 99-0572)
10. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of 8,010 sq. ft space at 6449 N Prospect for Fashion Bug. Applicant: Charming Shopping, Inc. Owner: Bradley Real Estate. (BP 99-0573)
11. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property at **6306 N Prospect**. Owner/applicant: Karen Kalmus (File #1086)
(Continued from the July 12, 1999 City Council Meeting).
- 11a. **FIRST READING BILL 99-28**, granting a Special Use Permit subject to certain conditions to Karen Kay Kalmus for operation of **Travel Agency Accounting Services, Inc.** on residentially zoned property at 6306 N Prospect. (File #1086)
12. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property at **6308 N Prospect**. Owner/applicant: Laura Luzicka Reinschmidt. (File #1087)
(Continued from the July 12, 1999 City Council Meeting).
- 12a. **FIRST READING BILL 99-29**, granting a Special Use Permit subject to certain conditions to Laura Luzicka Reinschmidt for operation of **Ballet North** on residentially zoned property at 6308 N Prospect. (File #1087)
13. **FIRST READING BILL 99-30**, an annual ordinance reestablishing a procedure to Disclose Potential Conflicts of Interest and Substantial Interests for certain Gladstone Municipal Officials pursuant to the State of Missouri "Ethics Law".
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 9, 1999

Mayor Art Hammen called the Regular August 9, 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 George Nodler

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor Nancy Thompson
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Dan Bishop

Item 3. on the Agenda. Pledge of Allegiance.

Members of Gladstone VFW Post #10906 led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Regular July 26, 1999, City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular July 26, 1999 City Council Meeting Minutes as written. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Item 4a. on the Agenda. PROCLAMATION

Mayor Art Hammen read a Proclamation recognizing the "100th Anniversary Year of the Veteran's of Foreign Wars of the United States" in connection with the VFW National Convention in Kansas City, Missouri on August 14th through August 20th, 1999. Post Commander Roger Kohrs, Gladstone VFW Post #10906, accepted the Proclamation and thanked the Mayor on behalf of the organization.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-62**, authorizing the purchase of (51) American Body Armor Brand Ballistic Vests for a total purchase amount of \$21,672.45 from the General Fund. Funding source: 1999 Federal Local Law Enforcement Block Grants. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-63**, accepting streets constructed to serve Oak Lane Townhomes Subdivision for city maintenance. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-65**, authorizing the City Manager to provide a two year notice to companies engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of Gladstone, Missouri, of the City's intent to provide solid waste collection services to Gladstone residents, pursuant to RSMo 260.247. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-66**, authorizing the City Manager to execute a Letter Agreement between the City of Kansas City, Missouri and the City of Gladstone, Missouri for the disposal of lime sludge for an annual payment of \$68,500.00. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-67**, authorizing acceptance of work under contract with Industrial Excavating & Equipment for the 705 NE 67th Street Drainage Improvement Project and authorizing final payment in the amount of \$1,907.36 from the General Fund. Grand Total Contract: \$95,367.98 (Project #9613) Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-68**, authorizing issuance of a Massagist Business Permit to Elizabeth C. Halstead for a period of one year pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-69**, authorizing issuance of a Massagist Business Permit to Sharon E. Tyrrell, Massage Therapist, for a period of one year

pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak. Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Councilman George Nodler moved for **APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF JUNE, 1999.** Councilman Roger Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

REGULAR AGENDA

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

James Gilham, 4100 NE 62nd Terrace, addressed the City Council on the need for a Stop Sign at 62nd Terrace & N Jackson. He advised that Community Development Employee Dave Reyburn had placed a counter at the intersection of 62nd Terrace & N Jackson for a 24 hr. period and the results were: 549 cars going southbound and over 600 cars going northbound. On 62nd Street there were 132 cars in that period. So far there have been two accidents that he is aware of at this location. He asked that the City look at this need. He mows a yard at 62nd Terrace & N Jackson and observes a number of cars going eastbound on 62nd Street and the drivers do not slow down or look left or right to see if there are cars coming. The City of Kansas City has placed a stop sign for westbound on 62nd Terrace.

City Manager Davis advised that staff is presently reviewing this request and will be looking at the traffic counts because we want to ensure we are in compliance with the Uniform Traffic Code.

John Woody, 7201 N Woodland, told the City Council he commends them for enacting a City Code regulating soliciting and although he has a No Solicitors sign on his door right at eye level as you approach the door, he was still left a door hanger by the United Standard Environmental Company along with a plastic water bottle. The door hanger invites residents to fill the bottle with tap water and leave it on the door for the company's pickup for water testing. Mr. Woody said he thinks this is a solicitation to do testing of water that he thinks is clearly a scam. He said from conversation with the City Clerk he thought solicitation permits were approved by the City Council and that is why he is here this evening. This company's name (United Standard Environmental Company) makes it sound like a government agency or the health department who is doing the water sampling which is very misleading, and he told the City Council he hopes they would not sanction such a solicitation.

Mayor Hammen responded that the City Council has not as a body sanctioned this solicitation.

City Clerk Marilyn Ahnefeld advised she did have conversation with Mr. Woody and apologized if he thought she indicated that all solicitation permits come before the City Council for approval. She advised that the ordinance regulating door to door solicitations enacted by the City Council last year established a permit process whereby applicants pay a fee, file an application which is reviewed by Public Safety, and if approved, each solicitor is issued a permit badge which must be worn and visible to the resident. She acknowledged that this

company did request an application and had provided a copy of their door hanger at her request, because she had wanted to ensure there was no implication that the City of Gladstone was doing water testing. Ms. Ahnefeld said she will check with Public Safety to determine if the company did in fact file their completed application and receive a solicitor's permit.

City Counselor Nancy Thompson advised it may be possible that this company may not need a solicitation permit because to hang something on someone's door or place something in or around the door is not against our solicitation ordinance. The ordinance prohibits knocking on a door or making contact with someone at the home.

Mayor Pro Tem Newsom said she thought they could not come on your property.

Counselor Thompson clarified that it is okay to put something at the door but it is not okay to ring the door bell. Once they have left something at your home if the homeowner then follows up and makes contact with the company that is considered to be an invitation to come back on the property for business purposes. But as long as they are just dropping something off or leaving something and not ringing the doorbell or disturbing the homeowner in any other way, then that is not considered a solicitation which would require a permit and it is a constitutionally protected activity.

Mr. Woody said crossing the property line to him is a violation.

Ms. Newsom said she thoroughly resents it and has had business cards and material stuck right in back of her "No Solicitation" sign. She does not want these people on her property and does not want them up that close to her house because they should be able to see that No Soliciting sign very clearly.

Mr. Woody said people take trips and items may be left on a door for days and that is waving a flag that you are gone. Mayor Hammen again stressed that that was not an activity that was brought to the City Council or approved by the City Council and thanked Mr. Woody for bringing it to our attention. Mr. Woody said he now understands and had just misunderstood when the permit process was being described to him by the City Clerk.

R.E. Carver, 3400 NE 68th Terrace, made reference to **Resolution 99-65** passed on tonight's Consent Agenda (authorizing the City Manager to provide a two year notice to companies engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of Gladstone, Missouri, of the City's intent to provide solid waste collection services to Gladstone residents, pursuant to State Law) and said he was concerned that the two year's notice would give disposal companies that amount of time to empty resident's bank accounts by increasing their fees.

City Manager Kirk Davis advised that nothing should change relative to the operation of any of the haulers, this two year notice is basically a statutory requirement for us to tell them that they have been given two year's notice that the City **may** consider bidding out trash service for the citizens of this city. Mr. Carver said he got a letter from BFI on Saturday indicating they were increasing the solid waste charge. He said last April they increased the yard waste charges

by about \$40.00 for the 9 month service. These increases equated to eight months of his 1 1/2% cost of living allowance. He asked if the City can freeze the amounts these haulers charge. The City Manager said we cannot, basically the charges are market driven. Mr. Carver said he would like to have the list of other haulers and the City Manager said we will provide that.

On solicitation, Mr. Carver said he put the "No Solicitation" sticker on his door and if someone rings his door and he does not want to talk to them, he just points to the sign and waves goodbye. With reference to the earlier audience communication on need for stop signs, Mr. Carver said stop signs won't stop the people. He hates to say that but they won't.

Councilman Roger Norris said that driving around the city on any Tuesday or Wednesday which are the most popular trash days, we will see large amounts of trash spillage that has been left behind only because the hauler hasn't hit the back of the truck. If he were a hauler and got a letter from the City stating their intent to do their own thing, he would think they would not be doing anything that would raise the rates because residents would come up here and complain. The haulers don't want to bid the entire service at a lower rate than they can get from individuals. If anything, he would anticipate an increase in the level of service. He said he too would like to change haulers.

Ms. Newsom said she obtained competitive quotes two years ago and did change haulers.

Mr. Carver commented that if nothing else, perhaps if the City took it over it would even out the fees so that it would cost us all the same, because it is not now.

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

Councilman George Nodler had no communications at this time.

Mayor Pro Tem Anita Newsom said Sunday evening ended another successful Theater in the Park season and she compliments the performances this year.

Councilman Roger Norris commented that as far as the discussions earlier on door to door residential solicitations, when an orange bag is hung on his door that is a solicitation in his book. He understands that it isn't but it certainly feels like soliciting to the rest of us.

Councilman Norris said at a recent Council meeting, a resident made reference to a listing in the press on Gladstone crime which made it appear that crime was on the increase in our city. Yes there are crimes listed in the paper, because our officers work and do their job but a report from Public Safety on a comparison of the first four months this year versus last year indicates that in every category there was significant decrease in the number of crimes except in the area of assaults which was up by 2 over the same four month comparison. Everything else is down and the report noted that stealing is down by 22- 24% which is outstanding because it reflects on the mood of the country because it does seem like crime is going down everywhere. It also speaks of the City's commitment to our Public Safety Department members who do an outstanding job. Our officers are everywhere. You cannot drive through Gladstone and not see an officer.

Mayor Art Hammen announced that the next meeting of Gladstone Neighbors Helping Neighbors organization is Tuesday, August 10, 1999 at 7:00 PM here in the City Council Chambers and this meeting is open to anyone who would like to know more about the program or consider volunteering their time, talents or resources to the program.

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

City Manager Kirk Davis advised that Gladstone Night at the Royals is this Thursday night and tickets can be purchased at City Hall for \$5.50 to attend the Royals vs. Tampa Bay game.

The City Manager also congratulated all the volunteers who helped the Neighbors Helping Neighbors program. It is sure good to see such a commitment from people across the northland on the first project.

He also congratulated Parks & Recreation Director Steve Buschor and Recreation Supervisor Sheila Lillis for a great Theater in the Park season. The productions were well attended and we had mostly great weather.

Mayor Hammen commented that we do need to do more promotion of the Gladstone Night at the Royals next year because we have to sell five hundred tickets to officially be recognized, and he understands we have only sold a third of that number at this time.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for construction of shell for tenant finish at 6449 N Prospect in Prospect Plaza Shopping Center. Applicant: Feingold Associates. Owner: Bradley Real Estate (BP 99-0572)

Councilman Norris moved to approve the building permit as requested; Councilman Nodler seconded.

Discussion.

Mayor Pro Tem Anita Newsom asked if the exterior finish is all glass and if the header above is all included in the shopping center renovation. Community Development Director Scott Wingerson said yes to both questions.

Mayor Art Hammen asked if this was an out parcel or part of the main building. Director Scott Wingerson said it was in the general vicinity of where previously the Christmas Store was located on the east side of the shopping center.

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

Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for interior tenant finish of 8,010 sq. ft space at 6449 N Prospect for Fashion Bug. Applicant: Charming Shopping, Inc. Owner: Bradley Real Estate. (BP 99-0573)

Councilman Nodler moved to approve the Building Permit as submitted; Ms. Newsom seconded. Councilman Norris asked if everything was in order and Director Wingerson assured it was. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Item 11. on the Agenda. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property at **6306 N Prospect**. Owner/applicant: Karen Kalmus (File #1086) (Continued from the July 12, 1999 City Council Meeting).

Mayor Art Hammen explained the Public Hearing procedure that first we will hear from the applicant followed by comments from those in favor, those opposed, and comments from the City Staff.

Applicant Karen Kalmus, 6306 N Prospect, said conversations have been held with the Planning Commission and they have reached agreement on what the City expects from her. The special use permit is being requested for a five year period of time and she understands that the two conditions requested by the City at this time are hard surfacing of any parking area at the property within a one year period of the effective date of the special use permit (July 1, 1999); and that the next time the building is painted that it be done in an earthtone color. She is agreeable to both conditions and requests Council approval of her special use permit.

Ms. Kalmus said she would be happy to answer any questions.

There were no other persons desiring to speak before or against this application.

Staff Comments. Director of Community Development Scott Wingerson noted there are seven recommended conditions included in the Bill and approval of the special use permit is recommended for a period of five years.

Councilman Norris said at the Planning Commission's site visit, there was discussion about putting these properties together which did not go anywhere but he is trying to understand the logic behind having two property owners share a driveway when one is creating a lot more traffic than the other; and yet the other use is the one who is doing all the sharing. Mr. Wingerson said the intent behind that was to try to create a safer environment for all participants. That clearly was not going to work after not very much discussion but the intent was to create two lanes of traffic, one **IN** and one **OUT** to access or leave either parcel.

Mayor Pro Tem Newsom asked the logic of the five year time frame. Mr. Wingerson said it was just a round number and was consistent with previous renewals presented.

There were no further comments and Mayor Hammen closed the public hearing.

Item 11a. on the Agenda. **FIRST READING BILL 99-28**, granting a Special Use Permit subject to certain conditions to Karen Kay Kalmus for operation of **Travel Agency Accounting Services, Inc.** on residentially zoned property at 6306 N Prospect. (File #1086)

Councilman Norris moved to place Bill 99-28 on First Reading; Ms. Newsom seconded.

Discussion.

Councilman Norris said this may be the third time we have dealt with the special use permit on this property and it is no secret if you look at the Planning Commission, Capital Improvements Committee and the City Council's combined efforts to deal with the zoning and land use maps that were created several years ago, that we saw this entire chunk of street from 63rd to 65th Street as going commercial. And we would like to see that happen. The City has put considerable funds into the streets and sidewalks in that area, we are spending 14 million dollars across the street and that will make this a prime spot. That is why a special use permit in this particular location is a good use until either a developer brings everyone there together or one of the owners takes it upon themselves to bring everybody together to market it as a big block, we are going to be stuck doing special use permits. He said he likes the fact this one and the application next door also on the agenda tonight will run the same times so we are dealing with larger blocks of property which is in our interest and certainly for the protection of the residential street which backs up to this property.

Ms. Newsom said she generally concurs with Councilman Norris' comments because when we looked at land use maps and doing overlays years ago, we talked about this going commercial and things have not moved as rapidly as the team members at the time thought they would. She would much prefer to give a special use permit to these property owners in this area as opposed to rezoning shallow parcels and she thinks at this time this is the best. As much as she would like to see commercial businesses in commercial areas, she still thinks this is the best way to deal with this situation at this time and will be voting in favor of it.

Councilman Nodler said he concurred. He is not sure that it is the ideal solution but he is not sure what the alternatives are.

Mayor Hammen said while he will be voting in favor of this application tonight but if he happens to be fortunate enough to be around five years from now he hopes we will be looking at a commercial building on this site and not a house that is being renovated to use for commercial purposes. He sincerely hopes this is the final time we will be looking at a special use permit here.

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

Councilman Norris moved to accept the First Reading of Bill 99-28, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-28 and enact the Bill as Ordinance No. 3.717; Ms. Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen.

Item 12, on the Agenda. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property at **6308 N Prospect**. Owner/applicant: Laura Luzicka Reinschmidt. (File #1087) (Continued from the July 12, 1999 City Council Meeting).

Mayor Hammen opened the Public Hearing and explained that we will follow the same procedure as the previous special use permit application.

Applicant Laura Reinschmidt, 3008 NE 73rd Street, Gladstone, MO 64119, said she has taught ballet in the northland for twenty-two years and has had students come from as far away as Lincoln, Nebraska to take lessons once a week. She currently has students from Smithville, Parkville, Holt, Excelsior Springs, Liberty, Gladstone, and south of the river. She is the Northland's only specialty ballet school and as such she has trained many students who have received scholarships to various professional schools including New York City Ballet, Boston Ballet and this summer Royal Winnipeg Ballet in Canada and Pacific Northwest Ballet. She has been able to do this because most students take 5-6 days of classes per week. The length of a given class ranges from an hour and a half to as many as four hours a day. Obviously she cannot have a large number of students. Her average class size is between 8-10 students and classes begin at 3:00 PM and end by 9:00 PM. Ballet North rehearses on Saturday afternoon and she donates her time to Ballet North.

Ms. Reinschmidt said because serious ballet training requires a student to attend class everyday, the property on North Prospect allows her to offer classes at an affordable rate which she could not do if she were in a shopping center. Most dancing schools make their rents and pay salaries by offering a large number and variety of classes with as many as 30 children per class. Furthermore, most of these children do not take more than one or two classes per week. That is not possible if a student is to be trained for a professional career in ballet. Small classes with very individualized attention is critical for achieving results and they must take class every day.

Ms. Reinschmidt provided a chronology of her first special use permit. She said she did not even purchase that property until she had permission to erect her studio. The property had been for sale by the previous owner for 7 years and they were unable to sell it because no one wants to raise a family on North Antioch. She did sign a contingency contract that stated that she would be willing to purchase the property if she got the permission of the Planning Commission and the City Council to build her studio and since the property owner had no other purchasers, they agreed. It took them between three to six months to hammer out all the different things that were required of them by the Planning Commission and the City Council. One of the requirements was all of the concrete work that was done. She asked to be allowed to tear down the house and the garage, but her request was declined. All the improvements to the property were done at the request of the Planning Commission and City Council in June of 1992. She said she hired an architect at the time and presented plans for that purpose. She said she mentions all of this because at the Planning Commission Meeting, an individual brought up two facts that bothered him. One was the one-way traffic in and out of the parking lot which she had not wanted either but did so at the City's request. Secondly, the individual mentioned he did not like all the improvements on the property but again Ms. Reinschmidt said everything done was at the City's request.

She noted that Gladstone is surrounded on all sides by significant growth in Kansas City which is all the more reason to have businesses which will attract non-residents who will spend their time and money in Gladstone. Her business is a perfect example. All towns large and small have grocery stores and Wal-Marts or K-Marts or similar, and restaurants and gas stations. People would not come to Gladstone for any of these things when it would be more convenient for them to do their shopping at home unless they were already here for some other reason. Her ballet school is the reason why people from Liberty, Excelsior Holt, Lathrop, Parkville, Smithville, Weston, Platte City, St. Joseph, Independence, Plattsburg and the surrounding areas are in Gladstone three days every week. They don't hang around the parking lot, and don't usually go home so they do something during the hour and a half lesson period so usually they are spending their time and money in Gladstone businesses.

Liberty has a square, Parkville has a quaint downtown areas, Weston the apple orchards and antiques, Smithville has the lake. So what could another strip mall in Gladstone possibly offer to the public that would bring more people and revenue to the city, and then consider the number of northland children who benefit year after year by the presence of Ballet North in Gladstone. If they want ballet in the northland, they have nowhere else to go. Northland children are being offered opportunities that they cannot get anywhere else. College scholarships, contract offers, and educational experience on an international level, and they have to come to Gladstone to get it.

The serious arts require dedication and sacrifice not just on the part of the artists but from parents as well. Unlike piano or violin, you cannot practice ballet at home. There is just no room and potential for injury exists if the practice is not done correctly. This is the reason serious ballet students must take 5-6 days per week. The only other opportunity is for children to go to Overland Park or south of the river. This is the reason why the studio was built in the first place. If she taught in a shopping center she would have three options: classes of 25-30 students; or limit the number of classes any student may take in order to keep them small; or in order to teach at the same level, raise tuition so high that only the well to do could afford it, and she thinks this is wrong because ballet should be for everyone who wants to learn.

Ms. Reinschmidt said in conclusion she does feel like she benefits Gladstone and the northland by her presence. She donates the equivalent of a public school teacher's salary every year to Ballet North and they are the northland's only non-profit ballet company and have performed for over 100,000 school children since 1992. There are children in the northland who would never see a ballet if it was not brought to their school and in order to do that you have to have well trained dancers. She told the City Council they can see that more than just the operation of one more dancing school is in their hands.

She provided the Council with pictures of her students and pointed out a recipient of a \$12,000/year scholarship for her ballet, and a letter from the Boston Ballet granting Luke Luzicka a full scholarship of \$3,500 this summer.

In Favor

Luke Luzicka, 3008 NE 73rd Street, said he speaking in favor of this special use permit because of what he has benefited from instruction received from Laura Reinschmidt. He has been going away for six weeks every summer for the past four summers and in 1996 he went to the Pacific Northwest Ballet and Seattle, Washington. In 1997 he went to New York City Ballet and he went to the Pacific Northwest Ballet again. The past two summers he went to the Boston Ballet. Because of his training, all of these have been at full scholarships and he has only had to pay the \$25.00 audition charge when they come to Kansas City. All the scholarships have totaled about \$15,700. He just returned from the Boston Ballet where he danced for six weeks and while there he was offered four contracts, Ballet Memphis, Cincinnati Ballet, Ballet Nationale and Nevada Valley Theatre. He has traveled to Boston, New York City and Seattle, just because of the training he received here. Laura is his mother and he admits it has been a major pain taking ballet from his mother because it is hard to learn from someone when you have to go home and sit across from them at the dinner table. But if there was another school where he could have received this kind of instruction he probably would have gone there. He has been dancing since he was four, and he is now seventeen. That is thirteen years, so this is something he has done all his life. He met his girlfriend there and if this studio cannot be run anymore it will be thirteen years just flushed down the toilet because there is no other place in Kansas City where he can study ballet. He studies five days a week and he has been really rewarded and it is all because of her. You have to work extremely hard but it all comes down to who you are taught by.

Camille Foster, 3208 NE 71st Terrace, said she had been dancing for eight years with Laura Luzicka and has been a part of Ballet North for five years. She could not have received any better training than from Laura Luzicka. She always gets excited when performing for school children and finds that it is really a neat experience because she can give part of what she has learned and her life long lessons to children who have no idea what ballet is. She enjoys it because she knows she is helping them. There are four performances normally three days a year, and she does not know of any other studio in the northland who provides school tours and performances for children.

She also just returned from Boston where she had classes with professionals and was in Jackson at the International Ballet competition last year and would not have had these opportunities without training from Laura Luzicka.

Shirley Cagle, 797 NE 68th Terrace, has lived here for five years and her daughter has taken ballet from Mrs. Reinschmidt for three years. She will probably never be in Ballet North or never go to great ballet schools, but this experience has been a jewel to her. This is ballet which she can afford and she attends twice a week. This has done so much for her self confidence and poise. On stage she is a little bit nervous and is one of the youngest, but she is full of joy for what she can do. If Mrs. Reinschmidt's prices go up it will be very difficult for her, but this is a good thing to have in our community and is a treasure she rates even beyond living two blocks from the swimming pool. It is a benefit for Gladstone to have this opportunity here and she hopes that the Council's decision will allow Mrs. Reinschmidt to continue in a financially reasonable way to provide what is a really wonderful community service.

Gina Fenger, 4712 NW Fisk, Parkville, Missouri, said she and her husband have two daughters who attend Laura's school of classical ballet. Her 13 year old has been asked to try out for a company and has talked of nothing else for the last two weeks. Her ten year old daughter has just finished her first month of lessons on toe. Last Saturday evening rather than watch a movie both of their daughters and friend spent four hours listening to classical music and set up a stage in the living and dining room, and developed their story and characters for their performances. This was four hours of pure, innocent, childhood delight and she does not think there are many parents here who could possibly put a price on those four hours. This does not just happen once or twice a month with her children, but all the time.

Laura doesn't just teach children how to dance, she doesn't just teach them how to put their toes in a certain position, she teaches children to dream and have bigger ideas and look beyond simply the world which most of us as parents are capable of giving our children. She teaches them to think in terms of the Russian Ballet, the Winnipeg Ballet, the Boston Ballet. She said she and her husband make a comfortable living but they do not have the kind of money to afford to send their children to Boston or Winnipeg for those experiences. The fact that Laura brings all those to the children of Gladstone, Parkville, Smithville, Liberty, is in fact nothing short of a miracle. Her oldest daughter has been with Laura for about 7 years and although there have been times when her driveway was congested and parents assisted each other by backing or maneuvering cars, she has never had a near accident coming or going from her driveway. She would say that 99.9% of the parents who attend are courteous and respectful and they see each other 3-4 times a week so they cannot afford to be rude to each other and cannot afford to take chances coming in and out of the driveway there. She thinks we will find that there have been no traffic accidents coming in and out of Laura's school and she knows of no parents who have had a moving violation or a ticket for reckless or imprudent driving and she thinks we will find most of them are courteous and respectful because of the relationship they develop there.

They are not only customers but are parents of children who all share the same hopes and dreams for their children. If traffic is an issue at Laura's driveway, she asks if you have ever tried to get out of McDonald's where you could wipe out your whole family in seconds. Anywhere along that strip you will find with the number of businesses there are traffic issues and the issues really do not belong to whether or not the driveway is too big, too small, one-way, two-way, but rather the customers who frequent those businesses. She will say that as customers of Laura's Ballet School, she and her husband practice courteous, safe and respectful driving and she believes 99.9 % of the parents who attend do also. They are not only aware of their own children's safety but the safety of the others who also attend the school. She would also say that in terms of the economics that Laura brings to the Gladstone area, she and her husband have thought about moving to Gladstone but not for the stores, but for Laura's school and their commitment to Laura's school and her commitment to not only their children but all who attend her school.

Mrs. Fenger said they do most of their shopping and spend a great deal of money in Gladstone. Parents will discuss doing their Christmas shopping while their children are in class, so there is a lot of economic benefit to Laura's school. She spends a lot of time there but she also spends a lot of money and she is just one of maybe a hundred parents who could get up and testify to the fact that they spend a lot of time and a lot of money in Gladstone because of Laura's business.

She said Blake once said "*a fool and a wise man never see the same tree*". She is assured that all of us here are extremely wise and that we are all looking at the same tree, but she is not sure that a developer's bulldozer ever sees a tree. She thanked the Council and wished all a good day.

Cathy Bulman Davis, 4421 North Wildwood Drive, and Martha Dyer, 4425 North Claymont Woods Drive, said as they are neighbors they will make their comments together. They both have daughters who attend this ballet school and it has been great for them and they have neighbors and friends all over the community who attend and would echo the sentiments already expressed and hope all will go well and continue to go well for Mrs. Reinschmidt at this location.

Mrs. Dyer said she would comment that Laura is a phenomenal ballet teacher. She has seen others do ballet but it is just comical in comparison. Her style, technique and experience cannot be matched. Her daughter is so graceful and talented and ballet is the one thing in her life that she really looks forward to and always performs for friends and family and listens to classical music and cannot get enough of it. She thanks Laura for all of her work and hopes that she can continue at that location for some time. As far as traffic, you have it anywhere and you just work around it. She personally does not want to see a mall at that location and see it zoned for another shopping center because Gladstone has enough shops and gas stations, Wal-Marts, McDonalds, whatever. Everything is money, money, money in this world but she thinks we need to think beyond that and look at the talent we have in our children because they do grow up and that talent goes a long way. She thanked the Council for listening.

Vickie Vinton, 408 North Ridge, Liberty, Missouri, said she also has a child who takes ballet and has been associated with Laura for eight years now. She was so pleased at this location because Laura was in a tiny little strip mall off of 72nd & N Oak, which was very congested and not large enough. She came up with this idea that she would like to create a studio, jumps through all the hoops that she needs to and makes a big investment with the blessing of the City Council, does everything she is supposed to do and now it looks like tearing the whole area out and laying concrete is going to be more important than what is there now. It really is a shame because the investment has been made, the school is there and they like the central location. They draw from all over the northland and we have a jewel here and not enough people realize it. It may be financially impossible for Laura to do anything else – how do you re-create something like that somewhere else. She would ask the Council to consider the longest special use permit that they can give and allow this school and ballet company to continue at that location.

Matt Reinschmidt, 3008 NE 73rd Street, distributed a group of press clippings and printed material which he said would illustrate Ballet North. Because of the issuance of the first permit which allowed his wife to run the ballet studio out of their property at 6308 N Prospect, the City facilitated a truly unique and unmatched cultural events and enhancement for the entire northland. Ballet North has been able to operate thanks to the studio which is a structure completely unique to all the northland. His wife did look and there is no place to rehearse full productions because you need high ceilings, special flooring, and nothing existed as far as any shopping mall space. With this space, they have been able to bring in live productions of

Sleeping Beauty, Don Quixote, Le Corsaire, Coppelia, and others, and most recently Cinderella. Their company has provided opportunities for tens of thousands of northland students in just the last few years. They conduct a ballet seminar on site to get them directly involved in ballet first then they put on an entire ballet in front of them on site by Ballet North. Without the use of their facility at 6308 N Prospect they would not be able to do this. The reason their facility is essential is because of its physical structure. His wife did not just put a room addition on the back of the property but designed a dedicated space with a vaulted ceiling to enable the rehearsal of genuine classical ballets. This requires big overhead lifts, and jumps and 10-14' of overhead space is needed so you need a very high ceiling. Their studio is not just a place to do business it is the life and heart of their operation. Without use of it, Ballet North would cease to exist.

His wife will stay up until 3:00 - 4:00 AM choreographing their projects, the Ballet North Board Members then put the production together. Home Depot and Westlake Hardware know him by name as he buys a lot of wood and materials. They just put their performance on in Liberty and then take it around the northland. Because of this facility and because of the resources they have been able to have at this location, they are able to house the scenery and truck it around to schools and even some of the modern ballets they have put on for middle schools. 12-14 year old students sitting still quietly and applauding when they should is incredibly unique, which tells him that what they do is demonstrate genuine cultural and school kids can relate to it. This is invaluable and a major asset. The students of course do not care how they prepare the show but just see the result and can relate to it. But without the physical studio behind the scene supporting them, no students would ever see any of their ballets because they would not be able to put them on.

The greater part of his work is to inform as many northlanders as possible that art and cultural is not just something that looks funny but is something that you have to have in order to enjoy life. The cold hard reality is that you need a physical material space to provide for that. With their space they can remain a major cultural ballet asset to the northland, and without it they cannot say what will happen. They are not rich and have about a \$200,000 investment in this property to keep it looking good and attractive and as safe as possible. Parents naturally refrain from bringing children to bad looking or dangerous places. Keeping their studio safe and good looking is not a luxury, but a necessity. They have followed every single recommendation offered by the City Council and suggested including a two-way drive in the initial construction of their facility by tearing down the garage and having a double wide drive in there, but that was turned down. Currently the only substantial objection to the studio is the lack of a two-way drive, and at this point there is nothing they can do. They can't just rip up off all the concrete and start over. They are agreeable to installing signs indicating the right of way as suggested by the Planning Commission. This is acceptable to them and they will do whatever it takes. They have an eight year record of zero accidents so how that can be improved he does not know, because that is a pretty good safety record.

They did not want just another dancing school, but rather a dedicated studio which could offer world class ballet instruction. The reason they focus on ballet is simple. Show him a school that teaches violin, piano and guitar in the same lesson, you just can't do it. To learn any art form, music, painting, ballet, sculpture, whatever, you simply have to study it, study it, study it. Their

students, only due to the training they receive at 6308 N Prospect, are trained dancers who are invited to attend the national ballet academies by invitation on half or full scholarships as mentioned. No other school in the northland can do this because there is no other specialty ballet school in the northland. He and his wife could have a 800 student mega dancing school in some shopping mall somewhere but that just won't do. Ballet is an art form and compromises show through even compromises for money. They must train the same small group of students everyday or several days a week, Monday through Friday in order to obtain the primary objective, dancers who know what real ballet is and can do it to anyone's standard nationwide.

Their sacrifice has been money in favor of knowing that what they provide in the northland is irreplaceable and can't be copied. You simply cannot fake the training to the auditioner from Boston, Seattle, New York, or to yourself. He said he knows what real ballet is and he does not want a part of anything else and neither does his wife. As an expert on the subject and having been and still being involved in ballet at every level, they simply cannot accomplish their goals by any other standard or in any other building in the northland. As has been stated, besides cultural enrichment for tens of thousands of kids, it also brings in money to Gladstone that would not otherwise be there. By his calculation, the 100 parents at some point once a week will buy \$20.00 in goods or services in Gladstone and that is a low figure because he can't go to Wal-Mart and not spent \$100.00. So this equates to about \$2,000/week or \$8,000/monthly or \$100,000/yearly added to the Gladstone economy from customers who would not otherwise be in Gladstone.

He personally thinks that any business that provide an uplifting, educational, artistic, enrichment to the surrounding community at basically no cost or reasonable cost, is a valuable asset. A two year permit would have only one production off the ground, but they have no choice but to keep coming back to request that their permit be renewed because they simply can't operate in any other facility. They need the perfectly designed building they have now and would also second the suggestion that they be given a longer period of time on their permit because they have been up-front to begin with on the application process and have followed all the recommendations. Gladstone's reports have indicated no accidents and that traffic flows are well beyond tolerances, and he thinks they deserve consideration of a longer permit. Also, they have a sizable sum of money to pay back and cannot afford to relocate anywhere else. Mr. Reinschmidt said he is a life-time resident and his wife a long-time resident and in fact his father actually drove the men to Jefferson City who signed the documents to create the City of Gladstone. So his interests in keeping cultural assets in the Gladstone area is real and genuine and goes beyond just having the studio, although this studio is critical to them. Personally for them, it is essential that they stay right where they are.

Staff Presentation.

Director of Community Development Scott Wingerson explained that in Bill 99-49 before the Council tonight, there are a total of eleven conditions and he will highlight four of them. Condition #2 contains an added second sentence which is new which reads "The structure shall maintain a residential appearance and shall be painted with earth tones within one year of issuance of this SUP". Condition #6 is similar to the condition in the ordinance that Ms.

Reinschmidt is currently operating under, with the difference being that this condition stages the participants to a class to ensure that no more than six vehicles which is the number of parking spaces on the property. arrive or depart within the same 15 minute interval before and after the start of classes. Additionally, the maximum number of students shall not average more than ten per class. Under the current ordinance, it would be 12 per class so it is a reduction of eight students during the course of a day.

Mayor Pro Tem Newsom asked why, because if they are going to stage 15 minutes a part and there are six parking spots, you could handle 12 in a fifteen minutes, so she does not understand the math. Mr. Wingerson said all the conditions that he will reference have to do with concerns that he has and the Planning Commission raised relative to traffic in and out of the facility in a safe manner. The reduction in the number of students theoretically translates to a similar, if not slightly less, reduction in the number of vehicles.

Condition #7 reads: "This facility shall be used as an instructional dance studio only, and shall not be used as a performance facility at any time. *(Additionally, the dance studio shall not be used as a performance rehearsal facility except in compliance with #6 above or in compliance with a valid Special Event Permit.)* "

This added second sentence in #7 allows an exception to #6 through a special event permit that allows the Reinschmidt's to have rehearsals in the rare occasions that they do and it also allows us to review and monitor that to ensure that the public facilities are present to handle that.

#8 is a brand new condition and basically it says that the driveway will be a right-in, right-out. Right in from southbound Antioch, and right-out into southbound Antioch. It states that Ms. Reinschmidt will provide written notice of this requirement to every student and their parent or guardian at the time of enrollment, and shall post that written notice inside the premises near the entrance door. In addition, a right-turn only sign shall be posted outside the premises on the driveway exit.

Mr. Wingerson said all of the conditions he has referenced lead a little bit to the suggestions that two years is an appropriate length of time for this use. What it reflects is a fine-tuning of the ordinance that the Council previously approved. He said he believes it is a very good and solid fine tuning based and rooted in the safety of the travelers on Antioch Road as well as to the facilities, but he would like the opportunity to allow the Planning Commission and City Council to review this fine tuning in a period of two years and make any other adjustments that are necessary to ensure that safety into the future.

The Mayor asked if Council had a question about this being a two year special use permit and the adjoining property's permit being five years. Ms. Newsom said she would address that later.

Mayor Pro Tem Newsom said she understands why a property would be posted for a right-turn only and it would be for safety. But she does not understand why in special use permits in residential areas we are wanting to keep them residential looking. If you had a beauty shop you can't put a sign in the window that says Hannah's Hair for example so it does not bring

notice to the structure as non-full time residential, then why would we be putting a right turn only sign here on residential property.

Director Wingerson said that it is a good question. The right-turn only sign would be placed on the private property side and face the private property so it would not appear to be like a road sign per se, but more of a reminder leaving the facility that making a left turn is not the wisest decision because the nose of the median in the middle of M-1 projects just enough to mess up a left turn out of that facility. Ms. Newsom said she would make an argument later.

There were no further comments or persons desiring to speak, therefore Mayor Hammen closed the public hearing.

Item 12a. on the Agenda. FIRST READING BILL 99-29, granting a Special Use Permit subject to certain conditions to Laura Luzicka Reinschmidt for operation of **Ballet North** on residentially zoned property at 6308 N Prospect. (File #1087)

Mayor Pro Tem Newsom moved to place Bill 99-29 on First Reading; Councilman Roger Norris seconded.

Discussion.

Mayor Pro Tem Newsom said when a business has been in place since 1992 and has been compliant with a special use permit even though there are other adjustments proposed in this one, she thinks it is punitive to only give a two year permit when we have just given a business next door that has maintained a gravel driveway all these years, a five year permit.

Ms. Newsom referred to condition #2 calling for maintenance of a residential appearance and requirement that it shall be painted with earth tones within one year of issuance of this Special Use Permit. She said she did not know in the City of Gladstone that residential structures had to be painted earth tones even though she lives in the neighborhood of beige houses. This house has been painted red since before Laura Luzicka Reinschmidt moved into it and she does not understand why the color needs to be changed. She does not understand that and thinks we are playing big brother with that particular condition. If the house was painted pink and purple stripped and there were tutus around the tree, it may be a little tacky but that is an aesthetic opinion.

On Item #6, Ms. Newsom said she does not understand nor does she agree with reducing the number of students to 10 per class when there is parking with 15 minute intervals for 12. If this has worked out in all years past, she cannot see changing it at this point in time. If there is something that has been going wrong there, it should have come forward before now. Councilman Norris agreed.

Item #7, she is not sure she is clear on no use of the facility for performance rehearsals. She understands on traffic congestion like on the day that the Planning Commission was out for a site visit that there were a lot of cars in and out of there. But if people maintain the 15 minute intervals and the schedule of times for arrival and dismissal that Ms. Reinschmidt has given them

and people are disciplined and punctual, she does not truly understand the need for this, but she can understand it in light of safety. She will not disagree with this in the same way she has disagreed with some of the other items.

On Item #8 requiring a right turn sign, again she thinks it is a matter of common sense and the people who frequent this establishment do it day in and day out. It is just not a one time thing. Asking for this sign is not in the spirit of what we do with special use permits to maintain a residential quality. She said this also appears punitive.

Councilman Norris said he agrees with everything Ms. Newsom said and thinks it is restrictive of us to go from 12 to 10 students per day when our own Public Safety Department cannot show us there has been an accident. He does not understand that at all.

During his tenure on the City Council, short term duration special use permits have been given and we let people earn longer ones. We are going backwards here and it is not right. It was his understanding these were going to run as side by side properties with side by side special use permits only being canceled if one or the other leaves, and he thinks that is the way it ought to be. He invites Councilwoman Newsom to make the changes on the expiration in Section 1. to July 1, 2004; and eliminate the second sentence of Item #2; Change Item #6 from 10 to 12; Eliminate the second sentence in Item #7; and he said he is still wondering about Item #8, because he does not think a sign for right turn only out would be too bad but how are you going to tell people coming from the south to run up to Hy-Vee and turn south.

Councilman Nodler said he agrees with the comment Ms. Newsom made on the paint requirement but we did make Ms. Kalmus paint her property earth tones. The Mayor asked Ms. Kalmus what color her property is now. Ms. Kalmus said according to Sherwin Williams it is an earth tone and is sort of a tan, taupe color with butter yellow and is like a house two doors down and also Quick Trip is the same color, so she matches both residential and commercial in the area but she is willing to paint it whatever color Council suggests.

Councilman Norris said Planning Commissioner Mike Reinsch who was the Site Review Chairman talked about the fact that historically what we tried to do with Special Use Permits was to move from home situations that are in business to bring them into compliance into commercial areas. That is great theory and this is the one place this should work. But here we are trying to maintain the residential integrity in a house that is across the street from a gas station and a liquor store that just went out of business, so it is hard to understand where the "house" comes in because it is a dance studio, not a house. The pattern of change that is coming is going to do everything except make those structures look like houses, so he is just trying to figure out why we are doing that on this street.

Mayor Hammen said he agrees with Ms. Newsom's suggested changes except he is in favor of leaving the requirement for painting with earth tones within one year of issuance of the Special Use Permit.

Mayor Pro Tem Newsom asked how you even define *earth tone* and pointed out that the present reddish color of the structure is considered in the earth tone color family and she sees no

rationale for requiring the property owner to go to the expense of painting it if it is not needed just to match the neighboring structure.

Mayor Hammen said he still favors leaving in the requirement for the earth tone painting and pointed out the considerable investment made in the Prospect Plaza Shopping Center improvements across the street, and also suggested we will likely be seeing something come forward on the property where the liquor store stood. So the appearance of this corridor is important.

Additional discussion on the necessity of specifying earth tone colors was held. And Council discussed the inconsistency of the requirement that the painting be done within one year of issuance of the Special Use Permit on the Luzicka Reinschmidt permit when the Kalmus Special Use Permit condition required that the structure shall be painted in earth tone colors at anytime the structure is repainted during the term of the special use permit. Ms. Newsom suggested the Reinschmidt Condition #2 should be the same as the Kalmus Condition #2.

Community Development Director Scott Wingerson discussed Condition #7 which states in the first sentence "This facility shall be used as an instructional dance studio only, and shall not be used as a performance facility at any time" and noted the intent of the second sentence *"Additionally, the dance studio shall not be used as a performance rehearsal facility except in compliance with #6 above or in compliance with a valid Special Event Permit."* is to allow the studio to be used for a performance rehearsal facility in compliance with a Special Event Permit.

Following discussion, it was agreed the second sentence in Condition #7 would be left as written because the studio could apply for a Special Event Permit the several times a year they held rehearsals performances.

Amendments. Mayor Pro Tem Newsom moved to amend her motion to place Bill 99-29 on First Reading with changes to Section 1 and Conditions 2, 6, and 8 to read as follows:

Section 1. Expiration date of the Special Use Permit is **July 1, 2004.**

Condition #2. No additional changes to be made to the building or grounds for the business purposes except those required for City Code compliance. The structure shall maintain a residential appearance **and shall be painted in earth tones at anytime the structure is repainted during the term of this Special Use Permit.**

Condition #6. The attendance of students shall be coordinated to ensure that no more than six vehicles are arriving or departing within the same 15 minute interval before and after the start of classes. The maximum number of students shall not average more than **12** per class per day.

Condition #8. Traffic shall enter the site from the southbound lanes of N. Antioch Road and shall exit the premises into the southbound lanes of Antioch Road such that all traffic to the site is right turn in, right turn out only. Applicant shall provide written notice of this traffic

requirement to every student and/or their parent or guardian at the time of enrollment and shall post a written notice inside the premises near the entrance door.

Councilman Norris who had seconded the motion concurred with the amendments. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0) The Clerk read the Bill as Amended.

Mayor Pro Tem Newsom moved to accept the First Reading of Amended Bill 99-29, Waive the Rule and place the Bill on Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0) The Clerk read the Amended Bill.

Mayor Pro Tem Norris moved to accept the Second and Final Reading of Amended Bill 99-29 and enact the Bill as Ordinance No. 3.718; Councilman Norris seconded.

Discussion.

Councilman Norris said it is important to note that neighbors who spoke against this initial application seven years ago are not here tonight and that certainly speaks well of Mrs. Luzicka Reinschmidt and the way she conducts her dance studio.

Mayor Pro Tem Anita Newsom complimented Ms. Luzicka Reinschmidt on the ballet programs she brings to the schools and how well they are received by the students.

Mayor Hammen encouraged Ms. Reinschmidt and Ms. Kalmus to work together on the painting and other maintenance aspects of their properties.

Roll Call Vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Karen Kay Kalmus asked if the City Council is suggesting they would look favorably on special use applications for other homes in this area and apply the same conditions of maintaining a residential appearance and use of earth tone color, etc.

Mayor Art Hammen responded that Council only took action on the special use permit applications before us tonight, and that any other applications would be considered individually on their own merits.

Item 13 on the Agenda. **FIRST READING BILL 99-30,** an annual ordinance reestablishing a procedure to Disclose Potential Conflicts of Interest and Substantial Interests for certain Gladstone Municipal Officials pursuant to the State of Missouri "Ethics Law".

Councilman Norris moved to place Bill 99-30 on First Reading; Councilman Newsom seconded.

Discussion

Councilman Norris noted that Missouri State Law requires municipalities with an annual operating budget in excess of One Million dollars to readopt an ordinance every two years by September 15th establishing a procedure to comply with the personal financial disclosure

requirements for submission to the Missouri Ethics Commission, however, Gladstone has chosen to re-adopt their ordinance annually to ensure full compliance with State Law.

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

Councilman Norris moved to accept the First Reading of Bill 99-30, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-30 and enact the Bill as Ordinance No. 3.719; Councilman Newsom seconded. The vote: All "aye" - Nodler, Norris, Newsom, Hammen. (4-0)

Item 14. On the Agenda. Other Business.

Martha Dyer, 4425 N Claymont Woods Drive, thanked the City Council for their approval of Mrs. Luzicka Reinschmidt's Special Use Permit and commented that this was her first City Council Meeting and she found it a very worthwhile experience.

Ms. Dyer also inquired what is proposed for the vacant parcel at Belleview & Vivion Road in their area where she sees the posted green signs because she and neighbors have been curious. Community Development Director Scott Wingerson advised a two story office building was recently approved at that location and the signs had been erected for public awareness that a site plan application had been filed. Ms. Dyer thanked him for that information.

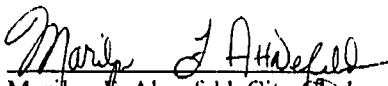
Item 15. On the Agenda. Questions from the News Media.

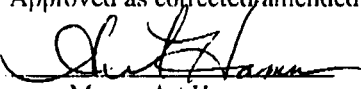
The media had no questions or comments. The Mayor welcomed Mr. Mike Rice, Northland Reporter for *The Kansas City Star* who will be covering Gladstone meetings.

* * *

There being no further business to come before the August 9, 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, AUGUST 23, 1999**

JOINT CITY COUNCIL and C.I.P. COMMITTEE WORK 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 610.021(2) for Real Estate discussion.

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular August 9, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Recognizing the fourth annual "**America Goes Back to School**" initiative sponsored by the U.S. Department of Education and the Partnership for Family Involvement from September 13th through October 29, 1999. Local Sponsor: Gladstone area Region VII of the U.S. Department of Education.

5. **CONSENT AGENDA**

RESOLUTION NO. R-99-70, accepting a portion of NW 71st Terrace in the Buena Vista subdivision for City maintenance.

RESOLUTION NO. R-99-71, authorizing the City Manager to accept a bill of sale from Wingspan Investment, LLC and Kincaid Construction, Inc. conveying a water line serving Buena Vista subdivision.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 99-31**, regulating certain forms of aggressive solicitation, providing for the issuance of a street use permit, and establishing penalties for violation.
10. **FIRST READING BILL 99-32**, repealing present Chapter 16 of the City Code and Enacting a new Chapter 16 regulating the licensing and operating of solid waste disposal companies operating in the City of Gladstone, Missouri.

11. **FIRST READING BILL 99-33**, amending Schedule VIII of the Model Traffic Ordinance (City Code Section 18-12) establishing "Stop" sign locations in the City of Gladstone. (62nd Terrace & N. Jackson, and 75th & N Troost.)
12. **FIRST READING BILL 99-34**, accepting standard easements and drainage easements from property owners in conjunction with the development of Oak Lane Townhomes.
13. **PUBLIC HEARING:** on setting the Annual Tax Levy for the 1999 Real Estate and Personal Property Taxes within the Corporate limits of the City of Gladstone, Missouri at \$.57/\$100 valuation.
- 13a. **FIRST READING BILL 99-35**, fixing the Annual Rate of Levy for the 1999 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.57/\$100 valuation.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 23, 1999

Mayor Art Hammen called the Regular August 23, 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 George Nodler
Councilman Dan Bishop

City Manager Kirk Davis
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 August 9, 1999 City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular August 9, 1999 City Council Meeting Minutes as written. Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 4a. on the Agenda. Mayor Art Hammen read a **PROCLAMATION** recognizing the fourth annual "**America Goes Back to School**" initiative sponsored by the U.S. Department of Education and the Partnership for Family Involvement from September 13th through October 29th, 1999. Gladstone area Region VII representative Susan McNay accepted the Proclamation and thanked the Mayor on behalf of the organization.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Anita 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-99-70**, accepting a portion of NW 71st Terrace in the Buena Vista subdivision for City maintenance. Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-71**, authorizing the City Manager to accept a bill of sale from Wingspan Investment, LLC and Kincaid Construction, Inc. conveying a water line serving Buena Vista subdivision. Councilman Roger Norris seconded the motion. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

REGULAR AGENDA

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

There were no communications from the audience.

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

Councilman Dan Bishop said he was on vacation and was sorry to have missed the last Council meeting and also the City's Theatre in the Park production of "Guys and Dolls" which he had heard was a high caliber production. He said he was glad to see the flower bed on the south side of City Hall has been reworked and thought perhaps there would be a nice fall planting there in time for Gladfest.

Mr. Bishop also commented that he was impressed with both study session presentations earlier this evening, Black & Veatch did a very thorough job and completed their presentation much earlier than anticipated with very few questions which is a credit to the job they did with the report and the presentation. Bryan Richison did a very thorough and a high caliber job on the presentation regarding broadcasting City Council meetings on cable. Mr. Bishop said he repeats for the record that he believes this really merits pursuing and anything the Council can do to increase the public's understanding in what is happening here in City government is for the good. He realizes so much over the last year that City government is where those basic services are that people count on and need day in and day out and they need to realize what is happening at City Hall. More people may watch it than some might think. He said he could be wrong, and would readily admit it, but he would like to see this go forward and see Council meetings broadcast on the cable channel.

Councilman Roger Norris also complimented Management Assistant Bryan Richison on his study session presentation and written report on broadcasting City Council Meetings. He particularly noted Mr. Richison's thorough examination of the additional man-hours this venture would represent, because some Managers think they can add a couple of hours onto someone's daily work schedule and there will be no problem.

Councilman George Nodler had no communications at this time.

Mayor Pro Tem Anita Newsom said we will be reading more about safe schools in the paper because **Gladstone Sun Reporter Kelli Houx** mentioned to her that she had quite an extensive meeting with Dr. Cummings, North Kansas City School District Superintendent. The School District now has an district-wide comprehensive Crisis Plan in place which covers fires, noxious fumes, intruders, bomb threats, etc. and will be the same in each school. Children will be doing shelter-in-place drills just as they do fire drills and tornado drills. With the cooperation of Public Safety here and the Kansas City Fire Department we will be asking for help in looking at buildings for security plans and different locations of public facilities for evacuation. As a community we have to work together, whether a city-owned facility, religious facility or other, to provide the safe situations we need. Ms. Newsom commented that it scares her every day to hear reports on the news and think that it could happen in her school. The plan does give a very definite outline of procedures we need and she feels good about the kind of officers we have in Public Safety in Gladstone and Kansas City.

Ms. Newsom further commented that in getting to know more about our schools, the District is always looking for volunteers to help. YouthFriends and others volunteers and professionals are needed and always welcome. It is an investment in our kids and anyone with some extra time is encouraged to volunteer.

Ms. Newsom also noted that the North Kansas City School District is recognized as one of the top three districts in the nation for technology use and implementation. It speaks well for what they are doing, it's that accountability they are learning. Many of us have learned in Gladstone that if you tell voters what you need, tell them what you are doing about it, and then turn around and do it, voters will continue to allocate the funds.

Councilman Dan Bishop said with this being the last Council Meeting before the start of the new school year, he takes this opportunity to congratulate Councilman Anita Newsom on her appointment as principal at Maplewood Elementary School.

Mayor Art Hammen also added his congratulations to Ms. Newsom from all Council members and encouraged everyone as we start the new school year next week, to please drive with extra care as these excited youngsters will be near the streets and we want them to arrive at school safely.

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

City Manager Kirk Davis said regarding the North Kansas City School District and technology, our City worked with the District in an agreement to install fiber optics through the City and were the first to approve this installation.

The City Manager also reminded Council that City Hall will be closed on Labor Day, Monday, September 6th and that the Missouri Municipal League Conference begins the week of September 13th and that same Monday night is a City Council meeting.

Mr. Davis said Councilman Newsom talked about professionalism which reminds him to report that Gladstone Public Safety Officer Leann Smith was named Missouri D.A.R.E. Officer of the Year and he congratulates her on this achievement.

Item 9 on the Agenda. **FIRST READING BILL 99-31**, regulating certain forms of aggressive solicitation, providing for the issuance of a Street Use Permit, and establishing penalties for violations.

Councilman Norris moved to place Bill 99-31 on First Reading; Ms. Newsom seconded.

Discussion.

Councilman Newsom stated she is very much in favor of this bill. As an individual, not easily intimidated, she feels she has been harassed a number of times by solicitors and our citizens should not have to feel that way. There are good, viable reasons for these fundraisers and there are creative ways of doing it, but we have to protect the safety and welfare of our citizens and those passing through the city. She feels this is a good way of doing it and she is in favor of it.

Councilman Norris stated that this bill goes a long way to achieve the perception of safety also. People will feel safer, knowing that the City has looked at this problem, and knows where our problems are. He said the Director of Public Safety gave us good reason for supporting this at the last meeting, and he is all for it.

Councilman Bishop asked if this ordinance covers selling of newspapers, thinking of the Royals and Rotary Club.

City Counselor Nancy Thompson responded that yes, it does cover the selling of newspapers; anything which would occur in the street right-of-way is considered aggressive solicitation and the ordinance allows up to 12 street use permits to be granted per year. Public Safety felt they can easily monitor up to 12 occasions per year so the safety of the public could be monitored.

Mr. Bishop asked if the application can cover numerous locations in the City when selling newspapers at several intersections. Counselor Thompson replied, yes.

Councilman Bishop stated that the information requested of the applicant in the ordinance is geared more toward individuals and their employment. Does the individual fill out the information for themselves or on behalf of the Rotary. If someone has been convicted of a felony or misdemeanor, he assumes it does not really apply to the Rotary Club. Ms. Thompson replied that the sponsoring organization fills out the form in that type of situation and provides the insurance and required information.

Mayor Hammen added that he appreciated the modification of the ordinance to include the minimum 60 inches tall requirement and wearing orange safety vests. Fellow Council members voiced their concern about the safety issue for our motorists and his

concern was also for the safety of our youngsters and those participating in the solicitation not getting hit by a car. He thanked staff for looking at that issue.

Counselor Thompson commented that they did look at different heights and what would be visible from a van or vehicle and found that the 60 inches would give adequate visibility from most motor vehicles for those in the streets soliciting with the actual provision regarding the sponsoring adult to be responsible for the activity of the minor. Rather than an age issue, the responsibility would come from the adult. Those who do not meet the adequate height requirement could remain on the sidewalk and not be deemed aggressive under the ordinance.

Councilman Newsom mentioned after our last Council meeting and the discussion of this ordinance proposal at the Study Session, she was up on Barry Road by Metro North Mall and saw a number of car wash activities going on with 14-16 year old kids who were very excited and waving their posters around and running across the street. She stated that we cannot legislate common sense, but can only help it along.

Mr. Bishop asked when permits are issued, if they are first come, first serve. Is there any time limit for applying; can they apply five years before the activity. Perhaps there should be a front-end limit, maybe a month ahead of time. Ms. Thompson stated it would run on a calendar year basis, similar to the way park shelters are reserved, not more than a year in advance. People need to be sure of where they want to be located further than a month out and a year in advance would be appropriate.

Mayor Hammen pointed out that the requirement for a certificate of insurance would be needed and insurance for five years down the road would probably keep requests to an annual time frame.

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

Councilman Norris moved to accept the First Reading of Bill 99-31, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem 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 99-31 and enact the Bill as Ordinance No. 3.720; Ms. Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 99-32**, repealing present Chapter 16 of the City Code and Enacting a new Chapter 16 regulating the licensing and operating of solid waste disposal companies operating in the City of Gladstone, Missouri.

Councilman Norris moved to place Bill 99-32 on First Reading. Councilman Nodler seconded.

Discussion.

Councilman Norris said this is one of the most outstanding bills we have come up with in the last few years. He hopes the letter to solid waste disposal companies is worded very nicely to convey that the City of Gladstone expects the trash haulers to clean up their mess after they dump the trash from their truck, not dump their garbage all over the streets and to do the right thing when it comes to billing our people.

Just after the last Council meeting, in Hamilton Heights, he could drive from his house and four blocks away and could have filled a trash can from the trash and junk thrown everywhere. They cannot get lids on trash cans or stand them up. Mr. Norris said he supports this ordinance.

Councilman Newsom mentioned that there is also the issue of leaky trucks that are sliming the street. You can follow the trucks and everywhere they stop and compress there is a mess in the street.

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

Councilman Norris moved to accept the First Reading of Bill 99-32, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-32 and enact the Bill as Ordinance No. 3.721; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Item 11. on the Agenda. FIRST READING BILL 99-33, amending Schedule VIII of the Model Traffic Ordinance (City Code Section 18-12) establishing "Stop" sign locations in the City of Gladstone. (62nd Terrace & N. Jackson, and 75th & N Troost.)

Councilman Newsom moved to place Bill 99-33 on First Reading. Councilman Norris seconded.

No discussion.

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

Councilman Newsom moved to accept the First Reading of Bill 99-33, Waive the Rule and place the Bill on Second and Final Reading; Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 99-33 and enact the Bill as Ordinance No. 3.722; Mr. Norris seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen.

Item 12. on the Agenda. FIRST READING BILL 99-34, accepting standard easements and drainage easements from property owners in conjunction with the development of Oak Lane Townhomes.

Councilman Norris moved to place Bill 99-34 on First Reading. Councilman Nodler seconded

Discussion.

Mr. Norris asked if everything was in order. City Manager Davis stated yes.

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

Councilman Norris moved to accept the First Reading of Bill 99-34, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-34 and enact the Bill as Ordinance No. 3.723; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Item 13. on the Agenda. PUBLIC HEARING: on setting the Annual Tax Levy for the 1999 Real Estate and Personal Property Taxes within the Corporate limits of the City of Gladstone, Missouri at \$.57/\$100 valuation.

Mayor Art Hammen explained the Public Hearing procedure that first we will hear the staff presentation followed by comments from those in favor, and those opposed.

City Manager Davis stated that this is the annual public hearing establishing the tax levy for the calendar year 1999. The valuation for total assessed property is \$279,000,000 and represents a significant growth of 9.7%. This growth in assessed valuation is mainly due to Clay County performing a "correction assessment" for 1999. As a result, the maximum tax rate permitted for 1999 is \$.57/\$100 property valuation which is a decrease of \$.03/\$100 property valuation. It does not significantly impact our budget, therefore staff recommends approval of Bill 99-35 setting the levy at \$.57/\$100 valuation.

Ms. Newsom asked if it was all part of the roll-back program. Mr. Davis stated that was correct. She commented there were not too many municipalities with this low a rate.

Finance Director Cash Sweiven advised that only Raytown's is less but they do have other assessments. Mr. Sweiven read survey results from Lee's Summit, Olathe, Grandview, Lenexa, Overland Park, Shawnee, Kansas City, Liberty, Blue Springs, Independence, North Kansas City, Parkville and Raytown which indicate Gladstone has the second lowest levy.

There were no further comments and Mayor Hammen closed the public hearing.

Item 13a. on the Agenda. **FIRST READING BILL 99-35**, fixing the Annual Rate of Levy for the 1999 Real Estate and Personal Property Taxes within the Corporate Limits of the City of Gladstone, Missouri at \$.57/\$100 valuation.

Councilman Norris moved to place Bill 99-35 on First Reading. Ms. Newsom seconded.

Discussion.

Councilman Norris thanked Clay County for doing the correction of the assessment. Councilman Nodler noted the *Kansas City Star* Reporter Mike Rice is present but he is sorry all the press is not here for this good news.

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

Councilman Norris moved to accept the First Reading of Bill 99-35, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-35 and enact the Bill as Ordinance No. 3.724; Ms. Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Item 14. on the Agenda. Other Business.

There were no items of other business.

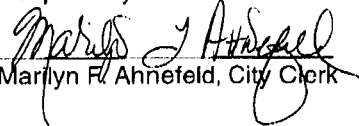
Item 15. on the Agenda. Questions from the News Media.

There were no questions from the news media.

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 Real Estate Acquisition; Councilman George Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

There being no further business to come before the August 23, 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, September 13, 1999**

OPEN STUDY SESSION: 6:30 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 23, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating the week of **September 17, 1999 through September 23, 1999** as "**CONSTITUTION WEEK**" in the City of Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

5. **CONSENT AGENDA**

RESOLUTION NO. R-99-72, accepting temporary construction easements and a quit claim deed from property owners in conjunction with the Prospect Plaza public improvements at 64th and Old Antioch Road. Project 9980

RESOLUTION NO. R-99-73, authorizing the City Manager to enter into a Mutual Assistance Agreement with the City of Liberty, Missouri; the City of Kansas City, Missouri; the City of Riverside, Missouri; and the Village of Oakview, Missouri; for Intergovernmental Police Service and Assistance.

RESOLUTION NO. R-99-74, authorizing the City Manager to enter into a Law Enforcement Services Contractual Agreement with the Village of Oakview, Missouri for specific intergovernmental police services related to operation of a Breath Analysis Device.

RESOLUTION NO. R-99-75, authorizing the City Manager to enter into a Dispatching Services Contractual Agreement with the Village of Oakview, Missouri for Intergovernmental Police Dispatching Services.

RESOLUTION NO. R-99-76, adopting a new Emergency Operations Plan for the City of Gladstone, Missouri.

APPROVAL OF JULY FINANCIAL REPORTS

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION NO. 99-77**, amending the 1999-2000 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund budgets for the City of Gladstone and authorizing expenditure of funds. (**General Fund:** Revenues \$11,697,065; Expenditures \$11,662,485); (**Combined Water & Sewer Services Fund:** Revenues \$5,212,835; Expenditures \$5,209,900.)
10. **RESOLUTION NO. 99-78**, authorizing the City Manager to execute an agreement with Municipal Code Corporation for recodification of the Gladstone Municipal Code of Laws, Annual Supplement Services and other associated services for an amount not to exceed \$25,000. from the General Fund
11. **FIRST READING BILL NO. 99-36**, approving the final plat of **Northhaven Village Condominium Second Plat**, located at 6852-6886 N. Olive, Gladstone, Missouri.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, SEPTEMBER 13, 1999

Mayor Art Hammen called the Regular September 13, 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 A. Hefeld

ABSENT: Councilman George Nodler

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 August 23, 1999, City Council Meeting Minutes.

Councilman Anita Newsom moved to approve the Regular August 23, 1999 City Council Meeting Minutes as written. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Item 4a. on the Agenda. PROCLAMATION

Mayor Art Hammen read a Proclamation designating the week of **September 17, 1999 through September 23, 1999** as "**CONSTITUTION WEEK**" in the City of Gladstone, Missouri. Virginia Otto and Donna McCann, members of the William Boydston Chapter of the Daughters of the American Revolution, were present to accept the proclamation from Mayor Hammen.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Councilman Anita Newsom commented that she did not see the July Financial Report in her packet. City Manager Davis advised that changes have been made to the financial reports and they will look different because we reduced the report to a one page double-sided report and it no longer includes the long accounts payable listing of individual checks. Ms. Newsom did locate the report and acknowledged she had been looking for the larger multi-paged version previously published.

Councilman Anita Newsom moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

CONSENT AGENDA DETAIL

Councilman Anita Newsom moved to adopt **RESOLUTION NO R-99-72**, accepting temporary construction easements and a quit claim deed from property owners in conjunction with the Prospect Plaza public improvements at 64th and Old Antioch Road. (Project 9980); Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-73**, authorizing the City Manager to enter into a Mutual Assistance Agreement with the City of Liberty, Missouri; the City of Kansas City, Missouri; the City of Riverside, Missouri; and the Village of Oakview, Missouri; for Intergovernmental Police Service and Assistance; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-74**, authorizing the City Manager to enter into a Law Enforcement Services Contractual Agreement with the Village of Oakview, Missouri for specific intergovernmental police services related to operation of a Breath Analysis Device; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-75**, authorizing the City Manager to enter into a Dispatching Services Contractual Agreement with the Village of Oakview, Missouri for Intergovernmental Police Dispatching Services. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-99-76**, adopting a new Emergency Operations Plan for the City of Gladstone, Missouri. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS for July, 1999**. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

REGULAR AGENDA

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

Robert Quackenbush, 3309 NE 68th Terrace, noted that Royal Transmission at 72nd & N Oak has not completed concrete work that was required of them by the City and when he inquired about it in June at a Council Meeting. City Staff indicated that the delays had been caused by the rains but that it would be done.

Director of Community Development Scott Wingerson responded that Mr. Quackenbush is correct and explained that there are two important considerations. One is the weather and associated with that is the ability of the concrete contractor to get in there. What complicates it is that Mr. Hartman of Royal Transmission is contemplating the possibility of coming forward with a plan revision which will allow a slight modification on the design of the driveways. Mr. Hartman is concerned about the business operation and the reduction of the driveways and is currently contemplating coming back before the Planning Commission and City Council for consideration of a modification. Mr. Wingerson said he would be glad to contact him this coming week to determine the status of Mr. Hartman's plans if Council desires.

Mayor Hammen said the Council consensus is to contact Mr. Hartman and commented that he would be concerned about the timetable if there is to be a revision. He would agree with Mr. Quackenbush that this is something that should have been taken care of by now. Mr. Wingerson agreed to look into it and report back to the City Council and Mr. Quackenbush if that is appropriate. The Mayor asked him to please do so.

Mr. Quackenbush also noted that the **Dispatch Newspaper** reported on plans for the second planned Neighbors Helping Neighbors organization activity and he made a phone call and left his name and number and advised what he planned to contribute, yet he received no response. He is curious why he was not contacted because he left his name and number on the recorder for the telephone number published. The Mayor agreed to look into that as well and commented that the work of this organization is certainly near and dear to his heart. Mr. Quackenbush said he will not say what he offered to contribute but he felt it was a substantial contribution.

Ann Alexander, addressed the City Council and indicated she was a resident of Meadowbrook Manor Town Homes, which are 66 townhomes west of North Antioch Road, 67th Terrace - 68th Terrace. Randall Courts Apartments are uphill from their townhomes and they have long had a problem with trash coming down on the drive. They wrote to Randall Courts and asked for a response and suggested a fence surrounding the dumpsters and nothing was done so she called Dave Reyburn, the City Code compliance officer and asked for his help. Mr. Reyburn did check into it and reported last Friday that Randall Court has changed ownership and although they had some plans for screening they did not meet city codes so the City sent them the information, so apparently it will be taken care. She wants to publicly thank Mr. Reyburn, Mr. Alan Napoli, and other employees she has worked with because she has found them courteous and helpful. They can't always do what is requested but they try and she finds this refreshing coming from Kansas City.

C. Milton Wallace, 3101 NE 69th Street, said he understands there was a national report from the U.S. Navy about major cities not being Y2K compliant and that the water might or might not be available come January 1, 2000. He would like assurance that we are Y2K compliant and will have water. His recollection is that we do have a generator system at the water plant that will enable us to run even if there is not electricity.

City Manager Davis said from the City's emergency operations exercise in June we learned that if we have electricity we will have no problems and Larkin & Associates has been engaged to ensure that everything is Y2K compliant. Although their final report is still pending, preliminary reports indicate that we should not experience a problem on January 1. Kansas City Power and Light has assured the City that we will not have an electricity issue on January 1. So we do not anticipate a problem at our water plant or with our ability to produce and distribute water. Further, for the Council's information we do plan to present a Y2K report at the 2nd City Council meeting in October. We have been working on this issue for about two years now and even before then as far as purchases of new computers, so he feels pretty confident about the City's ability to deliver those types of services. We are gearing up for what happens on December 31st in case there is anxiety in grocery stores and banks and a run on those facilities and associated traffic, but frankly we are not anticipating a problem in delivery of our own services.

Mr. Wallace said he would suggest that our report be communicated to Gladstone citizenry. City Manager Davis said he was glad Mr. Wallace mentioned that because we do have a series of press releases planned on that very issue.

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

Councilman Dan Bishop commended members of the Public Safety Department who took part in the fill the boot campaign the weekends of August 28th and September 4th. He understands they raised \$ 4,250.00 for the Muscular Dystrophy Association and he commends City employees for being involved in the community and being involved in civic endeavors.

* * *

Mr. Bishop read into the record a letter sent to the Mayor and City Council dated August 26, 1999 from Alice M. Barber, 1305 NE 75th Street:

"I was Happy this morning, when I read in the Kansas City Star's Northland section that Gladstone residents soon may be able to watch City Council meetings on cable television

I personally love Gladstone and am interested in every part of its government, not only for now but, for the future of our citizens, both young and elderly.

It's my opinion, that it would be both beneficial and educational in the sense of being informative as to who our representatives are, one on one and what they personally stand for in addition to getting a clearer picture of how our government operates and is handled in Gladstone by our Council and City Officials.

It would also enable people like me, who cannot attend these meetings personally because, of handicaps, to be aware of what is going on first hand and provide a better understanding of Gladstone Government and hopefully create a greater interest in it. In that respect, those that are unable to attend can still feel we have a part in our City's problems or progress and can either write you, as I'm doing or call, stating their opinion. We as Citizens of Gladstone or any other City and whether we're handicapped or not, have an obligation as Americans of this wonderful Country to go vote and express our desires in return for the Blessed freedom we enjoy every day, as no other Country in the world can declare. I walk, when I walk, with a cane and have for the last 10 years, two of which I used a walker but, I still go to vote and am privileged to voice my opinion, for which I'm grateful to God.

The paper stated Mayor Hammen, that you were in agreement with a suggestion for a survey to be taken - also the Citizens temperature. I decided to go ahead and send mine in voluntarily, because I'm interested in this suggestion for our City.

*Respectfully and Sincerely,
Alice M. Barber
1305 NE 75th St.
Gladstone, MO 64118
(816) 436-4203*

Mr. Bishop said that was one of four letters that came to city hall to the attention of the Council subsequent to the article that appeared in the **Kansas City Star** on August 6th. Another letter came from Mr. C. H. Hawn. and Mrs. Mary Colleen Hawn dated August 30, 1999 which reads:

*City of Gladstone
Mayor and Council Members
7010 N Holmes
Gladstone, MO 64118*

We read with interest the article in the August 26, 1999 issue of the Kansas City Star on the City of Gladstone's consideration of televising the council meetings. According to the article, Kansas City, Independence, Olathe, and Raytown have already begun televising their meetings, so we don't understand why it would be any big problem in our City. Do you really believe our citizens would be any more intimidated than those in the other communities? I think not. To have Time-Warner conduct a survey would just be an added expense - there is no reason to do this.

Televised meetings would offer many benefits, particularly to your older citizens. Those who cannot attend regular meetings for whatever reasons could see first hand how our City is being run. We could hear our council members in person, watch how they react to public matters, and see how they vote and conduct themselves. It might give us a better opportunity to see how our tax dollars are being spent and allow us to voice our opinion before matters are settled. All of this would certainly be an immense help in helping us decide how to cast our votes in the future. We believe this is a good idea and as voting citizens, urge you to pass this for the betterment of Gladstone.

Sincerely,

C.H. Hawn
Mary Colleen Hawn
6607 N Broadway
Gladstone, MO 64118 816-436-2320

Mr. Bishop said there was also a letter from Dr. Dan Kahler who was the founding Principal of Oak Park High School and served there for twenty-five years until his retirement and since that time has served as Principal at both Winnetonka and Oak Park High School. Mr. Bishop said he thinks Dr. Kahler is one of the most respected members of our community. He read some sentences from Dr. Kahler's letter as follows: *"We read in this morning's Neighborhood News Section of the Kansas City Star, the article on televising meetings and we have wondered for some time why we do not. Having the option to turn on television to see our Council in action is something we devoutly wish to do. Please consider taking another step in a democratic direction by honoring this request. We have been glad to call Gladstone our home for over 34 years and the various members of the City Council through the years have played a major part in eliciting that pride. Sincerely Dan and Violet Kahler."*

Mr. Bishop said today there was a letter faxed from Dan Young, who is a member of the City's Cable TV Advisory Board. Mr. Bishop said one part of Mr. Young's letter says: *"encouraging an informed public is one of the first steps in creating a public that participates in its City Government. Presently, it's doubtful that the average citizen could name two members of the City Council. Even if people only watch a minute or two of Council Meetings while flipping through the channels, this is more information than they have now. Because we have the means to broadcast these meetings to the public, I believe we have a duty to do so."*

Mr. Bishop said he understands in talking to the City Manager just before this council meeting began that there has been a total of 25 calls to City Hall since the press began reporting on the discussions about cable broadcasting of council meetings after our last meeting. Of those 25 calls, 24 citizens expressed their interest in having this done. One citizen expressed an opinion that it should not be done. He said he was interested to read an article in the Press Dispatch on Wednesday, September 1st written by Sean Demory that Parkville does in fact broadcast their Council meetings. Parkville City Clerk Barbara Lance said *"the response that the City has received from its broadcast has been surprising. We are always hearing from people about how they saw us on TV which is gratifying. We get solid input from citizens and people really seem to feel like they have a stake in the city. To me, that's what government should be."*

In the same edition of the Dispatch, there was an article entitled "Televised meetings offer a valuable public service" and this editorial which we all received a copy of is a strong endorsement by the Editor of the Dispatch in favor of televising Council Meetings. He writes: *"the more accessible local government becomes, the better. Here's a way for the Council to open its doors to the public, to invite more people to participate and get involved. Some Council Members fear their constituents or their colleagues will become so star struck that they will seize the new spot light for political grandstanding or personal promotion. We think the Mayor can keep the meeting under better control than that. Besides, a little free speech doesn't strike us as such a bad thing. Other communities have benefited from opening*

up their city hall and their positive experience provides a lesson for Gladstone. Those communities by and large have not suffered an onslaught of media hogs. They have instead been pleased with the response. Councilmembers might be surprised once this service is available how many of their constituents would appreciate it."

Mr. Bishop said at the last meeting he suggested the option of inserting some sort of survey in the next Gladstone Newsletter to see if citizens are in favor of this idea despite the fact that he had ascertained from walking door to door during his campaign that citizens are in fact in favor of this. However, based on the outpouring of public support since the last Council Meeting, he no longer feels it is necessary to proceed with the survey. What he has heard in the last two weeks is consistent with the support he heard for this idea as he walked door to door for four months during his campaign for the City Council. Based on the strong support that we have witnessed, Mr. Bishop said he feels it would be a waste of time and dollars to proceed with the survey. If we can help citizens like Alice Barber participate more fully in the democratic process by providing this service, we have an obligation to do so. As such, under the new business portion of the agenda, he will move that we adopt the middle recommendation that Bryan Richison put forth at the last meeting with no further delay. Mr. Bishop said he had discussed this previously with the Mayor and he hopes his fellow Councilmembers will realize the opportunity we have to move forward at this time.

Councilman Roger Norris had no communications at this time.

Councilman Anita Newsom asked how the 72nd Street road improvements are progressing. Community Development Director Wingerson said the utilities are moved and we are grateful to the utilities companies for their support. Although it did take longer than expected, the contractor is making progress. There is a large portion of the storm drainage on the east side that is complete, the retaining walls are being dug and installed on a daily basis and they are moving dirt. Is an unusual site and a most interesting process. You can visualize what we have been talking about for over five years and it is going well. The public who reside along this area have been patient and tolerant and surrounding neighborhoods have understood that they will be inconvenienced by this project.

Ms. Newsom asked what kind of conditions we are looking at during the Winter. Mr. Wingerson said we hope to have the existing asphalt from Indiana west of Bellefontaine in place but at least base asphalt from Indiana through Antioch. That is our goal and hopefully the weather will cooperate and allow that to occur. If that does not occur, there will be temporary surfacing for the residents within the project area.

* * *

Councilman Newsom asked the status of a letter that the Park Board had requested be sent out as a follow up to residents who responded to the Community Center Survey. As the Council Liaison to the Park Board she knows the Park Board will ask the status at their next meeting.

City Manager Davis responded that the letter was to be sent out under all the City Council's signatures and he does not believe there is consensus to send that letter and as a result he frankly has left it on his desk. Ms. Newsom said she is saddened to hear that because the Park Board felt strongly that they wanted to keep in contact with the residents and let them

know the progress has not stopped. There is a lot of conversation about other studies that are going on and the Park Board wanted to make sure that people realized that it is still an ongoing process with decisions yet to be made. As example, in the development of Hamilton Heights Park, we kept the residents apprised of what was taking place because the residents were the stakeholders in the process. She does not know what the problem is but thinks we are remiss if we neglect doing it particularly when it was the direct request of the Park Board.

Councilman Dan Bishop said the concern he personally had about the letter is that it is great to express appreciation to the people who took part in the survey but during the same timeframe a stormwater survey was sent out to 9,000 households. He does not know how we can express our gratitude to one group of stakeholders and not a similar letter to the other survey participants. You would have a more substantial cost in terms of postage and printing in two mailings, so his thought had been that printing some general thank you in a newsletter would perhaps meet out objectives. He said he did speak to the Mayor on this issue.

Ms. Newsom told Mr. Bishop that he had spoken earlier about communicating and keeping the process open to the public through televising which had several thousand dollars in expense associated, but she does not see a great cost in this because it is bulk rate postage. Councilman Norris asked City Manager Davis whose consensus he had referred to because he thought consensus meant majority. He did not know that one Councilman had the ability to stop a mailing. City Manager Davis said that this mailing was to bear five signatures and it would be awkward if one chose not to sign it. Councilman Norris asked awkward for the one or the many. City Manager Davis suggested that is a question the City Council would have to ask themselves. Councilman Norris said he thinks the many rule. Councilman Newsom said she still does not have an answer to take back to the Park Board. Councilman Norris suggested that the letter be sent.

Councilman Bishop asked the Mayor if he is going to voice the opinion that he agreed with him or is it not forthcoming. Mayor Hammen said he is not going to voice that opinion.

Ms. Newsom said she still does not have an answer and observed that philosophies seems to switch from issue to issue

Councilman Norris asked Councilman Newsom if she wanted to send the letter; Ms. Newsom responded that the Park Board requested it and wanted to send it on their own. She thinks it is a good public information thing to do when people took the time to fill out the survey to let them know what the status is. It is strictly an informational piece to send back to those people who were interested and took the time to respond and that was the Park Board's thinking. She said we have a lot of projects going on, people who have storm water problems in their back yard have that priority; and people who have young children and need recreational services have another priority; someone who has had a robbery in their home may have another priority for public safety staffing. She thinks that as these things come about we need to let the populace know what is going on and we can't as individuals show our preference to one issue or another. They all need to be responded to in a similar manner. Councilman Norris said he agrees.

Councilman Bishop asked if he is hearing a consensus to send a letter to the stormwater people also? Councilman Norris said the consensus is to send the survey requested by the Park Board. Ms. Newsom said the Park Board made that request. She said she has no problem sending information back to the people who participated in the stormwater survey that makes perfect sense to her. City Manager Davis said we can author another letter to storm water participants for all the Council's signatures.

Ms. Newsom said an update to stormwater study participants is only appropriate. That is the kind of customer service we have been giving and we set the precedent with Hamilton Heights and some other projects although this is a much broader scope than Hamilton Heights. City Manager Davis said staff can proceed on either issue however Council desires.

Mayor Hammen said a mailing to the Community Center participants from the City could serve as a follow-up very similar to the upcoming stormwater public sessions. Ms. Newsom said there needs to be some similar communication to the public because these are all needs that have been brought up and to shelve one and tout another or vice versa is not fair to the citizens at all.

Councilman Bishop said that was exactly his point that we could not send to one group of responders without sending to both. Ms. Newsom said but we are in different stages of the game as far as the two processes, the timing is not identical. Councilman Norris suggested that the Community Center letter be sent.

Mayor Hammen said he thinks the difference is that with the Community Center Study there was no follow-up public meeting as is planned for the stormwater study, and he sees that as the difference between the two. He thinks the communication is there in the stormwater study in these public forums while the follow-up as far as a public forum was not there in the Community Center study.

Ms. Newsom said we really do not have apples to apples here. Councilman Norris said he hears consensus to send the letter. City Manager Davis said a final draft will be prepared and each Council member will be invited to come in and endorse it.

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

City Manager Davis announced that the Storm Water Public Meetings will be held at 7:00 PM on September 20th and September 30th at Antioch Bible Baptist Church.

Item 9. on the Agenda. RESOLUTION NO. 99-77, amending the 1999-2000 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund budgets for the City of Gladstone and authorizing expenditure of funds. (**General Fund:** Revenues \$11,697,065; Expenditures \$11,662,485); (**Combined Water & Sewer Services Fund:** Revenues \$5,212,835; Expenditures \$5,209,900.)

Councilman Roger Norris moved to adopt Resolution R-99-77; Councilman Anita Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Item 10. on the Agenda. **RESOLUTION NO. 99-78**, authorizing the City Manager to execute an agreement with Municipal Code Corporation for recodification of the Gladstone Municipal Code of Laws, Annual Supplement Services and other associated services for an amount not to exceed \$25,000. from the General Fund

Councilman Roger Norris moved to adopt Resolution R-99-78; Councilman Anita Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Item 11. on the Agenda. **FIRST READING BILL NO. 99-36**, approving the final plat of **Northhaven Village Condominium Second Plat**, located at 6852-6886 N. Olive, Gladstone, Missouri.

Councilman Norris moved to place Bill 99-36 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 99-36, Waive the Rule, and place Bill 99-36 on Second 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 99-36 and enact the Bill as Ordinance No. 3.725; Councilman Newsom seconded.

Discussion.

Councilman Norris noted that this property has been zoned R-3 since 1961 and Staff recommends approval. He also noted the Planning Commission voted 10-1 for approval of this plat. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Item 12. on the Agenda. **Other Business.**

Motion. Councilman Dan Bishop moved to **authorize the City Manager to acquire the equipment and other associated services necessary to begin broadcasting city council meetings on the cable government access channel. in an amount not to exceed \$15,000.** Mayor Hammen said he would second the motion for purposes of discussion.

Councilman Norris said in all fairness, usually the Council does not jump this fast and we have a councilmember absent tonight who is adamant on this particular issue and for those reasons he would just as soon we vote no.

Newsom said she doesn't feel comfortable with this. She does have personal feelings that broader communications with our public is needed and it is something that we have had in our goal setting this past year. But with 30 respondents, and one being an editor of a newspaper who does not even live in our area, she is reluctant to move forward on anything. We asked for public input and she would like to wait for that.

Mr. Bishop said he feels we have had a tremendous outpouring of public support in favor of this and he believes there is a public desire for this. From the interaction he had with hundreds of residents while he was campaigning for his council seat for the better part of four months, this was a suggestion made by a Brooktree constituent and he believes there is wide support for this. The letters, phone calls and the editorial, show there is support and he feels it would be appropriate to move forward on it.

Mayor Hammen said personally he supports televising Council Meetings, and he told Mr. Bishop that when he called and asked. The Mayor said he also feels that we need to hear from more than one in every 1,000 residents in our city which is about what we have heard from thus far. Staff has spent time to develop a questionnaire which we have reviewed. He would encourage that questionnaire be sent out and if it comes back with general support from the respondents for televising these meetings, he is in favor of it. He told Councilman Bishop that they are probably in the minority on this issue and it is unfortunate that Mr. Nodler could not be present this evening because he knows he has some strong feelings on the issue. Given the amount of money we would spend on the middle of the road approach, he is sure there are persons who would prefer that we spend that money on their individual storm water problems.

The Mayor said he strongly encourages the rest of the Council not to take action on the motion this evening but rather that we move forward with the approach that was suggested last meeting which was to find out what the citizens of Gladstone want. Not 20-30, but the majority of the people who will respond to this survey. The Mayor said in any issue that this Council addresses, the bottom line is what is best for the citizens of Gladstone, and if the citizens tell us they want meetings televised he is 100% behind it.

Ms. Newsom said a lot of issues have come forward during her nine plus years on the Council and we have always tried to do what the citizens want, and she can imagine there is diversity of opinion. Since the article on broadcasting meetings came out, she has received three phone calls and they were in opposition to spending more than the absolute minimum to do it because they personally felt there would not be the viewership and they felt it was out of personal vanity that we wanted to spend anymore than that. That was three calls, and she certainly is not ready to jump over the fence on three calls. In her nine plus years on the Council she has heard no comment about televising Council Meetings, except when she was first on the City Council and someone was here video taping for their personal use and the question was asked at the time if we did not have television capabilities through American Cable. She thoroughly believes we are a representative government and are not a government of squeaky wheels; she is not calling the 25-30 respondents squeaky wheels but those are the people who felt very strongly and responded. She thinks there are plenty of people who feel strongly but for one reason or another have not responded and she thinks when they think a survey is coming that is what they will wait for. That is what was published in the press and that is what we need to stick with.

Councilman Norris said in his nine years, he has received one call on this and they were in absolute support of televising the meetings but it was not worth \$500.00 additional dollars for every meeting to them which was the smallest cost, so it probably is not going to be worth the middle of the road or the higher costs. So he has gotten one call. He said any of the Council can go out and drum up people to write City Hall or drum up letters on any issue. But there are

more than 24 people here, there are 27,000 and they deserve the right to let their voices be heard. He said we have never once passed an item under other business that was not handed to them by the City Manager and generally a resolution or something that could not be prepared until the last minute. This is not how we play. This is not politics, but people's money and their lives. We need to see who the real respondents are from people who will send these back postage paid to the City, with their name on it. That is what we want and it was discussed at the last meeting, and we decided on a plan to get the peoples input on this issue. He said he really wishes that Mr. Bishop had not brought this up but waited and let the survey go out, because we need to know what people's real feelings are.

Councilman Bishop said in their recent Council packet there was an indication from the City Manager that he would provide to any Councilmember who wanted it the phone log of people who called in. These are not nameless people who had called in, because Diane Whitaker in the City Manager's Office obtained the name and address of each individual who called in and she has that information. The four people who sent letters spent postage and they took the time to write these letters and he thinks it is insulting to these people that took the time to call or wrote letters to say they are not real opinions. These are real opinions, they are citizens of Gladstone, these people matter. He said a condescending attitude to these people is insulting.

Councilman Norris said he was not condescending in any way to anybody and he thinks those thirty people understand that they are not the only people in town.

Mayor Hammen said we do have a motion and second and asked Councilman Bishop if he desires to proceed with the vote: Mr. Bishop called for the question.

The vote: "Aye" - Bishop, Hammen. "No" - Norris, Newsom. (2-2). The Mayor announced that with no majority, the issue is dead.

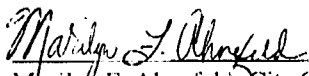
Item 13. on the Agenda. Questions from the News Media.

The media had no questions or comments.

* * *

There being no further business to come before the September 13, 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, SEPTEMBER 27, 1999**

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 September 13, 1999, City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-79, authorizing acceptance of a proposal from **Insight Technology** for the purchase of computer hardware in the total amount of \$24,211 from the General Fund.

APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE for St. Charles Borromeo Parish Annual Harvest Moon event on Saturday, October 16, 1999. Hours: 7:00 PM - Midnight. Managing Officer: Mr. Paul G. Danaher

APPROVAL OF PACKAGE LIQUOR LICENSE for TrexCon, Inc. dba Conoco Food Mart, 5810 N Antioch Road due to corporation change. Managing Officer: Chad F. Holmes

APPROVAL OF AUGUST 1999 FINANCIAL REPORT.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING BILL NO. 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 6/28/99 City Council Meeting).
10. **PUBLIC HEARING:** on a request for a **Special Use Permit** for operation of a hair salon on residential property at **7000 N Wyandotte**. Applicant/owner: Ronald and Kathleen Wade. (File #1099)

- 10a. **FIRST READING BILL 99-37**, granting a **Special Use Permit** to Kathleen Wade for operation of a hair salon on residential property at **7000 N Wyandotte** subject to certain conditions. (File #1099)
11. **FIRST READING BILL 99-38**, amending Schedule V of the Model Traffic Code to establish **No Parking Zones** along certain sections of NE 60th Terrace, N Main and NW 59th Place.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, SEPTEMBER 27, 1999

Mayor Art Hammen called the Regular September 27, 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 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 September 13, 1999 City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular September 13, 1999 City Council Meeting Minutes as written. Councilman Anita Newsom 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, Anita 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-99-79**, authorizing acceptance of a proposal from **Insight Technology** for the purchase of computer hardware in the total amount of \$24,211 from the General Fund. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** for St. Charles Borromeo Parish Annual Harvest Moon event on Saturday, October 16, 1999. Hours: 7:00 PM - Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF PACKAGE LIQUOR LICENSE** for TrexCon, Inc. dba Conoco Food Mart, 5810 N Antioch Road due to corporation change. Managing Officer: Chad F. Holmes. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF THE AUGUST 1999 FINANCIAL REPORT**. 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.

Glenn Kesse, 7417 N Wabash, Gladstone, Missouri, said he would formally request that the City Council consider broadcasting these meetings over closed circuit tv.

Terry Hoppenthaler, 2706 NE 57th Terrace, Gladstone, Missouri, said the past Saturday she had the opportunity to work with about seven outstanding community kids and several other volunteers at the 2nd Neighbors Helping Neighbors Program and she would like to encourage those who can only find the negatives with our city and our young people and government to volunteer and see that there are positive things going on. That activity was extremely positive and any one who wasn't there, really missed out.

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

Councilman Dan Bishop reminded that the annual GladFest Celebration is this weekend and he takes this opportunity to plug the Rotary Club's Turkey Leg Booth which will feature Gladstone City Manager Kirk Davis as a chef. This is the 20th GladFest celebration and Mr. Bishop said he enjoyed former Gladstone Chamber Executive Joe Wally's presentation of the origin and history of GladFest at a recent Chamber meeting and found it most entertaining.

Councilman Roger Norris said he has visited Hamilton Heights Park during the filling of the lake and the improvements to the park, and he would like to take this opportunity to thank the planners, the staff and the citizens who all provided valuable input and made this project a reality. The project is ahead of schedule and will be dedicated October 12th.

Councilman Norris noted Director Adamo presented a very detailed, statistical report on crime at the last Council Study Session and an article in the Gladstone Dispatch

Newspaper discussed the decrease of crime in Gladstone. He compliments the Public Safety Department, our ambulance crews who are the best in the area, and the responsiveness of our fire division.

Councilman George Nodler complimented the work of the City Staff on GladFest.

Councilman Anita Newsom, said that due to a PTA Meeting she was unable to attend the storm water meeting last week and asked the City Manager how it went.

City Manager Davis said there were approximately 50 attendees and the consulting engineers set up maps around the room, similar to the meetings last winter. Residents were invited to visit the maps to see what was proposed in the master plan for their area. He believes 98-99 % of those attending were accommodated by what was being proposed and overall he thinks it was a quite positive and productive meeting.

Ms. Newsom asked the status of the 64th & Antioch triangle where the Texaco was removed and the property where the former Party Shop liquor store was located which is muddy and quite an eye sore.

Mr. Wingerson responded that at the Texaco property, the building and the underground storage tanks have been removed. The next step is to remove the car wash and the accessory buildings which should happen in the next 30 days, weather permitting.

The other corner where Gene's Party Shop was located has been purchased by Commerce Bank for a facility expansion and we hope they will submit their planning documents later this month for consideration by the Planning Commission and City Council before the first of the year. Ms. Newsom said the prospect of the un-tended ground becoming a mud pit is what prompts her questions. Mr. Wingerson said staff will look at that to see if some ground cover for erosion can be placed there. Another complicating factor is that we have actually been allowed to use part of the Texaco property for storage of materials for part of the Prospect Plaza improvements dealing with the Antioch spur and improvements to the shopping center.

Ms. Newsom asked about the Hen House timetable for completion. Mr. Wingerson said they still indicate November, but he would guess after the first of the year.

Ms. Newsom said two citizens have spoken with her about the fact that there is a line of sight problem because of new signage as you pull out on Oak at the Gladstone Plaza shopping center. Director Wingerson said they would take a look at it.

Ms. Newsom noted many City Staff members have GladFest responsibilities and invited their children to ride with her in the parade.

Mayor Art Hammen thanked Finance Director Cash Sweiven for the concise two page report on our city's financial status. It is easy to read and understand.

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

City Manager Davis announced that City Hall will close at noon on Friday for GladFest as we typically do to allow for set up on N Holmes. He also advised that another storm water meeting is scheduled for this Thursday evening at Antioch Bible Baptist Church.

Mr. Davis said at the last Council Meeting, some direction was given to proceed with a citizen survey in the Gladstone Reporter on televising Council meetings and he would like to ask the Council if they wish to proceed in that direction, or is another direction preferred. He asked if the idea of a community attitude survey is worthy of note, or frankly both.

Councilman Newsom said of the five individuals looking at the studies facing them, each persons #1, 2, and 3 priorities could all be different. We might have five different selections. If we are going to take the time to do a survey, she kind of likes the idea of making it a more comprehensive one and find out what our citizen's priorities are. Are we in isolation, are we barking up some tree that nobody wants us to bark up, for lack of a better term.

Councilman Nodler said the survey we were talking about on just televising Council meetings would be a waste of time and money at this time. We did not establish any criteria for how we would evaluate that and just having visited with several other Councilmembers, he does not think there is any way we are going to come to a consensus about how we would evaluate the criteria about the public's response to that survey. He asked how much we were anticipating that it would cost, \$1500 - \$1800 for the survey. Laura Gay suggested \$1500-\$2000. Mr. Nodler said and then the staff time to compile the results. He does not see anything positive about doing it at this time.

Councilman Norris said we have had several studies over the past several months which have all come to us quite planned to be done and presented to this Council before our goal setting exercise. This is an item that obviously has struck a chord for or against this proposal. He believes we need to do a survey of some kind, he is not sure that the comprehensive survey included in Council's packet is the way to go because it appears to be out of our league expense wise. This survey was 200 responses starting at \$2300 and although more comprehensive, it is a little out of our league. So it needs to go away, but we do need to discuss a survey at goal setting when we can sit down and get our clear priorities whether it be community center, storm water, sanitary sewer infiltration, or Public Safety needs. These are things we cannot afford, but we are going to talk about filming Council Meetings with some 50 empty seats in the Council room? He feels we need to talk about this at goal setting.

Councilman Bishop said he had several thoughts on the subject, the first is that it is perplexing to him to put the proposal to broadcast our Council meetings on cable TV in the same league with our storm water, sanitary, sewer, public safety issues. We know that the Black and Veatch recommendations for storm water are 17.4 million

dollars and we heard tonight during our open study session that just to address the Mill Creek sanitary sewer problems, the estimates are between 2.7 and 4.2 million dollars. We don't know yet what the cost is to alleviate some overcrowded situations in public safety and the middle range price tag we were looking at for cable casting was a one time start up cost of approximately \$15,000 and then about \$1300 annually to actually produce the cable broadcast. When you add the annual operating costs to the start up cost of \$15,000, the important thing to remember is that it is only a start up cost. It is not a cost that would be incurred annually because you are buying equipment.

If you amortize that equipment over a ten year period which he thinks is realistic and assume 240 Council meetings over a 10 year period you actually are looking at a cost of approximately \$116/per meeting which you can't compare to a \$17.4 million dollar price tag for sanitary sewers. He does not want to minimize any expenditure of hard earned tax payer dollars but when you think about that one letter from Alice Barber, who has used a cane for ten years and a walker for two, who states being able to watch Council meetings on television would enable her to participate more fully in her local democracy, that is compelling. We have an aging population in Gladstone and he asks how many citizens who because of age or infirmity are unable to leave their home at night and could watch cablecasts of our Council Meetings. He agrees with Councilman Newsom that there is a need to prioritize and to set an agenda as to how we want to tackle these items he just does not agree that cable broadcasting is in a league with multi million dollar capital expenses.

He said the City Manager provided a brochure he had received from a company that does citizen attitudinal surveys and they have a basic four page questionnaire they send out and if you sign up for this service prior to the 31st of October it is \$2300 for 200 household responses; \$6800 for 800 household responses, and he agrees with Councilman Norris that that seems very high for us. And if you start adding to that an additional page of questions which we could tailor about Cable TV, the price tag goes up. So if we add a page of additional questions, this survey goes up to \$8,000 for this survey to 80 households and that is assuming we can act on it by October 31st or the price tag goes up to \$3,450 for 200 responses, for 800 it is \$10,200 and if you add the additional page of questions it is \$12,000 for 800 households. He knows we would ask questions about other than cable but it seems like overkill to spend \$12,000 to determine if we want to spend \$15,000 on equipment for cable broadcast and he could not be a part of that because that would actually be an imprudent use of taxpayer dollars. Those are his initial thoughts about the survey.

Councilman Bishop said he is not sure why this issue is coming back up because we have talked about it twice before. The first time was two Council meetings back where there was a consensus to send a census in the Gladstone Reporter. In light of the public input we had subsequent to that meeting, he made a motion last week to revisit the issue. He has been very very harshly criticized for making that motion. He felt that in light of the public input we had from 24 citizens who took the time to call in and 4 others who took the time to write in favor of it, and although 30 people does not seem like a huge number, he asks what other issue we get that kind of response on. He knows that if we have massive flooding or stormwater concerns we have that kind of turn out, but short of that he can't come up with another issue that generates that kind of input. In light of that, he doesn't think it is insignificant. Perhaps he should have

just let the issue lie last week but he thought it was worth discussing again. So this is the third time it has come up and he does not really know why. He is concerned, because after their meeting two weeks ago when there was a unanimous direction given to go ahead and send out the survey in the next Gladstone Reporter, he received a telephone call from Councilman Nodler and Councilman Nodler informed him that after the Monday night meeting that there was a majority of the Council who did not want the survey to go out but wanted the project stopped. He has questions and is concerned and confused by that. He does not know when this decision was made, he does not know exactly who made it. He was not asked for input in this decision, and now the issue has come back up tonight and he is confused and he would sure be receptive to an explanation as to what is going on.

Councilmember Newsom addressed City Manager Davis and said for clarification her understanding was that his sending out the sample comprehensive survey was simply an example of something that could be done. She did not take it as a recommendation to go forward with this specific company.

City Manager Davis said that was correct.

Councilman Newsom said with the skilled staff we have a survey can be composed, and she had viewed the comprehensive survey in the packet as something that could be done. She asked if she misunderstood.

City Manager Davis said she was correct because there have been several questions that have come up about community attitude surveys in the past few months, and this one came in the mail and he thought it was rather timely and sent it out to just provide a sample of what some other people are doing. This particular company is working with Mid America Regional Council and several metropolitan area cities to measure performance in a number of issues. It was not sent out directly related to the issue we are discussing tonight but was sent out with a much broader scope in mind, however, noting that there were municipal circumstances in each community that could be added to the survey. In otherwords it could be structured to meet the community's needs and questions. Ms. Newsom said and as well we could do something similar in house.

The Manager said this would be a very comprehensive survey much broader than a singular issue.

Ms. Newsom said Mr. Bishop referenced Mr. Nodler's comments to him about the majority of the Council. Ms. Newsom said Mr. Nodler called her to discuss the September 13th Council Meeting and she plainly told him that at that point in time that with the information coming forward about other opportunities that we had to survey the public, that she would definitely be in favor of holding the Gladstone Reporter survey at this time and looking at something on a more comprehensive basis. That was her input to Mr. Nodler.

Mr. Nodler said he called Mr. Bishop the day after the last Council Meeting because he had heard what had come up and asked him about interpreting the results of the survey because he was concerned that we were going to spend \$1500 for a survey to

find out about the citizens interest, and he just wanted to consider enough interest to generate that. Mr. Nodler said he threw out a number like if we got 200 out of the 9,000 responses back. Mr. Nodler said Mr. Bishop said that would be sufficient if the majority of the 200 were interested, and then he went on to elaborate that if just the lady that he mentioned tonight wanted to watch the Council Meetings on TV that he thought it would be worth spending the \$15,000. Mr. Nodler said so he does not see how we are going to come to a consensus about how to view those results of the surveys when we have divergent opinions like that. Why waste the money and come back and talk about it a 4th or 5th time.

Councilman Norris told Mr. Bishop that we have talked about this issue way too much and it should have gone away two meetings ago when we decided on a plan. He said in his opinion, the issue died at the last meeting when Mr. Bishop brought it up and it failed. We can talk about it at goal setting. He said as far as Mr. Bishop's amortization over ten years, his experience in government is that it does not work that way because the equipment we have now is not even ten years old yet and it can't be programmed. He has been in government long enough to understand that when you are given a running total of ongoing costs over the next ten years to be locked in at \$1300/year, there is no way that is realistic. It just does not work that way.

Councilman Norris said he did not mean to imply that he was comparing a \$15,000 deal to a multi million dollar program. His point was that there are big projects that we have on the board now that need to be adjusted and addressed now and we can't pay for them. If you want to buy a new car, you can't run every credit card you have up to the limit and then go buy a new car, because you have to be able to pay for every thing. We can't do it, and he told Councilman Bishop he knows that from discussions with the City Manager.

Councilman Norris said we would love to give \$14,000 - \$15,000 to everybody who comes up here and says they need it, but this is a board of five directors, not five individuals, but a team who have to make decisions in the big picture. If we take all these little snap shots and put them together you have collage and they are cool, but they are not maps. Gladstone is a whole map, a whole city. He really thinks this is something we need to take back off the political burner and put in goal setting where we can address it with a combination of bigger issues and find out really what it takes and communicate with our people effectively and spend their dollar effectively. He told Mr. Bishop that he has been here long enough to see what the budget figures look like and long enough to have read how many budget awards we have received so he knows we look at things prudently. We had a 161 calls after the big storm last spring and we have been addressing that slowly but it is not finished yet because it takes three years to rebuild a street considering the budgeting, engineering and construction.

Mr. Norris said he read the article in the paper that said eight months ago this was not on anybody's radar screen and look how far we have taken it. Eight months ago it was not on anybody's radar screen is exactly the point of why it does not need to be shoved through. It needs to be looked at and we have processes for things to come to the Council. He would like to see this come from capital improvements or one of the other committees that make recommendations for projects. We don't just take things and dump them down on top of the head of the City Manager for them to work their

way back. We bring these issues in and they go into a process and then they come up to the City Council, The Council is the last line before the city's taxpayers dollars are spent. This is something that certainly is not so important that it has to be addressed at every single meeting, but we do need to look at it in terms of the big picture and at goal setting that we will have on the 16th of October. He does not think this is unreasonable, rather he thinks it is prudent.

Mayor Hammen asked if he understands correctly that when the question was asked about the cost of the single issue, the response was \$1500 - \$2000 which does not include staff time, just hard costs. Assistant City Manager Laura Gay said that was correct.

The Mayor said we discussed sending that out with our next city newsletter and asked the approximate timetable. City Manager Davis said around the 15th of October.

The Mayor said then if we were to take a step back and revisit this issue during goal setting which is on the 16th of October we are not talking a significant delay to make a decision and move forward. He asked Councilman Bishop if he would agree with that. Mr. Bishop said he does not know because he does not know what will happen at the goal setting session.

The Mayor said he thinks he hears the City Manager requesting direction and he understands the options to be: go forward with the original single purpose survey as discussed in the past; agree to give the City Manager time to make a presentation on the multi purpose survey to the City Council at their goal setting session on October 16th and make a decision at that time on the direction we want to go in; or, perhaps do nothing. He asked if there are other options we should be considering.

Councilman Bishop said he would make a couple of points. First of all, in response to Councilman Norris' comments about the fact that he would like to see this generated by capital improvements or possibly by some other board or commission, he would just like to remind that it was Councilman Norris who during our first budget study session with the City Manager, raised the issue of cable broadcasting City Council meetings and said he thought it was a great idea and wanted to see it done and directed the City Manager to begin work on this project. Councilman Norris said that was right.

Councilman Bishop said the other point he wants to make is concerning the survey. There has been talk all along about the survey being something more than just a single issue survey asking more than would you like to see Council meetings on cable and just for the record, staff has already taken the time to create a cable tv survey which was provided to the Council some time back in one of our Council packets, so you are talking about staff time being expended. If this survey is not sent out, which if that is the desire of the Council, he is fine with that. It is a waste of staff time to the extent that it took them the effort and time to draft that survey which is not a single issue survey because it deals with things such as, where do you get your information about the City of Gladstone. It gives options, it talks about the Gladstone Reporter, the government access channel, the 24 hour information line, newspaper, etc. etc. and asks about when you would be most apt to watch a cable broadcast of Council

meetings and gives a variety of times. The survey asks how much you would be willing to spend on such a project and gives a category of cost ranges and presumably, a citizen would be free to write in something less or something more.

Mr. Bishop said he knows he is missing some of the items but it is a full page survey that he thought was very well crafted by staff. He said staff asked for Council input and he did not hear any criticism of the actual survey that was drafted. So that survey exists and it is fairly broad in its scope of how citizens become informed about city issues. He thinks it is in our price range much more so than what this company was advertising and we also have to think about staff time and effort to draft a broad based survey as far as something in line with what this company does as the main source of their business.

Councilman Norris said Councilman Bishop is exactly right. It was a great idea with existing equipment out of Station #2's video room if it could be used. What Mr. Richison brought us back determined that it was going to cost us \$13,000 - \$15,000 plus the ongoing cost that comes up yearly. When it gets to \$400, \$500, \$600 a meeting it is not worth it. He told Mr. Bishop that staff did not get any feedback because we got that survey the Thursday before the Monday Council Meeting when you tried to jam that thing down our throat, so there was no time for staff to give us any response to the survey. Mr. Norris said he would have pointed out that there was no place on the cost range for \$0 - \$10,000. He admits he has to ask people about cable TV, they have not been flooding his house with calls and letters asking to see his face on television. He said when you ask people if they would like to see us do cable TV, they say sure, because it is 1999, but when asked if it is worth \$500/meeting, the answer immediately is, no.

Councilman Norris said we need to take this to goal setting and discover whether or not a crew and a truck for pot holes is more important than the public being able to connect a name with a face on TV. This issue has gone on way too long and we have eaten up staff time. He suggests we discuss this issue at goal setting.

Councilman Bishop said he hates to continue but as long as Councilman Norris says things that need to be addressed, he appreciates the opportunity to talk. He told Councilman Norris that on the list of items one of them is using the equipment we currently have. And he would again point out that this was not a Dan Bishop idea but was generated by a constituent in Brooktree who was familiar with the cable franchise agreement negotiations and what the City agreed to. She had mentioned that at that time, the City was pretty adamant that they wanted to have the equipment to broadcast meetings; but as far as she knew, the equipment sits in storage in the city.

Mr. Bishop said one of the options that Mr. Richison brought forth is actually using the existing equipment. So it is possible to broadcast with the equipment we have. The downside is that it is more expensive in terms of operating personnel. He said we have not discussed a probationary period where we would use what we have and use staff time to do it for say six months, then we could survey the citizens and ask if it is worth it, and if we continue and should we use a \$15,000 investment to upgrade. We would have a better idea then what we are dealing with.

Councilman Norris said that would cost more staff time during the next six months.

Mr. Bishop said he is just throwing that out for discussion. He also said he in no way had any intention of ramming anything down anyone's throat last week. That was not his intent. He felt that it was worthwhile in light of the citizen input we had to discuss it. He was up front about it, he had told the Mayor ahead of time that he would make the motion, he announced during his communications from the Council that he intended to do it and not one member said, "don't do it under other business, it's not prudent, it's not worthwhile". No one said that, and all had an opportunity to talk after he spoke. He said he made the motion as he indicated he would do and he felt it was worth discussing. He said he is truly sorry that was not well received.

Mayor Art Hammen said he does not think there is anybody here who has any misunderstanding that he thinks televising of Council Meetings is a good idea provided it is not done at the expense of more pressing needs. The Mayor said he would like to bring the discussion back to focus on a direction for the City Manager as he requested. Of the three options offered, what is the Council's preference on direction to the City Manager.

Councilman Norris responded that we should take the issue to goal setting and we should cease and desist from checking out and following up anything until Council has had discussion at goal setting.

Councilman Newsom said she has similar feelings but would also like to go to goal setting with staff having facts and figures for the cost of surveying whether through a commercial company, in house with staff time, or other companies who would do this more economically. She would like to see other options at that time if we decide to move forward with this. She said we won't be voting on it there because it is a goal setting session, but just to have an idea what we are looking at dollar wise and what we will get for our money.

Councilman Nodler said he would favor waiting until goal setting and finding out what kind of a priority it is with the Council. He said he pointed out before that he really does not see the need to spend the money right now because there is no way we can come to a consensus on the survey we are talking about sending out. He thinks Mr. Bishop realizes that.

Mr. Bishop said he does not think it is necessary to wait until goal setting to see how the Council feels about it because anyone can divine that from the last three meetings. It is apparent where people are coming down on it. He would like to see the survey go out because we are, as Councilman Newsom is fond of saying, a representative body and if we can't represent the people who put each of us here, then we are not really doing our job. He thinks this is an issue where we ought to know how the public feels about it and act accordingly. So he would be in favor of continuing on the course they set two Council meetings ago and sending out the survey which staff has already compiled in the next Gladstone Reporter Newsletter.

The Mayor told the City Manager that he heard three people, which constitutes a majority, asking that this issue be dealt with at our goal setting session.

City Manager Davis asked if the Council desires to move forward with the newsletter which was projected to reach homes around the middle of October or does Council prefer to wait until after goal setting and the direction given then.

The Mayor asked if there would be any problem in holding it an extra week or ten days so that if at goal setting we determine that the survey that we have in hand is the one we want to go with that we can get it in that issue. The City Manager said we can adjust although there may be some recreation programs that are typically advertised in the back of the newsletter.

Councilman Norris said part of the discussion he heard from Ms. Newsom was suggesting a more inclusive survey. If we were to decide in goal setting session that a more inclusive survey to help Council set priorities is where we end up going then he fears this newsletter may be delayed more than a week or ten days.

Councilman Newsom asked if it doesn't need to be a separate instrument from the Reporter.

Councilman Nodler said he does not see anything imperative about a cable TV survey that it needs to be done instantly.

Mr. Bishop said except that the papers have done a thorough job covering this debate and based on the coverage we have received, the citizens of Gladstone are expecting it in the next Gladstone Reporter. So if we don't do that, we need to let the folks know that it is not coming, because he thinks people are looking for that survey and looking for the opportunity to voice their opinion.

Ms. Newsom said she would favor going to goal setting where one of our issues is always communicating with the citizens and look at a comprehensive survey for attitudes, commitment to funding, all the kinds of things that would come forward from a citizen's survey. What are you willing to pay for, whatever the priorities might be - from storm water to community center, through property taxes, sales taxes, what revenue sources, all these kinds of things that we need to be benchmarking with our public and she does not think that a survey like that needs to come out with the Reporter but is a separate instrument if we decide to do something like that which is really where she would like to see us go. Not a single issue survey but a more comprehensive instrument.

Mayor Hammen asked if they could agree that they also ask staff to hold the Reporter in the event that at goal setting we decide we want to get something out at that time. We are only asking for a short delay in sending the Reporter out.

Councilman Nodler said he does not see the point. Councilman Bishop said it was fine with him. Councilman Norris said it seems to him that the best case scenario it is held three days until Monday after goal setting if we decide to go with the survey as it

is and if we decide not to, the newsletter goes anyway on Monday. So we are talking two or three days. He does have a huge problem if we sit on the Gladstone Reporter for a month and a half. Ms. Newsom asked if printing and insertion does not constitute a week.

City Manager Davis said there could be layout changes and the mailing process does take several weeks before it gets to the public, so it won't happen immediately after the goal setting session.

The Mayor asked the Council if they would be specifically vocal.

Councilman Bishop said his concern is that the people are looking for the survey in the Reporter. Councilman Nodler said again he sees no reason to hold it up. Mr. Nodler said he apologizes he was not present two weeks ago, but at that time Councilman Bishop saw no need for a survey and wanted to go ahead with a vote and now two weeks later he finds it very imperative that we find out what the citizens think, he does not understand Mr. Bishop's change of mind in two weeks,

Councilman Bishop said he feels that the people do want this service provided but apparently there is not a majority understanding or belief of that on the Council. He thinks that if the citizens could have an opportunity to express their opinion on it then we might be able to think about this in a more unified way. Mr. Bishop said he has said from the start that if the response comes back in a more negative fashion, he will be very receptive to that and respond accordingly.

Ms. Newsom asked when fall brush disposal is because that is one of the big issues that is brought up. The Manager advised it was November 5th. She thinks we should have this ready to send out prior to that time because the spring and fall brush disposals are activities that are important to citizens and ones she hears the most positive comments about. And it has done a lot for the city's aesthetics and codes enforcement in the community to have brush disposal, and to have it well publicized. So if holding up the Reporter until after goal setting is going to delay a timely arrival at their homes so people can prepare for the fall brush disposal then she is not in favor of holding it. If that can still be accommodated and arrive at homes in a timely fashion then let's hold it up and see where it goes if we need to insert the survey or not.

Mr. Bishop said he agrees with Councilman Newsom there is important information that needs to be gotten out to the citizens. Somehow the citizens need to be informed that the survey is not coming. Ms. Newsom said we need to remember that the purpose of the Reporter is information and not usually as a two way communication tool but usually a one way. Mr. Bishop said that is fine but they have been told in this particular instance it was going to be used in that manner for a survey. Ms. Newsom said then there could be a box that references its delay and information that it would come later. Mr. Nodler said the public was told by the press and the press is here so they can tell them the opposite.

Mayor Hammen asked City Manager Davis what he sees as the latest time frame for getting the Reporter out.

City Manager Davis answered that we can probably get that newsletter almost ready to go but we can get it out within a few days after we find out which direction the Council wants to go and it gives us about two weeks to hit the street before the brush disposal on November 5th. So there is every opportunity to get it to the public prior to that date. If you just go with the newsletter you have the opportunity to follow up with another newsletter still late this fall and early winter as far as issues that focus on the holidays, winter safety, snow routes, etc. etc.

Mayor said he has not spoken on this issue, but he personally feels that if we can address this at goal setting and on Monday or Tuesday afterward we can go with the Reporter, then he would request that we hold it until that time. If that is not a practical matter, then Council needs to be told and staff can go ahead and send it.

The City Manager said staff will wait until goal setting session and be prepared to move very quickly afterward depending on the direction that is provided at that point with the idea that it is going to hit the public before November 5th.

Councilman Bishop said he waited until the discussion was finished on the merits of the survey and whether or not to do it, but there is still an issue that concerns him very much. And that is that subsequent to our last Council Meeting when it was decided to send a survey out in the Gladstone Reporter he received a call from one of our members indicating the majority of the Council had decided not to. He does not know the manner of the meeting, he didn't know anything about it, or where it took place. But based on that agreement of the "majority of the Council", a direction was given to the City Manager contrary to a decision that was reached in a public City Council meeting here two weeks ago. Mr. Bishop said he did not think that is how we were supposed to operate and he wishes someone could explain it to him.

Councilman Norris said he will respond and explained that Councilman Nodler called him after he talked to him after the meeting knowing that he was adamant about this issue. He talked to him and told him what went on at the meeting and Mr. Norris said you do not see the gentle man at the end of the desk (meaning Councilman Nodler) "mad" very often. He said Councilman Nodler wanted to forget this survey, he does not think there is any point in conducting the survey and he never has.

Mr. Norris said he told Councilman Nodler that if he wanted to make that motion in a meeting, that he was right there with him. Councilman Norris said he imagines that Anita probably told him the same thing. Ms. Newsom said she told him what she told him. Mr. Norris said which was basically the same thing, if he wants to bring it up at a public meeting - - - which he thinks is probably why the City Manager asked about it tonight. If he brings it up here and we discuss it as policy, we will give him clear direction tonight. That is different than clandestine meetings and all that stuff. Councilman Norris said if he has his facts correct when Mr. Nodler talked to Mr. Bishop he got the clear impression he was for it no matter what.

Mr. Norris said it's how you want to look at it, but if he wants to bring it up at this meeting and kill the whole issue it can go away until April as far as he is concerned.

Councilman Norris said he has known Councilman Nodler for a long time and doubts that he said it the way you said he said it that the "majority said", he bets he said he had talked to several Councilmembers and said I can kill this thing if I want to, or something along those lines.

Mayor Hammen said he would like to get back to our Agenda and introduced the next item.

Item 9. on the Agenda. **SECOND READING BILL NO. 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 6/28/99 City Council Meeting).

Councilman Norris moved to place Bill No 99-11 on Second Reading and Mayor Pro Tem Newsom seconded.

Discussion

Councilman Norris stated that there was a pretty lengthy report in the Council packet and asked Mr. Wingerson to explain this report.

Director of Community Development Scott Wingerson said in terms of history, the City Council in conjunction with the consideration of a building permit granted an extension of the second reading of the bill to revoke this special use permit to tonight's meeting. The purpose of his presentation tonight is to explain progress and discuss deficiencies.

In terms of progress since the last meeting, significant portions of the north portion of the Antioch Road sidewalk have been installed and in addition relative to that issue, Council may recall that there is a Kansas City Power & Light manhole in the area where a portion of the sidewalk needs to be lowered in order to create a smooth surface. Payment for moving the manhole has been made to KCPL. Additional grading and miscellaneous amenities and landscaping have been installed or constructed throughout the property. Basically physical improvements that are lacking would be the paving of the parking lot and construction of the small building that Council discussed at the last meeting.

The Community Development Department has created two general exhibits to show what has and has not been done. Mr. Wingerson showed a an elevation drawing from the original special use permit with color coding for completed items and those not completed. The elevated drawing shows items on the south part of the plan have not been completed, but entry gate and miscellaneous amenities have been installed. On the north side a stockade fence, berming and trees shown on the plan are complete. On the southwesterly portion, the fence has partially been installed. It is fair to say that in the fall there is significant amount of tree growth and vegetation providing a screen, but the approved plan does show a stockade fence and additional landscaping.

The copy of the site plan shows a small building, fencing, landscaping and Mr. Wingerson pointed to the hash marks depicting the work that has been completed and

what has not. The material storage areas are at the business owners discretion on how it is organized. He does have the storage and material bins organized nicely.

In terms of the revocation ordinance, items #1, 3, and 4 relating to landscaping and compliance with the site plan have been partially complied with and #7 relates to the construction of the building, which has not been completed.

Mr. Wingerson then stated that Mr. Bledsoe was present this evening if Council would like to hear from him.

Mayor Hammen asked if there were any questions for Mr. Wingerson. Councilman Norris asked Director Wingerson to give him a brief rundown of what is it he wants.

Director Wingerson said just compliance with the Planning Commission and City Council's approval of the ordinance which is shown on the site plan and elevation.

Councilman Norris asked Mr. Wingerson if he has a timetable in his mind.

Director Scott Wingerson said he would respectfully leave that to the discretion of the City Council. We have talked about this issue numerous times at this level and at Planning Commission level. He will certainly follow the Council's direction.

Councilman Norris asked the date the Planning Commission originally approved the special use permit; Director Wingerson responded that the City Council approval was April 28, 1997 so the Planning Commission approval was likely the week before.

Other discussion

Councilman Norris stated that the last couple of times this project has come up, he has been clearly chastised by Councilmembers because he kept wanting to give the benefit of the doubt to Mr. Bledsoe. He told Mr. Bledsoe that he has him on the hook here, and now he is told he has not done his building, part of the parking lot, fencing, etc. and he has to know what is happening

Bob Bledsoe, Cripple Creek Rock Company, said we all know when he got his permit and we have had plenty of meetings on this issue and he feels it is meaningless to bring up again and he would like to tell the Council what is going on with his project.

After applying for his permit, he was asked to put in a fire hydrant which was a low priority on the fire hydrant company's list because he is a small company compared to a Hunt Midwest who puts in 50 hydrants. This will cost him \$3,000 of his money to put that hydrant on Antioch Road. The owner of the property is trying to pull some strings to get him a fire hydrant before December. As far as asphalt, he is a small fish in a big pond, all the companies are booked and they came up last week to confirm that the asphalt would be in by the end of September or middle of October. He has put in 200 feet of sidewalk, 300 rolls of sod, and making improvements on Antioch Road. He has spent his money to make these improvements on Antioch Road and not asked anyone for money. He is doing the best he can. He was taken for \$700,000 two

years ago on a project and is just now coming out of it. Not too many people can take these kinds of hits and come out of it. He is doing the best he can.

The south fence post went in last weekend, the privacy fence is ready to go up on the south end, the posts are set in concrete. On the back side of the property, he has talked with our engineers working on the creek at the back, and he has built up the creek bank six feet, thanks to the Hen House and Hobby Lobby construction. Pursell Construction has brought fill for the back of his lot. He talked with Scott Wingerson last week about access to the back lot and he said someone would give him a call but he has not spoken with anyone yet. He stated he is just trying to do his thing.

Councilman Norris asked Mr. Bledsoe about the time frame for his building. Mr. Bledsoe said with the fire hydrant and asphalt were delayed, the log cabin has become a scheduling problem as well. He stated that he heard someone here was in the building business and they would know about these scheduling problems. The cabin is done and ready to come, but one issue affects another.

Councilman Norris said he is going to repeat what he understands he heard tonight: the property owner is working a deal with a fire hydrant in November, the parking lot will be done in October, and the privacy fence when the posts set up. Mr. Bledsoe said when the manhole cover is done by KCPL, he will do his thing the next day and will put sidewalk in and sod, then Antioch Road will look pretty good. He said anything that is within his control with his company, he is doing it.

Mayor Hammen told Mr. Bledsoe he stated he is doing everything in his control to get things done. He has a letter dated May 4th, 1999 from Kansas City Power & Light stating that you need to pay them \$500 and they will schedule the construction work typically within 7-10 days and lower the manhole. Your check to them is dated five and a half months later. Mr. Bledsoe said, exactly. Mayor Hammen said that doesn't seem like you are doing a very good job controlling what you are able to control.

Mr. Bledsoe said with everything tied around that, the manhole cover going down was not a big priority to him. Actually the big issue all along has been the fire hydrant and the asphalt because the asphalt has been shut down all summer. He is running his company with his money. Do they have their money, yes. Is it going to be dropped, yes. He asked if the Council wants him to have his permit or not and stated that he has spent his money on Antioch Road and he is just trying to do the best he can without going to deep into his company books.

The Mayor told Mr. Bledsoe that it takes money to be in business. Mr. Bledsoe said it sure does.

Mayor Hammen said speaking strictly for himself, Mr. Bledsoe has had almost 2 ½ years to complete these things and when he sees reports that say that you still don't have trees in and you still don't have fence up, you still don't have sidewalk in, he is really concerned for the neighbors and for the rest of the City and what kind of a precedent we are setting. Mr. Bledsoe asked where he does not have trees in. The Mayor referred to the staff report.

The Mayor told Mr. Bledsoe that we would like to see the work completed because we would like to see him stay in business and be a good part of our community but at some point in time we have to draw the line and say, enough is enough. Mr. Bledsoe asked when they want to draw the line because he is trying to do the best he can. The Mayor asked that Mr. Bledsoe give them dates by which the items can be completed.

Councilman Norris told Mr. Bledsoe that they want him to be in Gladstone and be successful. Mr. Bledsoe said he would get in writing and submit to Scott Wingerson in the next ten days, schedules from the companies who are doing this work for him, his sub-contractors, so we know what they are doing and are all on the same page.

The Mayor said that seems reasonable to him and the Council agreed. The Mayor repeated Mr. Bledsoe said it would take him ten days to get that to Scott Wingerson so we would have it for our next Council Meeting.

Councilman Norris said in light of Mr. Bledsoe's offer to submit to this Council basically letters of intent from his sub-contractors who will be doing his work, he will remove his motion to place the Bill on second reading. Ms. Newsom who had seconded the original motion concurred. The Mayor asked if there was objection from any Councilmember. Hearing none he stated that this item will be placed on the next Council Meeting Agenda (October 11, 1999).

Item 10. on the Agenda. PUBLIC HEARING: on a request for a **Special Use Permit** for operation of a hair salon on residential property at **7000 N Wyandotte**. Applicant/owner: Ronald and Kathleen Wade. (File #1099)

Mayor Art Hammen opened the Public Hearing and explained the process that the Applicant is invited to make his presentation, followed by those in favor and those opposed.

Ronald Wade, 7000 N Wyandotte, said his wife, Kathleen Wade would like to operate a hair salon from their home which would enable her to be with their children more and have more family time. This would allow her to keep better hours than working in a salon at a mall or elsewhere, and that is their goal. It will be a one person shop with no more than one client at a time. There should be no problem with parking because they have adequate parking and it would be an excellent opportunity to help them out financially as well.

Councilman Norris asked how long they have lived there. Mr. Wade said ten years. Mr. Norris asked if any neighbors expressed concern either way when they saw the City's green application sign in the front yard. Mr. Wade said no, and in fact they had positive responses from the neighbors.

Ms. Newsom read the restrictions of the hours and days listed in the ordinance and asked Mr. Wade if he had any problem with them. Mr. Wade said they are agreeable to all nine conditions.

Mr. Bishop said he was at the Planning Commission's Public Hearing when Mr. Wade's neighbor spoke and the neighbor was quite an advocate for approval of the special use permit.

The Mayor asked if there were others desiring to speak for or against this application.

Mr. Charles A. Byrd, 6816 N Baltimore, said he opposes bringing this special use permit into a residential neighborhood, although it may be time for a change. He said he has heard requests, but there is nobody here, so maybe we will hear from other neighbors after it is all over with.

Director Scott Wingerson advised the Planning Commission voted unanimously (9-0) in favor of this request and of the nine conditions, the majority of them are typical special uses having to do with state licenses, safety inspections, etc. There are three that are key and serve to preserve the integrity of the neighborhood and those are condition #3 which prohibits accessory operations, the limiting hours of operation, and the number of customers limited to 8 per day with no more than two at any time. So those speak to the integrity and the very limiting impact of this request.

There were no further comments or persons desiring to speak for or against this application, and Mayor Hammen closed the Public Hearing.

Item 10a. on the Agenda. **FIRST READING BILL 99-37**, granting a **Special Use Permit** to Kathleen Wade for operation of a hair salon on residential property at **7000 N Wyandotte** subject to certain conditions. (File #1099)

Councilman Roger Norris moved to place Bill 99-37 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Norris stressed that the conditions serve to keep the integrity of the residential neighborhood and recited them. He lives in Hamilton Heights so he understands what Mr. Byrd fears but the conditions protect the neighborhood and he has never heard anything negative about the Wades during the ten years they have lived here, so he will be voting in favor of this request. He stressed to Mr. Wade that if there are any complaints about the operation, the special use permit can be revoked.

Ms. Newsom said this proposed special use permit seems to be similar to others where they are in the home and are very discreet with limiting times and hours. She is much more prone to vote in favor of this application than one where someone who has been operating illegally for some time, gets caught and then comes forward. She likes the way they come right up front with their proposal and believes it is the way to do business and what special use permits are set up for.

Councilman Bishop said he typically agrees with Mr. Charlie Byrd but in this instance he thinks the special recommended conditions are there to ensure that this operation

does not interfere with the integrity of the neighborhood and it should not be an obvious operation based on the conditions, because there will be no signs, etc. He agrees with Mr. Norris that we will be very sensitive to any complaints we receive. In this instance he will be supportive of this special use permit.

Councilman Norris noted the staff recommends approval was contingent upon the nine conditions and that the Planning Commission voted in favor by a vote of 9-0 on September 7, 1999.

Councilman Bishop noted that he was present and heard the testimony and supportive comments of the neighbor at the Planning Commission Meeting.

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

Councilman Norris moved to accept the First Reading of Bill 99-37, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 99-38 and enact the Bill as Ordinance 3.726; Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 99-38**, amending Schedule V of the Model Traffic Code to establish **No Parking Zones** along certain sections of NE 60th Terrace, N Main and NW 59th Place.

Councilman Norris moved to place Bill 99-38 on First Reading; Councilman Newsom seconded.

Discussion.

City Manager Davis advised that this request came forward at a Capital Improvements Meeting because Bircaim Apartments indicated they were having problems with site distance, etc. so our engineering staff has been looking at this in an effort to try to address the needs and the resulting memorandum and ordinance were prepared.

Ms. Newsom said she recalls that travel in that area is difficult when cars are parked on both sides of the road, so she sees this as a means to make a safer neighborhood.

Mr. Norris said he has no problem with this ordinance from the way the staff report is written, but he hopes that Public Safety won't have to go out constantly to monitor the parking.

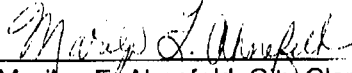
Councilman Norris moved to accept the First Reading of Bill 99-38, Waive the Rule and place the Bill on Second and Final Reading; Ms. Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0) The Clerk read the Bill.


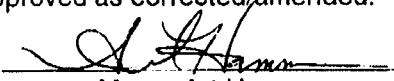
Councilman Norris moved to accept the Second and Final Reading of Bill 99-38 and enact the Bill as Ordinance 3.727; Ms. Newsom seconded. The vote: All "aye" - Bishop, Norris, Nodler, Newsom, Hammen. (5-0)

* * *

There being no further business to come before the September 27, 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, OCTOBER 11, 1999**

OPEN STUDY SESSION: 6:30 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 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 September 27, 1999, City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-80, accepting Temporary and Permanent Easements from property owners required in conjunction with the 61st & N Olive Drainage Improvement Project. (Project #9416)

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING BILL NO. 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 9/27/99 City Council Meeting).
10. **APPROVAL OF BUILDING PERMIT** for interior and exterior remodeling of Hardees Restaurant, 6250 N Oak. Applicant/Owner: Hardees Food Systems. (BP#99-0722)
11. **APPROVAL OF BUILDING PERMIT** for interior remodeling of lower level of Gladstone Animal Clinic, 7027 N Oak. Applicant: Architect Jeff Boyle (BP# 99-0727)
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 11, 1999

Mayor Art Hammen called the Regular October 11, 1999 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen
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

ABSENT: Mayor Pro Tem Newsom

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 September 27, 1999 City Council Meeting Minutes.

Councilman Roger Norris moved to approve the Regular September 27, 1999 City Council Meeting Minutes as written. Councilman George Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Councilman George Nodler moved to adopt the Consent Agenda as listed; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-80** accepting Temporary and Permanent Easements from property owners required in conjunction with the 61st & N Olive Drainage Improvement Project. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

REGULAR AGENDA

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

Jim Hoffman, Director of Recreation for Concerned Care, Inc. said they provide recreational opportunities for youth and adults with developmental disabilities in Clay County and he learned from one of their board members that the City Council was interested in video taping the City Council meetings in Gladstone. He said they used to produce a recreational program on American Cable before community access was disbanded and they were looking at the possibility of their group being involved in the actual taping of the actual City Council Meetings as a program of their agency. They are in the middle of their budget process right now and they will be looking at what programs and activities they will be doing in the future and they are not sure what will fit in there but it is a possibility for them. He is not sure what equipment the City will have available or the times frames and number of meetings, but it is something they would be interested in but he is not sure where the Council stands at this point.

Mayor Hammen thanked Mr. Hoffman and noted that this is an issue that will be discussed at the upcoming goal setting session and by our next council meeting we would be able to respond where we stand on that issue.

Councilman Bishop said he would like to query what is being offered. We meet twice a month every other Monday and he understands the City has two cameras we got under our franchise agreement with Time Warner and asked Mr. Hoffman if the operation of two cameras twice a month is something they can do.

Mr. Hoffman said if they get their staffing and scheduling aligned with that they should be able to but they would have to look at the equipment. It is something they have done before and feel they could do adequately.

Councilman Bishop asked if they have any samples of programs produced previously by Concerned Care. Mr. Hoffman responded they moved to a new building about a year ago and do have some samples available from when Channels 4 and 12 came and interviewed them and did some promotional programs.

Mr. Bishop said so they are currently in their budget process where they will decide if this is something they could do, Mr. Hoffman said yes.

Councilman Bishop asked the timeframe for Concerned Care as far as budgeting; Mr. Hoffman said they would know by mid to late December.

Mr. Bishop asked what they need to know from the City Council for their planning for the coming year. Mr. Hoffman said the amount of hours, time needed, location which he assumes will be in this room. They need to look at our equipment as far as whether it is single or double camera, how many hours per month and any special requirements more than two times a month such as special meetings, or are we only looking at basic scheduling.

Mr. Bishop said the Mayor is right in that we are committed to talking about this at goal setting session on Saturday and he appreciates the offer of this partnership and he thinks this will help us think about the options on Saturday and we will be able to get back to him after that and give some better idea of where we are.

John Ruppert, 6407 N Wayne asked when work will be done on the storm drains in their block and also if there are plans to replace the water lines in Meadowbrook Estates which are 40 years old. In the last couple of years there have been six breaks in a one block area. Every time there is a break they get rusty water even if it is quite a ways away.

Mayor Hammen asked Director of Community Development Scott Wingerson to meet with Mr. Rupert on this issue to answer his questions.

Mr. Don McLaughlin, 2607 NE 69th Terrace, said a few meetings back, Public Safety Director Bill Adamo gave statistics on the Public Safety Department and mentioned an increase in burglaries, thefts, etc. in one quadrant of the city. He also mentioned the fact that his ability to patrol those areas in the late night shifts was diminished somewhat on occasion because he only had 1-3 officers on patrol.

Mr. McLaughlin said he is curious about that and is sure there is an answer since no one challenged the Director on why we are devoting 12,000 hours a year in Public Safety overtime money at a cost of \$322,000 a year. Why aren't we adding 3-4 public safety officers and using our overtime for emergency purposes. It seems to him that it is a known fact that as use increases the hours a person works, both efficiency and productivity go downhill in almost the same percentage of the number of hours you increase. He would like us to give thought to employing some full time officers and get some good patrol in these areas in the late night hours.

Mayor Hammen asked City Manager Davis if he had comments. The Manager said obviously we will get with Mr. McLaughlin and clarify. He said unless he is mistaken, that overtime figure includes both the fire and the law enforcement side. Directing his comments to Director Adamo, City Manager Davis said if he recalls correctly the law enforcement overtime is roughly \$180,000 covering many different issues during the year. He does not believe we are ever down to 1-3 officers on a particular shift and he asked the Director to clarify that statistic.

Mr. Adamo advised that minimum staffing is four officers and a supervisor. When they have officers injured or there are family situations and the officer has to be off for vacation time, injuries in the line of duty, or illness, we do fill those shifts with overtime. Our overtime expenses not only cover shifts but includes court appearances in the municipal court, late arrests, late calls, special functions such as GladFest, and a lot of situations that take those overtime funds over the course of the year. And that is certainly also true in the Fire and EMS bureaus where overtime is drawn to cover shifts and maintain coverage on the ambulance and the staffing of that station for firefighting. And again that overtime is used where there are injuries, training, and everything else in the operation of the Public Safety department.

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

Councilman Dan Bishop commented that in driving around Gladstone it is exciting to see all the construction and ground work being done in the city right now such as Prospect Plaza, 72nd Street, Auto Zone on N Oak, and the new professional office building at Vivion & Belleview. He congratulates Bank Midwest on the recent ribbon cutting of their attractive building in Gladstone Plaza. He enjoyed meeting bank branch manager, Jason Faust who appears to be eager to become involved in the community and noted the bank had a booth at GladFest.

Our annual GladFest celebration was great despite the brief rain and he enjoyed the parade, judging the apple pie contest and assisting in the pie auction which brought \$33.00 for the grand champion pie. The Gladstone Rotary Club sold out of their 56 cases of turkey legs by Saturday evening and had to go purchase more and he understands that the Chamber's Saucy Bun booth also did quite well. He congratulated Parade Grand Marshals Paul and Virginia Groseclose and expressed his thanks to the Chamber for all their hard work and to co-chairs Leo Slenker and Scott Wingerson for their efforts. Councilman Bishop said he visited Hamilton Heights Park today and it looks great and he hopes we have a good turn out for the dedication tomorrow evening.

Councilman Roger Norris said he too encourages all to attend the dedication of Hamilton Heights Park and noted that this park fulfills a promise resulting from a survey where residents indicated they wanted more green space, walking trails, and picnic tables. The survey identified a real need on the west side of the city for more green space which was an area of the city which until 1991 had been greatly ignored.

He congratulated Mr. and Mrs. Groseclose on being selected as the 1990 GladFest Parade Marshals and said they are certainly a banner couple in our community,

Mr. Norris also asked that we all keep the family of the Missouri Highway Patrol Officer who was killed south of St. Joseph in our prayers and remember to show all officers of the law, on and off duty, the respect they deserve for putting their lives on the line for all us every single day.

Councilman George Nodler also echoed his congratulations to Mr. and Mrs. Groseclose.

Mayor Art Hammen said the disadvantage of going last is that much has already been said. He too compliments the success of GladFest and said there are a lot of people who deserve congratulations and thanks for their part in its success. He too hopes everyone will attend the Hamilton Heights Park Dedication tomorrow evening. He encourages people who have not done so to drive by this park because it is a testimony to what this City can do for its citizens.

Councilman Bishop said it was unfortunate that Paul and Virginia Groseclose were not present this evening to hear the rightful praise expressed, but noted that their

granddaughter Sara Buckingham is in the audience as well as Mrs. Groseclose' sister, Shirley Smith and he welcomes them.

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

City Manager Davis said he also congratulates Scott Wingerson and all the other City employees who donated a considerable amount of time to the success of GladFest. Laura Gay, Nancy Thompson, and Steve Buschor had committee chair responsibilities and of course Scott Wingerson was co-chair of the event. They did a tremendous job and the community appreciates their commitment and time to this festival. He particularly congratulates the event co-chair Scott Wingerson.

Mr. Davis announced the Fall Brush Disposal will be held at the Community Services Building at 76th & Antioch Road, November 5th - 7th from 8:00 AM - 5:00 PM each day.

Mr. Davis also announced that there will be no Planning Commission Meeting next Monday night.

Item 9. On the Agenda. SECOND READING BILL NO. 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 9/27/99 City Council Meeting).

Councilman Norris moved to accept the First Reading of Bill 99-11 and place the Bill on Second and Final Reading; Councilman Nodler seconded the motion.

Mr. Norris said at the last Council Meeting we requested from Mr. Bledsoe a definitive timetable for completion of the remaining conditions and asked Mr. Bledsoe to report at this time.

Robert Bledsoe reviewed for the City Council the information he provided them. The first letter is a fax from his supplier, Battle Creek Log Homes, confirming that the log cabin order has been placed and will be shipped 30-45 days from October 5, 1999. The second letter is from McConnell & Associates who indicate they will complete the pavement work on the property in late October. These are the two key components.

Mr. Norris asked about the manhole cover that still needs to be lowered by Kansas City Power & Light. Mr. Bledsoe said that was done last Thursday and the sidewalk has been installed and sod in place and more privacy fence has been placed on the south end. He said he spoke with Scott Wingerson today about possibly leaving an opening so they can do work on the creek. Mr. Bledsoe said they are doing the best they can to get everything done.

Mr. Norris said in summary, they have 30-45 days from the 5th of October before they get the cabin. Mr. Bledsoe said he was told on the phone 2-3 weeks but he will go with the letter to be safe. The asphalt will be in by the end of the month. Mr. Norris said so when the building gets there, the asphalt can go in. Mr. Bledsoe agreed. He said

the fence is all done except for the back part and it will be done before the leaves drop, he is doing a lot of it himself and dedicating two days a week to it and waiting for more fill to come in.

Councilman Norris asked Director Wingerson if he would be in favor of his withdrawing his motion based on the timetables in the confirmation letters referenced tonight. Mr. Wingerson said he would agree with that action. Mr. Norris asked Mr. Wingerson if he has been getting along with Mr. Bledsoe and would agree that things are progressing. Mr. Wingerson said yes he would agree Mr. Bledsoe has done some work since the last Council Meeting and did do the sidewalk on Antioch Road, landscaping along Antioch Road and straightened up the back, and constructed privacy fence.

Mr. Norris asked Mr. Wingerson if he would be comfortable with this being tabled until the second Council Meeting in November and asked Mr. Bledsoe if all the work would be done by then. Mr. Bledsoe said yes. Mr. Wingerson acknowledged he would be comfortable with such action.

Mayor Hammen asked if there are any other unresolved issues that we need to be aware of. Director Wingerson said there is miscellaneous landscaping beyond the building and the parking lot and completion of the fence but those are the remaining issues to comply with the special use permit. The Mayor asked if anything has a negative impact on the adjoining property owners. Mr. Wingerson said the only thing left to be done would be the completion of the fence in the southwestern portion of the property as part of the screening and buffering.

Mr. Wingerson asked Mr. Bledsoe if there is any problem finishing up that fence. Mr. Bledsoe said no, and invited members to walk the property and see what he is doing.

Councilman Norris said he would withdraw his motion to place the Bill on Second Reading and would **move to table the Bill to the November 22, 1999 Council Meeting.** Mr. Nodler who had seconded the motion concurred. There was no objection from other Councilmembers.

Item 10. On the Agenda. **APPROVAL OF BUILDING PERMIT** for interior and exterior remodeling of Hardees Restaurant, 6250 N Oak. Applicant/Owner: Hardees Food Systems. (BP#99-0722)

Councilman Norris moved to approve the Building Permit as presented; Mr. Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

Item 11. On the Agenda. **APPROVAL OF BUILDING PERMIT** for interior remodeling of lower level of Gladstone Animal Clinic, 7027 N Oak. Applicant: Architect Jeff Boyle (BP# 99-0727)

Councilman Nodler moved to approve the Building Permit as presented; Mr. Bishop seconded the motion.

Discussion.

Councilman Norris said he will abstain because this company is a business client of his. The vote: "aye" Bishop, Nodler, Hammen. Mr. Norris abstained. (3-0-1)

Item 12. On the Agenda. Other Business.

Councilman Bishop noted that on August 7, 1999 forty residents of Claymont Pointe Townhouse presented the City with a petition asking that the billboard located on waterworks property that adjoins the Claymont Pointe subdivision be removed. Six weeks have passed since we received his petition and it seems appropriate to take some action on the request of these citizens. He said we have some residents from Claymont Pointe present in the audience this evening. He feels it is worth giving serious consideration to the removal of this billboard and to do so would be consistent with this Council's commitment to neighborhood enhancement as well as putting Gladstone in the lead of a regional effort to restore the Broadway corridor. The conflicting policy consideration is that the billboard generates \$8,500 for the water fund, therefore he personally feels that it would be appropriate to consider this request in conjunction with the mid-year budget review and he also prefers that when we consider this request that we provide an opportunity for interested individuals to express their concerns or opinions on this matter. He asks if there is a consensus among the Council tonight on when this petition should be considered.

The Mayor asked when we would be looking at the mid year budget. The City Manager said we don't have an exact date yet but generally it occurs in the first two weeks in February. Mr. Davis responding to a question from Councilman Norris said there is a five year contract with Odegard Sign with a 90 day termination window. Mr. Norris asked when the contract expires. Mr. Davis said this contract originally started in 1983 and he will review the file for the contract expiration date and provide that information to the Council.

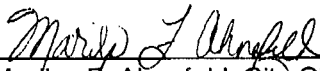
Mayor Hammen stated that Councilman Bishop's recommendation is that we look at this when we review our mid year budget and asked members of the City council if there is consensus on that recommendation. Councilmembers said they agreed. Mr. Bishop thanked the City Council.

Councilman Norris moved to adjourn to closed executive session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications discussions. Mr. Nodler seconded. The vote: All "aye" - Bishop, Norris, Nodler, Hammen. (4-0)


* * *

There being no further business to come before the October 11, 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 and MANAGEMENT TEAM
ANNUAL GOAL-SETTING WORKSHOP**

Saturday, October 16, 1999

**MAPLE WOODS COMMUNITY COLLEGE
8:00 a.m. - 4:00 p.m.**

A G E N D A

- | | |
|--------------------|--|
| 8:00-8:30 | Continental Breakfast |
| 8:30-9:15 | Opening Activity |
| 9:15-11:00 | Carousel |
| 11:00-12:00 | Identify and Prioritize Community Issues |
| 12:00-1:00 | Lunch |
| 1:00-2:00 | Continue Discussion |
| 2:00-4:00 | Review Mission Statement Goals |
| 4:00-4:15 | Boards and Commissions Interview Discussion |

**MINUTES
GLADSTONE CITY COUNCIL
GOAL-SETTING WORKSHOP
OCTOBER 16, 1999**

On October 16, 1999, the City Council of the City of Gladstone met at Maple Woods Community College beginning at 8:30 a.m. for the purpose of discussing goals and priorities for city staff during the coming year.

City Council Members Present: Mayor Art Hammen, Mayor Pro Tem Anita Newsom, Councilman Roger Norris, Councilman George Nodler, Councilman Dan Bishop.

Staff Members Present: City Manager Kirk Davis, Assistant City Manager Laura Gay, City Counselor Nancy Thompson, City Clerk Marilyn Ahnefeld, Director of Parks and Recreation Steve Buschor, Director of Community Development Scott Wingerson, Director of Public Safety Bill Adamo, Director of Finance Cash Sweiven, Acting Director of Community Services Rita Hull, Management Assistant Bryan Richison, Administrative Assistant Diane Whitaker.

The City Manager introduced Richard Rice who was the facilitator for the discussion. Following an opening activity in which "Points of Pride" from the prior year were identified, the City Council members had an opportunity to individually discuss current priorities and projects with each Department Head.

The process of team-building and establishment of group norms for conducting City Council business was discussed. The City Council agreed to the following group norms: mutual respect should be displayed among members, members should practice active listening, consensus is a goal when making decisions, issues should be presented openly and honestly, a set beginning time and agenda should be established for every meeting.

After identifying several community issues, the City Council prioritized Public Safety and Sanitary Sewer/Water as the highest priorities within the community. Stormwater concerns and a Community Center were also ranked as top priorities with an emphasis on seeking immediate funding for the highest ranked stormwater concerns identified in the stormwater master plan.

The City Council reviewed the Mission Statement and Goals adopted on 12/14/98 and agreed to the re-adoption of the statement and goals with slight rephrasing to read as follows:

Mission Statement:

The Gladstone City Council, members of Advisory Boards and Commissions and City Staff are committed to working together to improve City Government for the benefit of residents and businesses 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:

Respond to the needs of citizens through the efficient delivery of City services.

Maintain public safety programs which promote the quality of life, health and safety of Gladstone residents.

Foster the open exchange of information between the City, its residents and businesses.

Use responsible, cost-effective financial policies.

Enhance and expand recreation and leisure services and programs for all citizens in the area.

Strengthen pride in Gladstone through beautification, economic development activities, code enforcement, and elimination of blight.

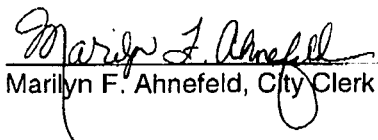
Promote a working environment for City employees which encourages productivity, creativity, professionalism, regional cooperation and dedication to providing high quality service to the citizens of Gladstone.

Additional discussion was held in which the City Council indicated to staff that communication with citizens was important in furthering the established goals. The issue of televising City Council meeting was discussed at length by the City Council. After no consensus was reached, Councilman Roger Norris made motion that **Council meetings not be televised** which was seconded by Councilman George Nodler. "Aye" - Councilmembers Roger Norris, George Nodler, Anita Newsom and Mayor Hammen; "No" - Councilmember Dan Bishop.

The City Council established Saturday, January 8, 2000 as the date for Council to interview residents interested in serving on any board or commission. Existing vacancies on various boards and commissions were identified. The Council agreed not to fill the existing vacancies at this time and make those appointments in January also.

There being no further business to come before the meeting, the meeting was adjourned at 4:00 p.m..

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Mayor Art Hammen

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 25, 1999**

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 11, 1999, City Council Meeting Minutes.
Approval of Goal-setting Workshop October 16, 1999, City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-81, authorizing the City Manager to execute a three-year lease/purchase agreement and maintenance agreement for six copy machines from Ladicom for an annual amount of \$19,809 (total 3-year contract \$59,427). Fund: General Fund.

RESOLUTION NO. R-99-82, authorizing the City Manager to accept a bill of sale from Larry Mitchell, L.L.C. and Haines Stowers Construction Company, conveying a water line and fire hydrants, sanitary sewer and storm sewer, serving Oak Lane Townhomes, to the City for maintenance. (Location: 75th and Troost) Improvements constructed entirely at developers expense.

RESOLUTION NO. R-99-83, authorizing the City Manager to accept a permanent easement from Hy-Vee, Inc., required in conjunction with the City's installation of a storm warning siren.

APPROVAL OF FINANCIAL REPORTS for the month of September, 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 interior shell for tenant finish of J. Michael's Family Hairstyles, 6441 N. Prospect. Applicant: Feingold Associates Architects. Owner: Bradley Real Estate. (BP#99-0784).

10. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of J. Michael's Family Hairstyles, 6441 N. Prospect. Applicant: Malette Construction, Inc. Owner: Bradley Real Estate. (BP# 99-0769).
11. **APPROVAL OF BUILDING PERMIT** for new construction of out building (drive-up kiosk) for Healthshare 1, Inc., 6447 N. Oak Trafficway, Gladstone Plaza. Applicant: David Shepherd. Owner: Clay County Realty Company. (BP# 99-0683).
12. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of Fantastic Sam's, 6579 N. Oak Trafficway, Gladstone Plaza. Applicant: Dan Henry Construction. Owner: Clay County Realty Company. (BP # 99-0788)
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 25, 1999

Mayor Art Hammen called the Regular October 25, 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 George Nodler
Councilman Dan Bishop

City Manager Kirk Davis
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 Minutes.

Councilman Roger Norris moved to approve the **Regular Monday, October 11, 1999 City Council Meeting Minutes** and the **Saturday, October 16, 1999 City Council Goal-setting Workshop Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: "aye" - Bishop, Nodler, Norris, Hammen. Councilman Anita Newsom "abstained" having been absent from the October 11, 1999 City Council Meeting. (4-0-1)

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

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Anita 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-99-81**, authorizing the City Manager to execute a three-year lease/purchase agreement and maintenance agreement for (6) copy machines from Ladicom for an annual amount of \$19,809 (total 3-year contract \$59,427 from the General Fund). Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-82**, authorizing the City Manager to accept a bill of sale from Larry Mitchell, L.L.C. and Haines Stowers Construction Company, conveying a water line and fire hydrants, sanitary sewer and storm sewer, serving Oak Lane Townhomes, to the City for maintenance. (Location: 75th and Troost) Improvements constructed entirely at developers expense. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Anita Newsom moved to adopt **RESOLUTION NO. R-99-83**, authorizing the City Manager to accept a permanent easement from Hy-Vee, Inc., required in conjunction with the City's installation of a storm warning siren. 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 the month of September, 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.

None.

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

Councilman Dan Bishop commented on the success of the Hamilton Heights Park Dedication held on Tuesday, October 12th. He said it was neat to see the Welcome to the Neighborhood signs and the number of attendees of all ages enjoying the hot dogs, lemonade and popcorn provided. A great deal of work was involved in the completion of this project and he commends everyone who had a hand in it. It is a beautiful park and a great addition to our city.

Councilman Bishop said he was truly grateful that there was complete consensus on the prioritization of the big projects facing our city at the Saturday, October 16th City Council goal setting session. There is a determination on the part of the council to do as Mr. John Rupert suggested at our last council meeting, address things we need first, and things we want second. He looks forward to hearing the City Manager's proposal on financing the priorities agreed upon.

He would like to express for the public record his disappointment that an initiative to cable broadcast council meetings was defeated at the goal setting session. Concerns had been expressed by certain council members that the cost of broadcasting could not be justified in light of bigger projects facing the city and the anticipated low number

of people who would watch broadcasts. However at our last council meeting, Mr. Jim Hoffman of Concerned Care suggested a partnering relationship between the City and his program for the developmentally disabled. He suggested that the developmentally disabled could use the equipment the City currently owns and record our meetings free of charge to the City. Regardless of this innovative and potentially mutually beneficial offer, the Council decided not to pursue this course of action. Mr. Bishop said he thinks it is sad that given the opportunity to provide a recreational outlet for the disabled in our community, this Council chose not to do so.

Mr. Bishop said Council's packet included a request by Synergy Service to increase to \$2.00 the amount of municipal court fees for operation of battered person shelters. In principle, this sounds like something that he would be supportive of, but he would like to see more analysis of staff and hear whether staff recommends this increase. Mr. Bishop asked his fellow Councilmembers their opinion on this issue and how they would like to see staff proceed.

Councilman Roger Norris had no communications at this time.

Councilman George Nodler said he would certainly concur with Councilman Bishop in thanking all those involved in the dedication of Hamilton Heights Park. It was a beautiful event and the park looked great. He thanked Director of Parks & Recreation Steve Buschor for a successful event.

Councilman Anita Newsom said she too was pleased with the dedication of Hamilton Heights Park and sees it as a prime example of a win-win situation where everything went right as far as the concept, planning and completion. This was something that needs to be documented and shared with many other communities. It was what the neighborhood wanted, and it is a true neighborhood park. It is a true example of listening to the citizens and making the park the customer-friendly type of facility that we would want for our citizens in any area in the city.

Ms. Newsom said she thought the goal setting session was a very intense day but she thought we achieved some good results and she does like going through a goal setting process each year. The exercise is beneficial even though we have to make some hard decisions.

Ms. Newsom said she was impressed with the Water Consumer Confidence Report that was in Council's packet. She feels this is an outstanding report particularly given the microscopic, low level of contaminants in our water supply, Assistant City Manager Laura Gay confirmed the report should be received in the mail by all residents very shortly.

Ms. Newsom said she supports Synergy Services and the kinds of services they provide to single family parent families and children who need them. She would also support adding an additional dollar onto a municipal court fine for a total of \$2.00. If we can double what we are currently providing Synergy, she thinks we should do so because it is time to pay the piper. She apologized that she had not called City

Counselor Nancy Thompson as requested in this weeks newsletter, to make her aware of her support for the \$1.00 increase.

Ms. Newsom also requested a fully executed copy of the Gladstone Economic Betterment Council Agreement and explained that the copy she was provided was not executed by all parties. City Manager Kirk Davis responded that the agreement has now been signed by all and will be provided to her.

Mayor Art Hammen said he also supports the \$1.00 increase to Synergy Services and agrees it is a very worthwhile cause.

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

City Manager Kirk Davis commented that the Parks and Recreation Department and the Community Development Department really teamed up to provide the resources at the Hamilton Heights Park dedication to ensure its success. He commends both Directors Buschor and Wingerson for their efforts.

The City Manager also announced that the Fall Brush Disposal is scheduled for November 5,6,7 from 8:00 am - 5:00 pm each day.

Item 9. On the Agenda. APPROVAL OF BUILDING PERMIT for interior shell for tenant finish of J. Michael's Family Hairstyles, 6441 N. Prospect. Applicant: Feingold Associates Architects. Owner: Bradley Real Estate. (BP#99-0784).

Mayor Pro Tem Anita Newsom moved to approve the building permit for 6441 N Prospect; Councilman George Nodler seconded.

Discussion.

Responding to questions from Councilman Roger Norris, Director Scott Wingerson advised that this permit is for the shell and takes the building shell to a white box so to speak; and the following building permit takes the white box to the customized space for the tenant.

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

Item 10. On the Agenda. APPROVAL OF BUILDING PERMIT for interior tenant finish of J. Michael's Family Hairstyles, 6441 N. Prospect. Applicant: Malette Construction, Inc. Owner: Bradley Real Estate. (BP# 99-0769).

Councilman George Nodler moved to approve the Building Permit as submitted; Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 11. On the Agenda. APPROVAL OF BUILDING PERMIT for new construction of drive-up kiosk for Healthshare 1, Inc., 6447 N. Oak Trafficway, Gladstone Plaza. Applicant: David Shepherd. Owner: Clay County Realty Company. (BP# 99-0683).

Councilman Roger Norris moved to approve the Building Permit for 6447 N Oak; Councilman George Nodler seconded.

Discussion.

Councilman Anita Newsom asked why this building is being stuck out in the middle of the parking lot.

Community Development Director Scott Wingerson advised this is a drive-up out-building located generally behind the new Bank MidWest building and designed for a Metabolife sales. He noted the applicant, Mr. David Shepherd is present to answer any questions.

Ms. Newsom asked if this was in the same location as the previous Photo-Mat booth because she said there were traffic problems then. Mr. Wingerson confirmed it was the same location and referred to the colored elevation drawings noting that the roof color has been changed to forest green in keeping with the shopping center. The rest of the structure is a harvest gold color with red highlights.

Ms. Newsom said the only way she supports this is a condition that if the facility closes for more than 30 days it be removed by the owner because the old PhotoMat building sat there vacant for a long time and was a hazard to drive around. She said if we were considering a site plan she would express grave concerns about the traffic flow and stated there is already a line of site problem getting in and out of the shopping center with some of the construction and elevations we have now. Changing the colors is a plus but she just thinks it is a real poor placement of a temporary, trendy business.

Mr. Wingerson referred Council to the four conditions on the staff report that the applicant has agreed to.

Councilman Norris said Item #2 reads: ***"If at any time the structure is vacant or your business closes for more than thirty (30) days the structure shall be removed by the owner."*** Are we saying that on the 31st day, the City will remove this structure at the owners expense. Director Wingerson said no, it would be removed by the owner.

Mayor Hammen suggested it may be prudent to put some sort of time frame on the removal rather than just saying the structure will be removed by the owner because theoretically he could take 5 years to remove it.

Mr. Wingerson suggested modifying Condition #2 to read: "If at any time the structure is vacant or your business closes for more than thirty (30) days the structure shall be

removed by the owner within 30 days after closing." The Mayor asked the Council if that seemed reasonable to them, they agreed it did.

Councilman Norris said the City Council has nothing against this particular product but as was stated it is somewhat trendy. He said he has driven through the Gladstone Plaza Shopping Center most of his life and the Photomat kiosk was always there and he has almost run into it several times. It is out there in an isolated area, with no restroom facilities and he suggests there is a need for letters from somebody that the employees can use their restroom facilities. These are the type of things that businesses should provide for their own employees in his opinion and this is not the type of planning we like to see. He just does not like this.

Councilman Newsom said it is a security issue and she recalls a former student who was held up when employed while it was a PhotoMat. You are isolated out there and all alone, and it is not a good thing.

Mayor Hammen asked if it was the motionmakers intent to modify Condition #2 to read: *"If at any time the structure is vacant or your business closes for more than thirty (30) days the structure shall be removed by the owner."* Mr. Norris said it was.

The City Counselor was asked if the condition is enforceable. She responded it was but the City would have to actually declare the structure to be a nuisance under our Building Code.

David Shepherd, owner of Healthshare 1, Inc. 4503 NE 50th Street, Kansas City, Missouri, said regarding the 30 day removal of the building, that condition will be written into his lease with the property owner so he will have to remove it within 30 days of vacating the building, so that issue will already be taken care of in his lease.

Councilman Norris asked about the restroom accommodations. Mr. Shepherd advised that as requested, he will provide a letter from neighboring businesses to make sure there are facilities available to his employees. Mr. Shepherd said on the security issue, the building comes with bullet resistant glass and there will be a safe in it and no one will be handling money outside of the building in the evening.

City Counselor Nancy Thompson advised that an alternative for Council consideration would be a bonding requirement to ensure that the building is actually taken down by the owner. That would be an additional requirement that would give us the funds to take it down so it would not be at the City's expense in the event it was not voluntarily removed. She understands it is a lease provision but if the Council wants to pursue some additional types of restrictions her recommendation would be that we hold this over until the next Council meeting to give opportunity to review alternatives to ensure the building would be demolished if it becomes vacant.

Councilman Norris said he did like hearing from Mr. Shepherd that it would be a lease provision because his long time knowledge of property owner Mrs. Edith Wolff is that if she says it is coming down, it is coming down. He told Mr. Shepherd if a delay

does not slow him down he would appreciate the opportunity for staff to review bonding.

Mr. Shepherd said a delay would harm him. Councilman Norris said in that case he would like our staff to actually see the lease with the provisions for removal before a building permit is issued. He is concerned that this not become an eye sore and a hazard in the parking lot.

Mr. Shepherd said the building only takes about three hours to construct so it can be taken down in less time than that and it is a one man job. So taking the building down will not be an issue. He is happy to have that provision put into the lease and presented to the City prior to issuance of the Building Permit.

The Mayor asked Councilman Norris who made the motion if he is recommending that there be an **additional requirement that staff be provided a copy of the lease to verify the requirement from the property owner that the building be removed within 30 days.** Councilman Norris agreed as did Councilman Nodler, the seconder. The Mayor asked if staff has any concerns about that condition. City Manager Davis said, no. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 12. On the Agenda. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of Fantastic Sam's, 6579 N. Oak Trafficway, Gladstone Plaza. Applicant: Dan Henry Construction. Owner: Clay County Realty Company. (BP # 99-0788)

Councilman Roger Norris moved to approve the Building Permit; Mayor Pro Tem Anita Newsom seconded.

Discussion.

Mayor Hammen said he was unfamiliar with the term "demising wall" referenced in the conditions. Director Wingerson said it is the wall between tenant spaces. Mr. Wingerson also advised that the Applicant is agreeable to all four conditions listed on the Staff Report.

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

Item 13. on the Agenda. Other Business.

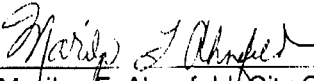
There were no items of other business.

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

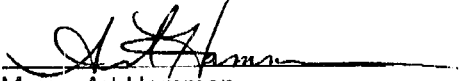
No member of the News Media was present.

There being no further business to come before the October 25, 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, NOVEMBER 8, 1999**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), and 610.021(3) for Litigation, Personnel and Real Estate Discussion

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 25, 1999, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating November 15, 1999 as **America Recycles Day** in Gladstone, Missouri.
- 4b. **PROCLAMATION:** designating November 19, 1999 as **National Geographic Information System (GIS) Day** in Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. R-99-84, authorizing the City Manager to accept a Bill of Sale from Clay County Realty Company and Lexington Plumbing Company conveying to the City a fire hydrant extension built in conjunction with construction of Bank Midwest at 6425 N Oak. (Improvements entirely at developer's expense.)

RESOLUTION NO. R-99-85, authorizing execution of a contract in the amount of \$98,950.57 with R.K. Breit Construction Services for the 61st & N Olive Drainage Improvement Project. 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.**
9. **RESOLUTION NO. 99-86,** adopting a **Mission Statement and Goals** for the City of Gladstone, Missouri for 1999-2001.

10. **PUBLIC HEARING:** on a request to rezone from **CP-2, General Business District-Planned, to CP-O, Non-Retail Commercial District-Planned**, property at the southwest corner of N Bellevue and NW Vivion Road. Applicant: Nolte Associates. Owner: Bellevue Properties, L.L.C (File #1103)
- 10a. **FIRST READING BILL 99-39**, rezoning from **CP-2, General Business District-Planned, to CP-O, Non-Retail Commercial District-Planned**, property at the southwest corner of N Bellevue and NW Vivion Road. Applicant: Nolte Associates. Owner: Bellevue Properties, L.L.C (File #1103)
11. **PUBLIC HEARING:** on a request to vacate the north ½ right-of-way of NW 47th Street west of N. Bellevue. Applicant: Nolte Associates. Owner: Bellevue Properties, L.L.C. (File #1104) **AUDIENCE NOTE: This public hearing will be opened and immediately continued to the November 22, 1999 City Council Meeting at the request of the applicant.**
12. **FIRST READING BILL 99-40**, approving the final plat of **Englewood Plaza Condominium**, at 5700-5720 N Broadway. Applicant: V.T., Inc. Owners: Spelman Development Corporation; Robert G. & Terry L. Marx; Thomas R. & Vonda Lee Willer; V.T., Inc.; Michael J. & Karen Svetlic; and Felix G. & Nora T. Quiason. (File #1102)
13. **FIRST READING BILL 99-41**, approving the final plat of **Amended Plat of Claymont Pointe, Thirteenth Replat**, 182-184 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1105)
14. **FIRST READING BILL 99-42**, amending Schedule VIII of the Model Traffic Ordinance to designate **Stop Sign** locations at 73rd Terrace, 74th Street & 75th Street & N Harrison.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 8, 1999

Mayor Art Hammen called the Regular November 8, 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 George Nodler
Councilman Dan Bishop

City Manager Kirk Davis
City Counselor Nancy Thompson
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Roger Norris

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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, October 25, 1999 City Council Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

Item 4a. on the Agenda. Mayor Art Hammen read a **Proclamation** designating **November 15, 1999** as **America Recycles Day** in Gladstone, Missouri designed to focus the nation's attention on the importance of recycling and encouraging all citizens to buy more recycled-content products starting November 15th. Administration Management Assistant Bryan Richison accepted the proclamation from the Mayor.

Item 4b. on the Agenda. Mayor Hammen also read a **Proclamation** designating **November 19, 1999** as **National Geographic Information System (GIS) Day** in Gladstone, Missouri which he presented to the City's GIS Officer, Kreg Cox. This observance is designed to encourage the public to familiarize themselves with the invaluable resources and information available through the City of Gladstone's geographics information systems.

Mayor Pro Tem Newsom said we are certainly ahead of a lot of municipalities of our size across the nation and suggested that if we have not done so that we reach out to

our local middle schools and high schools to make them aware of GIS systems because this is an interesting career alternative.

City Manager Davis said the Community Development Department would be happy to make a presentation and display their equipment to schools and asked that he be provided the name of a school contact person for this purpose.

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" - Bishop, Nodler, Newsom, Hammen. (4-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-84**, authorizing the City Manager to accept a Bill of Sale from Clay County Realty Company and Lexington Plumbing Company conveying to the City a fire hydrant extension built in conjunction with construction of Bank Midwest at 6425 N Oak. (Improvements entirely at developer's expense.) Councilman Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-99-85**, authorizing execution of a contract in the amount of \$98,950.57 with R.K. Breit Construction Services for the 61st & N Olive Drainage Improvement Project. Fund: Capital Improvements Sales Tax Fund. Councilman Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, 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 Dan Bishop said he appreciated the Larkin Associates study session presentation. A lot of thorough work went into it resulting in quite a few recommendations. He said he has withheld comment on this issue until the conclusion of the study. He has heard over the last year quite a few complaints about the taste of our Gladstone drinking water and the theme seems to be that we used to have such great tasting drinking water but now it is not of the quality that it once was. These complaints have come from people in all parts of the city, so he was very hopeful that there would be a definite cause to that complaint and the study would recommend the definite solution. That does not seem to be the case because it is said that it is caused by a number of different issues with a variety of solutions but hopefully by pursuing some of those suggestions we will be able to take care of the situation. He thinks it is

important that we maintain a high quality of water taste in that public service we are providing.

He commends City staff for getting our Gladstone Reporter out before the brush removal weekend. He knows that was a difficult task because there were last minute decisions to be made prior to the publication. He understands there was a good turnout at brush removal with a lot of our citizens taking advantage of this service.

Last week there seemed to be a majority of the City Council who were receptive to increasing the court costs benefiting battered persons shelters such as Synergy Services, and asked when we can look for that on the agenda. The City Manager advised that we anticipate having this matter on the next City Council Meeting agenda.

Councilman George Nodler also commended The Larkin Group on the quality of their Water Treatment Plant and Distribution System study and said they did an excellent job.

Councilman Anita Newsom complimented the timeliness of the **Gladstone Reporter Newsletter** and commented that it was very well put together. Over the years, the quality of the newsletter to our citizens has improved as well as the frequency of the publications. The newsletters have become more customer friendly, informative, and easy to read.

Ms. Newsom said she participated in the brush disposal activity this weekend and observed a steady flow of people who were met by congenial personnel. She compliments the staff and participants who assisted the public in unloading, it is this positive attitude on the part of our employees that makes such events so successful.

Ms. Newsom said she was disappointed to observe citizens blowing leaves in to the streets this weekend. The accumulation of leaves can end up blocking the sewer systems in their own neighborhood and can also make slick spots on the streets. She wishes we had some weekend Code Enforcement this time of the year to help people understand that what they are doing is not prudent for themselves or their fellow citizens.

Ms. Newsom said on N Oak at Englewood Road there are still street repairs needed following a Kansas City water main break in the area. She gets questions from citizens who ask what we are doing there because the public does not realize it is on the Oak Villages side of the street, not Gladstone. It is a terrible traffic hazard and unattractive, and she asked if we can make contact with Kansas City, Missouri to determine the status of that repair. City Manager Davis agreed to do so.

Ms. Newsom also commented that she went to call on a local business and found they had moved outside of Gladstone city limits. She asked what we are doing as far as economic development to retain businesses in the city. She understands from a neighboring business that this merchant moved because they could not get what they wanted or needed from their landlord. She asked if there is any way we can help

facilitate this through our economic development tools so that we do not lose the good strong, diverse businesses that we have. The particular business she references was the only one of its kind in the city, was a good sales tax generator, and it is disturbing that they have moved out of the city.

City Manager Davis responded that he would hope that any time a business is looking to move to another location that they would contact us because we have the ability to help them find rental or tenant finish space that would be perhaps more adaptable to their needs. There is certainly tenant space available around town and he would like to think that businesses would contact the Chamber or the City for assistance.

Ms. Newsom said that perhaps that is what is confusing to people who would be looking for assistance, they don't know who to contact for economic development tools and clarification or direction is needed.

Ms. Newsom also asked that we make necessary repairs to the American Flag in the Council Chambers.

Mayor Art Hammen referenced the Larkin firm's water system presentation tonight and said we need to temper our concerns about the occasional bad taste of the water with the fact that our water rates are among the lowest in the metropolitan area. A recent survey indicated Gladstone's water rates overall were the third lowest among a group of 12-15 including Kansas City, whose rates were higher. As pointed out in the presentation, we can raise our rates and solve our problems in a hurry.

Mayor Hammen said he also took advantage of the brush disposal opportunity last weekend and on late Saturday afternoon when he was there, he understood over 1200 loads had been dropped off between Friday and Saturday. He commends the congenial, helpful attitude displayed by Community Services Employee Vickie Allen who was providing assistance to residents while he was there.

The Mayor asked everyone to mark their calendars for the Tuesday, December 7th Mayor's Holiday Tree Lighting ceremony which will be held in the Hy-Vee parking lot. A tree has been donated by the Schmidt Tree Farm in Holt who were the providers of the White House Tree five years ago. Corporate citizens and groups are encouraged to sponsor individual trees and have agreed to make a minimum donation of \$100.00 to the Mayor's Christmas Tree Program. To date, some 15-16 individuals/companies have agreed to sponsor trees. The trees will be brought to Hy-Vee on December 7th and persons may vote for their favorite tree by casting a ballot at \$1.00/vote.

All money raised will be divided between the Northland Christmas Store and the Gladstone Neighbors Helping Neighbors Project. The sponsor of the tree that receives the most citizen votes will have the honor of putting the top on the tree; and the organization that makes the largest contribution will have the honor of lighting the Mayor's Christmas Tree. There will be carolers, choruses, a hand bell choir and Mr. and Mrs. Santa. The Mayor encouraged all to attend and said he is hopeful this is the start of a new direction for the Gladstone Mayor's Christmas Tree Program.

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

Councilman Kirk Davis reported there were approximately 1,980 loads of brush dropped off at the Brush Disposal Weekend, so it was certainly a popular event.

Item 9. on the Agenda. **RESOLUTION NO. 99-86,** adopting a **Mission Statement and Goals** for the City of Gladstone, Missouri for 1999-2001.

Mayor Pro Tem Newsom said it is with great pleasure that she moves for the adoption of Resolution R-99-86; Councilman Bishop seconded.

Discussion.

Ms. Newsom said the goal setting sessions for the last couple of years have been quite a step up from previous exercises. Council looked at goals that were in place and did revise, revisit and re-prioritize because this is a guiding document to our citizens and departments on how we spend our money. It received the input of the total team of Council, Department Heads and employees and is a very fine document and a guide for our work.

Councilman Bishop commended last year's Council for the job they did in crafting these goals in such a manner that they were good goals to adhere to for the upcoming year. The only written change to the goals at the suggestion of Councilman Norris was to insert a reference to blight and to make a goal of the elimination of blight in our city. He thinks this is a good step forward to acknowledge that neighborhood preservation is not an issue only for communities outside of Gladstone, but is something we need to be vigilant in addressing and working to eradicate and prevent in Gladstone. He is glad to see that language inserted into the goals and he is happy to support this document.

Councilman Nodler thanked and commended the Staff for all their help and patience in assisting the Council to work up the goals.

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

Item 10. on the Agenda. **PUBLIC HEARING:** on a request to rezone from **CP-2, General Business District-Planned, to CP-O, Non-Retail Commercial District-Planned**, property at the southwest corner of N Belleview and NW Vivion Road. Applicant: Nolte Associates. Owner: Belleview Properties, L.L.C (File #1103)

Mayor Hammen opened the Public Hearing and explained the hearing process. No representative of the Applicant was present.

Community Development Director Scott Wingerson advised that in June of 1999 the City Council considered and approved a site plan revision to allow the construction of an office building at Vivion & Belleview. As a condition to that approval, the applicant was required to file a zoning change application from CP-2 to CP-O which was more

fitting for an office building complex. The Planning Commission unanimously recommended approval of this rezoning request.

There were no persons desiring to speak for or against this application and Mayor Hammen closed the public hearing.

Item 10a. on the Agenda. **FIRST READING BILL 99-39**, rezoning from **CP-2, General Business District-Planned**, to **CP-O, Non-Retail Commercial District-Planned**, property at the southwest corner of N Bellevue and NW Vivion Road. Applicant: Nolte Associates. Owner: Bellevue Properties, L.L.C (File #1103)

Mayor Pro Tem Newsom moved to place Bill 99-39 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Newsom said the proposed development is much better for that specific area than what was proposed and approved some years back.

Councilman Bishop commented that he concurred with Councilman Newsom and said he had occasion to talk with a number of Claymont Pointe townhome residents who are directly south of this property and he also attended a picnic for Claymont Woods residents who are farther south up Bellevue. It seemed to be the unanimous opinion of those with whom he spoke that this office development is far more desirable than a strip retail development. So there did seem to be good support from area neighbors and he will be supportive of this application.

Mayor Hammen noted that at their November 1, 1999 meeting, the Planning Commission recommend approval by a vote of 7-0 and staff recommended approval also. He further noted there were some 16 conditions to the previously approved site plan.

The vote: all aye - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the bill.

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-39, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the Bill.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-39 and enact the Bill as **Ordinance No. 3.278**; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0)

Item 11. On the Agenda. **PUBLIC HEARING:** on a request to vacate the north ½ right-of-way of NW 47th Street west of N. Bellevue. Applicant: Nolte Associates. Owner: Bellevue Properties, L.L.C. (File #1104)

Mayor Hammen opened the Public Hearing and announced that this **hearing is continued to the November 22, 1999 City Council Meeting at the request of the applicant.**

Item 12, on the Agenda. **FIRST READING BILL 99-40**, approving the final plat of **Englewood Plaza Condominium**, at 5700-5720 N Broadway. Applicant: V.T., Inc. Owners: Spelman Development Corporation; Robert G. & Terry L. Marx; Thomas R. & Vonda Lee Willer; V.T., Inc.; Michael J. & Karen Svetlic; and Felix G. & Nora T. Quiason. (File #1102)

Mayor Pro Tem Newsom moved to place Bill 99-40 on First Reading; Councilman Nodler seconded.

Discussion.

Ms. Newsom said she understands the purpose of this platting is to create office condominium ownership. Community Development Director Scott Wingerson said that was correct and advised that the Planning Commission recommended approval subject to two conditions concerning right of way and utility provisions. They did raise an issue concerning the consistency of the exterior modifications and staff has reviewed the declarations and covenants which cover all exterior modifications including painting of the structure and basically any improvements to the facility and all require the approval of the architectural committee designed to ensure consistency throughout.

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

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-40, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the Bill.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-40 and enact the Bill as **Ordinance No. 3.729**; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0)

Item 13. On the Agenda. **FIRST READING BILL 99-41**, approving the final plat of **Amended Plat of Claymont Pointe, Thirteenth Replat**, 182-184 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1105)

Councilman Nodler moved to place Bill 99-41 on First Reading; Councilman Bishop seconded. The vote: all aye - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the bill.

Councilman Nodler moved to accept the First Reading of Bill 99-41, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of Bill 99-41 and enact the Bill as Ordinance No. 3.730; Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0)

Item 14. On the Agenda. FIRST READING BILL 99-42, amending Schedule VIII of the Model Traffic Ordinance to designate **Stop Sign** locations at 73rd Terrace, 74th Street & 75th Street & N Harrison.

Councilman Bishop moved to place Bill 99-42 on First Reading; Councilman Nodler seconded.

Discussion.

Ms. Newsom said this seems like a tremendous number of Stop signs in a very short distance although she understands we are looking at three way stops in some instances. She assumes they do meet all the warrants so that we are not just capriciously putting in Stop signs.

Community Development Director Wingerson advised that N Harrison runs north and south and the area we referencing is from 72nd Street north to 75th Street. Over the past year, 75th Street has been extended and now runs from N Oak to N Troost. The signs on N Harrison are for the T intersection at 75th & N Harrison in the new Oak Lane Town Home Subdivision. The other signs recommended are on the side streets as people chose to travel east and west to N Harrison and then south or north to 72nd Street. Harrison will continue to be straight through except where it dead-ends at 75th and the side street traffic will be stopped east and west on 73rd Terrace and 74th Street.

Mayor Pro Tem Newsom said the traffic is greater in her subdivision along 74th Street, yet it did not meet the warrants for signage while this area does. This seems inconsistent to her.

Director Wingerson said in the instance before us, the traffic patterns have changed with the connection of 75th Street and its connection to N Harrison and in addition, there is a school bus stop there. Also, North Harrison is normally a wide street and in some cases leads to excessive speed. The signage along with increased enforcement from Public Safety will help address what could be a dangerous condition.

City Manager Davis said a number of drivers are coming from 77th & N Oak going down Troost avoiding the 72nd & N Troost signal. Now they can cut over to Harrison, zip down Harrison to 72nd Street and go right and we have seen a significant increase in traffic on Harrison in that regard.

Mayor Hammen asked for an explanation of the term "**warrants**" for the benefit of the audience who may be unfamiliar with the term. Director Wingerson said it is a standard as contained in the Manual for Uniform Traffic Control Devices which guides where and when to install traffic controls.

Mr. Bishop said so the intent is not really to slow down traffic on Harrison so much as to stop the east-west traffic coming on to Harrison to avoid collisions. Mr. Wingerson said it will possibly slow down speeding but also addresses the increased volume of traffic because of the ability to cut through to Oak on 75th Street.

Ms. Marty Howard, 7414 N Troost said there is a lot of speeding on N Harrison at early hours of the morning between 5:00 AM - 6:30 AM and she thinks it can only increase with completion of the additional 21 homes in the new subdivision. She also cautioned that some of the corners where we might be placing Stop signs have trees that could inhibit the view of the signs.

On the speeding, Mayor Hammen suggested Public Safety can do some additional patrolling in the area to help the situation.

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

Councilman Bishop moved to accept the First Reading of Bill 99-42, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0) The Clerk read the Bill.

Councilman Bishop moved to accept the Second and Final Reading of Bill 99-42 and enact the Bill as Ordinance No. 3.731; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0)

Item 13. on the Agenda. Other Business.

Newsom said on behalf of her neighborhood, she would like to see some increased Public Safety surveillance in the area of 73rd Street, 73rd Terrace, 74th Street & N Wabash to determine if there aren't also intersections that meet the warrants for traffic signage because the traffic that comes through the neighborhood through the week as well as weekends is dangerous and there are sight problems. The increase in traffic is because this is a direct route to M-1 and Walmart.

Mr. Bishop said from his meeting with Maple Lane Townhome Association residents he learned that they do have a serious concern for traffic in their area and he concurs with the need for a review of traffic controls for the area.

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


No member of the News Media was present.

* * *

Mayor Pro Tem Anita Newsom moved to Closed Executive Session for Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), and 610.021(3) for Litigation, Personnel and Real Estate Discussion. Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Newsom, Hammen. (4-0).

There being no further business to come before the November 8, 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, NOVEMBER 22, 1999**

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
610.021(2) 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 November 8, 1999 City Council Meeting Minutes.**
- 4a. **Special Proclamation:** designating Wednesday, December 1, 1999 as **Jerry Reilly Recognition Day** in Gladstone, Missouri in tribute to retiring Public Safety Officer Jerry Reilly's twenty-one years of service to the City of Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. 99-87, authorizing the City Manager to accept work under contract with Heartland Construction for the ADA/Female holding cell and authorizing final payment for Project #9920 in the amount of \$4,850.60. from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. 99-88, authorizing the City Manager to accept a permanent easement from Bradley Operating Limited Partnership and authorizing the execution of a permanent easement from the City to Bradley Operating Limited Partnership in conjunction with the revitalization of Prospect Plaza Shopping Center.

RESOLUTION NO. 99-89, authorizing the City Manager to execute a contract with Brandy Electric for City Hall exterior lighting for a total amount not to exceed \$38,500. from the Capital Improvements Sales Tax Fund.

APPROVAL OF FINANCIAL REPORTS for month of October, 1999.

REGULAR AGENDA

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

10. **PUBLIC HEARING:** on a request to vacate street right of way in NW 47th Street west of N. Belleview. Applicant: Nolte Associates. Owner: Belleview Properties, L.L.C. (File #1104) (Continued from 11/8/99 City Council Meeting.)
- 10a. **FIRST READING BILL 99-43,** vacating Northwest 47th Street right-of-way, a cul-de-sac lying immediately west of North Belleview Street located in Clay County, Gladstone, Missouri.
11. **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 10/11//99 City Council Meeting).
12. **FIRST READING BILL 99-44,** amending Ordinance #3.727 pertaining to "No Parking" zones along certain sections of NE 60TH Terrace/North Main/NW 59th Place.
13. **FIRST READING BILL 99-45,** amending Ordinance #3.413 to increase the court costs assessed in Gladstone Municipal Court for operating expenses for battered persons shelters to \$2.00.
14. **FIRST READING BILL 99-46,** amending Sections 25-44(B), 25-45(A), and 25-5(D) of the City Sign Code Ordinance to increase maximum size of political ground signs allowed in residential areas and on public property used as a polling place on Election Day to 26 inches by 26 inches.
15. **APPROVAL OF BUILDING PERMIT** for tenant finish of Kansas City Charbroil, 7108 N. Oak Trafficway. Applicant: GlideCo Construction. Owner: Moe Sharifi. (BP #99-0857)
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 22, 1999

Mayor Art Hammen called the Regular Monday, November 22, 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, November 8, 1999 City Council Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: "aye" - Bishop, Nodler, Newsom, Hammen. Councilman Norris "abstained" having been absent from the meeting. (4-0-1)

Item 4a. on the Agenda. Mayor Art Hammen read a **Special Proclamation designating Wednesday, December 1, 1999 as Jerry Reilly Recognition Day** in Gladstone, Missouri in tribute to retiring Public Safety Officer Jerry Reilly's twenty-one years of service to the City of Gladstone, Missouri and conveying the appreciation and best wishes of the Gladstone City Council and all Gladstone residents. The Mayor noted Officer Reilly is joined this evening by his wife Bev, his son Mike with the Clay County Sheriff's department, and son Don with the Kansas City Police Department, as well as his daughter in law and grandson. The Mayor welcomed them all to the Council Meeting.

Jerry Reilly accepted the proclamation from Mayor Hammen, and the congratulations from the City Council and the audience which included a number of Public Safety Officers.

Mayor Hammen invited comments from others.

Councilman Roger Norris noted that he first met Officer Reilly when he was a fast driving teenager and on occasion visited the Gladstone Municipal Court. During his nine years on the Council he has never heard a bad word spoken about Officer Jerry Reilly and he told him he was an exceptional police officer, an exceptional person, and he has appreciated knowing him and thanks him for his service.

Ms. Newsom said she had not been privileged to know Officer Reilly to the extent Councilman Norris had but as member of the City Council she has seen him serve his community in many ways and always with the utmost dignity and respect even though some times there were situations that were not the most pleasant and not the easiest to deal with. She certainly admires the way Officer Reilly has handled himself throughout his entire career and wishes him an enjoyable retirement.

Mayor Hammen told Officer Reilly that he has been appreciated for twenty-one years and will be missed for the next twenty-one.

Public Safety Director Bill Adamo extended an invitation to the retirement luncheon planned for Officer Jerry Reilly next Wednesday, December 1st starting at 11:00 a.m. here at City Hall.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Anita Newsom moved to approve 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 Newsom moved to adopt **RESOLUTION NO. 99-87**, authorizing the City Manager to accept work under contract with Heartland Construction for the ADA/Female holding cell and authorizing final payment for Project #9920 in the amount of \$4,850.60. from the Capital Improvements Sales Tax Fund. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. 99-88**, authorizing the City Manager to accept a permanent easement from Bradley Operating Limited Partnership and authorizing the execution of a permanent easement from the City to Bradley Operating Limited Partnership in conjunction with the revitalization of Prospect Plaza Shopping Center. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. 99-89**, authorizing the City Manager to execute a contract with Brandy Electric for City Hall exterior lighting for a total amount not to exceed \$38,500. from the Capital Improvements Sales Tax Fund.

Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved for **APPROVAL OF FINANCIAL REPORTS for the of October, 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.

None.

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

Councilman Dan Bishop and **Councilman George Nodler** had no communications at this time.

Councilman Roger Norris said the same comments he made about retiring Public Safety Officer Jerry Reilly can be said about many of our staff members and he takes this opportunity to tell them he appreciates them.

Councilman Anita Newsom said she is always pleased to see our staff members assume leadership roles in their profession and noted City Counselor Nancy Thompson was pictured along with our former City Counselor Christine Treat giving a presentation at a Missouri Municipal League Conference in the last edition of the *Missouri Municipal Review*. This speaks very well of the kind of people we employ and how they advance professionally and are respected among their peers and she thanks Ms. Thompson for taking on a leadership role.

Ms. Newsom wished all an enjoyable Thanksgiving and said it was a time for people to be with their family and friends and relax and stop and give thanks for everything we have.

Mayor Art Hammen also expressed his wishes for a safe and Happy Thanksgiving Holiday. He also invites everyone to attend the Gladstone Mayor's Christmas Tree Lighting Ceremony on Tuesday, December 7th at 72nd & N Prospect on the Hy-Vee corner. The 18' decorated Mayor's Christmas Tree as well as a number of trees supported by our area businesses and civic organizations will be there and he hopes to see everyone beginning at 5:30 on Tuesday, December 7th.

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

Councilman Kirk Davis announced that our City Management Team has agreed to decorate a tree for the Mayor's Christmas Tree Fund Raising Activity. He also noted City Hall offices are closed on Thanksgiving Day and the day after.

Mr. Davis also announced that following an extensive interview process, Mr. Hamid Hashemizadeh has been hired as the new Director of Community Services and brings with him several years of experience as a Public Works Director and Engineer and has worked in several communities in the Wisconsin and Massachusetts areas. He is very well qualified and we look forward to having him on the staff. He should be aboard around January 15th.

Item 10. on the Agenda. PUBLIC HEARING: on a request to vacate street right of way in NW 47th Street west of N Belleview. Applicant: Nolte Associates. Owner: Belleview Properties, L.L.C. (File #1044) (Continued from 11/8/99 City Council Meeting).

Mayor Hammen opened the Public Hearing and explained the hearing process.

No representative of the applicant was present and Community Development Director Scott Wingerson advised that this is a follow-up request to meet the condition of the original approval requirement of the Belleview Office building. On NW 47th street there is a cul de sac that is west of Belleview and was originally intended to be encircled by the townhome development. The original request from Belleview Properties LLC,, was to vacate the north half of that cul de sac. In looking at it, staff believed that the entire vacation would be appropriate and Mr. Nelson representing the Claymont Association requested that the south half be vacated. This item was on the agenda at the last Council Meeting but was continued to this meeting to allow the required legal notice to be published in accordance with state law. The utility companies support this vacation as does staff, and the Planning Commission recommends approval of the vacation of the entire west portion of west 47th Street.

There were no others desiring to speak for or against this application and Mayor Hammen closed the public hearing.

Item 10a. on the Agenda. FIRST READING BILL 99-43, vacating Northwest 47th Street right-of-way, a cul-de-sac lying immediately west of North Belleview Street located in Clay County, Gladstone, Missouri.

Mayor Pro Tem Newsom moved to place Bill 99-43 on First Reading; Councilman Norris seconded. Director Wingerson assured that everything was in order. The vote: All aye - Bishop, Nodler, Norris Newsom, Hammen. (5-0) The Clerk read the bill.

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-43, 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.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-43 and enact the Bill as **Ordinance No. 3.732**; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 11. 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 10/11/99 City Council Meeting).

Councilman Norris moved to place Bill 99-11 on Second Reading; Mr. Nodler seconded.

Discussion.

Councilman Norris referred to a memorandum dated November 17, 1999 which indicates that during the past 45 days, progress has been made towards compliance. Specifically: required asphalt has been installed, building permits have been obtained, the south portion of the property has been cleared and graded for preparation and installation of the privacy fence. The final installation of the fence and construction of the building have not been completed. The only other additional items are miscellaneous landscaping for compliance with the approved Special Use Permit.

Councilman Norris said it appears progress has been made and asked Director Wingerson his recommendation.

Director Scott Wingerson said it would be his recommendation that Council consider granting an additional 90 days to allow Mr. Bledsoe to fully comply with the ordinance.

Ms. Newsom asked if the items can be accomplished during typical winter weather.

Mr. Wingerson said they should be able to because it is a small log structure and the grading work can be done on nice days during the winter season. The privacy fence can be installed in a short period of time on a nice day as well.

Councilman Norris moved to table the Second Reading of Bill 99-11 until the first meeting in March (3/13/2000) with the understanding that that will be a final day of reckoning. Councilman Nodler seconded.

Councilman Newsom said the Council has been very very flexible and accommodating and if things have not been drawn to absolute closure by the first meeting in March, her flexibility will cease to exist.

Mayor Hammen said he would echo that sentiment.

The vote on the motion to table to the March 13, 2000 meeting. All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 12. on the Agenda. **FIRST READING BILL 99-44**, amending Ordinance #3.727 pertaining to "No Parking" zones along certain sections of NE 60TH Terrace/North Main/NW 59th Place.

Councilman Norris moved to place Bill 99-44 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Norris said the memorandum from Director Scott Wingerson accompanying this Bill explained that this is a compromise between Public Safety, Community Services and MUTCD (Manual on Uniform Traffic Control Devices) and asked Mr. Wingerson for further information. Director Scott Wingerson advised that in September, Staff presented an ordinance for No Parking Zones along a portion of NE 60th Terrace, NW 59th Place & N Main which Council approved. The number one concern on the S intersection was the safety of the traffic and there were cars parking on the apex of the curve which was dangerous. When the signage went up, two property owners at 6000 and 6008 N Main called with their concerns about their ability to park which caused us to go back and revisit the issue to see if there was any situation which would allow parking on the street in proximity to the residents while protecting the public's safety. What this proposal does is allow on street parking on the west side of N Main for a maximum of three cars. The on-street parking is on the straight part of what is generally an S curve. We have tried to balance the traffic safety needs and the resident's needs.

Councilman Newsom said when she lived in the area, street lighting was always an issue and asked what the lighting situation is presently. Director Wingerson responded that residents as well as the management at Bircain have made street lighting requests. Currently, there is one at the intersection of 59th Place & N Main and the request is for a secondary street light at 60th Terrace & N Main if it can be budgeted and approved. Ms. Newsom said it is dark in that area and she hates to see someone park on that street and get hit.

Councilman Bishop asked how the initial request for No Parking signs was generated. Mr. Wingerson said the request came from representatives of the apartment complex. Mr. Bishop asked if he was remembering a memo that referenced that all residents in the area approved the proposed signage as submitted. Mr. Wingerson said he does not have the memo in front of him but he does not remember that.

Councilman Bishop noted that Mr. Steve Musfeldt was here this evening and asked if he was happy with the compromise being proposed.

Mr. Steve Musfeldt, 6000 N Main, said it is a compromise but what had been irritating to him was that they got up one morning and No Parking signs had been installed up and down the street and they received no advance notification and the only accident there in twelve years was when a drunken driver hit a parked car and drove into Bircain's lot and came through the grass. Other than that, there has never been an accident and they were dumfounded as to why signs were put up. What we have now is a speedway because there is nothing that slows the traffic down. He has three kids who are active in their schools and they want them to be able to bring others to their home which requires more parking. He wishes the signs were not there at all but they are willing to compromise.

Councilman Bishop asked what steps are taken to notify neighbors or receive input from them in such situations. Director Wingerson said generally there is not any because of the nature of traffic control. If there is a traffic safety need then that need exists and should be dealt with by the City in whatever mechanism is particularly called for. No Parking signs are a little bit different because they are not altogether a safety issue, there are a lot of reasons for No Parking restrictions. In this case we took the conservative view on traffic safety and based on the input from the residents are providing some ability to park close to home.

Mr. Bishop asked Gladstone Public Safety Director Bill Adamo if he concurs with the need for No Parking. Director Adamo said he would have to see the memorandum as he does not recall seeing them.

Mayor Hammen said it certainly seems reasonable to him to restrict parking if this area is being used as a speedway. He does not think that cars parked or not parked will affect the speed that people drive but he is concerned about youngsters running out from between parked cars and if the cars are not there it reduces the potential so he certainly concurs with this.

Councilman Norris said he certainly appreciates Mr. Wingerson's follow-up on this matter and his input, otherwise it would have remain unchanged.

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

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-44, 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.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-44 and enact the Bill as **Ordinance No. 3.733**; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 13. on the Agenda. **FIRST READING BILL 99-45**, amending Ordinance #3.413 to increase the court costs assessed in Gladstone Municipal Court for operating expenses for battered persons shelters to \$2.00.

Mayor Pro Tem Newsom moved to place Bill 99-45 on First Reading; Councilman Norris seconded.

Discussion.

Councilman Newsom said she thinks this is a very small price to pay for the services Synergy and SafeHaven render to the residents of the northland as a whole. Our "community" extends beyond our corporate boundaries and she is very much in favor of this increase.

Councilman Norris said as discussed in the study session earlier, Synergy Services assisted 400 people and turned away 240 people last year and it is certainly his pleasure to double the fee to \$2.00. He is sad that needs like this have to be addressed but he is proud to be in a position to help even if it is just one of five votes.

Councilman Bishop said as he stated on the record a month ago he is very much in favor of this increase and also believes that we can take it as a point of pride that we are one of the first tier of cities to approve that extra dollar the legislature has allowed for this worthy cause.

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

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-45, 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.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-45 and enact the Bill as **Ordinance No. 3.734**; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Bishop thanked Ms. Jan Kauk for coming to the City Council this evening and noted she is a Gladstone resident. She brings a lot of good attention to Synergy and also brings pride to Gladstone through her work.

Item 14. on the Agenda. FIRST READING BILL 99-46, amending Sections 25-44(B), 25-45(A), and 25-5(D) of the City Sign Code Ordinance to increase maximum size of political ground signs allowed in residential areas and on public property used as a polling place on Election Day to 26 inches by 26 inches.

Councilman Norris moved to place Bill 99-46 on First Reading; Councilman Anita Newsom seconded.

Discussion.

Mayor Pro Tem Anita Newsom said considering signage issues raised in election campaigns last year this is the prudent thing to do so that any candidate is not held to a standard that cannot readily be produced by sign purveyors. The 24 inches in the existing sign code generated a lot of discussion as to whether it was the image area or the actual sign face area, and this gives the latitude so that people who choose to run for office get the best prices possible for the signage they choose to use which is their freedom of speech right.

Councilman Norris said for his entire tenure on the City Council we have dealt with Sign Code issues from lawsuits to general nuisances violations as to placement, etc. When this ordinance became effective, 24 x 24 was the commercially available political

yard sign and you stapled them together. Now days, many come in a fold over variety that go over metal stakes and have a ½ to ¾ border to facilitate that extra metal and those signs are now non-compliant. So there has been a change in the market place that really requires this so that it is not an undue burden for the candidates.

Councilman Bishop said he concurs that this is a necessary change because last year when he was purchasing yard signs, finding 24" width signs was a burden. He asked to clarify if the size regulation is 24" of display on a 26" sign because there was a question of interpretation. Ms. Newsom said the question was the image area or the actual sign face.

City Counselor Nancy Thompson responded that the intent of the ordinance is that the actual size of the paper cut of the sign is 26" Last year, there was some question as to whether a sign face of 24" was appropriate and there was an appeal for an interpretation which was never heard by the Council. The actual **overall size of the sign** under the ordinance is 26" x 26", **not the sign face**.

Councilman Bishop said that was the common sense reading that he would understand but he wanted Counselor Thompson's opinion on the intent of the ordinance.

Councilman Norris pointed out that in the third "Whereas" on Bill 99-46 it references **26" including the border**, so it is clear from that and the discussions we have now had for the record that the intent of the ordinance is to address the **overall** size of the signage.

Counselor Thompson agreed that was staff's intent to clarify that issue because staff's understanding was that even though there may have been a 26" overall sign in the past, staff interpreted the ordinance as being a 24" sign. When candidates would call and ask for a 2ft. x 2ft. sign, the printing company did not respond that they are 24", they just said this is the sign and it was a standard sign provided by the printing company. When she contacted a printing company that produces a large majority of the signs in the metro area they did verify that the actual size of the sign they produce for a 2 ft. x 2ft. sign is 26" so we are just trying to make sure there is no further mistake or conflict when it comes to the size of the sign.

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

Mayor Pro Tem Newsom moved to accept the First Reading of Bill 99-46, 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.

Mayor Pro Tem Newsom moved to accept the Second and Final Reading of Bill 99-46 and enact the Bill as **Ordinance No. 3.735**; Councilman Nodler seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 15. on the Agenda. **APPROVAL OF BUILDING PERMIT** for tenant finish of Kansas City Charbroil, 7108 N. Oak Trafficway. Applicant: GlideCo Construction. Owner: Moe Sharifi. (BP #99-0857)

Councilman Roger Norris moved to approve the Building Permit for 7108 N Oak Trafficway; Councilman George Nodler seconded.

Discussion.

Councilman Norris noted there are ten additional comments on this building permit staff report and asked if staff is agreeable to all.

Community Development Director Scott Wingerson said the applicant is agreeable to all ten comments/conditions. It was noted this is the former Checkers location and the plans call for enhancements with some additional landscaping and a general upgrade of the facility inside and out.

The vote: all aye - Bishop, Nodler, Norris Newsom, Hammen. (5-0)

Item 16. on the Agenda. Other Business.

City Manager Kirk Davis requested Council consideration of a **Building Permit for Oakhill Day School, 7019 N Cherry Street** for the addition of a gymnasium and partial interior remodeling.

Bill Spooner, 6000 N Cosby Avenue, Kansas City, Missouri, said he is a lawyer officed just outside of Gladstone in Kansas City, Missouri on N Oak Trafficway and serves as the President of the Board of Trustees of Oak Hill Day School. The head of the school, Ms. Jeannie Carlile is present as well as their contractor, Don Pearce of Pearce Construction, and Architect Joe Cantrell.

Mr. Spooner said they propose construction of a gymnasium and explained that this year Oakhill has expanded to 6th grade, with 7th grade for next year, and 8th grade the year after. This expansion has identified the need to expand their school and they are here tonight on the first phase of the expansion which adds a gymnasium.

He described the addition as 25' high with faced masonry block which goes over the door about 8' with metal panels going to the roof line. He displayed a color elevation of the addition.

Councilman Norris asked Mr. Spooner if he was familiar with the project that was proposed several years ago. Mr. Spooner said he is not because although he was a parent of a student at that time he did not follow the project. Mr. Norris said at the time there was concern about the large metal facade and asked if we will be able to tell that the panels proposed tonight are metal.

Mr. Spooner said it is a high grade insulated panel with no seams similar to a tongue and groove with flat surface and they have pictures of other buildings using this panel. The upper roof line uses the same color as the school.

Councilman Norris said the brick front does not appear to match the school and asked if there was a reason.

Architect Joe Cantrell displayed the materials and explained they were concerned they would not be able to match the brick because it has been there for a long time and had made a decision early on that if you can't match the brick go with something like a stone. The economics of stone dictated that they could not do that either so they did a double wide masonry wall with concrete block on the exterior. They have tried to keep the color neutral. They selected a pre-finished trim which very closely approximates the trim on the existing building. This addition is on the northend of the school on the east side where there is a upper level playground now.

Councilman Norris asked the life expectancy of a wall made out of this material. Mr. Cantrell said they come with a 20 year warranty from the manufacturer and it is considered a maintenance free exterior and they were trying to avoid having to paint something every five years. Originally they had a less expensive panel but they were advised to look for an alternative panel so that it would be more aesthetic. The panel they selected looks better in their opinion but also provides an alternative finish and an R value so they can finish the building all in one step. So there are certain economics. Although it is a more expensive panel it allows them to take care of some other things at the same time. They have approximately 8' of masonry at the bottom of the building which originally was to be 4' and they expanded it to dress up the building. The building is 28' 3" tall and they have to have 25 ft. to the bottom of the roof beams and they are about 3' deep at the top. Eight windows are shown on the drawing and there is still some debate about windows being appropriate because there is state of the art lighting and they did not want to have the natural light shining into the eyes of the students when they are playing, so windows were put on the north side primarily and they did not want the heat gain from the windows causing problems.

Council asked about buildings in the area using the same exterior product. The architect said not this exact product but they are building gyms all over using these metal building systems although they are not using this high dollar panel. City Manager Davis advised that there are several commercial/industrial buildings in Lee's Summit made of this material.

Mr. Cantrell said the finish is like a baked on enamel finish and is considered a flat finish with dimples to control oil canning where the metal starts to wave with changes in temperature and he likened it to embossing on a refrigerator.

Director of Community Development Scott Wingerson thanked the Council for considering this application as an agenda addition this evening. Mr. Wingerson said there are several issues in his November 19, 1999 building permit memorandum and he is happy to answer any questions. Listening to the discussion about the expanses on the south, east and north, the applicant may want to consider some

aesthetic incorporations that would be inexpensive to construct and architecturally enhance the facility such as false columns, etc.

Mr. Wingerson said he agrees with Mr. Cantrell that the material is the top of the line. Councilman Newsom said she does not question the quality of the materials but rather the aesthetics. Her first reaction is the need for architectural details to mask the large expanse of metal, something that would tie in with the same lines and style of the existing architecture of the school. City Manager Davis said it was that expanse that Mr. Wingerson was referring to with his suggestion to use columns to break up the expanse that we see from those three different angles.

Mr. Spooner said as with any project you start with a budget and what you can afford but they have discussed Councilman Newsom's concern and are suggesting on the east side to take the masonry block for a 25' width right up the center of the building which breaks up both sides. The east elevation is 75' so the column will be the center third of the wall.

Ms. Newsom asked about the design remedies for the west elevation. Mr. Spooner said they had not addressed that because they did not think that elevation would be very visible because the existing school partially blocks it.

Mr. Bishop asked about the possibility of using block that more closely matches the brick of the existing structure. Mr. Cantrell said there are other colors of block available but they thought contrasting colors were more appropriate. Mr. Bishop said he raises the subject because what is proposed does not seem to fit. Other Councilmembers agreed.

Ms. Newsom said Oakhill has a fine reputation of longevity and quality in the community and speaking from an aesthetic perspective this structure does not emote that quality and she thinks there are some other design alternatives that can be included without skyrocketing the costs. She suggested use of a color in the face brick perhaps some color that would be similar to the brick tones that would be used in a random pattern throughout possible. Mr. Cantrell said the rendering does not show very well the banding towards the top of the masonry they plan.

Councilman Norris said the point Ms. Newsom makes is that this looks like an addition stuck onto an existing building which is what it is but there used to be a desire to make new additions look more like the existing. Mr. Cantrell said that is true and when they went to the concrete block they are introducing a different material and thought it best to handle that by having a different color that was neutral.

Councilman Newsom said she is all for the expansion and addition to Oakhill Day School but she would like to see a different direction taken and tie it together with the existing building so that it does not look like a metal building stuck on the side. She could not give a positive vote on the current state of the plans yet she does not want to vote it down so she would request that her fellow Councilmembers revisit this application at the next meeting and she would like to see some samples of the materials and design work done to try to make it look like it belongs there.

Mr. Cantrell said they had discussed increasing the percentage of masonry to metal panel.

Councilman Bishop said a community center feasibility study was performed in the last six months and one of the issues at that time was where it would be located and the style of the building. The consultants spent a good deal of time trying to identify the community architectural style in Gladstone and it was discovered there is not one style. But his point is that this Old Linden area of Gladstone is in a very real sense our civic core and he agrees with Ms. Newsom that more effort needs to be made to find a design that is more harmonious with the existing surroundings in the old part of Gladstone. He thinks this part of Gladstone has great promise down the road and will be even more of a civic hub in the future. He supports this expansion but feels it needs to be something we as a community can be proud of for years and decades to come.

Councilman Norris said in years past we were not interested in doing metal buildings at all. However, construction and the way materials are manufactured has changed but the Council would like to see the expansion tie in with the existing building and he agrees with Councilman Bishop that our civic center is going to be around this area and tie in with city hall.

Mr. Cantrell asked if the primary objection is the color or the type of masonry. Councilman Norris responded it is the appearance and Councilman Newsom said it has a white box metal building appearance that is stuck onto an old stable existing structure. She said it looks temporary, but she knows it is not because it is a huge investment. Councilman Norris said there is certainly a need for this facility and he is hearing that Council wants to approve but with the suggested changes. Councilman Bishop said it is not simply changing the color but also the boxy appearance, flatness, etc. He said he is not qualified to provide architectural guidance but what is proposed is not it.

Following additional discussion, Councilman Newsom encouraged the applicants to tie the structure visually to the existing structure through color and design elements whether addition of stone, banding, striping, vertical elements to break up the vast expanse. The Mayor agreed that Council is looking for a way to make this work for the applicants but are looking for something more harmonious with the existing structure and he asked for clarification on the schematic provided Council on the student drop-off/pick up site,

Director Wingerson explained that the original building permit site plan submission called for traditional bulb cul de sac on the east end of the north drive. The school's proposal was to use that as a drop off and pick up spot for students easing some of the congestion on N Cherry and N 70th during drop-off and pick-up times. The by-product of that is the placement of a significant amount of traffic on Cherry Lane which is a very narrow, unimproved street and in reviewing that staff felt that was not a good idea for the protection of the neighborhood and they met with representatives of the school and reached a different plan to provide for one-way traffic and parking only for school officials as assigned by the school, that way there is really no impact on Cherry Lane

and a very minimal number of vehicles that would have potential to access Cherry Lane. It also provides access on Cherry Lane for Public Safety for the protection of the back side of that facility.

Councilman Bishop and Councilman Newsom had questions which Director Wingerson clarified by reviewing the map with them and noted that Cherry Street is built to city standards whereas Cherry Lane is 24' but with no curb gutter and sidewalk. Traffic on Cherry Lane will be limited to assigned employee vehicles.

Ms. Newsom asked if we have utilized our traffic trained officers to observe the ingress-egress drop off to help formulate this plan. Director Wingerson said the fire division and traffic division are included in the review process and Public Safety has endorsed this request but we can look for additional suggestions. Ms. Newsom said the safety of the kids being dropped off is paramount.

Mr. Wingerson said he sees the drop off and pick up patterns remaining the same in the front of the school as they are today.

Mayor Hammen requested the applicant to consider discussions tonight and return to the December 13, 1999 Council Meeting with modifications to the plans.

City Counselor Thompson was asked if any action to defer it was needed. Ms. Thompson advised no action was needed and this request will be shown on the next City Council Meeting Agenda.

Item 15. on the Agenda. Questions from the News Media.

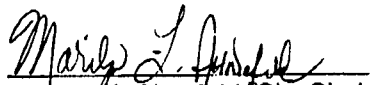
The News Media had no questions.

* * *

Councilman Roger Norris moved to adjourn to Closed Executive Session for Missouri Open Meeting Act Exemption 610.021(2), for Personnel Discussion. Councilman Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0).

There being no further business to come before the November 22, 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, DECEMBER 13, 1999**

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 November 22, 1999 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. 99-90, authorizing the City Manager to accept a bill of sale from Stonebrooke L.L.C. and Havens Construction Company, conveying a water line and fire hydrants, sanitary sewer and storm sewer serving Stonebrooke Estates for maintenance. Improvements were constructed at the developer's expense.

RESOLUTION NO. 99-91, authorizing the City Manager to execute a contract with Ace Pipe Cleaning for Phase II of the sanitary sewer cleaning and televising program in an amount not to exceed \$94,500. Funding is from the Combined Water and Sanitary Sewer Fund. Project 0005.

RESOLUTION NO. 99-92, authorizing the City Manager to execute a contract with Rose-Lan Contractors for the Englewood Baptist Church sanitary sewer improvements in the amount of \$42,608. Funding has been authorized from the Combined Water and Sanitary Sewer Fund. Project 0030.

ACCEPTANCE OF 1998-1999 CITY OF GLADSTONE ANNUAL AUDIT

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 99-47**, approving the final plat of "Carriage Commons, Tract 'B' Replat", located at 3101 through 3123 NE 63rd Terrace. File #1107.
10. **FIRST READING BILL 99-48**, amending Chapter 34 of the City Building and Construction Ordinance by repealing provisions contained therein, and Article VII and enacting a new Article VII of Chapter 34.

11. **FIRST READING BILL 99-49**, amending Section 3-15.1 of the Alcoholic Beverage Code to allow the City Council to conduct a hearing to determine whether a business selling alcoholic beverages and non-intoxicating beer for consumption on the premises within 100 feet of a school, church, or residential dwelling should be permitted to obtain a license, providing standards for review and a penalty for violation.
12. **APPROVAL OF BUILDING PERMIT** - for interior tenant finish of Hollywood Video, 6403 N. Prospect (Prospect Plaza). Applicant: Wickham, Jarvi and Warman Architects. Owner: Bradley Operating Limited Partnership. (BP #99-0793)
13. **APPROVAL OF BUILDING PERMIT** - for new construction of Belleview Office Building, 801 NW Vivion Road/4770 N. Belleview. Applicant: Luke Draily Construction Co., Inc. Owner: Belleview Properties L.L.C. (BP #99-0733).
14. **APPROVAL OF BUILDING PERMIT** - for the addition of a gymnasium and partial interior remodel at Oakhill Day School, 7019 N. Cherry Street. Applicant: Pearce Construction. Owner: Oakhill Day School. (BP #99-0856).
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, DECEMBER 13, 1999

Mayor Art Hammen called the Regular December 13, 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, November 22, 1999 City Council Meeting Minutes** as submitted. Councilman Roger Norris seconded. The vote: "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 Anita Newsom moved to approve 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 Newsom moved to adopt **RESOLUTION NO. 99-90**, authorizing the City Manager to accept a Bill of Sale from Stonebrooke L.L.C. and Havens Construction Company, conveying a water line and fire hydrants, sanitary sewer and storm sewer serving Stonebrooke Estates for maintenance. Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. 99-91**, authorizing the City Manager to execute a contract with Ace Pipe Cleaning for Phase II of the sanitary sewer cleaning and televising program in an amount not to exceed \$94,500. Funding is from the Combined Water and Sanitary Sewer Fund. (Project 0005) Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. 99-92**, authorizing the City Manager to execute a contract with Rose-Lan Contractors for the Englewood Baptist Church sanitary sewer improvements in the amount of \$42,608. Funding has been authorized from the Combined Water and Sanitary Sewer Fund. Project 0030. Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved for **ACCEPTANCE OF THE 1998-1999 CITY OF GLADSTONE ANNUAL AUDIT**. Councilman Norris seconded. 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 apologized that he came in late for the earlier study session and explained that he had been meeting with the Board of the Woodlands Homeowners Association. He said it was nice to go out into the community and hear positive comments about city staff and he wants the staff to know that he appreciates them and hearing those comments. The Woodlands Board was particularly pleased with the Woodlands storm drainage project which had worked its way through the process with the Capital Improvements Committee and is now completed and they especially spoke well of Lou Oesterle in Community Development.

Mr. Bishop also congratulated Mayor Hammen, City Staff and volunteers who participated in the Mayor's Christmas Tree effort and said the Mayor can be rightfully proud of the amount of money raised this year for two extremely worthwhile organizations, the Northland Christmas Store and Gladstone Neighbors Helping Neighbors. He also wished all a Merry Christmas, Happy Holidays and the best ever New Year.

Councilman Roger Norris said he had some comments to make and stressed that they are his opinions and views. He will be out of the city and unable to attend the City Employee's Annual Recognition Dinner so he will take this opportunity to thank all City employees for the tasks they perform. From those who do street work and repair

water line repairs in freezing conditions to those who risk their lives in burning buildings and officers who respond in dangerous situations. He said we look at those men and women daily as they drive down the roads and generally we say, there is a cop and look at our speedometer; or, there is a fire truck, let's get out of its way. Yet they will run into a burning building to save us and they don't even know us. These people are all heroes and we should remember them at Christmas.

Councilman Norris said his mother sent him an E-Mail which related the story of a dead bird that was found after a forest fire. It was mostly ashes but under the mother's wings were three baby chicks. The bird could have saved itself and flown away but instead sacrificed his life for those three little chicks. It is this time of year that we need to reflect on the sacrifices people make for us. Mr. Norris said Christmas is a special time at his house and he hopes it is a special time at everyone's, and wishes all a very Merry Christmas,

Councilman George Nodler said he would certainly echo Mr. Bishop's sentiments and thanked the staff, the Chamber, and the many volunteers who helped to make the lighting of the Mayor's Christmas Tree such a special event.

Councilman Anita Newsom - said she agrees with Council comments about the success of the Mayor's Christmas Tree effort and found the tree lighting activity a lot of fun. She also expressed her holiday wishes to Gladstone employees and residents and said she is proud to call Gladstone her home.

Mayor Art Hammen said a tremendous number of people gave of their own personal time to make this year's Mayor's Christmas Tree effort the success it was. He has been overwhelmed by the success this year over previous years. He hopes that by now the individual corporate sponsored trees have been given to the families who might not otherwise have a tree to enjoy this year and thanked Parks & Recreation Director Steve Buschor for his help on this.

The Mayor said he does not think he can name each and every person without forgetting someone who helped with this year's Mayor's Christmas Tree Program so he will give a general thanks to everyone. The most recent figures indicate that there has been in excess of \$4,300 raised thus far for this year's Mayor's Christmas Tree Fund. He said a committee member expressed that if we don't raise \$5,000 we have not done our jobs, so the Mayor stressed that there is still time to make a donation to this fund.

Mayor Hammen said he joins the Council in their wishes for a happy Christmas, a safe holiday and good New Year.

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

City Manager Kirk Davis thanked the Mayor and Council on behalf of the staff for their wishes and kinds comments. Mr. Davis said the staff does not hear much from some of us about what a good job they do and said this city is truly blessed with some

outstanding and dedicated public servants at all levels of the organization but particularly those folks who have to go out and fight a fire on a cold icy night or fix a water main when it is 10 degrees or cut grass when it is 110 degrees in the middle of the summer.

The City Manager announced that the next City Council Meeting will be Monday, January 10, 2000 and City Hall offices will be closed on Friday, December 24th and Friday, December 31st for Christmas and New Years holidays. On behalf of the staff, we wish the Council and all residents the best for the coming holidays.

On the subject of Y2K, Mr. Davis stressed that there is a Plan as well as Contingency Plans. We will man a phone bank here at City Hall on Friday, December 31st to provide information to citizens should circumstances arise where they need some help. The phone bank will be manned all day up until past midnight.

Item 9. on the Agenda. **FIRST READING BILL 99-47**, approving the final plat of "Carriage Commons, Tract 'B' Replant", located at 3101 through 3123 NE 63rd Terrace. File #1107.

Mayor Pro Tem Newsom moved to place Bill 99-47 on First Reading; Councilman Norris seconded.

Discussion.

Mr. Norris asked if all the conditions noted on the staff report had been met. Mr. Wingerson said, yes. 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 99-47, 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 99-47 and enact the Bill as Ordinance No. 3.736. Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 99-48**, amending Chapter 34 of the City Building and Construction Ordinance by repealing provisions contained therein, and Article VII and enacting a new Article VII of Chapter 34.

Councilman Norris moved to place Bill 99-48 on First Reading; Ms. Newsom seconded.

Discussion.

Director Wingerson advised that at the last City Council Study Session, staff presented this Code Amendment which involved elimination of an interior requirement for one-hour fire protection for the interior walls as well as ceiling of the facility. This change is based on the evolution of the Code and techniques for construction. The other change is in the cross connection control ordinance which is designed to mirror State Law.

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 99-48, 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 99-48 and enact the Bill as Ordinance No. 3.737; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 11. on the Agenda. FIRST READING BILL 99-49, amending Section 3-15.1 of the Alcoholic Beverage Code to allow the City Council to conduct a hearing to determine whether a business selling alcoholic beverages and non-intoxicating beer for consumption on the premises within 100 feet of a school, church, or residential dwelling should be permitted to obtain a license, providing standards for review and a penalty for violation.

Mayor Pro Tem Newsom moved to place Bill 99-49 on First Reading; Mr. Norris seconded.

Discussion.

Councilman Norris asked that City Counselor Nancy Thompson's Study Session Presentation earlier this evening on this issue be included as a part of the record to serve as background information on the reason for this ordinance and to provide the legislative history. Mr. Norris said he would also comment that he does think that it is appropriate for the governing body elected by the people to have decisions like this within their power so that there is a direct relationship between the citizens being served and the community.

City Counselor Nancy Thompson Study Session Presentation on Bill 99-49:

City Counselor Nancy Thompson explained that currently the law in Gladstone is that a license may not be issued for a business to sell alcoholic beverages by the drink within 100 ft. of a church or school. The current law in the state of Missouri has those same distance requirements, however Missouri state law allows a business to obtain a waiver from the church or school which would allow them to locate within that 100' distance. Gladstone recently had an

applicant request that the City consider a waiver of this distance requirement and that prompted a staff review of both the history of our alcoholic beverage code distance requirement as well as the constitutionality of that type of request. When we took a look at the history of the 100' distance requirement we found that dating back prior to 1965 when our Zoning Code was amended, there was a distance of 300' from a church or school and later than was amended down to 100' contained within the Zoning Code. The difference between the Zoning Code and the liquor license regulations is that the zoning code actually allows the applicant to seek a variance from the Board of Zoning Adjustment which would grant them the opportunity to move within that 300' - 100' distance requirement. The Liquor Code does not have a variance process for an application. So dating back to 1965 you had the distance requirement in the Zoning Code with the opportunity for a variance from the distance.

In 1986, those regulations were actually moved into the Alcoholic Beverage Code and deleted and amended out of the Zoning Code probably to be less burdensome when it came to administration of the Zoning Code and to get all the liquor license regulations in one location. Along with the move, however, it deleted the opportunity for a variance. So in 1991, the City allowed a variance very similar to what state law allowed and in 1992, it deleted that waiver from the church and school, so it only lasted about a year. Since then we have had an Alcoholic Beverage Code which does not allow a church or school to grant a waiver although State Law continues to allow that process to occur.

Once we discovered that history we thought we ought to look further and actually look at the constitutionality of that type of waiver. When you have a waiver allowed in your Code it grants to the church or school, the total authority to determine whether or not a liquor establishment would locate within that 100' distance requirement. In 1982, there was a United States Supreme Court Case out of Massachusetts where the U.S. Supreme Court determined it was an unlawful delegation of legislative powers to a church and it violated the establishment clause of the first amendment to allow a church to veto an application effectively doing away with any distance requirement. Counselor Thompson said she believes that is the basis on which Gladstone's Code was amended in 1982 to do away with the waiver.

The Counselor said tonight what we are presenting is something different and she wanted to go through the history so that it is understood that we are not looking at a waiver by a church or school but are actually looking at a process where the applicant who wanted to locate within 100' of a church or school would actually come forward to this body and request that variance in the distance requirement. This body would hold a public hearing which allows the affected property owner to come forward and present any objections or support they might have depending on what their concerns would be. The ordinance also considers particular factors that the Council would look at when reviewing any type of application and those are: the type of liquor license requested by the applicant (intoxicating liquor, non-intoxicating, beer, etc.) Traffic, parking,

noise, history of violations at that location if it happens to be a renewal, the adverse affect on businesses in the neighborhood, etc. And the City Council would have the opportunity if it were to consider granting a variance from that distance requirement, to determine whether or not it would impose conditions to alleviate any types of concerns brought forth by neighboring residents. That is what the ordinance presented tonight does, it allows for a variance from that 100' distance but it is based on a review by the Council after a public hearing.

End of City Counselor Nancy Thompson's Study Session Presentation.

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 99-49, 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 99-49 and enact the Bill as Ordinance No. 3.738; Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 12. on the Agenda. APPROVAL OF BUILDING PERMIT - for interior tenant finish of Hollywood Video, 6403 N. Prospect (Prospect Plaza). Applicant: Wickham, Jarvi and Warman Architects. Owner: Bradley Operating Limited Partnership. (BP #99-0793)

Councilman George Nodler moved to approve the Building Permit for 6403 N Prospect; Councilman Norris seconded.

Discussion.

Councilman Newsom asked if this video store would have a drive thru drop off box. The Director of Real Estate for Holloywood Video was in the audience and indicated there were plans for a drop box which would look like a director's clapper to be located off to the side of the building and typically they would do that as a customer convenience in addition to the window slot for the ease of customers. Ms. Newsom asked if you would have to get out of the car and step up to the front of the store and explained that her question was for traffic flow. Mr. Wingerson said they have not seen the drop box request but that is something they can work out.

The representative said they will work with the City but it is something that is used infrequently, it's not like a restaurant drive through. Ms. Newsom said it is more of a site plan question than a building permit question and she mentions it because the question came to her from a resident who is accustomed to using them.

Mr. Wingerson said the drop box the gentlemen was referring to was to be on the west side of the building on the Prospect side and the driver's window would have you south and then you could make the turn around the parking bays and exit the entire property if that is the desire.

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

Item 13. on the Agenda. APPROVAL OF BUILDING PERMIT - for new construction of Bellevue Office Building, 801 NW Vivian Road/4770 N. Bellevue. Applicant: Luke Daily Construction Co., Inc. Owner: Bellevue Properties L.L.C. (BP #99-0733).

Councilman Norris moved to approve the Building Permit for 801 NW Vivian Road/4770 N Bellevue as submitted; Councilman Bishop seconded.

Discussion.

Councilman Norris noted there are only two additional comments in the Staff Report which appear to be very standard and asked if the Applicant is agreeable to them. Director Wingerson acknowledged the applicant is agreeable to both conditions.

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

Item 14. on the Agenda. APPROVAL OF BUILDING PERMIT for the addition of a gymnasium and partial interior remodel at Oakhill Day School, 7019 N. Cherry Street. Applicant: Pearce Construction. Owner: Oakhill Day School. (BP #99-0856).

Councilman Norris moved to approve the Building Permit for 7019 N Cherry as submitted; Councilman Nodler seconded.

Discussion.

Councilman Norris asked if the applicants have pictures of the changes they have made to the building plans.

Jerry Reiling 2418 NW 84th Terrace, Kansas City, Missouri, compared the previous plans submitted with the revised plans they prepared to make the buildings more aesthetically appealing. They have added more masonry, changed the color and the siding, added soldier rows of brick to give it some highlight and did extensions up on each corner. He also referred to the elevations to show what would be viewed from the street.

Councilman Newsom said the attention to detail shown on the revised plans certainly helps to keep the proposed building from looking so much like a manufacturing facility. She appreciates the changes.

Mayor Hammen said the pitch on the roof of the new rendering seems flatter than the previous plans. Architect Joe Cantrell said the new pitch on the roof is 1/4" per foot which is the minimum recommended pitch for the type of roof they are using. The old pitch was 2" in 12. They just thought that by lowering the pitch of the roof it seemed to lessen the metal building look.

Councilman Norris said these changes help dramatically and he likes the way they have tied in the real dark red brick line between the siding and buff rock they will be using.

Councilman Bishop had questions about the materials and Mr. Cantrell displayed the sample of the split faced concrete block which is the Mayfield masonry and explained it is used in several horizontal bands across the building which pick up on existing building lines, and it is also utilized in the inset panels which they have used to break up some of the long lines. He showed the color samples of the pre-finished metal panels of Birch White and Country Wheat. The thin strip at the top is Birch White.

Mr. Cantrell said they also have changed their HVAC design and wrapped the duct enclosure with masonry and lowered it so it is a lot less prominent. The roof is a standing seam of metallic bluish metal.

Mr. Bishop asked Mr. Cantrell if he is familiar with the Pembroke Field House on Ward Parkway to know if that is the same material proposed here. Mr. Cantrell said he does not know if it is the same material.

Mr. Cantrell also noted the interior is designed to withstand ball dents by the addition of the texture finish.

Norris asked the applicants if they are agreeable to meeting the conditions listed on the staff report. Mr. Bill Spooner, President of the Board of Trustees said all conditions are acceptable and will be met.

Newsom said she certainly appreciated the changes and thanked the school for their efforts to make the plans look better, in the long run it will be a better looking building

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

Mayor Hammen congratulated Oakhill Day School representatives on the approval of their plans.

There being no further business to come before the December 13, 1999 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting and wished all a Merry Christmas.

Respectfully submitted:


Marilyn F. Ahnefeld City Clerk

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


Mayor Art Hammen

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 10, 2000**

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 December 13, 1999 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-2000, accepting a Bill of Sale from St. Charles Catholic Church and Kincaid Construction, Inc. conveying a water line and fire hydrants serving St. Charles School Classroom Addition.

RESOLUTION NO. R-2000-2, authorizing execution of a Two Year Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the period January 11, 2000 through January 1, 2002

RESOLUTION NO. 2000-3, authorizing execution of an Intergovernmental Agreement with the Mid America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services for the period February 1, 2000 through January 31, 2001 for an amount not to exceed \$17,667.09 from the General Fund.

RESOLUTION NO. R-2000-4, accepting work under the contract with Shafer, Kline & Warren for the design of the Hamilton Heights Park Improvements and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$39,498.40; Final Payment Due: \$4,503.33

RESOLUTION NO. R-2000-5, accepting work under the contract with Industrial Excavating & Equipment for the Woodlands Drainage Improvement Project and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$119,830.00; Final Payment Due: \$500.00

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 5700 North Main. Applicant: Nolte Associates. Owner: Herman Scharhag. (File #1108)
- 9a. **FIRST READING BILL 2000-01,** approving a Site Plan for development of property at 5700 N Main subject to certain conditions. Applicant: Nolte Associates. Owner: Herman Scharhag (File #1108)
10. **PUBLIC HEARING** on the application of SCP, Inc. dba Stone Canyon Pizza Company for an Alcoholic Beverage License for the sale of alcoholic beverages consumed on the premises on property at 6431-33 N Prospect in Prospect Plaza Shopping Center.
- 10a. **CONSIDERATION OF NEW CLASS A&B LIQUOR BY DRINK LICENSE** for Stone Canyon Pizza on property at 6431-33 North Prospect. Managing Officer: Todd E. Schoonover.
11. **APPROVAL OF BUILDING PERMIT,** for 1,487 sq. ft. tenant finish at 6435 N Prospect in Prospect Plaza Shopping Center for American General Finance. (BP #99-0984)
12. Other Business.
13. Questions from the News Media
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, January 10, 2000

Mayor Art Hammen called the Regular January 10, 2000 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, December 13, 1999 City Council Meeting Minutes** as submitted. Councilman Roger Norris seconded. The vote: "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

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

CONSENT AGENDA DETAIL:

Councilman Nodler moved to adopt **RESOLUTION NO. R-2000-1**, accepting a Bill of Sale from St. Charles Catholic Church and Kincaid Construction, Inc. conveying a water line and fire hydrants serving St. Charles School Classroom Addition. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-2000-2**, authorizing execution of a Two Year Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the period January 11, 2000 through January 1, 2002; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. 2000-3**, authorizing execution of an Intergovernmental Agreement with the Mid America Regional Council Solid Waste Management District to provide Household Hazardous Waste Management Services for the period February 1, 2000 through January 31, 2001 for an amount not to exceed \$17,667.09 from the General Fund; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-2000-4**, accepting work under the contract with Shafer, Kline & Warren for the design of the Hamilton Heights Park Improvements and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$39,498.40; Final Payment Due: \$4,503.33; Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman Nodler moved to adopt **RESOLUTION NO. R-2000-5**, accepting work under the contract with Industrial Excavating & Equipment for the Woodlands Drainage Improvement Project and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$119,830.00; Final Payment Due: \$500.00; 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.

None.

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

Councilman Dan Bishop wished all a Happy New Year and commented that during his door to door campaign a year ago a number of people were concerned about the year 2000 turn-over and what possibly could happen. Some experts in the field of computer technology admitted they were unsure as to what would happen and some people feared the very worse consequences. So it was a difficult task for the City to set about preparing for something, when you didn't really know what you were preparing for. It is not an enviable position to be in.

He commends the City because they started out in a very methodical way to figure out what needed to be done to prepare for the unknown possibilities of Y2K, and reviewed every piece of equipment and machine to ensure they were Y2K compliant. A Plan as well as a Contingency Plan was developed for operation of the water plant including reserving generators for any power interruption. The Y2K Emergency Command

Center was established at City Hall and staffed, and additional personnel and patrol cars were on the street. Councilman Bishop said the City did a good job in being prepared and he thinks communicating that level of preparedness to our citizens through the Gladstone Reporter as well as individually to citizens who had specific concerns, went a long way toward easing the minds of those who were most concerned about Y2K. So thank goodness it turned out to be largely a non-event, but he does think we did all we could do in preparing for it and did a good job.

Councilman Bishop introduced his Council assistant, Marianne Chance who is a junior at the University of Missouri, Kansas City. Ms. Chance was a graduate of Liberty High in 1997 and is studying political science at UMKC. He was able to work with Doctor Neuman, the Political Science Department Chair at UMKC, who helped coordinate this program for Marianne. Mr. Bishop said Ms. Chance will receive academic credit for working with him this semester and be able to assist him with his Council responsibilities and attend all Council Meetings as well as Planning Commission meetings.

Councilman Roger Norris wished all a Happy New Year and said he was fortunate to have been the Mayor when we started the Y2K Compliance effort and Assistant City Manager Laura Gay has done an outstanding job. As expected, it was a non-event because people across the country did plan and were ready for it. He said Gladstone was not here a thousand years ago but it is our goal to be here a thousand years from now.

Councilman Norris said he saw on the news where another firefighter had been killed going into a house to save people. He watched a special program on some infra-red imaging which costs \$25,000.00. Following that program, a fund raiser was started for the purchase of this equipment for the City of Kansas City. He would like our City to start looking at ways to obtain some imaging equipment before there is a tragedy. The men and women on our department need this equipment and we should move toward purchasing it. Now that it is available, this is something that we can and should do.

Councilman Nodler said he joins the Council in their wishes for a Happy New Year.

Mayor Pro Tem Newsom said she certainly appreciates the Y2K non-event and thanks the staff for their efforts. She agrees with Councilman Norris that regardless of the price that infra-red imaging is something we should seriously look into. It does surprise her that as large as Kansas City is that they have not acquired this equipment. She also wishes all a Happy New Year and looks forward to the challenges of 2000.

Ms. Newsom also asked that the meeting reservation lists distributed to Council include information on the meeting programs.

Mayor Hammen said he was so extremely pleased and humbled by the response we had to this year's Mayor's Christmas Tree Fund. A lot of people put in a lot of time on this project and the response from our citizens and business community has been

overwhelming. There are a lot of people who deserve credit for this including important part the press paid in our fundraising. The Mayor said his last report indicated \$5,500 and been raised. We had a tremendous outpouring of support from representatives of the two newspapers at the press table this evening. He said all three of our area papers did an excellent job of covering and supporting this project. He said he has given credit all along to our citizens who served on the committee with him to make this such a resounding success, but he does want to give credit to the community, and those funds will be divided between the Northland Christmas Store and the Gladstone Neighbors Helping Neighbors project. He knows that both organizations are grateful for the money they will receive.

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

City Manager Davis announced that city hall offices will be closed for observance of Martin Luther King Jr. Birthday on Monday, January 17, 2000. The City Manager expressed his appreciation to Assistant City Manager Laura Gay and all the department heads who did a commendable job in preparing for Y2K. Ms. Gay spent a considerable amount of time dealing with the details of this event and he congratulates her, the department heads, and all who participated.

Mr. Davis also thanked Rita Hull, who has served as Acting Director of Community Service for the past six months. She has done a good job providing leadership to that department and he appreciates her efforts in a difficult situation and she too is to be congratulated.

Item 9. On the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision on property at 5700 North Main. Applicant: Nolte Associates. Owner: Herman Scharhag. (File #1108)

Mayor Hammen explained the public hearing process that the applicant is invited to make his presentation followed by persons desiring to speak in favor or against the application, and lastly comments from City staff.

Thomas Nolte, Nolte & Associates, Architects and Planners, 7611 State Line Road, Kansas City, Missouri, said they are pleased to bring this proposal forward this evening which involves the development of 154 units of elderly housing. They have held meetings with the Planning Commission on December 20th, followed by the site visit, and the meeting with the Commission last Monday where they voted in favor of this application. He displayed drawings of the ten acre tract and layout of the proposed project which has Englewood Road as the southern boundary, N Main on the east, d N Broadway to the west. This is only a portion of the property that Mr. Scharhag owns which sits behind the two existing office buildings along Englewood Road. The senior housing development is comprised of modules with a 3-story structure to the north, 2-story to the south and 2-story wings which flank it on either side. They have created interior court yards which are protected area for the elderly and are also providing additional parking on the rear which is not only for employees, but also covered parking for some of the residents who did have cars, although very few of the residents have cars. They have submitted some documents along with the

earlier information to the Planning Commission indicating the low parking needs for structures such as this. They are also proposing the extension of N Main and the extension of the center street, which is N Central as it bends along the side and continues to serve the property to the north. There is a proposal for 19,800 sq. ft. of retail on the west. Currently there is an existing detention pond on the tract directly to the north which is still under the control of Mr. Scharhag and they are proposing an additional retention pond on the lowest part of the site which happens to be the northwest corner. After grading, approximately 20% of the site will move to the east as drainage, and approximately 10% of the site will move to the south drainage, and that leaves about 70% of the site that will move to the west. There have been concerns voiced in the past on this proposal from neighbors directly to the west on the other side of Broadway who are concerned about the run-off potential of this particular property. They have attended the Planning Commission Meeting and also the on-site walk with the Planning Commissioners.

Other site amenities include a walking garden and additional parking in the front and directly to the east. The dotted area of parking shown between the retail and Central Street they propose to leave for a natural ground cover at the time. The Zoning Code for multi-family calls for a number of parking spots per unit and they are capable of providing all the parking required, but because they have such low impact on the parking, they propose to leave it green and enter into a development agreement with a trigger that when the City would like to see the additional parking, they would be more than happy to supply it. Mr. Nolte referred to the document he mentioned earlier which refers to parking requirements associated with independent senior parking and talks about the percentage of elderly who have a need for parking.

Mr. Nolte said there will probably be public testimony in favor of this project and some people who will come forward who will want to discuss the run-off issues which affect flooding. There are two points of view. One is probably not to have any development. Under the current site situation, there is normal run-off that occurs from the property and under current conditions they have flooding to the west. He said their Civil Engineer Scott Cargill of Lutjen and Associates is present and will be more than happy to discuss the process for studying and handling the water. Mr. Nolte said they would like to think that this is an opportunity for this property to be studied, for the water to be considered, and for the water to be controlled. Because under current conditions they have a problem, under future conditions they hope to solve that problem.

Mr. Nolte also displayed conceptual drawings of the front of the building showing the two-store structure with the drive-through facility for drop-off because he said most of the residents avail themselves of the opportunity to be brought to the front door. This facility also has its own transportation which is a bus to take those who desire to do personal shopping or errands. So the need for cars is rather limited. He also displayed an aerial view which depicts the courtyard development between the front and rear modules of the building. Mr. Nolte said he would be happy to answer questions following the public comments and would introduce if desired, the others members of their development team, including the contractor, the developer and the engineer.

Mayor Protem Newsom had questions on the number of units planned, the number of parking spaces to be eliminated for the greenspace Mr. Nolte discussed, and the building materials. Mr. Nolte responded that the current zoning provides for 154 units which are the number they desire to maintain; and the *deferred parking* is 85 spaces. The lower level building is masonry and at the front entry canopy there is a standing seam colored roof to add some color because they like to work with red and a few vibrant colors to identify where the entrance is. On the upper level they will have lap siding and pitch, and gable roofs and those have the asphalt shingles.

Mayor Hammen asked if the 156 stalls that are called for are inclusive of the parking for the retail areas. Mr. Nolte advised that number is for senior housing only.

Mayor Hammen called upon others desiring to speak in favor of this request.

Herman Scharhag, 2 NW Englewood Road, said he is the current owner of this property and has owned it since 1965. It is 20 acres of beautiful land and he has enjoyed living in this lovely area and enjoyed the privacy of it, but he reached a point where he thinks it is time for the property to be developed. As a retired architect he would urge the City Council to consider this project. Naturally he is concerned about the development and feels this would be an ideal use for this land. There is certainly a need for housing for the elderly. The 154 units is the number of units under the current zoning and he would add that all units would be sprinkled for fire protection. The site is ideally located for this type of project because it is right on the bus line. There are two major shopping areas within walking distance and he urges the City Council to accept this proposal.

Opposition:

Mr. Dick Heinisch, 434 NW 58th Street, said he is just west of this project and they are concerned about water run off because they live in a flood plain and were badly flooded in 1974. During the on-site meeting on December 29th with the architects and Mr. Nolte, Mr. Nolte indicated that on the easternmost portion of this property which is the senior citizen development, 30% of the run-off would be to the northeast. Mr. Heinisch said Mr. Nolte indicated this evening 70% to the west, 10% to the south. Further discussion at that evening on December 29th indicated that that 30% northeast run-off subsequently goes north and then goes west into a pond on the former Leimkuhler property. He said in 1974, the dam where this pond is located on the former Leimkuhler property either broke or leaked substantially which contributed to the water problems they experienced in 1974. Mr. Heinisch requested that the City take measures to ensure the integrity of that dam as it exists today so that with this 30% run-off it does not cause future problems for them.

Councilman Norris asked if the pond being discussed can be seen from Broadway. Mr. Heinisch said no it is the pond behind the former Leimkuhler residence. When the dam breaks or leaks it runs into East Creek which is the creek that caused their problem in 1974.

Barbara Heinsch, 434 NW 58th Street, said her husband just spoke and she wanted to talk about how serious this is to them. They were flooded severally in 1974 and had 4' of water in their living room. There were neighbors who had 6' and more, and one woman had to be rescued and she can't tell us what it is like to clean up after something like that, it is a devastation. So they care a lot about run-off.

When this project first started she understood it was a retirement home, then the next revision they received added the retail center, which to them is more concrete for run-off. In all they are taking 90% or more of this run-off into East Creek at some point or another. Right now with the property in the condition it is in, they are not worried about the run-off up there and don't feel like they need to be saved from that. What they are worried about is what will happen when all that concrete goes up there. What will happen to them at that point. Kansas City has made some improvements which have helped them through the years but they can't take an un-ending amount of run-off, they just can't. In October 1988, it rained and there was the usual setup where you get days of rains and then heavy rains. That creek went to the top. A widow across the street came over to their house and she said when she looked out back all she could see was water. She can't help but think that if this project had been up there at that time this creek could have come out of its banks, and what would have happened to them. She knows we have to consider the highest and best use of the land but in this case she is asking that we consider the safety of eighteen families who have been devastated once and who pray that it never happens to them. She asked that we put ourselves in their shoes.

Director of Community Development Scott Wingerson, said before he makes his presentation, he would clarify that Mr. Heinisch made reference to the Leimkuhler property and Council may know that property as the Frank Cucchiara property and platted as the Falls Subdivision, which is just east of Hickory Hills Subdivision.

Mr. Wingerson said staff has recommended some 14 conditions for approval of this request and he will highlight just a few of them.

Condition #5, requires that the developer perform a comprehensive storm water study. Right now the preliminary engineering indicates that detention is required. The proposed plan provides for an area of detention but the final size of that detention area will be dictated by final engineering. During the public hearing process in the Planning Commission consideration of this request, the Commission recommended that the Kansas City APWA Standards be applied and that would be for the 100 yr. Storm design frequency. Also in condition #5 is a requirement for a traffic study. The developer is proposing the installation of a traffic signal at the intersection Englewood Road and N Main. The construction of N Central, the impact of the development, all of those issues at Main, Central and Broadway need to be evaluated by a traffic engineer and that study would be part of the building permit process and those recommendations implemented.

Condition #7 requires a Development Agreement concerning the proposed parking and the future use of the property. One portion of that Development Agreement would require that at the City's request, **the deferred parking of 85 or 86 spaces be**

constructed and it would also allow for Planning Commission and City Council review. The other part considers the future use of the property in the event the property would be changed from a single housing facility to more of a general population apartment complex, the Developer would be required to provide compliant parking at the ratio of whatever is current then. He said currently it is two spaces per unit.

Condition #8 requires that the developer seek rezoning for the retail center from the current zoning of RP-3 to CP-1 and the current zoning for the Senior Independent Living Facility from RP-3 to RP-4.

Condition #10 requires installation of temporary hard surface turnarounds at the dead-ends of N Central and N Main for fire service and snow plowing as well as convenience.

Mr. Wingerson said the remaining conditions are typical and concern landscaping, dumpster screening, trash pick-up, lighting, mechanical equipment, engineering, compliance with Codes, and the dedication of the necessary right-of-way.

Mr. Wingerson invited questions at this time.

Councilman Newsom commented that usually the site plan approval follows the rezoning and asked if we don't have the cart before the horse in this instance.

Councilman Norris referring to Condition #5, calling for a comprehensive storm water study which is in conformance with KCAPWA Standards and provides for the 100 yr. storm event, asked if there are any assurances or guarantees that would alleviate the concerns of the eighteen families on 58th Street. He said that water gets close and asked if there is any indication that this development may help that situation. Mr. Wingerson answered that it would be fair to say that with the condition that the Planning Commission recommended for the 100 year design, that the problem will not get any worse, and there is a very good possibility that the problem could get better by holding some of the water back in the detention before releasing it down stream. He said Mr. Scott Cargill may be able to answer that in more detail but he thinks there is a very good chance that it could marginally help the residents downstream in East Creek.

Councilman Norris asked if there are any assurances or any way we can make him feel better about the success of elderly housing units and their longevity in the market place.

Mr. Wingerson answered that the developer is much more qualified to address that but he would refer to the listing in Council's packet that lists some 16-18 developments in the general vicinity. The purpose of that listing is to discuss parking and need for parking, however there are some construction or operation dates listed as well. The financing of the project also has some impact on its future use. It is probably a bond project which will be long term debt which is good only for senior housing. In addition, the developer has done a very comprehensive market study which shows the need for

this type of facility not just in Gladstone, but north of the river and that it will be supported and financially feasible.

Councilman Bishop asked Mr. Wingerson if he would talk in more detail about the storm water study. He asked if there are two detention basins right now on the former Leimkuhler property.

Mr. Wingerson said on the subject property there is one detention area that is proposed and will be sized according to the 100 year storm design. Going north is approximately 10 acres that Mr. Scharhag continues to own which has two ponds on it; going north and east is 12-14 acres that Mr. Cucchiara owns that has a large detention area on it that is referred to as the Leimkuhler pond.

Mr. Bishop asked how in depth the storm water study will go in assessing the integrity of those ponds including the one on the Cucchiara property and the two others on the Scharhag property. He said the reason is wants to get into this is because not too long ago he received a letter from Rich and Mary Thompson who reside in Hickory Hills and he believes they live behind the Cucchiara property and they have some profound concerns about the integrity of that pond. Mr. Heinisch spoke about the dam breaking on that pond in the past and his concern is if the study is looking at how much that pond can hold in terms of run-off coming from this development and making an assessment based on that without getting into the integrity of it, we don't want to miss that component.

Mr. Wingerson said he believes that is correct, that in the event the developer utilizes that pond or impacts that pond, analysis of the pond will be done and that is kind of Plan A. On Plan B, we have already instituted some preliminary discussions with Mr. Cucchiara concerning his responsibility as the property owner to insure the integrity of the dam.

Mr. Bishop said hypothetically if the study indicates that there is going to be an increase, it is going to add to the amount of water going into that pond. What happens then. Who is responsible for fortifying that pond. Mr. Wingerson said we would have to work through those details but it would most likely be a combination of the developer and the property owner.

Mr. Heinisch, said as far as reference to the two ponds that are on Mr. Scharhag's property now. He does not really think they could be considered retention ponds. He would guess that they are not a foot or two deep as they exist now. They have filled in with silt over the years. The kids used to ice skate up there but they are virtually non-existent now, so in their present state he does not think you could consider them retention basins.

Mayor Hammen asked for clarification on a couple of items. On Condition #5, on the comprehensive storm water study, would that be based on just the housing project or the housing project plus the retail area and the deferred parking being built. Mr. Wingerson answered all three area, commercial, deferred parking, and the housing.

The full development of the project. Mayor Hammen said if we have that on the record, is it necessary to spell that out in the condition. Staff said no.

Mayor Hammen said on #5, where it reads "recommendations shall be implemented by the developer", for the record we mean recommendations of **both studies**. Mr. Wingerson said, yes.

Mayor Hammen asked on the developer's agreement, if staff will make the determination on the circumstances in which the developer must construct the additional parking. Mr. Wingerson said that is correct, but of course it is subject to City Council review and approval.

Mayor Hammen said with reference to Condition #8 for filing a zoning change, he is concerned about the language where the applicant is going to be required to file the zoning change but there is nothing in the condition that says the zoning has to be approved and pointed out that we have a site plan when the zoning is not in place. Is it staff's intent that the zoning would be approved before development permits for either the housing or retail are issued. Mr. Wingerson said yes, and following discussion the Mayor suggested it could read "no development permits will be issued until the zoning applications are **approved**". Mr. Wingerson agreed.

Councilman Nodler noted that Planning Commissioner Hill voted against this application and cited it was because there was a street platted on the north side of the property that the developer is not being asked to escrow money for and asked Mr. Wingerson to comment on the City's position on that issue.

Mr. Wingerson explained that Commissioner Hill was referring to the original development plan that was in the packet and would be the north ten or so acres that is not part of the request tonight. Mr. Wingerson showed where on the approved plan there is a street that goes east and west from Broadway basically to the east property line or where it would intersect with N Main. The Planning Commissioner's concern, he believes, was routed in the ability to develop the north portion of the property by providing street frontage. In this particular request, North Main was brought to the north property line with a temporary turn-around, N Central is brought to the north property line of the south ten acres now with a temporary turn-around as well as having Broadway access. In the event that this plan is built and it could still be built with the changes proposed here tonight, or if it changed which may be quite likely given the development to the south, the property would still have Broadway frontage, North Central access and North Main access, it may not be necessary to build that east-west street across the property.

Mayor Pro Tem Newsom said the terms retention and detention have been used interchangeably this evening and they are not interchangeable because they do not function in the same way and asked which we are talking about. Mr. Wingerson said the engineers will make that final determination, but probably detention. Ms. Newsom said detention would be much more efficient and Mr. Wingerson agreed.

Ms. Newsom said on Item #7, she is curious as to what kinds of things we are looking at to trip the trigger to build the **deferred parking**. Mr. Wingerson said it would basically be a realization when the facility is in full use and fully occupied, there is insufficient parking for the residents and any special events they may have in the facility such as card clubs, etc. In that event we would advise the developer, bring it to the Planning Commission and the Commission would make a recommendation to the City Council. He said that is theoretical.

Ms. Newsom said she was looking for something to better quantify the need than as Mr. Wingerson states, the realization of the need.

On condition #8, calling for the rezoning, Ms. Newsom asked if there has been a change in practice because it has been customary for rezoning to come first with site plans to follow or in some instances brought forward simultaneously. She does not know that it offers the same comfort level to deviate from the practice.

Mr. Wingerson agreed the process she described is the preferred process. In this particular case, the project evolved up through and after notifications to the property owners and the first public hearing before the Planning Commission was continued to allow this request to continue to evolve. The zoning change was something that occurred in continued discussion with the developer and staff to try and bring forth the best proposal possible.

Councilman Norris asked for clarification. The calculations for detention/retention will be based on the full development of the entire property, **including the parking which at this point is being deferred**. Mr. Wingerson said, yes.

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

Item 9a. on the Agenda. FIRST READING BILL 2000-01, approving a Site Plan for development of property at 5700 N Main subject to certain conditions. Applicant: Nolte Associates. Owner: Herman Scharhag (File #1108)

Councilman Roger Norris moved to place Bill 2000-1 on First Reading; Mayor Protem Newsom seconded.

Discussion.

Ms. Newsom said she doesn't have the comfort level with this proposal that she would like to have and was searching for something to better quantify from staff because she likes numbers and facts and figures in such matters. Retention of water is never good and she would hope we would be looking at a detention that would catch and release and not hold water there to become a slimy mess. The need for senior housing is there and facilities like this are a marketable and viable option but she wishes she had greater comfort with some of the quantifiable things in the plan. Right now she is willing to give this application a first reading, but would like more information before proceeding.

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

Councilman Norris said before we go further he would ask if there is a problem with only one reading tonight, although the 5-0 vote was a indication of the Council's direction. Mr. Wingerson said there is a desire on the part of the developer for a letter of endorsement from the City to allow them to proceed with their financing alternatives. To his knowledge, that is the only need to hurry. Ms. Newsom asked if they were looking at a spring construction. Mr. Wingerson said he believes they are.

Councilman Norris asked if a first reading with a 5-0 vote is the indication they are looking for. Mr. Wingerson said yes, we can give an unqualified indication of the full support of this particular project by the comments made tonight for the need for this type of facility. We can write some type of letter and follow it up with a more comprehensive letter if the Council chose on second reading to approve the request.

Mayor Hammen asked Mr. Wingerson to explain the letter of endorsement he refers to because this is the first time it has come up tonight.

Mr. Wingerson said the applicant has requested from the City a letter of endorsement having to do with financing of the project. As he understands it, they have applied for state tax credits from the Missouri Housing and Development Commission and in that type of financing the developer would receive tax credits for the construction of this type of facility. Another way to go would be for the developer to ask that bonds be issued by a variety of sources. In either case, the letter of endorsement from the City Council would be necessary in the event the council approves the project. The Mayor asked if the letter comes from the City Council. Mr. Wingerson answered that the City Council would provide direction to the Staff through their action in supporting the project. The Mayor said so it is a staff generated letter. Mr. Wingerson said he believes so.

Councilman Bishop said he had a question so he can be very clear on storm water, If the study is performed and it is determined that the project does not meet the KCAWPA Standards and the developer is not willing or not able to spend the extra money to make it comply with the standards, then that means the condition will not have been met and the whole project is off. Is that true. Mr. Wingerson said that is a very clear description of what would happen, they are required to comply with the conditions of the site plan ordinance prior to the Council approving a building permit.

Councilman Norris said because of the size of the project and the number of people it affects it is incumbent on the Council to reach a comfort level before final passage.

Councilman Newsom said she is not opposed to the plan and it looks like a very viable plan and better than some in areas like this but she is not extremely comfortable with phrasing of some of the conditions in the ordinance because they are not well defined and quantified and she would like to see that done. She has seen times when we did not have tightly written specifications or requirements that have allowed

loopholes which have not been in the best interests of the citizens, so she is just not comfortable with soft conditions.

Councilman Norris said he would echo Ms. Newsom's comments and would liked to have seen a zoning proposal at the same time we had the site plan. On the subject of drainage, a gentleman who is an engineer and lives in the area of this request is present in the audience this evening and Mr. Norris said he believes he would have been at the podium if he had a question in his mind about this proposal. For that reason he is not overly concerned.

Councilman Bishop said he too feels there is a definite need for this type of facility in the community, his biggest concern is the storm water issue but frankly staff has answered his questions concerning storm water to his satisfaction tonight. But in deference to his senior Councilmembers, he will go along with their desires for one reading.

Councilman Norris said he would recommend that we only give one reading tonight and place the Bill on the next agenda for second reading.

Councilman Nodler asked if staff understands what Council is asking of them by the next meeting. Councilman Newsom said we need to quantify what will trip the trigger for the deferred parking to be built, the zoning change publicized, and how far we can be on storm water studies.

City Manager Davis suggested that we look at the storm water issue and see if we have the ability to generate that study very quickly. The terms of the development agreement can be revised to respond to Council's concerns. Ms. Newsom said getting out a crystal ball and saying I think this is ready or not ready to go for the deferred parking is not acceptable. City Manager Davis said he understands and that will be better defined and we will work with the developers to get the zoning application expedited.

Mayor Hammen told Mr. Nolte that it sounds like he has support from the City Council for this project provided we can clarify some issues and we will plan to revisit this two weeks from tonight. Mr. Nolte said they want Council to feel comfortable with their vote and if this extra time is what is needed to meet with their engineers and bring the quantitative issues forward to work out the development agreement, that is what they would like to do. Councilman Norris told Mr. Nolte they certainly like that attitude and asked if he would like to counsel all developers before they appear before this body.

Item 10. on the Agenda. PUBLIC HEARING on the application of SCUP, Inc. dba Stone Canyon Pizza Company for an Alcoholic Beverage License for the sale of alcoholic beverages consumed on the premises on property at 6431-33 N Prospect in Prospect Plaza Shopping Center.

Mayor Hammen opened the public hearing and explained the hearing process.

Applicant, Todd E. Schoonover, 2305 NE 67th Terrace, stated he will be the Managing Officer for Stone Canyon Pizza who desires to locate at 6431-33 N Prospect. He is also part owner and their intent is to serve only beer and wine with their pizza concept. No mixed drinks or packaged liquor to go is intended. It is not a bar atmosphere and there will not be a bar inside the restaurant. Their focus is only to serve beer and wine for on premise consumption. He has held a current liquor license in his name for three years now in good standing and his partner and father, Ron Schoonover, is present tonight and is also the holder of a current liquor license in his name in good standing both in Kansas City and Parkville.

The Mayor invited others to speak in favor.

Opposition.

Ken Winkler, 100 NE 62nd Terrace, said this is always a little awkward because he is not totally against this license. He is in favor of Stone Canyon Pizza.

Mr. Winkler said he is here representing the United Methodist Church, 2800 NE 64th Street, which is the church in question immediately adjacent to the applicant's proposed location. They have met with the applicant as well as the Bradley Company who is developing the Prospect Plaza Shopping Center and they feel that Stone Canyon will be a good neighbor for them. His concern in reference to the church and a house of worship is that, in the event that Stone Canyon Pizza moves elsewhere, changes locations or vacates this premises for whatever reason, that a future applicant wanting a full fledged liquor and bar atmosphere is required to go through a similar process of public hearing and that there is no imminent transfer of the liquor license to stay with the location per se. Mr. Winkler said he thinks he knows the answer to that, but would desire something in writing that can be placed in the church's file that acknowledges that protection for the church.

Mr. Winkler said Bradley Real Estate has been very very courteous about this request and has provided a letter to the church assuring that they will do their best to protect the church in the event they need to re-rent that particular piece of property for whatever reason. Mr. Winkler said but there are no guarantees, because properties change hands. He would request such an assurance from the City that that process will be followed in case there is a second application. He also requests from the City Clerk a copy of the minutes of this hearing tonight for the church records.

City Counselor Nancy Thompson advised that what Mr. Winkler requests is in fact a requirement of the Gladstone Alcoholic Beverage Code. In the event that the business changes ownership, the new applicant will be required to seek a new license and such license would require another public hearing prior to issuance of the license. The proposed business is located 87' from the church property. The City Code does require 100' distance, and that is why we are here this evening for a public hearing because there is not 100' as required by the Alcoholic Beverage Code. Because the applicant is requesting a deviation from the liquor code to lessen that distance to 87', the City Council does have the ability to impose conditions which would lessen the impact of that business being within the 100' distance requirement, so any conditions Council

might desire to palce on that license over and above what the City Code requires is something the City Council may consider.

Mayor Hammen said an example of the restrictions she refers to would be the limitation of the sales to only beer and wine.

Ms. Thompson answered that was correct because currently our code requires a restaurant/bar license for Sunday sales which would allow not only beer and wine but also all types of intoxicating beverages to be sold on the premises. The applicant has indicated they desire to only sell beer and wine on the premises and that would be the type of condition the City Council could impose because our current code does require the restaurant bar license.

Ms. Newsom noted the Sunday hours are 1:00 PM – Midnight. Ms. Thompson said yes, those hours are the current City Code requirement.

Mayor Hammen asked Mr. Winkler if Ms. Thompson's comments provide the church the assurance needed. Mr. Winkler responded that it should be sufficient.

Item 10a. on the Agenda. **CONSIDERATION OF NEW CLASS A&B LIQUOR BY DRINK LICENSE** for SCP, Inc. dba Stone Canyon Pizza Company on property at 6431-33 North Prospect. Managing Officer: Todd E. Schoonover.

Councilman Bishop moved to approve a Class A & B Liquor License for Stone Canyon Pizza **with the condition that the license be limited to the sale of beer and wine only.** Councilman Norris seconded.

Discussion.

Councilman Bishop said it will be great to have Stone Canyon Pizza in our city and as a frequent customer it will be nice to spend his money in Gladstone rather than Parkville.

The vote: All "aye" - Councilman Bishop, Councilman Nodler, Councilman Norris, Mayor Pro Tem Newsom, Mayor Hammen. (5-0)

Item 11. on the Agenda. **APPROVAL OF BUILDING PERMIT**, for 1,487 sq. ft. tenant finish at 6435 N Prospect in Prospect Plaza Shopping Center for American General Finance. (BP #99-0984)


Councilman Norris moved to approve the Building Permit as submitted; Councilman Nodler seconded. Community Development Director Scott Wingerson confirmed that all was in order.


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

* * *

There being no further business to come before the January 10, 2000 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, JANUARY 24, 2000**

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 January 10, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-2000-7, authorizing execution of work under contract with Black & Veatch Engineers for the Stormwater Master Plan and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$404,000.00; Final Payment Due: \$8,287.00

RESOLUTION NO. R-2000-8, authorizing execution of a contract with WRS Architects in an amount not to exceed \$23,500.00 from the Capital Improvements Sales Tax Fund for the Public Safety Facility Needs Study.

APPROVAL OF NEW LIQUOR CLASS "C" PACKAGE LICENSE for Hen House Store #36, 6475 N Prospect. Managing Officer: Ronald Giangreco

APPROVAL OF FINANCIAL REPORT for month of December, 1999.

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. **SECOND READING AMENDED BILL 2000-01**, approving a Site Plan for development of property at 5700 N Main subject to certain conditions. Applicant: Nolte Associates. Owner: Herman Scharhag (File #1108)

10. **FIRST READING BILL 2000-02**, repealing Ordinance No. 3.598 (Section 29-6 of the Gladstone City Code) and enacting a new ordinance establishing water service rates for the City of Gladstone, Missouri.
11. **FIRST READING BILL 2000-03**, calling a Special Election on Tuesday, April 4, 2000 on the Question of issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.
12. **RESOLUTION R-2000-06**, authorizing the adoption of the 2000 State Legislative Program 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

MONDAY, JANUARY 24, 2000

Mayor Art Hammen called the Regular January 24, 2000 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, January 10, 2000 City Council Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: "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 Anita Newsom moved to approve 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 Newsom moved to adopt **RESOLUTION NO. R-2000-7**, authorizing execution of work under contract with Black & Veatch Engineers for the Storm water Master Plan and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract Amount: \$404,000.00; Final Payment Due: \$8,287.00 Councilman Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-2000-8**, authorizing execution of a contract with WRS Architects in an amount not to exceed \$23,500.00 from the Capital Improvements Sales Tax Fund for the Public Safety Facility Needs Study. Councilman Norris seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved for **APPROVAL OF NEW LIQUOR CLASS "C" PACKAGE LICENSE** for Hen House Store #36, 6475 N Prospect. Managing Officer: Ronald Giangreco Councilman Norris seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Mayor Pro Tem Newsom moved for **APPROVAL OF FINANCIAL REPORT** for month of December, 1999. Councilman 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. Ken Kramme, 131 The Woodlands, commented on the 2000 Missouri Legislative Package presentation given by Assistant City Manager Laura Gay earlier this evening in study session.

Mr. Kramme said he has been a teacher and involved in legislative matters for quite a few years. There has been a Collective Bargaining Bill for over twenty years and it seems like the more things change, the more they stay the same, in that regard. He applauds the Council's views on local control and many areas but would urge the Council not to overlook the fact that while this municipality may do a great job with its employee relations that we are citizens of Missouri and need to think on a statewide level on many issues including this one. He said it is no surprise that the management of this municipality would be against a collective bargaining bill but he would ask the City Council to take a "no position" on that bill and asked that they remember that they are representatives of the citizens of Gladstone and not just managers. They are representing a number of citizens who have both public and private sector labor in their families and he believes it would be a mistake for this Council to come out and speak in opposition to something that is so important to many members of our community.

Mr. Kramme said these Bills have been introduced for over twenty years and there have been some good and some bad. He urges the Council not to put themselves on record in blanket opposition to something of this nature until they have seen the particular legislation and followed it to its final form. Mr. Kramme said this has been around twenty years and he can flat out guarantee that what Council does tonight will have no affect on any local representative he knows, and no affect on the outcome of this legislation. But it will have an affect by the message that is sent to the residents of Gladstone.

Mr. Robert E. Palmer, 11705 E. 87th, Raytown, Missouri said he is the representative of the International Association of Firefighters and is also an elected Director of the Fire Board in Raytown. Mr. Palmer said he is not here to encourage or discourage the Council either way but here to provide some factual information on collective bargaining because it sounds like they are pretty "lean" on the facts of what collective bargaining is all about. There is a lot more to collective bargaining than just a grievance procedure. Without it, there is no place for any relief because the people who set the penalty are the people who finally make the decisions; they are the judge and the jury. An arbitrator is a neutral who comes in, reviews both sides and makes a determination, and win or lose you have to live with it. As far as the comment made by the Assistant Manager about the financial impact on the City, every decision arbitrator's make is on the ability to pay. Most of the matters that go to arbitration are not financial but have to do with wages, hours and conditions of employment, not necessarily the financial part of it. Mr. Palmer said if the City is not able to pay, the arbitrator is not going to make an award that way and that is part of the law, too.

He noted there are 32 states that have some kind of collective bargaining bill and Missouri is not one of them. Mr. Palmer said he represents four states and three are right to work states except Missouri, and it is the only state that does not have a good collective bargaining bill. In reference to Mr. Kramme's comments, Mr. Palmer said he has been trying to get a collective bargaining bill for 30 years in the State so he has been at this longer than Mr. Kramme who spoke earlier.

He added that there are a lot of labor folks living in Gladstone and he would guess perhaps 70-75% of those likely belong to some kind of labor union, such as Machinists, Communication Workers, Firefighters, etc. He said it is illegal for police officers to belong but if we ever get a decent law maybe they can.

Mr. Palmer said the collective bargaining bill is not going to pass, because it hasn't in 30 years. And it is not going to pass this year, so don't put your good name on something that will not happen until we change some legislative votes down there. They lost by 13 votes last time and they will probably lose by a similar number this year because the same people are there. He said the firefighters took a survey in the State of Missouri and 85% of the people believe that police and fire employees should have the right to bargain collectively over wages, hours and conditions of employment. He said they know that for a fact. They are going to be working in Gladstone and be passing a referendum petition just like the one on the billboards. He asked the Council again not to put their name on something that will not pass.

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

Councilman Dan Bishop welcomed Director of Community Services Hamid Hashemizadeh who comes to us from New Berlin, Wisconsin and was quickly initiated into our city by the weekend rain, snow and ice. He is happy to have him here and glad he is on the job.

Councilman Roger Norris also welcomed Mr. Hashemizadeh and commented that his department certainly did an excellent job in our snow clearing efforts.

Councilman George Nodler echoed the welcome to Mr. Hashemizadeh and also complimented the good job of snow removal.

Councilman Anita Newsom announced that Gladstone resident Freddie Nichols and her late husband, Art, were selected "**Outstanding Northlanders of the Year**" by the Northland Chamber of Commerce at a recent event. She regrets she was unable to attend and congratulates Freddie Nichols and her late husband on this well deserved award. She said the couple always kept in focus what was best for the community.

Ms. Newsom said she received a copy of the **Missouri Parks & Recreation Journal** and was pleased to see it included an article on Hamilton Heights Park along with a picture of Director Buschor and Freddie Nichols, Park Board Chairman. The article told how Gladstone conducted a series of "Plan a Park" meetings and focused on what can and should be done to bring community involvement into park planning.

Ms. Newsom also noted her school recently conducted DARE Graduations and the Dare Officer in charge of the exercise commented that Gladstone Dare Officer LeAnn Smith had been his mentor and was highly complimentary of her skills. Ms. Newsom asked Director Adamo to pass along the compliment to Officer Smith.

Ms. Newsom asked when the Hen House Store will open. Director Wingerson reported that the target date is mid-March.

Mayor Pro Tem Newsom also joined her fellow Councilmembers in welcoming Hamid Hashemizadeh to Gladstone.

Mayor Art Hammen said he has received comments recently from citizens about people running red lights. We all recognize this has become a problem at intersections not only in our community but also in the metropolitan area. He asked if we might want to consider concentrating some of our patrol at signalized intersections to reduce the incidents in Gladstone.

City Manager Davis asked if any particular locations were mentioned. The Mayor responded that it was a general comment from several sources so he thought it appropriate to mention. Ms. Newsom commented that it was bad at the big intersections on 72nd Street.

The Mayor also welcomed Hamid Hashemizadeh to Gladstone and said he understood that it was the City Manager who arranged for the inclement weather as a test to see how well Mr. Hashemizadeh would do.

Item 7a. on the Agenda. City Council Board and Commission Appointments/Reappointments.

Councilman Roger Norris moved to approve the listed Board and Commission appointments/reappointments: Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

PLANNING COMMISSION

TERM EXPIRATION

Reappointment	Carol Rudi	December 2003
	Les Smith	December 2003
New Appointment	Mike Steffens	December 2003

CAPITAL IMPROVEMENTS PROGRAM COMMITTEE

New Appointment	Citizen Member Daniel Prego	December 2000
New Appointment	Citizen Member David Sanford	December 2002
Reappointment	Citizen Member Pete Hall	December 2002
Reappointment	Planning Comm. Member Bill Duncan	December 2000
	Planning Comm. Member Carol Rudi	December 2000
	Planning Comm. Member Les Smith	December 2000
	Road Dist. Member Charles Carmack	December 2000
	Parks & Rec. Member John Houlihan	December 2000
New Appointment	Parks & Rec. Member Freddie Nichols	December 2000
Chair	Pete Hall	

PARKS AND RECREATION ADVISORY BOARD

Reappointment	Teresa Farley	December 2002
Reappointment	Phil Summers	December 2002
New Appointment	Donald Harper	December 2002
New Appointment	Freshman Student Member Bonnie Wilson Winnetonka High School	October 2002

BOARD OF ZONING ADJUSTMENT

Reappointment	Jerry Connors	June 2004
Reappointment	Dick Davis	June 2004

UNIFORM CODES BOARD OF APPEALS

Reappointment	Rick Washer	December 2002
Chair	Charles Logan	

CABLE TV ADVISORY BOARD

Reappointment	Paul Degenhardt	December 2002
New Appointment	Benny Bachand	December 2000

GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE

Reappointment	Jim Groves	December 2002
Reappointment	Nettie Schwartzbauer	December 2002

New Appointment

Dianne Smith

December 2002

Chair

Walt Patterson

TAX INCREMENT FINANCING (TIF)

Reappointment

Les Smith

January 2004

Reappointment

Dave Stanley

January 2004

GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment Tim Presko

December 2005

Mayor Pro Tem Newsom commented that the Board & Commission interviews were conducted on January 8, 2000 and she is always impressed with the diversity and high level of interest of citizens who come out and offer their services to the City. It is that diversity of our citizen base that makes the City of Gladstone as successful as it continues to be.

Mayor Hammen said he would certainly echo those comments because our citizen volunteers are extremely important part of seeing that this city runs smoothly.

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

City Manager Kirk Davis welcomed Community Services Director Hamid Hashemizadeh and said he will be a very valued member of our management team.

Item 9. On the Agenda. **SECOND READING AMENDED BILL 2000-01**, approving a Site Plan for development of property at 5700 N Main subject to certain conditions. Applicant: Nolte Associates. Owner: Herman Scharhag (File #1108)

Councilman Norris moved to accept the First Reading of the Bill and place Amended Bill 2000-01 on Second Reading; Ms. Newsom seconded.

Discussion.

Councilman Norris said at the last meeting, a number of items ranging from overland storm water to parking were discussed. It appears they have all been addressed in the memorandum and revised ordinance and he asked if these changes have all been discussed with the developer.

Director Wingerson said yes, they have all been discussed and the fine points will be negotiated in the developer's agreement but conceptually the time limits, security, and triggers are all acceptable to the developer. They will want their Counsel to review it before they sign and execute anything but conceptually they are in agreement.

Mr. Norris asked if they are in agreement with all the site plan conditions;

Mr. Wingerson advised that the document has been provided to them and their cursory review has found no red flags, so again conceptually they are in agreement with everything listed.

Councilman Norris asked Scott Cargill of Lutjen and Associates if he sees a problem with overland water coming off of this site.

Mr. Cargill said they have done a preliminary macro storm drainage study to analyze the site to see how they can provide for storm water detention on the site and limit the flows to those of a pre-developed condition. They do have a detention basin proposed of 2.7 acre/feet give or take to limit the flows to those of a pre-developed condition and they took into account. He knows there was some concern voiced two weeks ago, concerning the water discharged off-site into the property north of their site where there are a couple of existing ponds. They have also limited drainage area through grading activities and cut the drainage area down to limit those flows off the site to those of a pre-developed condition, so to answer the question they have looked at it, they can limit their flows to those even a little bit less than what we are seeing now with the use of detention and diversion grading activities.

Councilman Bishop said at the last Council Meeting, Mr. Nolte mentioned that about 30% of the water from the property was draining in sort of a northeasterly direction up towards those ponds. So are we saying that the total volume will not exceed that 30% level now and in fact the total volume may be less than what is going off the property.

Mr. Cargill said basically they are regrading the site to eliminate the run-off from the site that discharges to the northeast back to the existing ponds, so that the amount of water coming off the site equals that of the pre-developed condition of what is coming off now. So they have not affected that watershed any, The amount of water that is coming through those drainage ways to those existing ponds will remain the same because they are regrading the site and pulling some of that drainage area back onto their site and into their proposed detention facility.

Mr. Bishop asked Mr. Cargill if their study touched on the general integrity of the ponds as they currently are. In other words how sound are those ponds now.

Mr. Cargill said no they did not, and that is why they have looked at this concept. They looked at limiting the flows coming off of their sites to those of a pre-developed condition to avoid analyzation of ponds off their property and addressed it in this manner, that way the run-off remains the same as it is today and will not affect the ponds other than the way they are affected as they exist now.

Mayor Hammen said page 16 of the storm water study includes a comment that says further analysis of the 50 year storm flows indicate that the 18 CMP culvert under N Broadway is not adequate and recommends that future improvements to N Broadway include an increase in the size of this culvert. The Mayor asked Mr. Cargill to elaborate on that.

Mr. Cargill explained that the APWA design criteria set forth looks at both 10, 50 and 100-year return frequency rainfall events. Where you have an arterial roadway such as Broadway crossing a culvert, they set certain design criteria that a 10-year return frequency storm needs to be handled within the enclosed system. The 50-year storm, based on that APWA design criteria, needs to be contained within the system. The 100-year return frequency event can top the roadway and as long as you have less than seven inches crossing the roadway then that will meet the APWA Design Criteria. You have a little bit of a conflict here because of the way the criteria states water will top the road in a 50-year return frequency storm by 2 inches. However, it is less than 7 inches during the 100-year storm. So the release rates based on the 1.8 cfs break release rate that is set by APWA Design Criteria adopted by Kansas City which is a little more stringent than Gladstone and is what they are adhering to based on the Planning Commission's recommendation, indicate that the 100-year flows are met and the crossing along Broadway are met. The 50-year flows top the roadway by an inch, therefore that pipe is undersized based on the 50-year design criteria.

Mayor Hammen asked Mr. Cargill to explain the 50-year, 100-year storm. Mr. Cargill said it is more inches per hour in a longer duration of a storm event, more run-off. When reference is made to a fifty year storm, supposedly it will happen once every 50 years.

Mayor Hammen asked Mr. Wingerson if we are currently undersized for a 50 year storm flow under N Broadway would it be prudent to ask the developer to make the improvement necessary to meet the 50-year storm flow as part of this development.

Mr. Wingerson said it would, except that it would be an off-site improvement and because the developer is holding the water and releasing it at a rate which is less than currently developed, there is no impact downstream which requires the upgrade of the pipe.

The Mayor said so you are saying the developer's improvements will actually improve our situation even though it still does not meet the 50-year design.

Mr. Wingerson said with the improvements it will be a better system overall than it is today.

The Mayor asked Mr. Wingerson if he had any idea what it would take to meet the 50 year storm requirement. Mr. Wingerson said he does not know at this time but it can be checked when the plans come through.

Councilman Norris said he is heartened to hear that the flows to the northeast which was a concern as far as those ponds will be lessened or at least not increased. This was a major concern of the property owners that were here and spoke of the flood back in the 70's and we certainly do not want them to relive that. Mr. Norris said he likes hearing that the on-site detention is going to lessen the impact on our storm creek problem in that culvert under N Broadway. So those things have been met and he applauds the City staff and the developer for going all out to make changes recommended at the last Council Meeting.

Councilman Bishop said he believes there is a need for this type of housing north of the river and thinks it would be good for Gladstone to have this type of housing. He had concerns last week about the run-off and impact on the existing ponds. He, like Councilman Norris, appreciates the willingness of the developer to work with staff to address Council concerns but he is still concerned about the condition of the ponds specifically those on the property north of the Scharhag property. However, from what he is hearing tonight it sounds like nothing the developer is doing is going to make that situation worse and it is probably out of the purview of something the developer is responsible for. He would hope that staff continues to look into that situation to see if in fact these creeks are unstable and if something needs to be done to enforce and strengthen them and he hopes we can take whatever steps are necessary to do that.

Councilman Bishop said he cannot see voting against this based on an existing concern with those creeks, when we are being told it will not make that condition worse. So based on what he has heard here tonight, he will be voting in favor of this application.

Director Wingerson advised that as soon as staff understood the concept of the drainage study and that through grading they would divert water to the new detention basin rather than to what was being referred to as the Leimkuhler pond, they immediately contacted DNR and DNR explained that they only regulate dams and ponds where the dam wall is in excess of 35' which is not the case in this particular pond and in fact there is not a regulated pond in the city of Gladstone. DNR did volunteer their services and their advice to our staff to review that dam and they are scheduled to come in early March for that review, and we will take their advice.

Mr. Wingerson said the run off rate will be the same post development as they are today pre-development. The Mayor said so this project will have no impact. Mr. Wingerson said that was correct.

Mayor Pro Tem Newsom commented that she appreciated the adjustments that have been made and the conditions added to the site plan ordinance. It puts us in a better position to protect all the residents as well as the property owners and provides for a better development in the long run.

Councilman Nodler commended the developer for addressing the concerns of the citizens who spoke at the public hearing on January 10th.

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 Amended Bill 2000-01 and enact the Bill as Ordinance 3.739. Mayor Pro Tem Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 10. On the Agenda. FIRST READING BILL 2000-02, repealing Ordinance No. 3.598 (Section 29-6 of the Gladstone City Code) and enacting a new ordinance establishing water service rates for the City of Gladstone, Missouri.

Councilman Roger Norris moved to place Bill 2000-02 on First Reading; Councilman George Nodler seconded.

Discussion.

Councilman Norris said we have conducted a very intense study over the several months dealing with our water distribution system and our sewer system. The study came back with some things we knew, some things we did not know, and some things that were a lot bigger than we thought we knew. It has brought us to the point tonight where we must adjust our water revenue rate to put us on firm footing for some progress that needs to be made for our future. He asked that the record reflect an editorial in the Wednesday, January 19, 2000 edition of the **Kansas City Star** which read that Gladstone's revenue bonds should go on the ballot. He thinks the author sums it up correctly that with the 4 million dollars in revenue bonds and the .25 cent increase in water rates, it will put us on a path to have our problems fixed, rather than take 10-12 years to do it.

Councilman Norris said we saw some pictures of sewers that were embarrassing and need to be addressed. The same people call year after year and with sewers backing up because it is raining, that will stop with passage of this Bill. We now know the first projects we need to do to relieve the most people, and then we have a list of 41 projects after that that will be handled step by step. He is thrilled that the staff did so much work on this. He thinks the priorities are set correctly and he would encourage the Council to approved the Bill and move on for a better tomorrow.

Councilman Bishop said he first began to glimpse the scope of this problem while serving on the Capital Improvements Advisory Committee two summers ago when we were having all the flooding in Gladstone. Many people were coming to those CIP Meetings and he was struck by the fact that some of the concerns we were hearing about were not technically storm water concerns. They were telling horrible stories about raw sewage coming up in their basement and while that is related with storm water it is technically different because it is a sewer problem. When he was walking door to door a year ago and met people who had experienced raw sewage in their basement, he recalls talking with the Atherton's on N Flora who had experienced problems for years with their sewer lines and periodically would see sewage bubble up in their back yard leaving all sorts of debris, toilet paper, etc. He talked to people on Shady Lane who were having the same problem and it was a problem which was affecting some big areas of the city. As Councilman Norris pointed out clearly at the last Council Meeting, sewers and age don't mix well and for anyone who would say that this is a problem that would only affect certain legions of Gladstone, he has to disagree because it affects everyone because every house, every sewer line in Gladstone is going to age and if we do not take care of the problem now it is only going to get worse and more difficult to handle. He thinks we also have to make the distinction that if we pass this bill, it is an action we can take on our own as a Council in raising rates.

Regardless of what happens with Agenda Item 11 which puts the bond issue on the ballot, raising rates is the right thing to do because it will increase our revenue for the water fund and enable us to start working on these sanitary sewer problems which have to be addressed, so he is going to support it.

Mayor Pro Tem Newsom said those who know her know she is a great bargain shopper and although she does not generally favor increases. This rate adjustment is a heck of a bargain for our citizens because the .25 cent increase in the long run, especially if we are able to pass the 4 million water and sewerage bonds, will be quite a bargain for the citizens in our community, and she is all for it.

Councilman Nodler said we should point out that the relationship of our rates to other cities in the metropolitan area will remain the same even with the increase. We will not move ahead but will stay about the same place comparatively with our rates.

Mayor Hammen said while nobody likes a rate increase it has been three years since the City has initiated a rate increase on water and this increase will cost the average homeowner approximately \$3.00 per two month billing period which is minimal. He said Councilman Bishop's comment about this affecting everyone if we do not address these problems, certainly holds true. The City is going to continue to have other cost increases impact us, specifically our insurance rates. We had a number of insurance claims last year and the insurance pool we belong to came to us this year and said they wanted a 300% increase in our rates. We give our City Manager a great deal of credit for being able to negotiate that amount down substantially. But the fact is, that it is a case of pay me now or pay me later, because one way or another, the City is going to pay money out. So it certainly seems most appropriate to pass this increase and get our problems resolved. This is the best way to do it. The Mayor said having three daughters, he will suffer from this increase.

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 2000-02, Waive the Rule and place the Bill on Second and Final Reading; Mr. Nodler 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 2000-02 and enact the Bill as Ordinance No. 3.740. Mr. Nodler seconded. The vote: All "aye" Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 11. On the Agenda. **FIRST READING BILL 2000-03**, calling a Special Election on Tuesday, April 4, 2000 on the Question of issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.

Councilman Roger Norris moved to place Bill 2000-03 on First Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris said he supports this bond election because every time we have sold bonds since his Council service began, they were generally sold that day because our rating is excellent. People like to buy our bonds and as soon as they go on the market they are gone. He also noted that Kansas City, Missouri is going to install metering systems into the sewers that go into Kansas City and they will start charging us by how much water they get. When it rains and those people get their basements flooded and the sewers are full it means they will be metering rainwater and charging it as sewer. That is going to be a huge cost to the City of Gladstone and this .25 cent water rate increase will pale in comparison to what that bill will be if we do not take care of some of these problems now. In the long run this will save all of us money and get us caught up on what we need to do so we can maintain our system because we have not done it up to now.

Councilman Bishop said we have to be really clear that if we approve this, we are not asking the voters of Gladstone to assess themselves any rate increase or tax increase. All we are asking them to do is approve the issuance of bonds. We already took the step of raising the water rates, and using that revenue, and these bonds we will do a lot more projects for the buck. We have heard financial presentations from the City's financial advisors and we know that Gladstone has a relatively low level of municipal debt and he thinks this will be a great way to do a lot of projects. We need to remember under the proposal the City Manager put forth, he is not just proposing sewer projects. We have had a problem in the city lately with people complaining about the taste of the water, and also we have a very valuable asset in our water treatment plant and the Larkin Study pointed out some areas where improvements are needed. He thinks that is another factor that makes this bond issue more appealing for him is the fact that we will be addressing some of those issues set forth by Larkin to address water control. He really hopes that if this ballot issue passes that we will be able to rectify that water quality problem. With that and supporting the water and the sewer, he will be supporting this issue.

Councilman Nodler said he would echo the need to reinforce in the information provided to our residents that this does not require any tax increase to finance the bonds. Ms. Newsom agreed that it is very important that the residents understand the ballot issue because the wording of the ballot is sometimes confusing when you are looking at a number of different issues. We need to get the information out to the public so they can make wise decisions on April 4th if this Bill passes.

Ms. Newsom also commented that she hates paying interest and hates to have to pay interest on bonds but it will cost us more than the interest in the long run if we do not remediate the problems in the very near future. So in this case, paying interest on the bonds is a very very wise investment.

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

Councilman Roger Norris moved to accept the First Reading of Bill 2000-03, Waive the Rule, and place the Bill on Second and Final Reading; Mayor Pro Tem Anita Newsom

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

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 2000-03 and enact the Bill as Ordinance 3.741; Mayor Pro Tem Anita Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 12. on the Agenda. RESOLUTION R-2000-06, authorizing the adoption of the 2000 State Legislative Program for the City of Gladstone, Missouri

Ms. Newsom moved to adopt Resolution 2000-06; Councilman Nodler seconded.

Discussion.

Councilman Bishop said there are ten distinct issues set forth in the legislative program and some of those he feels comfortable voting for and some he frankly does not. He asked if it is necessary to adopt the program in tact or if it possible to adopt it issue by issue.

Counselor Thompson said the motion on the floor is to adopt the listed 2000 State Legislative Program in its entirety. If that needs to be amended or changed then certainly that ability is the prerogative of the Council. Amendment of the resolution requires a motion, second and vote.

Councilman Bishop asked Councilman Newsom if she would consider changing her motion to adopting the points issue by issue.

Ms. Newsom responded that if there are issues Mr. Bishop would like to delete for discussion separately, she would suggest he do that and then take the rest of the legislation package in total so we don't have to discuss each one. She asked Councilman Bishop if that was amenable. Mr. Bishop said yes.

Mr. Bishop moved to amend Councilman Newsom's motion to adopt Resolution R-2000-6 such that we would approve the 2000 Legislative Program in tact with exception of Items: (5) Labor Relations; (8) Municipal Personnel Policies; (9) Outdoor Advertising Billboards. No second to the motion was heard and Mayor Hammen advised that the amendment to the motion had died for lack of a second.

Discussion on the original motion to adopt Resolution 2000-06:

Councilman Norris said the legislative program presented is in line with the policies we have been following for years. He understands the differences that the gentlemen who spoke under comments from the audience would have. Currently we have labor union in operation in our fire department and it meets under a meet and confer. The City Manager and several firefighters have told him that things have improved. So at least at the Gladstone level which is where this Council should concern itself, those things

are being acted on and acted on promptly and properly. He sees no reason as a Councilman to change that meet and confer based on a population of 27,000 and a limited budget with a lot of other things going on. We need to retain all of the rights that we can to protect not only our citizens but our employees and we have steadfastly done that in this city and he sees no reason at this time to change anything in the wording of Item 5 which is Labor Relations.

Councilman Norris said under Franchise Fees, he would echo what Ms. Gay said in the Study Session that the City needs to maintain its right of right of way. That is really important if you have seen some of the minor battles we have had with some of the big utilities getting things done. He can only imagine if it gets deregulated what kind of a nightmare that this could be opening up, if we don't maintain some right of way access.

On personnel, Councilman Norris advised that we have a policy of paying our employees 107% of the market and he would venture a guess that most people who go out and work for a company don't have bosses who make policies that exceed 100% of what is currently in the market place. We do that so we can recruit and retain the best employees that you can get. We want top of the line here in Gladstone and it is important that we do that. We have consistently maintained professional, ethical and consistent personnel practices and we are opposed to any legislation that would interfere with municipal authority to determine personnel where merit system rules. As we discussed, we have a Cog-Wit Committee that meets regularly and they discuss what is in that personnel manual and we have had changes to that manual come to the Council by way of that committee. He believes that the employees acting on their behalf is a pretty good collective bargaining tool and they have done nothing but make this Councilman proud of their activities.

On outdoor advertising billboards, Councilman Norris said he hates their appearance but he does not want to see the State find themselves in a position where they can say something is ok on a State Highway that runs through Gladstone or any other community and then Gladstone not have the right to say, no this is Gladstone, the Council needs to retain those rights. He understands where Mr. Bishop was coming from in study session because quite frankly it does not stipulate that we are not looking to be less impactive on billboards. We are not going to do more than state law, we just want to be able to restrict what we consider in this community to be inappropriate. As we have found in other discussions, there are areas that are appropriate for certain types of activities. It may not matter to the Legislator from Springfield, Missouri what Gladstone's highways look like but it does to him and he thinks we ought to keep our rights and our foot in the door. He said we also need to increase the storm water funding to the City of Gladstone through the State Legislature.

Ms. Newsom commented that after serving as a public educator in the State of Missouri for 27 years there are times when very likely if collective bargaining had been in place it might have bettered her position as a public educator but that aside, she is not wearing that hat right now sitting up here. She is wearing the hat of a City Councilman who has been elected to protect the rights and the benefits and the services to the citizens of Gladstone.

She will go on record that she resents being visited by labor leaders from Raytown who have come to give a public "drubbing" on what we should and should not do for the citizens of Gladstone when that person neither lives here or has no great concern other than his association with the local union. She said she has always been a big picture person and has a tendency to generally sit back and look at the big picture. And looking at the big picture of the State of Missouri, because we are recommending a legislative package to the State of Missouri, that is when individual municipalities that cannot meet muster are going to have to raise their own bar and produce standards such as we have produced here in order to obtain and retain solid, good, employees in their community. When they are not good employers they aren't going to have good employees. That is part of the natural selection that happens with businesses and public entities whether it be business, governments, education, or whatever it might be. You have to provide the benefits and the salaries for your employees in order to obtain the kind of employees you want.

Looking at the big picture in the State of Missouri, she is not a state representative nor does she desire to be, but she is representing the citizens of Gladstone and feels that the package we are looking at best represents what she feels will do the best for the citizens of our community and provide the kind of atmosphere and the level of services she hears our citizens want on a day to day basis, so she is wholeheartedly for all the items in the legislative package.

Councilman Bishop said in a certain sense he does agree with Councilman Norris that we have got to look at some issues from a local issue and consider what is going on in Gladstone. There are a number of things that bother him about this process. On the one hand, there seems to be a feeling at the Council table tonight that we don't want Jefferson City in terms of the legislature mandating or telling us what to do, but on the other hand we don't mind accepting the Missouri Municipal League Legislative Agenda hook line and sinker. The memorandum which accompanied these recommendations indicated that these were recommended largely by the Missouri Municipal League. People on the MML Board may be from any city or county but the point is that on this issue of collective bargaining for public employees, in talking to legislators who are in Jefferson City, he understands from them and the point was made tonight also, that this issue failed last year and the legislature is largely the same in terms of membership as it was last year. He said Councilman Newsom made the good point that we are here to represent the people who put us here, and his most immediate experience interacting with the people of Gladstone was in going door to door last year. He believes there is a strong labor community in this city and he believes we have a lot of TWA union folks and a lot of UAW labor folks. This is a very sensitive issue right now. Two years we got the IAFF Local in Gladstone Public Safety and we have many of our officers who are joining the FOP these days.

He asks why this Council would want to take a position on an issue that is going nowhere in the legislature this year and basically stick their thumb in the eye of the laboring men and women of this community. We were not elected here to represent the MML but put here to represent the citizens of Gladstone. We have a good record here in Gladstone as far as management but why would we want to tell an individual

who comes to work for the City of Gladstone that you cannot have the right that any worker in the private sector has which is the right to collectively bargain for the terms and conditions of your employment. Especially when Missouri is in the minority of states in those who don't have some form of collective bargaining for their public employees.

Mayor Hammen commented that labor unions in the private section work but in the public sector things have to be monitored carefully because our citizens don't have the ability to go to another city for services. They can't go to Smithville for water and we have a responsibility to keep our finances down and control our own density.

Following additional Council discussion on the proposed legislative program, the Mayor called for the vote.

The vote on adoption of Resolution R-2000-06: "Aye" - Nodler, Norris, Newsom, Hammen. "Nay" - Bishop. (4-1)

* * *

There being no further business to come before the January 24, 2000 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, FEBRUARY 14, 2000**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemption
610.021(1) for Litigation Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular January 24, 2000 City Council Meeting Minutes.
- 4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES**

Jeff Mendon, Parks & Recreation Advisory Board
January 1997 – October 1999

Kathy Smith, Parks & Recreation Advisory Board
May 1999 – January 2000

Charles Byrd, Capital Improvements Committee
April 1988 – January 2000

Norman Gould, Recycling & Solid Waste Committee
January 1993 – January 2000

5. CONSENT AGENDA

RESOLUTION NO. R-00-9, amending the 1999/2000 Annual Budgets for the General Fund, Combined Water and Sewerage System Fund, and Municipal Pool Fund; and authorizing expenditures of funds. **Revised General Fund Budget** (Revenue \$11,752,055; Expenditures \$11,750,850); **Revised CWSS Fund Budget** (Revenue \$5,387,335; Expenses \$5,328,010); **Municipal Pool Fund Budget** (Revenue \$154,985; Expenses \$150,150).

RESOLUTION NO. R-00-10, accepting a Deed of Dedication and Waterline Easement from AutoZone, Inc., in conjunction with development at 6906 N Oak Trafficway.

RESOLUTION NO. R-00-11, accepting temporary and permanent easements from property owners in conjunction with the 55th Terrace & Old Pike Road Street Improvements. (Project #9719)

RESOLUTION NO. R-00-12, accepting work under contract with Smi-Co Construction for the 2706 NE 57th Terrace Storm Drainage Improvements and authorizing final payment from the Capital Improvements Sales Tax Fund. Total Contract: \$86,434.75.

RESOLUTION NO. R-00-13, accepting **N. Norton Street** and **NE 71st Court** in Stonebrooke Estates Subdivision for City maintenance.

RESOLUTION NO. R-00-14, accepting a Bill of Sale from Bradley Real Estate and Lexington Plumbing and Heating conveying to the City a water line and fire hydrant serving Prospect Plaza Shopping Center.

RESOLUTION NO. R-00-15, accepting a proposal from Molle Chevrolet Truck Center, for the purchase of One (1) 2000 Commercial Cutaway Van for a net purchase amount of \$20,905.00 from the General Fund. (Includes 1992 Ford Pick-up Trade-in.)

RESOLUTION NO. R-00-16, accepting a proposal of Metro Ford for the purchase of Four (4) 2000 Ford Crown Victoria Patrol Vehicles at a unit price of \$19,843.70, for a total purchase amount of \$79,374.80 from the General Fund.

APPROVAL OF CHANGE IN OWNERSHIP LIQUOR LICENSE for Gater, Inc. dba Tailgaters, 316 NE 72nd Street, Class A, Six Day Week License. Managing Officer: Scott A. Merrifield.

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 tenant finish of 2,070 sq. ft. building space at 6417 N Prospect in Prospect Plaza Shopping Center for Starbucks Coffee. Owner: Bradley Real Estate (BP# 00-0033)
10. **FIRST READING BILL 2000-04**, declaring the results of the Tuesday, February 8, 2000 Gladstone Primary City Council Election and designating the order of the Ballot for the General Election on Tuesday, April 4, 2000.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 14, 2000

Closed Executive Session. Following the 6:30 p.m. Open Study Session Meeting. Councilman Roger Norris moved to adjourn to the City Manager's Office for Closed Executive Session as previously posted for Litigation Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(1); Councilman Anita Newsom seconded. The vote: All "aye" – Councilman Bishop, Councilman Norris, Councilman Newsom, Mayor Hammen. (4-0)

Mayor Art Hammen called the **Regular February 14, 2000** 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, January 24, 2000 City Council Meeting Minutes** as submitted. Councilman Roger Norris seconded. The vote: "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Item 4a. on the Agenda. PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES

Mayor Art Hammen presented recognition plaques to outgoing Board and Commission Members and expressed the City Council's appreciation to these individuals for their outstanding service to our city. Recipients were: **Jeff Mendon, Parks & Recreation Advisory Board** (January 1997 – October 1999); **Kathy Smith, Parks & Recreation Advisory Board** (May 1999 – January 2000); **Charles Byrd,**

Capital Improvements Committee (April 1988 – January 2000); **Norman Gould.**
Recycling & Solid Waste Committee (January 1993 – January 2000)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading of the Consent Agenda, Councilman Bishop asked that **Resolution R-00-9** be removed for discussion under the Regular Agenda; and Mayor Hammen requested that **Resolution 00-13** be placed on the Regular Agenda. The resolutions were designated as Agenda Items 5(a. and 5(b.

Mayor Pro Tem Newsom moved to approve the Consent Agenda as modified; Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

CONSENT AGENDA DETAIL:

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-00-10, accepting a Deed of Dedication and Waterline Easement from AutoZone, Inc., in conjunction with development at 6906 N Oak Trafficway;** Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-00-11, accepting temporary and permanent easements from property owners in conjunction with the 55th Terrace & Old Pike Road Street Improvements.** (Project #9719); Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-00-12, accepting work under contract with Smi-Co Construction for the 2706 NE 57th Terrace Storm Drainage Improvements and authorizing final payment from the Capital Improvements Sales Tax Fund.** Total Contract: \$86,434.75; Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-00-14, accepting a Bill of Sale from Bradley Real Estate and Lexington Plumbing and Heating conveying to the City a water line and fire hydrant serving Prospect Plaza Shopping Center;** Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom, moved to adopt **RESOLUTION NO. R-00-15, accepting a proposal from Molle Chevrolet Truck Center, for the purchase of One (1) 2000 Commercial Cutaway Van for a net purchase amount of \$20,905.00 from the General Fund. (Includes 1992 Ford Pick-up Trade-in.)** Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom moved to adopt **RESOLUTION NO. R-00-16**, accepting a proposal of Metro Ford for the purchase of Four (4) 2000 Ford Crown Victoria Patrol Vehicles at a unit price of \$19,843.70, for a total purchase amount of \$79,374.80 from the General Fund. Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Mayor Pro Tem Newsom moved for approval of **CHANGE IN OWNERSHIP LIQUOR LICENSE** for Gater, Inc. dba Tailgaters, 316 NE 72nd Street, Class A, Six Day Week License. Managing Officer: Scott A. Merrifield. Councilman Norris seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

REGULAR AGENDA

Item 5a. on the Agenda. **RESOLUTION NO. R-00-9**, amending the 1999/2000 Annual Budgets for the General Fund, Combined Water and Sewerage System Fund, and Municipal Pool Fund; and authorizing expenditures of funds. **Revised General Fund Budget** (Revenue \$11,752,055; Expenditures \$11,750,850); **Revised CWSS Fund Budget** (Revenue \$5,387,335; Expenses \$5,328,010); **Municipal Pool Fund Budget** (Revenue \$154,985; Expenses \$150,150).

Councilman Norris moved to adopt Resolution R-00-9; Councilman Bishop seconded.

Discussion.

Councilman Bishop explained that he requested that this resolution amending the budget be taken off of the regular agenda so that he could make some comments pertaining to the mid year budget. He said last year he asked for and received consensus from the Council that we address an issue that was brought to the City's attention in the form of a citizen petition. Specifically, homeowners of Claymont Pointe Town Homes asked that the City remove a billboard located on City-owned property along 169 Highway. He said the Council agreed that since the removal of this billboard would entail the loss of revenue we should address the request at mid-year budget review. In the meantime, we have approved a \$.25 cent water rate increase and asked the voters to approve a \$4 million dollar bond issue in the April election in order to address sanitary sewer and water quality issues. He feels it is prudent at this time to focus our attention on passage of the bond issue and therefore would suggest postponing the billboard issues until discussion on the 2001 budget. He would then hope that with Council direction the City Manager would find a way to remove the billboard without a further rate increase. He still feels it is the correct policy decision to remove the billboard but would ask for Council consensus to postpone discussion of this issue until the 2001 budget discussions. Assuming consensus of the other Councilmembers, he would then support approval of the mid-year budget as presented by the City Manager.

Councilman Norris said he does think the suggestion is good because there is a lease contract and it would be prudent to review this at the end of a fiscal year when

we are looking at budgeted revenues. He has no problem deferring the discussion of the billboard lease at the water plant until next year's budget.

Mayor Pro Tem Newsom said she concurs that the best time for discussion of this matter would be at budget planning for the 2001 budget.

The vote on adoption of Resolution R-00-09: All "aye" Bishop, Norris, Newsom, Hammen. (4-0)

Item 5b. on the Agenda. **RESOLUTION NO. R-00-13**, accepting **N. Norton Street and NE 71st Court** in Stonebrooke Estates Subdivision for City maintenance.

Councilman Norris moved to adopt Resolution R-00-13; Councilman Newsom seconded.

Discussion.

Mayor Hammen said the reason he asked that this item be removed from the Consent Agenda for placement on the Regular Agenda is because his building company owns a lot in this subdivision, therefore he will be abstaining from the vote.

The vote: "Aye" - Bishop, Norris, Newsom. Mayor Hammen abstained. (3-0-1)

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

Dr. Bernard Mullins, 3802 NE 72nd Terrace, told the City Council his three previous water/sewer bills were in the \$36.00 - \$41.00 range and his last bill was \$85.15. When he inquired why it was so high, it was suggested he might have a leak. Dr. Mullins said he has no evidence of a leak around the house and wonders if this is a generalized problem. What makes him wonder is because a former patient had a \$257.00 bill for the same period, and their neighbor also had a bill that was substantially higher than the previous one.

Dr. Mullins said they have no leak in their house, don't have much grass and have not been watering it. So he has no explanation for the increase.

Councilman Norris suggested the City may want to re-read the meter but also noted there is a possibility that a leak is between the meter and the house, and Dr. Mullins does not see it.

Mayor Hammen suggested that Dr. Mullins contact Finance Director Cash Sweiven who will look into the matter, and City Manager Kirk Davis suggested that he have his neighbors contact Director Sweiven also.

Helene Hancock, 6013 N Michigan Drive, said her bill was \$257.32 and the previous bill was \$56.00. She said she spoke with Mr. Sweiven today and was happy with the conversation. She gave Mr. Sweiven a jar of melted ice cubes from

her residence with sediment at the bottom, and displayed a sweater that she said was discolored by the water. She said the City gave her a solution to use but it will not work on her garment.

She said she and her husband have only one kidney and need to drink 8-10 glasses of water each day and they have had to go out and buy water. She does not want to drink our water with the sediment in it, but she said Mr. Sweiven did have crews clear it up today.

Mayor Hammen asked Mrs. Hancock if she was satisfied with the response she received today. Mrs. Hancock said she is today, but it took her a whole month to get it straightened out. She was asked to bring her bill from the plumber but she said the plumber found no leaks and told her there was no way she could have used that amount of water. She was pleased with Mr. Sweiven's handling of her problem today.

Rob Harris, 2501 NE 78th Street, said he is President of the Maple Woods Homes Association which is primarily in Kansas City and there is an adjoining Maple Park Place Subdivision with residents in both Kansas City and Gladstone. They have been following Mr. Ed Barth's proposal for the Renaissance North development closely and have raised a number of concerns. Up to this point there has been no traffic study done by the City of Kansas City up to 76th Street. This development includes over 500 apartments, approximately 50 or less homes, office buildings, dental buildings and retail. The only west access right now is 76th Street. They are petitioning the City of Kansas City to extend Maple Park Parkway all the way back to Highway 152, but so far it has not occurred. They want to make sure that the City of Gladstone is aware, because the subdivision has residents in both cities. His own property sits in both cities.

Residents have concerns about traffic on 76th Street and 78th Street. At this time, 76th Street is not a good road at the point it would connect, so they want to make sure the City is aware because he is not certain the developer has a great interest in meeting with Gladstone. He questions why the developer has had a plan for 2 ½ years and is not yet talking to Gladstone.

Councilman Bishop said Mr. Harris called him two weekends ago and they talked about these issues. He told Mr. Harris that Gladstone does need to be cognizant of any development in that location because it obviously is going to have some impact on traffic and he wants to know how storm water runoff will affect the Storm Water Master Plan we had done. Mr. Bishop said after their discussion he contacted City Manager Davis and learned that it is something we have been watching and Community Development Director Scott Wingerson has been following this project closely and making Gladstone's interests and concerns known to the developer and Kansas City representatives along the way. Mr. Bishop said he has concerns and City Manager Davis and Director Wingerson know that. He told Mr. Harris that he appreciated his bringing this matter to his attention and said Mr. Wingerson will continue to monitor this development.

Mr. Harris said this week there is a Kansas City Planning and Zoning Committee Meeting and they will make their major concerns of traffic and flood control known and ask that the ordinances be changed to accommodate their needs.

Mayor Hammen said the developer has made no formal application to Gladstone yet but asked Director Wingerson if he had any light to shed on this issue.

Director Scott Wingerson advised that an application has not been filed, however there have been several informal discussions with the developer. He said both the developer and Kansas City Missouri staff are well aware of our concerns relating specifically to traffic impacts and those issues are, as Councilman Bishop put it, on the radar screens of Gladstone staff and he is sure of the City Council. So we are watching it very closely and when it comes forward it will certainly be presented to the Planning Commission and the City Council for discussion. As Mr. Harris said, the project is complex and as it impacts Gladstone currently there are approximately 18 units within the city of Gladstone. The majority of those are in single family homes and the rest are in triplex condominiums. The project is very big and Gladstone has a very small part, but we are certainly making everyone aware of our position at the staff level.

Councilman Newsom said when she first heard of the project a little over a year ago, they were talking about tax increment financing for the developer and asked how that has progressed. Mr. Wingerson said that is currently being considered by the Kansas City City Council and it has been approved by the TIF Commission. Ms. Newsom asked if they have requested a TIF from Gladstone. Mr. Wingerson said they have not.

Councilman Norris stated his biggest concern was that Mr. Barth was quoted in the paper as indicating that this project could generate some 20,000 car trips a day. That is an incredible amount of traffic, and 76th Street is certainly not going to handle that. This is a new town center environment concept and he is saddened that they are even thinking of using TIF dollars because that is not what he thinks TIF was designed for, especially in a nice suburban north area where there is far from a shortage of houses.

Councilman Bishop said it is a comfort to know that Director Scott Wingerson has been aware of this project and monitoring it for about two years but he would state that 76th Street from N Oak to N Euclid is not a point of pride for Gladstone right now. The street is not in good shape and although it is in the five year plan, he would state on the record that he would have concerns that whatever traffic increase there is as a result of the development, that the planned improvements could handle that capacity.

City Manager Davis said one of our questions for Mr. Barth will be his overall time frames for construction of various public improvements. He is pretty comfortable with the schedules he has heard thus far, but again we do not have an application from Mr. Barth yet.

Mayor Hammen asked if 76th Street is in the 5th year of the five-year plan which is this coming year. Mr. Davis said the design work for the reconstruction of 76th Street from Oak to Euclid is done, but he believes construction is not planned until 2003.

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

Councilman Dan Bishop thanked the outgoing board and commission members for their dedicated service to the City. He became acquainted with them during the past year and enjoyed that. He does have some special words about Charlie Byrd with whom he served on the Capital Improvements Committee. Charlie served tirelessly on the CIP Committee for 12 years and came on the Committee at its inception along with Chairman Pete Hall. Mr. Byrd brought a straight forward and common sense approach to each capital budget and each citizen request that came before the Committee. When he was appointed to the Committee in 1997, Charlie took the time to share with him some history of the Committee and some valuable knowledge he had gained while serving over the years. While serving with him they became friends and he appreciates his friendship. He is sorry to see him leaving the Committee but grateful for his dedicated years of public service.

Mr. Bishop said he appreciates the dedicated service of members who serve on boards and commission even more when considering the apathy that is too prevalent in our society. That apathy led to an embarrassing low voter turn out last week in our City Council Primary Election when just over 5% of the 17,241 registered voters chose to exercise their privilege to vote. He encourages all citizens of Gladstone to vote in the April General Election where there will be an opportunity to approve the issuance of \$4 million dollars in bonds for sanitary sewer and water quality, and also to select two new members of the city Council.

Councilman Roger Norris said he would certainly echo the kind comments about Charlie Byrd and regrets that Kathy Smith is moving from our city. He commented that Mr. Byrd always tells it like it is, and we like that. Our volunteers go to the effort and initiative of putting their interest in serving in writing and participate in an interview process, so our volunteers want to be here, and he thinks that makes the difference.

Councilman Norris also complimented the noticeable difference in the snow removal services when he left Kansas City and got to Gladstone last Friday evening. The department did an outstanding job and this is one of those services that makes Gladstone a better, safer, place to live and that is how we need to keep it here.

Mayor Pro Tem Anita Newsom said she knows that the M-1 and N Indiana intersection is not within our corporate city limits but asks if we could not encourage the City of Kansas City and the developer's to look at resignaling that intersection. She uses this intersection frequently and it has become a terrible hazard and unsafe since the removal of the signals. She reminded of the tragic crash recently. The opening of Highway #152 has been a great boon to the northland but she would encourage the State's review of the safety of that intersection.

City Manager Davis said he will contact the State on this issue and believes from an article in the paper that it is under review at this time.

Ms. Newsom also complimented the 1999 Gladstone Report of Services included in Council's packet which she finds is an outstanding tool to enlighten students and citizens as well of the services our municipality provides. She said she has received inquiries on when the Spring Parks and Recreation Program brochure will be published. Director Steve Buschor said it will be published by the end of the month.

Ms. Newsom also reminded that the Cripple Creek Special Use Permit will be coming forward to the March 13, 2000 City Council Agenda and she has not seen additional efforts to comply with the terms of the Special Use Permit, such as the log cabin construction. Director Wingerson said he has asked Mr. Bledsoe to report in writing on the status of the log cabin construction, and he will encourage him to have it constructed by that time. Ms. Newsom said the promises have gotten old and Councilman Norris agreed.

Councilman Newsom told Charlie Byrd that he will be sorely missed on the Capital Improvements Committee but reminded that just because he is off of the Committee does not mean he is off the hook for some help and advice, because we will be calling him.

Mayor Art Hammen said he does not know that he can add to the compliments given to our outgoing Board and Commission members including Mr. Byrd, but he would recognize Mrs. Betty Byrd for her contributions via her husband. Mrs. Byrd has given up a lot of her time with her husband to enable him to give of his time for the citizens of Gladstone.

Mayor Hammen also wished all a Happy Valentine's Day.

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

City Manager Kirk Davis reminded that City Hall offices will be closed next Monday, February 22nd for Presidents Day.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for interior tenant finish of 2,070 sq. ft. building space at 6417 N Prospect in Prospect Plaza Shopping Center for Starbucks Coffee. Owner: Bradley Real Estate (BP# 00-0033)

Councilman Roger Norris moved to approve the Building Permit for 6417 N Prospect; Councilman Newsom seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0) Councilman Norris said he is looking forward to this nationwide company's location in Gladstone.

Item 10. on the Agenda. FIRST READING BILL 2000-04, declaring the results of the Tuesday, February 8, 2000 Gladstone Primary City Council Election and designating the order of the Ballot for the General Election on Tuesday, April 4, 2000.

Councilman Norris moved to place Bill 00-04 on First Reading; Councilman Bishop seconded.

Discussion.

Councilman Norris congratulated the winners of the Primary commenting that two candidates will take his and Mayor Hammen's Council seats and he wishes them luck.

Councilman Bishop said it is no small thing to commit to run for the City Council and he commends everyone who throws their hat in the ring. He congratulates those individuals who will be on the April General Election Ballot.

Councilman Newsom stressed that every vote counts and noted that just a very few votes made a difference. She encourages people to become informed and to vote. Mayor Hammen concurred that every vote counts and said 11 votes made the difference in being on ballot for the General Election, that's just how close it was.

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

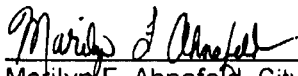
Councilman Norris moved to accept the First Reading of Bill 00-04, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0)

Councilman Norris moved to accept the Second and Final Reading of Bill 00-04 and enact the Bill as Ordinance No. 3.742; Councilman Bishop seconded. The vote: All "aye" - Bishop, Norris, Newsom, Hammen. (4-0).

* * *

There being no further business to come before the February 14, 2000 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, FEBRUARY 28, 2000**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemptions
610.021(1), 610.021(2), and 610.021(3) for
Litigation, Real Estate 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 February 14, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

APPROVAL OF FINANCIAL REPORTS for the month of January, 2000.

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 property at 7113 N Oak from C-2 (General Business District) to CP-2, (General Business District-Planned).
Applicant/owner: Commercial Net Lease Realty, Inc. (File #111)
- 9a. **FIRST READING BILL 2000-05**, rezoning property at 7113 N Oak from C-2 to CP-2.
Applicant/owner: Commercial Net Lease Realty, Inc. (File #111)
- 9b. **APPROVAL OF BUILDING PERMIT** for demolition of existing building and construction of new 13,627 sq. ft. building at 7107 N Oak for Eckerd Drug. Applicant: Rafael Architects, Inc. Owner: Ray Sapp Hardware, Inc. (BP# 99-0882)
10. **APPROVAL OF BUILDING PERMIT** for tenant finish of 4,560 sq. ft. building space for Stone Canyon Pizza, 6433 N Prospect. Applicant: Ron Schoonover. Owner: Bradley Operating Limited Partnership. (BP# 00-0088)

11. **APPROVAL OF BUILDING PERMIT** for remodeling of existing 4,975 sq. ft. Perkins Family Restaurant, 6292 N Oak Trafficway. Applicant: Fleming Associates, Architect. Owner: The Restaurant Company. (BP# 00-0055)
12. **RESOLUTION R-00-17**, pertaining to the financing of stormwater improvements for the City, designating George K. Baum & Company as the Underwriter for the project and authorizing the City Manager to approve preparation and distribution of a Preliminary Official Statement and to approve the offering for sale of Certificates of Participation, Series 2000.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 28, 2000

Mayor Art Hammen called the **Regular February 28, 2000** 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 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 Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, February 14, 2000 City Council Meeting Minutes** as submitted. Councilman Roger Norris seconded. The vote: "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Newsom moved to approve the only Consent Agenda Item which was **Approval of Financial Reports for the month of January, 2000.** Councilman Norris seconded. 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.

Councilmembers Dan Bishop, Roger Norris, and George Nodler had no communications at this time.

Mayor Pro Tem Anita Newsom suggested that it might be wise when we start our fire hydrant flushing program to submit information to neighborhood associations for inclusion in their newsletters so that residents are informed and neighbors can help remind each other.

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

City Manager Kirk Davis had no communications.

Item 9. on the Agenda. **PUBLIC HEARING:** on a request to rezone property at 7113 N Oak from C-2 (General Business District) to CP-2, (General Business District-Planned). Applicant/owner: Commercial Net Lease Realty, Inc. (File #111)

Mayor Art Hammen opened the public hearing and explained the procedure that the Applicant and persons in favor of the request are invited to speak, followed by those in opposition and City Staff comments.

Applicant's representative, Mr. Alan Michaels, with LHE, Lenexa, Kansas, said although Council is familiar with this property and the request, he is here to answer any questions Council might have.

City Manager Kirk Davis explained this application is consistent with the rezoning application heard by the City Council on the adjacent Ray Sapp property last year. The rezoning request is for the former Randy Reed used car lot property and was a requirement of the site plan approved in July 1999 for this and the adjacent parcel for development of the Eckerd Drug Store. Mr. Davis noted that the Planning Commission recommended approval of the application before us this evening by a vote of 7-0.

There were no further comments or persons desiring to speak for or against this application, and Mayor Hammen closed the public hearing.

Item 9a. on the Agenda. **FIRST READING BILL 2000-05,** rezoning property at 7113 N Oak from C-2 to CP-2. Applicant/owner: Commercial Net Lease Realty, Inc. (File #111)

Councilman Norris moved to place Bill 2000-05 on First Reading; Councilman Bishop seconded.

Discussion.

Councilman Norris noted that the Planning Commission had recommend approval of this rezoning request by a vote of 7-0 and that this rezoning is going to a "P" Planned

zoning designation which provides more control and affords more protection for the nearby residents. He also noted he was pleased to see that the proposed signage will be a monument sign.

The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained" (4-0-1) The Clerk read the Bill.

Councilman Norris moved to accept the First Reading of Bill 2000-05, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bishop seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1) The Clerk read the Bill.

Councilman Norris moved to accept the Second and Final Reading of Bill 2000-05 and to enact the Bill as **Ordinance No. 3.743**. Councilman Bishop seconded. The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1)

Item 9b. on the Agenda. APPROVAL OF BUILDING PERMIT for demolition of existing building and construction of new 13,627 sq. ft. building at 7107 N Oak for Eckerd Drug. Applicant: Rafael Architects, Inc. Owner: Ray Sapp Hardware, Inc. (BP# 99-0882)

Councilman Norris moved to approve the Building Permit as submitted; Councilman Nodler seconded

Discussion.

Councilman Norris asked Alan Napoli, Building Codes Supervisor in the Community Development Department if the first three conditions of the February 22, 2000 Building Staff Report relating to: the granting of 5' of right of way; 71st Street entrance; and South drive along Locust, have all been met. Mr. Napoli responded that they are all being addressed.

The vote: "Aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "Abstained". (4-0-1)

Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for tenant finish of 4,560 sq. ft. building space for Stone Canyon Pizza, 6433 N Prospect. Applicant: Ron Schoonover. Owner: Bradley Operating Limited Partnership. (BP# 00-0088)

Mayor Pro Tem Newsom moved for approval of the Building Permit as submitted; Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0) Staff confirmed that all was in order.

Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT for remodeling of existing 4,975 sq. ft. Perkins Family Restaurant, 6292 N Oak Trafficway. Applicant: Fleming Associates, Architect. Owner: The Restaurant Company. (BP# 00-0055)

Councilman Norris moved to approve the Building Permit for 6292 N Oak as submitted; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris noted under additional comments of the Staff Report it notes a pillar elevation is needed. He asked if we have received that. Community Development Department representative Alan Napoli advised it has been received and is displayed on the easel for Council's viewing.

Councilman Bishop asked what changes the building permit proposes. Mr. Napoli said basically there will be new colors and a copula added and those are the only exterior changes, everything else is remodeling of the interior.

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

Item 12. on the Agenda. RESOLUTION R-00-17, stating the intent of the City to reimburse itself for expenditures in connection with the construction of stormwater improvements with the proceeds of Certificates of Participation.

Councilman Norris moved to adopt Resolution R-00-17; Councilman Nodler seconded.

Discussion.

Councilman Norris asked City Manager Kirk Davis to provide an overview of the actions taken under this resolution and what it means to the public.

City Manager Kirk Davis advised this is a "resolution of intent" that is required. He would describe it as the City Council's last opportunity to commit or state that they do want to move ahead with the bonds on the stormwater improvements we discussed in January. Basically, it is \$6 million dollars in improvements, a \$7 million dollar issue, and it completes four of the biggest and highest priorities of the Storm Water Master Plan, and by completing them it allows us to move ahead to the rest of the project in that Master Plan in future years. City Manager Davis noted that the Capital Improvements Committee endorses our moving ahead on the Certificates of Participation. This does not require a vote of the people like a general obligation bond, because we will be paying for it through existing capital improvements sales tax revenues, but it does allow us to take care of a number of the needs identified in that study.

Mr. Davis said there will be other related resolutions and ordinances coming to the Council later relevant to acceptance of the issue, the rates, and authorizing us to go to market.

Councilman Norris asked if we have received expressions of interest on these certificates of participation yet. City Manager Davis responded not yet, because we have a ways to go before they are offered for sale.

Councilman Bishop said he will be voting in favor of this resolution with great enthusiasm because this is the first step for the Council to have the opportunity to show its approval in enacting the Black and Veatch Master Plan recommendations and it has been a long haul. Mr. Bishop said it has been a long time since the Summer of 1998 when we had all the floods and people packing the CIP meetings with their storm water concerns. We spent \$410,000 on the Black and Veatch Study and by taking this step it will enable us to address the top ranked priorities which are all at the bottom of the streams in Gladstone and we can figure out from there how to work our way up. Mr. Bishop said this is an important first step and he is excited to see it on the agenda tonight.

Mayor Hammen said it is somewhat deceiving when we say this will allow us to address the highest four projects in the storm water master plan knowing there were some 46 projects identified. Perhaps it gives a better perspective to say that the \$6 million dollars represents better than one-third of the total expenditures for these 46 projects. And while this is only four, it touches on a lot of other projects and is more than a third of the total expenditure to remedy the problems we have in the city.

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

Item 13. On the Agenda. Other Business.

Mayor Pro Tem Anita Newsom said she would like to personally and publicly thank former Mayors Lee Bussinger and Larry Whitton for stepping forward to lead the water bond campaign, she thinks that is great. They have sat in Council's seats before and have come back to lead the City again. Also serving on the executive committee are Mr. Mike Reinsch and Mr. Walt Patterson and she very much appreciates their stepping forward to lead the City in this manner. She was unable to attend the last meeting of this Committee and asked the date of the next meeting. Staff advised it is March 9, 2000 at 6:00 pm at Fairview Christian Church.

Mayor Pro Tem Newsom also advised Council and Staff that she will be absent from the March 13th City Council Meeting.

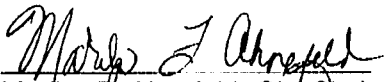
Councilman Dan Bishop recognized Mr. and Mrs. Cecil Willens who were in the audience and wished Mrs. Willens a very happy birthday .

* * *

There being no further business to come before the February 28, 2000 Gladstone City Council Meeting, Mayor Art Hammen adjourned the Regular Meeting.

Motion to Adjourn to Closed Executive Session. Councilman Roger Norris moved to adjourn to Closed Executive Session in the City Manager's Office for discussion of Litigation, Real Estate and Personnel pursuant to Missouri Open Meeting Act Exemptions 610.021(1), 610.021(2), and 610.021(3). Mayor Pro Tem Newsom seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Respectfully submitted:


Marilyn R. Ahnefeld, City Clerk

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


Mayor Art Hammen

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 13, 2000**

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 February 28, 2000 City Council Meeting Minutes.**

5. CONSENT AGENDA

RESOLUTION R-00-18, authorizing acceptance of work under contract with G.C. Construction, Inc. for the Prospect Plaza Public Improvements and authorizing final payment in the amount of \$4,300.87 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-00-19, authorizing acceptance of work under contract with William White & Sons for the 1999 Street Rehabilitation & Reconstruction Program, Intermediate Maintenance Program, ADA Curb Cut/Sidewalk Program, and the Arterial Sidewalk Program. Revised Contract Amount: \$1,357,656.15. Final payment due from the Transportation Sales Tax Fund: \$1,357.66

APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE to St. Charles Borromeo Church, 804 Shady Lane Drive, for parish event on Saturday, April 29, 2000. Hours: 6:00 PM – 11:00 PM. 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. **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 11/22/99 City Council Meeting).
10. **PUBLIC HEARING:** on a request for a Special Use Permit for operation of Stonebrooke Estates Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrooke L.L.C. (File #1110)

- 10a. **FIRST READING BILL 2000-06**, granting a Special Use Permit subject to certain conditions to Stonebrooke, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant: Applicant/owner: Stonebrooke LLC. (File #1110)
- 11. Other Business.
- 12. Questions from the News Media.
- 13. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 13, 2000

Mayor Art Hammen called the **Regular March 13, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen
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

ABSENT: Mayor Pro Tem Anita Newsom

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 Minutes.

Councilman Norris moved to approve the **Regular Monday, March 13, 2000 City Council Meeting Minutes** as submitted. Councilman Nodler seconded. The vote: "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

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

Following the Clerk's reading, Councilman George Nodler moved to approve the Consent Agenda as listed. Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION R-00-18, authorizing acceptance of work under contract with G.C. Construction, Inc. for the Prospect Plaza Public Improvements, and authorizing final payment in the amount of \$4,300.87 from the Capital Improvements Sales Tax Fund.** Councilman Roger Norris seconded. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-19**, authorizing acceptance of work under contract with William White & Sons for the 1999 Street Rehabilitation & Reconstruction Program, Intermediate Maintenance Program, ADA Curb Cut/Sidewalk Program, and the Arterial Sidewalk Program. Revised Contract Amount: \$1,357,656.15. Final payment due from the Transportation Sales Tax Fund: \$1,357.66. Councilman Roger Norris seconded. The vote: All "aye" – Bishop, Nodler, Norris, Hammen. (4-0)

Councilman George Nodler moved for **APPROVAL OF A LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, April 29, 2000. Hours: 6:00 PM – 11:00 PM. Managing Officer: Mr. Paul G. Danaher. Councilman Roger Norris seconded. The vote: All "aye" – Bishop, Nodler, Norris, Hammen. (4-0)

REGULAR AGENDA

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

Gary Livingston, 5962 N Kansas, said he is a board member of The Trails at Kendallwood Homeowner's Association, and asked when N Kansas Street in that area will be paved. He said last summer, Kendallwood Parkway, 59th Street, 59th Terrace, 60th Street and N Chestnut were paved. He assumed N Kansas was also paved but it did not get paved.

Mayor Hammen asked Community Development Director Scott Wingerson to address the question. Mr. Wingerson said he would check the listing of streets on the program, and agreed to get back to Mr. Livingston tomorrow morning.

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

Councilmembers wished Council Roger Norris a Happy 40th Birthday.

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

City Manager Kirk Davis announced that the street sweeping program budgeted last year will begin on April 17th. He also advised that the Bond Election Committee will meet at Fairview Christian Church at 6:00 p.m. on Wednesday evening; and that "Gladstone Night at the Blades" will be held on March 24th and tickets are being sold at city hall.

Mr. Davis asked the City Council's consideration of adding **Resolution R-00-20** to the Agenda authorizing the filing of an application with the Missouri Department of Natural Resources for a storm water loan or grant under Section 37(e) and/or Section 37(h) of Article III of the Constitution of the State of Missouri and Chapters 640 and/or 644, RSMo.

He advised that the City has been awarded several grants from the State for storm water improvements and one of the requirements to receive the grant is passage of

this resolution. We just received notification that the resolution was needed and apologize for late notice. Although it is a ministerial matter it does allow us to receive over \$200,000 in storm water grants this year. Councilman Roger Norris moved to adopt Resolution R-00-20; Councilman George Nodler seconded.

Discussion.

Councilman Norris said as City Manager Davis just mentioned, it should be emphasized this grant will certainly be helpful in getting our storm water program going and going well. The vote: All "aye" - Bishop, Nodler, Norris, Hammen. (4-0)

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 11/22/99 City Council Meeting).

Councilman Norris moved to accept the First Reading of Bill 99-11 and place the Bill on Second and Final Reading; Councilman Nodler seconded.

Discussion.

Councilman Norris referred to a memorandum dated March 10th from Director Scott Wingerson together with a letter from Mr. Robert Bledsoe. In his letter, dated March 9, 2000, Mr. Robert Bledsoe states *"Unfortunately, due to the following circumstances, it has become economically imprudent and ill advised to follow through on Cripple Creeks commitment to construct the proposed log cabin sales office from Battle Creek Log Homes. The supplier of the structure is in default of our original agreement and has created an un-workable business environment. These actions also represent a financial loss to the extent of our \$2,000.00 down payment that would now appear to be lost, short of legal action. As well as my architectural drawings in which I have spent over \$2,500.00."*

Councilman Norris said what they talked most about at the last meeting in tabling the Bill to this date, was specifically the construction of the log cabin. Because clearly it is not going to happen whether because of some fault or no fault on the part of Mr. Bledsoe, and obviously without that building the special use permit will have to be changed. He believes it would be in our best interests as a City to send this ongoing project back to the Planning Commission where it can be addressed and given a fresh by the new commissioners. Then let the recommendations come forth, rather than just bringing the hammer down on Mr. Bledsoe tonight based on some things that are really out of his control. He asked if his fellow Council would be agreeable to his suggestion.

Councilman Bishop said he would like to hear what staff recommends and Councilman Nodler said he would like to hear alternatives to the log cabin for shielding the view.

Director Scott Wingerson advised that in terms of alternatives the main reason for building the log cabin, shed, or whatever term is used, was to screen the storage area for the rocks and materials used in the business from Antioch Road. There are numerous alternatives for revising screening plans that may be much more feasible and ultimately make it a better project.

Mr. Wingerson said on the second page of the original memorandum dated March 8, 2000, it states that staff believes that the applicant desires to remove the log cabin from the approved plan. If this is the case, staff believes that alternative would be a major revision and require a new public hearing on the special use permit by the Planning Commission and City Council.

Mr. Wingerson clarified that the site plan is referenced by the special use permit so it would be appropriate for a change in the site plan to go back through the public hearing process.

Councilman Norris asked how we dispose of the second reading. City Counselor Nancy Thompson replied that the best way to proceed would be to require the applicant to file for a revision to the special use permit, which would also require him to revise the site plan attached to that special use permit. Until that is on file, there would be no requirement for the applicant to modify the site plan for that special use permit in any fashion. Staff recommends that occur prior to disposing of this Bill to revoke the special use permit.

Councilman Bishop said so it would require coming back and addressing this issue again at the next Council Meeting and at that time determining whether the requested amendment has been made, and if so disposing of the bill at that time. Ms. Thompson agreed.

Mayor Hammen asked how much time staff feels is appropriate for submission of a new site plan.

Counselor Thompson said unfortunately, this Council actually needs to deal with Bill 99-11 prior to any change over in the City Council. Because the majority of this Council heard the testimony under the public hearing, this Council actually needs to make a decision on this matter prior to the April 4th election.

Mayor Hammen said so by the next Council Meeting, the site plan needs to be submitted or Council needs to take other action. Ms. Thompson said yes, if it is Council's requirement that Mr. Bledsoe come forward with that revision, then Council needs to take action at that time. The Mayor said so this item could be continued for one more meeting until March 27th and action taken at that time. Counselor Thompson said yes.

Motion to Table: Councilman Norris moved to table the Second Reading of Bill 99-11 until March 27, 2000 and require Mr. Bledsoe to supply the City with a special use permit revision application prior to the City Council meeting on March 27th which begins

at 7:30 p.m. Councilman Norris said based on comments of City Counselor Thompson, the Bill will be disposed of in some fashion that night.

City Counselor Thompson noted packets to Council Members do go out on the Thursday prior to the Council Meeting, so any information that needs to be provided to the Council needs to be to staff prior to Thursday, March 23rd. Mayor Hammen asked Mr. Bledsoe if he had any questions or comments.

Robert Bledsoe, 5618 North Antioch Road, said he will be make his submission to the City Council for the March 27th meeting. He has provided his report to the City Council on what happened and he thanks the City Council for working with him and believes Council will not be disappointed.

Mayor Hammen asked Mr. Bledsoe if he is clear on what the Council needs from him before they meet again on March 27th. Mr. Bledsoe said he was.

The vote on the motion to Table the Second Reading of Bill 99-11 until 3/27/00: All "aye" -- Bishop, Nodler, Norris, Hammen. (4-0)

Item 10. on the Agenda. PUBLIC HEARING: on a request for a Special Use Permit for operation of Stonebrooke Estates Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrooke, L.L.C. (File #1110)

Mayor Hammen opened the Public Hearing and explained the hearing process.

Mr. Jim Haug, introduced himself and said he is here representing Stonebrooke L.C. and they propose to build a cabana and pool along 72nd Street which would accommodate both Stonebrooke Estates and a part of Stonebrooke Subdivision and explained they are allowing 40 members to join the pool on the Stonebrooke side. Mr. Haug invited questions.

Councilman Norris said at the Planning Commission Meeting there was discussion about children crossing 72nd Street which eventually will be a major east-west corridor in the city. How has that been assessed and how will you address it in your planning?

Mr. Haug said for the most part people will be taking their young children to the pool if they have to cross the street. He can't see that being more of an issue than a child catching a school bus, and we are only talking about a two month period during the summer that this pool operates at a pretty high capacity. He said he believes there will be a crosswalk there because staff had recommended it, but other than that, he does not think there are any provisions being made. Mr. Haug asked what we think will be the problem. Do we think there will be a lot of traffic running back and forth across the street.

Councilman Norris said when his kids were growing up and they lived in Hamilton Heights and that pool ceased to exist, his children became members of the Gladstone Municipal Pool which required them to cross N Oak. He said most of the time he or his wife brought them to the pool by car, because of the obvious safety hazard of a 10-13

year old child running across the street even if there was sidewalk. He recalls an 8th grade school mate who was hit by a car and lost his life crossing the street at 88th & N Oak. Children are intent on getting to the pool and don't worry about the car popping the hill. While parents are careful and teach their children to look both ways the reality is that the kids are intent on getting to the other side of the street. This is a safety issue in his mind and he just wanted to hear Mr. Hague's thoughts on the subject.

Mr. Haug said they are not promoting children in the pool without adult supervision, and they will have signage up to advise parents that if their kids are at the pool, they have to be there with them. He said he does not think that should be that much of an issue and noted there was only one Planning Commission member who opposed their application because of that.

Councilman Norris asked the projected operation and maintenance expenses for the pool. Mr. Haug said probably around \$10,000/year. He said it will not be a life-guarded pool but rather you will be coming at your own risk to watch your children.

Mr. Norris asked how the amount was arrived at. Mr. Haug said the costs came from some past experience with pools that he has been involved with. That would not take care of landscaping and other parts of Stonebrooke that would also be on a maintenance program but that figure would cover the pool itself.

Cr. Norris asked at what point the Homes Association would be expected to pay for the operation of the pool. Mr. Haug said probably when it reaches about 70% which is one of the reasons they elected to allow Stonebrooke to come in. There was a lot of interest on the north side for a pool and that was why they decided to allow them to come in too because it would help with some of the expenses on the pool and also give them a place to go. It is impossible to put a pool in a subdivision without somebody crossing a street some place. He knows 72nd Street is slated to be a busy street, but he thinks the fact that staff said they would put a cross walk there as long as they would put the signage on 72nd Street for "No Parking" should alleviate concerns. He said the reason for "No Parking" was so that the kids could not dart in and out of the parked cars and he told the City staff he would have no problem putting the signage up and the City was going to put the cross walks in.

Councilman Norris said the North Kansas City School District would not allow children to walk to school if they had to cross an arterial street of four lanes or more, they would send a bus for the child. He would guess that the child would probably have a little bit more intrepidation about going to school rather than going to the pool.

Mr. Norris said on the analysis section of the staff report, it states that membership must be limited to the number of proposed parking stalls. He asked if the proposed parking is inadequate for this use. Mr. Haug said he does not think it is. They had a pool architect draw it up, and he felt what they were putting in would accommodate. Not always, but most all the time there would be ample parking.

Councilman Norris asked if the pool could support use by more families if pedestrian access was provided along the property lines of lots 25 and 26 or 35-36 to reduce the vehicular traffic.

Mr. Haug responded that it is not being built to do that. It is being built for the approximate number of people that would be using the pool which is roughly 75 households. That is the amount of parking that the cabana, the pool area and all that was designed around.

Mr. Norris asked what he thinks the practical capacity of the pool is. Mr. Haug said probably 40-50 people. Usually at least half of the people are not in the pool but are there to watch the children, or sitting in the sun, or doing anything but getting in the water. The design of the pool is such that it should accommodate the number of people they have slated for. They have taken that into consideration in designing the pool.

Mr. Norris asked what the membership dues will be and asked how that is going to compete with the Gladstone Public Swimming Pool. He said he phrased it that way because he used to be a member of Hamilton Heights Country Club and when its prices continued to increase well in excess of the Gladstone municipal pool, the Country Club's membership declined dramatically. This put the city in the position of having a six acre tract of land deteriorating before our very eyes, and becoming a danger to the public which then cost the City of Gladstone some \$700,000 to purchase and ultimately make it into a park that was then safe for use by the public. He asked Mr. Haug how they can put the City in the un-comfortable position knowing that in the future they may have a significant financial liability on the city's hands.

Mr. Haug said he was around when Hamilton Heights Pool and the lake were in operation and there was a huge area to maintain. The bigger the pool, the more expense they are to maintain. This is a small pool but a little bit bigger than a residential pool. Knowing the expenses of a residential pool is part of how they arrived at their estimated costs. This is an upscale neighborhood and is something that is being done in a lot of neighborhoods, where they are putting a nice area cabana pool in for the homeowners. The initial cost will be \$250.00/year per member so that gives them roughly \$10,000 on the south side of the street and also if you have 40 on the other side, that is an additional \$10,000 that should cover not only the pool but the landscaping, and it can go up because it is in the covenants and restrictions that it can be increased 15% a year. If it is not making its way, then it can be increased.

Councilman Norris said there becomes a point of diminishing return because increasing the price does not ensure increased revenue.

Mr. Haug said the dues are very meager compared to a lot of areas. You could conceivably double that \$250.00 in five years and that is still not real expensive for a subdivision. With the quality of homes going in there, those people will want to maintain it and take care of the area. They are getting a lot of positive interest. People are coming in and building 4,000 and 5,000 sq. ft. homes and a lot of them could have their own pool, and if they did, they would be paying \$1,000 - \$1,2000 a

year on maintenance. So if the maintenance goes to \$500-\$600 a year on this pool, he would think they are going to be happy to pay that.

Councilman Bishop said he understands there will be a homeowners association in the new development on the south side of 72nd Street but membership in the pool is not going to be part of the privileges of belong to the homeowners association. Mr. Haug said it is one and the same. On the Estate side, those homeowners will be members of the pool automatically. It is not optional to belong to the homeowners association.

Councilman Bishop said so when you join, the covenants and restrictions require you to pay \$250.00 for the first year and it can go up 15% every year thereafter and the folks on the south side must pay that or there will be a lien on their property. Mr. Bishop said he felt better about that because he is aware of a situation in Gladstone where a developer built a neighborhood pool and turned it over to a non profit corporation which did not have means to put liens on the properties in the subdivision. As the subdivision aged, they are now in a situation where they really don't have any way to get the funds necessary for needed repairs to the pool which have come about through old age. In this case it looks like there is going to be a certain and ever increasing opportunity for revenue coming from homeowners association dues on the south side, and then you are also providing for 40 memberships a year from the north side. Mr. Haug said that is not mandatory, Stonebrooke subdivision has the right to join up to 40 members. Mr. Bishop said but there is no way to assess a lien on those homeowners properties if they did not pay it because it is not in their covenants. Mr. Haug said he believes Mr. Bishop is correct.

Mr. Haug said Stonebrooke (north side) members would be paying around \$1500 to join the club which is optional and it transfers with the home to the next owner, like an asset or increased value to the home. So the membership goes with the home and they have to pay the \$250.00. If the number drops below 40 they can pick up somebody else who has moved into the neighborhood and wants to become a member of the pool. He clarified there are 37 homes on the south side (Stonebrooke Estates) and 68 on the north (Stonebrooke).

Mr. Bishop said Councilman Norris makes a good point that if you keep raising the dues you could lose the 40 members on the north side so he needs to feel comfortable that the 37 homes on the south side are going to be able to support this pool in the future so we don't get into a situation where it is not kept up and becomes dilapidated. We are looking long term, thirty years or whatever.

Mr. Haug said they will do a gunite pool which has greater longevity than a liner pool. They do have to have some maintenance but the shell of the pool is good for 20 years.

Mr. Haug said in Stonebrooke on the north side, homeowners pay \$100/year to the homeowners association. They maintain the common grounds and pay the water and electric for the waterfall, and they have been able to maintain the area very well. Mr. Haug clarified there will be no lifeguard expense and said most of these types of pools do not have lifeguards. They put signs up cautioning that members must take care of their own children and are responsible for their own actions.

Mr. Bishop said the trick for the homeowners association would be to raise the fees along the way so there is a cushion for the time when there are more expenses for maintenance needs. Mr. Haug said about a third of the homes are now sold in Stonebrooke Estates, and he looks for the pool to be turned over to a homes association in about two years. They will have their own meetings and raise their own dues. He said they have gone to a great deal of expense to put in stone pillars, wrought iron, special lighting, and other things to the entrance; and he thinks there will be a pride there that those people will want to maintain this as well as everything else, and he thinks it will be a special place in Gladstone.

Councilman Nodler asked Mr. Wingerson if Public Safety has reviewed safety concerns on 72nd Street. Mr. Wingerson said as part of the review process of the Special Use Permit, the Public Safety Department did review it and did not have any objection.

There were no other persons to speak for or against this application and the Mayor asked Director Scott Wingerson to make staff comments.

Community Development Director Scott Wingerson said he would draw Council's attention to the fact that the term of the special use permit is proposed for five years because of the capital expense required by the applicant to install the pool. Also, he notes Condition #1 which allows the Special Use Permit to transfer from the Applicant, Stonebrooke, LLC to the Stonebrooke Estates Homeowner's Association. If the request were to be approved, and the association did take control of the subdivision, the special use permit would transfer automatically and not require the neighborhood to come before the City Council for an extension. He noted the Planning Commission recommended approval by an 11-1 vote.

Councilman Norris asked Mr. Wingerson to define the term "*membership requirements which will adequately provide for future maintenance and upkeep of the property*" in condition #9 of the Special Use Permit Conditions. Mr. Wingerson responded that the condition #9 requires that they (the City) review a copy of the homeowner covenants and the purpose is to confirm what the applicant has stated in this public hearing and in Planning Commission hearing.

Councilman Norris said then it is important that the City feel comfortable with the financial aspects of the proposal because if the homes association cannot pay the maintenance and upkeep of the property it would ultimately become a burden to the City. If a special use permit is approved and if for some reason in five years the homeowners association chooses not to renew it, then what do we do. Mr. Wingerson replied that staff would go forward with the homeowners association to demand compliance with those who are in violation.

Mr. Norris said he hates to keep referring back to Hamilton Heights, but he recalls that when he was growing up, doctors and bank Presidents lived in that subdivision; it was not 40 year old homes that could not support a pool anymore. It was the upper echelon of Gladstone at the time and then larger houses were built elsewhere. Forty

years changes all things and he is trying to figure out what safe actions we can take step by step, to make sure that the City is not held liable at some point. As an ex-lifeguard he can tell us that signage does not save kids. One problem there with the signs, and the membership will dwindle to none, and the insurance would be incredibly high. He is bothered by that.

Director Wingerson said basically all he can say is that staff raised that concern in the Staff Report, as did the Planning Commission in their public hearing.

Councilman Bishop asked Councilman Norris if you were a member of Hamilton Heights Country Club just by virtue of living in that subdivision. Councilman Norris responded that in the very beginning you were a member just by living in Hamilton Heights and you had to live north of 64th Street between Broadway & Oak and South of 72nd Street to become a member. Your first year, the dues were paid automatically because the homes association was active in the late 50's through early 60's. In fact they had enough income to go from a 25 yard pool to an L-shaped 25 meter pool with diving boards, high dives, club houses, and all that. As the cost increased and people were no longer made to join, it just became un-viable as a neighborhood pool.

Councilman Bishop said the only difference he sees with this application is that membership in this pool will not be optional, because at the point you buy the house you buy the membership hook, line and sinker; and you can't get out if you decide not to pay your dues. Then the homeowners association has the opportunity to place a lien on your real estate which is a pretty good incentive to pay your dues. So they are not going to lose members. He said the covenants and restrictions stay in place as long as you own the real estate.

Councilman Norris said they stay in place, but they don't have to be enforced unless the homeowners association enforces them and if they are not viable five years or choose as a homeowners association not to renew the special use permit is what he feels might be a problem. He agrees that the deeds and restriction go right along with the property unless a court action removes them.

Councilman Norris said those were his particular concerns. He does not think it is a problem to have a pool there, it is just what happens at the end of five years or at the end of twenty years when the pool lining wears out and the replacement costs are great and maybe they say "we just don't need this". Then what does the City do; because this happened with a thirty year old pool just a couple of years ago.

Councilman Bishop said the Hamilton Heights Country Club was its own nonprofit corporation where in this instance the property is going to be owned by the collective homeowners association, and therefore, the association could decide to sell the property and sub-divide it. Of course they will always have to be cognizant of the impact of a blighted condition on their property values, and their property values are not cheap properties. Councilman Norris said he would argue the other direction too that the huge expense mandated in the deeds and restrictions certainly can't help property values. He said of course he is speculating on the future, ut they are valid concerns.

There were no further comments or persons desiring to speak for or against this proposal and Mayor Hammen closed the public hearing.

Item 10a. on the Agenda. FIRST READING BILL 2000-06, granting a Special Use Permit subject to certain conditions to Stonebrooke, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant: Applicant/owner: Stonebrooke LLC. (File #1110)

Councilman Norris moved to place Bill 00-06 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Norris said he really only has two small concerns. He thinks this is great for kids but he would like to see a more in-depth traffic study of what 72nd Street traffic will be, because they are opening membership up to 40 memberships on the other side of 72nd Street. He thinks it would be prudent to take every step to reduce the liability on our end.

Secondly, he would like to give our staff the chance to answer some questions that Mr. Bishop had about what is actually in the covenant restrictions, and how those will be mandated to those folks who are going to be mandatory members of this pool.

Councilman Nodler said he would have no problem with Councilman Norris' request. .

Councilman Bishop said this is on the east side of Antioch Road and clearly a major construction project is underway right now on the west side of Antioch Road to widen 72nd Street. What is the long range plan for 72nd Street east of Antioch Road. Is that going to become four lanes at some time also. Is that envisioned going all the way through to Brighton.

Director Wingerson said basically our east city limits is the east side of Stonebrooke Estates. So any improvements to 72nd Street east of Stonebrooke Estates would be in Kansas City, Missouri. It is staff's understanding that the current plan for Kansas City is two fold. First, through development of large tracts of land to the east of Stonebrooke, the developers would be required to rebuild 72nd Street similar to the way these developers rebuilt the Stonebrooke portion of 72nd Street. The other way is that Kansas City is currently underway with their North Brighton corridor study and that may be another alternative on the far east end where it intersects with 72nd Street to see some improvements. But it certainly is an arterial in the Kansas City street plan, as it is in Gladstone.

Councilman Norris said in the early 90's when he was the Clay County representative to the total Transportation Policy Committee of MARC, there were long range plans looking at those arterial streets in fact that is how they secured several million dollars from the State in ISTEA funds for the 72nd Street project. They envisioned 72nd Street cutting past North Brighton and lining up with the bridge that is north of Pleasant

Valley (Shoal Creek) so it is obvious the planners were anticipating that. So the long range plan was to make 72nd Street four lane at least to Brighton and over to the Shoal Creek Bridge.

Councilman Bishop said thinking of it becoming a four lane does cause him concern. He recalls working at the Gladstone Pool for seven summers and so many children came with no adult supervision and found their own way to the pool somehow by bicycle or walking. He thinks realistically children in the summer oftentimes don't have adult supervision and they will find themselves getting to the pool and across 72nd Street on their own. That causes him concern.

Councilman Norris said he does not want to kill this Bill but sees the need for a more in-depth traffic study of 72nd Street and also review of the deed restrictions.

City Manager Davis suggested that a first reading be given with the idea that the second reading is on the agenda in two weeks. (March 27th).

The Mayor asked Councilman Norris if as part of his motion for first reading, he is suggesting that the City require the traffic study to be done. Councilman Norris said yes.


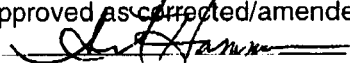
The vote on First Reading: "Aye" - Bishop, Nodler, Norris. Mr. Art Hammen advised he will "Abstain" because his company is building a house in this subdivision Councilman Newsom was Absent. (3-0-1) The Clerk read the Bill.

* * *

There were no questions from the news media or further business to come before the March 13, 2000 Gladstone City Council Meeting and 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, MARCH 27, 2000**

OPEN STUDY SESSION: 6:30 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 13, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating April 2nd-8th, 2000 as **International Building Safety Week** in the City of Gladstone, Missouri.
- 4b. **PROCLAMATION:** designating April 3rd-9th, 2000 as **Public Health Week** in the City of Gladstone. Sponsored by Clay County Health Center.
- 4c. **PROCLAMATION:** designating March 22nd, 2000 as **Jeannie Carlile Recognition Day** in the City of Gladstone.
5. **CONSENT AGENDA**

RESOLUTION R-00-21, authorizing the City Manager to accept a bill of sale from Auto Zone, Inc. and Fleshman Excavating, Inc., conveying to the City a water line and hydrant built in conjunction with construction of Auto Zone at 6906 N. Oak. All improvements have been constructed at the developer's expense.

RESOLUTION R-00-22, authorizing the City Manager to accept temporary and permanent easements from property owners in conjunction with the 58th and Broadway Drainage Improvements, Project #9809.

RESOLUTION R-00-23, accepting a temporary construction easement from a property owner in conjunction with the 2000 Street Rehabilitation and Reconstruction Program, Projects 0101, 0003, 0007, 0011.

RESOLUTION R-00-24, authorizing acceptance of work under contract with the Larkin Group for the Water Plant/Water Quality Issues Study and authorizing final payment for Project 9913. Total contract amount: \$40,500.00. Final Payment due from the Combined Water and Sanitary Sewer Fund: \$4,050.00.

RESOLUTION R-00-25, authorizing the execution of an easement dedication in conjunction with underground electrical service for the Bellevue Office Building located at 4770 N. Bellevue.

APPROVAL OF CLASS "A" & "B" LIQUOR BY THE DRINK LICENSE for The Restaurant Company, d/b/a Perkins Restaurant and Bakery, 6292 N. Oak for the sale of beer and wine. Managing Officer: Chris Bosch.

APPROVAL OF FINANCIAL REPORTS for the month of FEBRUARY, 2000.

REGULAR AGENDA

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

9. **RESOLUTION R-00-26**, adopting a revised "Sick Leave Policy" and amending Section 1200.2 of the "City of Gladstone Personnel Manual" to incorporate such policy.
10. **RESOLUTION R-00-27**, authorizing the offering for sale of an issue of approximately \$8,000,000.00 Certificates of Participation, Series 2000, payments to be made by the City of Gladstone, Missouri, pursuant to an annually renewable lease purchase agreement.
11. **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 3/13/00 City Council Meeting.
12. **SECOND READING BILL 00-06**, granting a Special Use Permit subject to certain conditions to Stonebrook, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrook LLC. (File #1110) Tabled from 3/13/00 City Council Meeting.
Applicant has requested a continuance to the April 24, 2000 City Council Meeting.
13. **PUBLIC HEARING:** on a request for a Site Plan Revision for property located at 7107 N. Oak. Applicant/owner: Commercial Net Lease Realty for Eckerd Drug. (#1113)
- 13a. **FIRST READING BILL 00-07**, granting a Site Plan Revision subject to certain conditions to property located at 7107 N. Oak. Applicant/owner: Commercial Net Lease Realty for Eckerd Drug. (#1113)
14. **PUBLIC HEARING:** on a request for a Site Plan Revision for property located at 4949 Old Pike Road. Applicant: The Home Depot. Owner: Credit Suisse Leasing. (#1114)
Audience Note: This public hearing will be opened and immediately continued to the April 24, 2000 City Council Meeting per applicant's request.
15. **PUBLIC HEARING:** on a request for a Special Use Permit, Site Plan Revision, and Rezoning for property located at the NW corner of NE 64th Street and N. Prospect. (#1112)
- 15a. **FIRST READING BILL 00-08**, Rezoning property from CP-1 (planned local business district) to RCH-1 (residential cluster housing) located at the NW corner of NE 64th Street and N. Prospect. (#1112)
- 15b. **FIRST READING BILL 00-09**, approving a Special Use Permit for property located at the NW corner of NE 64th Street and N. Prospect. (#1112)
- 15c. **FIRST READING BILL 00-10**, approving a Site Plan Revision subject to certain conditions to property located at the NW corner of NEW 64th Street and N. Prospect. (#1112)
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 27, 2000

Mayor Art Hammen called the **Regular March 27, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Art Hammen
Mayor Pro Tem 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 Minutes.

Councilman Norris moved to approve the **Regular Monday, March 13, 2000 City Council Meeting Minutes** as submitted. Councilman Nodler seconded. The vote: "aye" - Bishop, Nodler, Norris, Hammen. Councilman Newsom "abstained" having been absent from the March 13, 2000 meeting. (4-0-1)

Item 4a. on the Agenda. PROCLAMATION designating April 2nd-8th, 2000 as **International Building Safety Week** in the City of Gladstone, Missouri was read by Mayor Art Hammen and accepted by Codes Supervisor Alan Napoli.

Item 4b. on the Agenda. Mayor Hammen also read a **PROCLAMATION:** designating April 3rd-9th, 2000 as **Public Health Week** in the City of Gladstone as sponsored by Clay County Health Center. Health Board representative, Freddie Nichols accepted the proclamation from Mayor Hammen.

Item 4c. on the Agenda. Mayor Art Hammen read a **PROCLAMATION** designating March 22nd, 2000 as **Jeannie Carlile Recognition Day** in the City of Gladstone in tribute to her twenty-six year association with Oakhill Day School. Ms. Carlisle was met with great applause as she accepted the proclamation from Mayor Hammen.

Item 4d. on the Agenda. Mayor Hammen read a **PROCLAMATION** designating the month of April, 2000 as "**Child Abuse Prevention Month**" in the City of Gladstone. Gladstone's proclamation will be presented with those of other municipalities in the northland at a ceremony on Friday, March 30th.

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

Following the Clerk's reading, Councilman George Nodler moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION R-00-21, authorizing the City Manager to accept a Bill of Sale from Auto Zone, Inc. and Fleshman Excavating, Inc., conveying to the City a water line and hydrant built in conjunction with construction of Auto Zone at 6906 N. Oak. All improvements have been constructed at the developer's expense.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-00-22, authorizing the City Manager to accept temporary and permanent easements from property owners in conjunction with the 58th and Broadway Drainage Improvements, Project #9809.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-00-23, accepting a temporary construction easement from a property owner in conjunction with the 2000 Street Rehabilitation and Reconstruction Program, Projects 0101, 0003, 0007, 0011.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-00-24, authorizing acceptance of work under contract with the Larkin Group for the Water Plant/Water Quality Issues Study and authorizing final payment for Project 9913. Total contract amount: \$40,500.00. Final Payment due from the Combined Water and Sanitary Sewer Fund: \$4,050.00.** Councilman

Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION R-00-25, authorizing the execution of an easement dedication in conjunction with underground electrical service for the Belleview Office Building located at 4770 N. Belleview.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved to adopt **APPROVAL OF CLASS "A" & "B" LIQUOR BY THE DRINK LICENSE for The Restaurant Company, d/b/a Perkins Restaurant and Bakery, 6292 N. Oak for the sale of beer and wine. Managing Officer: Chris Bosch.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Councilman George Nodler moved for **APPROVAL OF FINANCIAL REPORTS for the month of FEBRUARY, 2000.** Councilman Anita Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

REGULAR AGENDA

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

Jim Haug, said he represents the developers of Stonebrooke and Stonebrooke Estates. Although they have asked for a continuance on the Bill approving their Special Use Permit for a swimming pool, there are a number of residents from both of those subdivisions present. They have taken the time to come to this meeting because they have heard there is a possibility they may not be able to get their pool because of the traffic problems created by 72nd Street. He would like to give them an opportunity to comment about their ability to supervise their children in crossing the street. He said according to Director Scott Wingerson, the traffic study will evidence that they cannot put a cross walk there. Mr. Haug said he did want residents to have the opportunity to express their views and explore the possibility of moving the cross walk to a different area possibly at Antioch & 72nd Street where there is a STOP sign, so that this pool could be allowed to proceed.

Dolores Limpic, 6500 Wabash, said she came here today to thank Director of Community Development Scott Wingerson for his fairness in giving them the opportunity to obtain information concerning the Green Lantern development with special thanks to Mary Walden. She thanks the City on behalf of the Northhaven and Meadowbrook Estates subdivisions. She said she has never worked with the City before in this context and was a little apprehensive, but her experience has strengthened her faith in Gladstone local government. They

were able to obtain the information they desired and keep current and were met with smiles. She again thanks Scott and Mary.

Ms. Limpic said over the years in Gladstone city government we see City Manager's and other top Department Directors come and go, but it is nice to see a constant, like employees Mary Walden and Marilyn Ahnefeld who help to keep our City government running efficiently. Ms. Limpic said she again thanks the City and compliments our City Staff. She told the residents present for the swimming pool application that if it is any encouragement, the people in our government are fair.

John Hoke, 7241 N Norton, said he voices his opinion that he is in favor of a swimming pool for his area and does not see a problem with the crosswalk. He sees 72nd & Antioch as the logical location because it would not be that far out of the way.

Dorinda Hoke, 7241 N Norton, Stonebrooke, said she also reiterates that they do not see a crosswalk as a problem for the children going to the pool. More than likely, any time a child is going to the pool they will be accompanied by an adult unless they are over 16 years of age, and at that age they are responsible enough to watch for traffic in crossing the street. The pool will be a nice addition to their subdivision, and allow them to get to know their neighbors and become a stronger community.

Vito Enna, 7225 N Myrtle, Stonebrooke, said he is in favor of a swimming pool. He has a one-year-old daughter and plans to have another and likes living in the Gladstone community. He is not too bothered by the crosswalk because he thinks the kids will be governed by their parents to get them back and forth, and once the work is completed, 72nd & Antioch Road will be a safe place to cross.

Jack Marcum, President of Northland National Bank, 99 NE 72nd Street, reminded everyone that we will have a bond issue to be voted on Tuesday, April 4th and as a banker he wants the opportunity to buy some of those bonds. He said the City Manager may be dealing with a bond underwriting agency, and what seems to happen is that all of the bonds are bought up before any individual citizen or business has a right to buy them. He would request the opportunity to support the City of Gladstone with that bond issue.

Mr. Marcum also commented on the GEBC presentation and that there were certain requirements of economic development that were transferred from the City to GEBC. As a former President of the Gladstone Area Chamber of Commerce, his concern is that the City may exert too great an influence on the Chamber of Commerce. We need to maintain two separate and strong organizations, and sometimes there may be disagreements; but he would like to

preserve that ability to disagree if it becomes necessary. From that standpoint, he would like to encourage the continuation of the contract as is, and have GEBC contract with the City, but not have the City exert direct control or influence over any officer of the Chamber.

Dan Haug, 7301 N Myrtle, Stonebrooke, said maintenance of the pool was a matter of discussion at the prior Council Meeting. He would point out that the majority of the homes going in are upper scale homes particularly on the Estates side, and he does not think that the limited amount of revenue needed to keep the pool up and running would be a problem for homeowners in that type of a neighborhood.

Barry Sunshine, 7250 N Mersington, said he grew up in a neighborhood with a swimming pool and found it to be a great asset to the residents growing up and believes their children should also have that privilege. He believes that a crosswalk is not a good enough reason not to have a pool in a neighborhood and he hopes the City Council will agree with him.

Greg Dyer, 7240 N Norton, Stonebrooke, said he and his wife used to live in Brooktree and 300-400 homes use that big pool and they never had an accident while he lived there for ten years. They have crosswalks going across Brooktree Lane and there is signage, and everyone knows where the pool is and motorists slow down. His twin sons are almost three years of age, and they love to swim, and he is in favor of this swimming pool.

Eric Havens, said he currently has a home under construction at 7300 N Myrtle and now lives in the Kansas City, Missouri city limits. He is very excited about the prospect of starting his life here in Gladstone and is being married in June. He is here to show his support for the pool and feels it will be an asset to the community. The prospect of a pool was one of the primary motivations for him in living in Stonebrooke. He asks the Mayor and Council's support for this approval and reiterates the support of the residents here tonight.

Paul Anderson, said he is in the process of building a new home in Stonebrooke Estates. He and his wife are planning to begin a family and one of the considerations in choosing a community was that it had trees and a community pool. They ask the Council to meet their needs as far as the pool. They believe it is important for children to mingle with other children, and asks for passage of the special use permit for the pool.

Jesse Valenciano, 6305 N Olive, addressed the City Council and asked that close attention be given to the GEBC Survey when voting on future developments, because he did not recall reading anything that indicated that people wanted a gas station at 64th & Prospect. There are a lot of good people moving into the community, and we need to continue to listen to them. We

need some upscale shops and restaurants, and he hopes the City keeps that in mind.

John J. Guier, 7101 N Brooklyn, said he would also thank Mr. Scott Wingerson and Mrs. Mary Walden in the Community Development Department for providing them requested public information relating to the 64th & N Prospect Green Lantern which they felt gave them a level playing field. He said it was a lot different than ten years ago when they were charged for each copy. He feels things in Gladstone have greatly improved since then.

Mr. Guier also noted that Section 32-57 of the Zoning Ordinance copy he has references parking of trucks, and prohibits parking of trucks larger than $\frac{3}{4}$ ton on any premises zoned R-1 to C-O. He said he believes that has now been amended to 1-ton, and staff concurred. Mr. Guier said he resides in the Meadowlane Townhomes at 71st & N Brooklyn and observes a large yellow truck parked in the lot of the Gladstone Meadows Apartments near 2251 NE 71st Street, and understands it is a former Ryder Rental truck. He said in 1998, Code Enforcement Officer David Reyburn checked the vehicle, and there was indication on the door that it had a capacity of 1-ton; but Mr. Reyburn felt the vehicle was capable of carrying a much heavier load.

Mr. Guier said he sees this as a situation where there is a violation of the intent of the Code, and indicates a need for a Code revision to correct a loophole. In addition to the capacity of the truck, he suggests the need for a limitation on the dimensions such as length, width, and height of the bed or freight compartment. He believes the vehicle is operated by a young man who is in the pick up and delivery business and while he admires his entrepreneurship, he believes there is a loophole that needs to be closed. This is something that should be looked at. He is not targeting this young man and is even suggesting that if something is done about the regulation that the young man's truck is "grand fathered".

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

Councilman Dan Bishop referred to a letter from Betty Knight, Chairman of the Mid America Regional Council Board of Directors asking municipalities to take steps to urge residents to support and respond to the 2000 Census. Suggestions include proclamations, public statements, press releases, information on web sites, and contacts with major employers encouraging them to ask their employees to fill out and return the census. Her letter explains the great financial impact for those census forms that have to be completed by an on-site visit, when citizens do not mail their census form back. Councilman Bishop encourages City Staff to take these steps and passes this letter on.

Councilman Bishop said as was previously mentioned, Tuesday, April 4, 2000 is an election day in Gladstone and a very important bond issue is on the ballot which this Council supports. He urges everyone to support this bond issue because it is important to move ahead, and do these sewer and water repairs instead of waiting when it costs more some time down the road. It is important that we get out and exercise our right to vote Tuesday.

Councilman Roger Norris advised that he would like to make his comments under Other Business later on the Agenda.

Councilman George Nodler also encourages all residents to go to the polls and vote **Yes** on this important bond issue. He noted that he has completed and returned his Census.

Councilman Anita Newsom noted she too has returned her Census. She also encourages voters to vote **Yes** on the Water Bond issue at the Tuesday, April 4th Election and pointed out that you can't beat the cost as far as the taxpayers pockets.

Councilman Newsom also commented on the need to provide the technical equipment for the professional companies that come here to make presentations at meetings. We need to provide power point hook-ups with the proper screens so that Council members, Board members, and the audience can all see and hear the presentations. We are doing a disservice to our citizens if we do not provide this for them. In addition, it would greatly increase the understanding and perception of what we are doing here, and that it is an open form of government and not a closed government.

There are a number of us who ten years ago carried around recall petitions because we did not like the way government was going, and hopefully we have made it a positive change. We really need to deal with today's technology. We have a lot of it in-house, but need to set up our Council Chambers to better address this for people to come to the meetings. For her, it is a real bone of contention; if we've got it, let's use it.

Ms. Newsom's final comment was that driving around town this weekend she observed how beautiful the Bradford pear trees were. It makes you feel good about springtime in Gladstone.

Mayor Art Hammen stated that the Census in his home had been filled out and sent in by his wife.

The Mayor also noted the importance of the bond issue. There are many, many community leaders behind it including former Councilman Mike Reinsch who is vice-chair of the Committee. If you are willing to display a sign in your yard in

favor of the bond issue, please see Mike this evening and he will see to it that it is put up and promptly taken down after the election.

The Mayor said his final comment is that it is wonderful to hear folks come to the podium and praise City staff. Those of us on the City Council know what a great staff we have, a terrific management team, down to the guy that cuts the grass in the parks and shovels the snow in the wintertime. Certainly the names mentioned tonight are chief among them, but it is great to hear that our citizens appreciate what a great staff the City has.

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

City Manager Kirk Davis had no communications at this time.

Item 9. on the Agenda. RESOLUTION R-00-26, adopting a revised "Sick Leave Policy" and amending Section 1200.2 of the "City of Gladstone Personnel Manual" to incorporate such policy.

Councilman Norris moved to adopt Resolution R-00-26; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Norris noted this was a study session discussion item at the last meeting and it will basically bring into alignment the sick leave policy for firefighters who are on 24-48 hr. shifts and it has mechanisms built in to address situations when employees revert back to an 8 hr. shift. He thinks this is a fair, and equitable policy.

Mayor Pro Tem Newsom said she agrees with Councilman Norris' comments.

Councilman Bishop said he too agrees. This has been a top priority issue for our local IAFF in Gladstone. The policy came out of the meet and confer process and he believes there is satisfaction with it on both sides. He thinks it is the right thing to do, and he supports it.

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

Item 10. on the Agenda. RESOLUTION R-00-27, authorizing the offering for sale of an issue of approximately \$8,000,000.00 Certificates of Participation, Series 2000, payments to be made by the City of Gladstone, Missouri, pursuant to an annually renewable lease purchase agreement.

Councilman Norris moved to approve Resolution R-00-27; Councilman Bishop seconded.

Discussion.

Councilman Norris said this is something that has been talked about by every community leader in Gladstone for some time. This is a very important issue for the City of Gladstone and is a very important next step in the maintenance of our water facilities. He told Jack Marcum, Northland Bank, who addressed the City Council earlier that Mr. Greg Bricker, who is present tonight, will be happy to speak with him about the bonds.

Mr. Norris said he encourages the City Council to adopt this resolution tonight and also encourages all citizens to vote **YES** on Tuesday, April 4, 2000.

The vote: All "aye" - Councilman Bishop, Councilman Nodler, Councilman Norris, Mayor Pro Tem Newsom, Mayor Hammen. (5-0)

Item 11. 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 3/13/00 City Council Meeting.

Councilman Norris moved to accept the First Reading of Bill 99-11 and place the bill on Second and Final Reading; Mayor Pro Tem Newsom seconded the motion.

Discussion.

Councilman Norris noted that Council received communication from Community Development Director Scott Wingerson dated March 22, 2000 which indicates that Mr. Bledsoe has filed an application for amendment to the Special Use Permit and recommends that the **existing Special Use Permit not be revoked.**

Mr. Norris said we have dealt with Mr. Bledsoe now for about two years on this issue and he does believe that Mr. Bledsoe understands the views and role of the City Council and he also understands his role as a businessman in the City. Mr. Norris said he believes Mr. Bledsoe and Director Wingerson have come to a consensus and he would encourage his fellow Council to keep this special use permit in tact.

Mayor Pro Tem Newsom said she believes Mr. Bledsoe has become acutely aware of the high standard to which we like to hold people who wish to bring a business to Gladstone and maintain a business in Gladstone. The lack of compliance with the special use permit has been an ongoing headache for all of us and she is sure it has been for Mr. Bledsoe. She believes leaving this special use permit in tact until another site plan is approved is a prudent thing to

do. Mr. Bledsoe has put a lot of time and effort into his business but she wants to see the new site plan come forward and complied with. She told Mr. Bledsoe she will be sitting here another two years and she does not want to see him here every Monday night.

Councilman Bishop said he is glad that it looks like this item will leave the agenda tonight. It has been before us numerous times since he came on the City Council and he was listening to it before he came on the City Council. We have made some progress through communications and insisting on accountability, and making sure that the special use permit is complied with.

Mr. Bishop said he wishes that we could show the same dedication and accountability in making sure that the GEBC contract is complied with, but he will support this item and happily so.

Councilman Norris clarified with City Counselor Nancy Thompson that a "no" vote will keep this special use permit in tact.

Mayor Hammen said it is important to note that because of the application for an amendment to the special use permit, there will be a new public hearing process which Mr. Bledsoe will follow.

Mr. Robert Bledsoe, Cripple Creek Rock Company, 5616-18 N Antioch Road thanked the City Council and told them he was ready to finish this project and said he was glad to be a part of improvements to that whole corridor on Antioch Road from Andrew Concepts just short of the Antioch Travel sign.

The vote: **All "nay"** – Bishop, Nodler, Norris, Newsom, Hammen. (0-5) The Mayor clarified that this Special Use Permit will not be revoked, based on the unanimous vote.

Item 12. on the Agenda. SECOND READING BILL 00-06, granting a Special Use Permit subject to certain conditions to Stonebrook, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrook LLC. (File #1110)

Mayor Art Hammen announced that the applicant has requested a continuance to the April 24, 2000 City Council Meeting.

Councilman Norris moved to continue the Second Reading of Bill 00-06 to the April 24, 2000 City council Meeting. . Councilman Newsom seconded. The vote: All "aye" – Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 13. on the Agenda. **PUBLIC HEARING:** on a request for a Site Plan Revision for property located at 7107 N. Oak. Applicant/owner: Commercial Net Lease Realty for Eckerd Drug. (#1113)

Mayor Hammen explained the hearing and invited the applicant and those in favor of the application to speak followed by those opposed and comments from City Staff.

Applicant representative Alan Michaels, LHE, Lenexa, Kansas, explained that the site layout is essentially the same, however, they are wanting to use the bypass lane as a third drive-thru and allow bypass traffic to exit onto North Locust. The other addition is adding another dumpster to prevent trash overflow and any unsightliness that would accompany that. He invited questions.

There were no others to speak in favor or opposition to this request.

Director of Community Development Scott Wingerson advised that the Planning Commission voted 10-1-1 in favor of this rezoning request and also invited any questions Council may have.

Councilman Norris asked about the one "no" vote on the Planning Commission, Mr. Wingerson advised that the Commissioner desired to maintain the bypass lane as an emergency escape because if someone was in line to have a prescription filled there would be no way to leave in an emergency. The applicant responded that there are two driveways on Locust that would serve that purpose although there is the possibility of one or two vehicles being in-between other vehicles and needing to leave.

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

Item 13a. on the Agenda. **FIRST READING BILL 00-07,** granting a Site Plan Revision subject to certain conditions to property located at 7107 N. Oak. Applicant/owner: Commercial Net Lease Realty for Eckerd Drug. (#1113)

Councilman Norris moved to place Bill 00-07 on First Reading; Councilman Newsom seconded. The vote: "aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "abstained". (4-0-1). 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; Councilman Newsom seconded. The vote: "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 00-07 and enact the Bill as Ordinance No. 3.744; Councilman Newsom seconded. The vote: "aye" - Bishop, Nodler, Norris, Newsom. Mayor Hammen "abstained". (4-0-1).

Item 14. on the Agenda. **PUBLIC HEARING:** on a request for a Site Plan Revision for property located at 4949 Old Pike Road. Applicant: The Home Depot. Owner: Credit Suisse Leasing. (#1114)

Mayor Art Hammen opened the public hearing and advised that the hearing is **continued to the April 24, 2000 City Council Meeting at the applicant's request.**

Item 15. on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit, Site Plan Revision, and Rezoning for property located at the NW corner of NE 64th Street and N. Prospect. (#1112)

Mayor Art Hammen announced that the applicant has withdrawn this request therefore no public hearing will be held and related Agenda items 15a, 15b, and 15c. will not be introduced.

Item 16. on the Agenda. **Other Business.**

Councilman Roger Norris said he would like to step down from the Council table and make a few comments from the audience microphone.

He introduced himself and said he is Councilman Norris and has twice been Mayor of this city, and the reason he stepped down from the Council table to make his remarks from the audience is because ten years ago he started from here; and he wanted to look at Councilman Anita Newsom when he made some comments. He does not want anyone to think this is a grandstand or anything else. This is just a guy who came here ten years ago, who finds it harder to speak down here in the well than up there. So he felt down here is where he needed to be because up there he lectures folks, and he did not want to do that.

Councilman Norris said he was digging through some papers a month ago or so and he found some old papers and lists and remembered some old stories about the good ole days when Gladstone was literally killing each other. The Council hated the Chamber and the Chamber hated the Council and everybody was factionalized. He said he is here to report that after ten years, the factions in this town are dead. They are dead, and should continue to be dead. He found the first public speech he made and he can still see Kirk Davis sitting in front of him. It was down at the Oak Hill Day School Auditorium and he sat on the front row and he was terrified. Les Smith was the President of the Chamber of Commerce at that time and introduced him as his friend, which was the first

time he ever heard Mr. Smith call him, friend. So he remembers that day vividly in his mind.

Mr. Norris read his speech from that day and said it is interesting how it ended up ten years later:

"Mr. President, members. Thank you for the opportunity of speaking here today. I am not here to prove I'm a politician, I'm a salesman. Gladstone needs many things: sewer systems, water systems, street repairs, and these things all cost money -- a lot of money; and I think we were shown February 6th that the citizens here are not likely to vote for a tax increase of any kind right now. So we must begin to move forward marketing ourselves to the metropolitan area in a more positive direction than we have in the recent past. I hope to work closely with the new Economic Development Director and members of the Chamber of Commerce to develop marketing strategies designed to improve our business image, and strengthen our commercial base.

You know, perception is the key. People don't perceive Gladstone in a very positive light right now, and their perceptions are not likely to change until we tell them it has changed, and show them that it has changed, and those changes are in the works. One major step I believe we must take is to formally adopt by ordinance a Comprehensive Master Plan. The Council could then set policy that falls within this guideline of such a plan. City staff, homeowners, and would be developers all would know what is acceptable and what is not. This would eliminate many of the controversial zoning problems that have been so destructive to our community and to our image, and have added fuel to the fire of hatred and mistrust that we will have to overcome. In a city of only 9 square miles, we are all neighbors and should have one common goal, to make this the safest and best city in the northland".

Councilman Norris said that speech was given to the Gladstone Chamber of Commerce. A year later, he and Mike Reinsch went on to talk about Code Enforcement Officers, which is its own department now; street repaving that needed to go down from a 35 year cycle, and we now have gotten it down to a 14 year cycle. A business image that is totally different than the destructive one he found when he went to Jefferson City as that Newly Elected City Councilman and a guy came up to him and said you're from Gladstone, I heard that was like little Chicago, tell me what it's like. It was bad in those days. 200 people would come to City Hall because of a rezoning because they didn't trust the people who were sitting up there. He hopes and prays that when he leaves he will trust the Council as much as we have heard from folks tonight.

Councilman Norris said there are a few people he needs to thank for the ten years he has spent here. His best friend, George Nodler, who taught him how to be human in a world that he just did not understand. His running mate the first time around, Mike Reinsch. Without Mike he would not have been a

Councilman because he is the hardest working, most organized person he has ever know in his entire life, with the biggest stubborn streak you can imagine. But the man believes one thing and that is that Gladstone is the place to live, and he would not do anything to disturb that.

He thanks Carol Rudi and her mother, Bonnie Belknap who came up to him at a special Planning Commission Meeting held at Antioch School dealing with the 68th Street rezoning and told him they wanted him to be a City Councilman. Until you run, you won't know how that feels. After winning, it has been all up hill. He can report to the Council and this staff that every promise he made as a Councilman in any of the three elections he went through, have a date behind them as "completed"

Art Hammen has been his running mate the last two terms and he has been an outstanding Councilman, outstanding Mayor, and his friend; and he thanks him very much. He told Councilman Anita Newsom that she is a Princess and he will be there for anything she ever needs in her future, and that goes double for her mom.

Councilman Norris told Councilman Bishop that they had not agreed on much the first six months, but he has found it pleasing that the last couple of months they have agreed on most things. He thinks that came not only from the realization that he would not be here much longer, but also just over time.

Councilman Norris thanked City Manager Kirk Davis for letting him make a promise come true in bringing him home to Gladstone. He does not think Kirk understands the feeling it gave him to call Phyllis Davis on the phone following a meeting and ask her to have Kirk call him the second he got home. That is probably the second biggest night in his life.

He also said he wished City Manager Jim Norris was here to hear him thank him. Because without Jim Norris, he would not have understood the financial aspects of the City, and he and Mike Reinsch would not have been able to get the first three years of their agenda in hand.

He thanks Bill Adamo who has been his friend and confidant, and told the City Staff Members that they know he thinks they are awesome.

Councilman Norris said citizens are the government and people make it happen. When he got here ten years ago, the government was a building. Government is not a building, and that is one thing they have changed. He also thanked Marilyn Ahnefeld, and so many others too numerous to mention who have been so helpful.

Finally, Councilman Roger Norris said he thanks all for giving him the opportunity to be a Councilman in this fine community, and for being his friend.

Councilman Norris received a standing ovation.

Mayor Hammen asked if there was other business to come before the City Council.

Motion.

Councilman Bishop said he would preface his motion by saying that he makes this motion under no illusion that it will be passed, but that he wanted to show his deep conviction to ensuring accountability. He also makes this motion stating that his mind can be changed. Depending on what happens in the next nine months, he may not feel the way he feels tonight. But given the way he does feel tonight, he moves that the City terminate the Agreement between the City and the Gladstone Economic Betterment Council as amended on July 12, 1999, pursuant to Paragraph 8. of said Agreement.

Mayor Hammen stated that we have a motion before us and asked if there is a second. Hearing none, the Mayor announced that the motion dies for lack of a second.

* * *

There were no communications from News Media or further business to come before the March 27, 2000 Gladstone City Council Meeting, and 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, APRIL 10, 2000**

REGULAR MEETING: 7:30 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance. Members of Troop 260 will present the Color Guard.
4. **Approval of Regular March 27, 2000 City Council Meeting Minutes.**
5. **PRESENTATION** to the City of Gladstone from Gladstone VFW Post #10906.
6. **FIRST READING BILL 00-11**, declaring the results of the Special Election on Tuesday, April 4, 2000 on the Question of Issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds. (Yes: 2483; No: 193).
7. **FIRST READING BILL 00-12**, authorizing the City of Gladstone, Missouri, to enter into a Base Lease with First Bank of Missouri, as Trustee, whereby the City will lease certain property to said Trustee, a Lease Purchase Agreement with said Trustee with respect to the acquisition, construction, furnishing, equipping and installing of improvements to the Stormwater Drainage System and prepaying Certain Outstanding Certificates of Participation and Certain Related documents; and approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.
8. **FIRST READING BILL 00-13**, declaring the results of the Tuesday, April 4, 2000 Gladstone General Election as certified by the Clay County Board of Election Commissioners that candidates **Bill Cross** and **Shirley M. Smith** have been elected to three year terms on the Gladstone City Council.
9. **SPECIAL PRESENTATION AND REMARKS:** Mayor Art Hammien, Mayor Pro Tem Anita Newsom, and Councilmembers.
10. **CITY COUNCIL OATH OF OFFICE: BILL CROSS**
11. **CITY COUNCIL OATH OF OFFICE: SHIRLEY M. SMITH**
12. **ELECTION OF MAYOR AND OATH OF OFFICE**
13. **ELECTION OF MAYOR PRO-TEM**
14. **CONSENT AGENDA**

RESOLUTION R-00-28, authorizing acceptance of work under contract with Brandy Electric for the City Hall exterior lighting project, and authorizing final payment in the amount of \$1,962.50 from the Capital Improvement Sales Tax Fund.

RESOLUTION R-00-29, authorizing the City Manager to execute a contract with HNTB Corporation for the North Oak Corridor Study for a total amount not to exceed \$50,000. Funding authorized from the General Fund.

RESOLUTION R-00-30, authorizing the City Manager to accept a bill of sale from Clayco Properties and Haines Stowers Construction Company, conveying to the City a water line and hydrant serving Claybrook 2nd Plat. All improvements have been constructed at developer's expense.

RESOLUTION R-00-31, accepting permanent easements from property owners in conjunction with the Heatherton Place Subdivision development located at 62nd Terrace and N. Main.

REGULAR AGENDA

15. **Communications from the Audience.**
16. **Communications from the City Council.**
17. **Communications from the City Manager.**
18. **PUBLIC HEARING:** on a request for a Site Plan Revision and a Special Use Permit on property at 7260 N Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries, Inc. (File #1115/16) **Audience Note: This public hearing will be opened and immediately continued to the April 24, 2000 City Council Meeting at the Applicant's request.**
19. **PUBLIC HEARING:** on a request to rezone from RP-3 to RP-4 and from RP-3 to CP-1, property north of Englewood Road, west of Main, and east of Broadway. Applicant: Nollo & Associates. Owner: Herman Scharhag. (File #1117)
- 19a. **FIRST READING BILL 00-14**, rezoning property from RP-3 to RP-4 and from RP-3 to CP-1, property north of Englewood Road, west of Main, and east of Broadway. (File #1117)
20. **FIRST READING BILL 00-15**, amending certain sections of Chapter 18 of the Code of Ordinances dealing with the use of motor vehicle safety belts.
21. **APPROVAL OF BUILDING PERMIT** for the demolition of existing building and construction of a new building located at Northtowne Volkswagen, 6728 N. Oak. Applicant/Owner: K.L. LeFever. (BP# 99-0891)
22. Other Business.
23. Questions from the News Media.
24. Adjournment.

**Following the Adjournment of the Regular Council Meeting
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 10, 2000

Mayor Art Hammen called the **Regular April 10, 2000** 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 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.

Members of Troop 260 presented the Color Guard and led the Pledge of Allegiance in which all joined. Mayor Hammen thanked them and noted that Troop 260 is sponsored by North Cross United Methodist Church and had been his own scout troop.

Item 4. on the Agenda. Approval of Minutes.

Mayor Pro Tem Anita Newsom moved to approve the **Regular Monday, March 27, 2000 City Council Meeting Minutes** as submitted. Councilman Norris seconded.

Discussion.

Councilman Norris stated that although the minutes well reflect his farewell comments made under other business at the March 27, 2000 meeting, City Clerk Marilyn Ahnefeld failed to include his remark that she is awesome, and he asks that the official record include his statement.

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

Item 5. On the Agenda. **PRESENTATION** to the City of Gladstone from Gladstone VFW Post #10906.

Commander Roger Kohrs and Quartermaster Joseph Liles presented framed certificates to Mayor Art Hammen for the Gladstone City Council, and to Marilyn Ahnefeld for City of Gladstone Employees on behalf of officers and members of the Veterans of Foreign Wars Post #10906 in appreciation of the City's support in furthering the aims and ideals of Americanism.

Item 6. On the Agenda. **FIRST READING BILL 00-11**, declaring the results of the Special Election on Tuesday, April 4, 2000 on the Question of Issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds. (Yes: 2483; No: 193).

Councilman Roger Norris moved to place Bill 00-11 on First Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Roger Norris said he would like to thank the citizens of our city for an absolutely overwhelming 93% approval on the \$4 million dollar bond issue. It certainly shows that in the last decade the Council has worked hard to earn the trust of the citizens because you don't get a 93% vote without the citizen's trust. He also thanks Mr. Mike Reinsch who took care of the signage for the bond election and asked him to stand and be recognized.

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

Councilman Roger Norris moved to accept the First Reading of Bill 00-11, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Newsom seconded. The vote: All "aye": Bishop, Nodler, Norris, Newsom, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 00-11, and enact the Bill as **Ordinance No. 3.745**; Mayor Pro Tem Newsom seconded.

Discussion.

Mayor Pro Tem Anita Newsom said she would stress that this could not have taken place without the efforts of quite a number of people who came together and worked very hard on this water bond issue. She knows that there will be recognition later but she personally wants to thank Mr. Bussinger, Mr. Whitton, Mr. Patterson and Mr. Reinsch for pulling together and heading up this citizens committee. This could not have been done without their combined leadership,

and if she starts naming the people who worked on the committee, she knows she would miss some. So from her personal perspective, and on behalf of the people who will benefit from this, she thanks all who participated very, very much.

The vote: All "aye" – Councilman Dan Bishop, Councilman George Nodler, Councilman Roger Norris, Mayor Pro Tem Anita Newsom, Mayor Art Hammen. (5-0)

Item 7. on the Agenda. FIRST READING BILL 00-12, authorizing the City of Gladstone, Missouri, to enter into a Base Lease with First Bank of Missouri, as Trustee, whereby the City will lease certain property to said Trustee, a Lease Purchase Agreement with said Trustee with respect to the acquisition, construction, furnishing, equipping and installing of improvements to the Stormwater Drainage System and prepaying Certain Outstanding Certificates of Participation and Certain Related documents; and approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.

Councilman Roger Norris moved to place Bill 00-12 on its First Reading; Mayor Pro Tem Newsom seconded.

Discussion.

Councilman Bishop said this is obviously the third step in issuing these Certificates of Participation, and we have all commented on it along the way, but it is an important step we are taking in terms of addressing the storm water concerns in the City of Gladstone as identified in the Black & Veatch Master Plan Study and we are able to do it without a tax increase and address those most serious top one-third of the storm water problems, and he supports it.

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

Councilman Roger Norris moved to accept the First Reading of Bill 00-12, Waive the Rule and place the Bill on Second and Final Reading; Mayor Pro Tem Newsom seconded. The vote: All "aye": Bishop, Nodler, Norris, Newsom, Hammen (5-0). The Clerk read the Bill.

Councilman Roger Norris moved to accept the Second and Final Reading of Bill 00-12, and enact the Bill as **Ordinance No. 3.746**; Mayor Pro Tem Newsom seconded. The vote: All "aye": Bishop, Nodler, Norris, Newsom, Hammen (5-0).

Item 8. On the Agenda. **FIRST READING BILL 00-13**, declaring the results of the Tuesday, April 4, 2000 Gladstone General Election as certified by the Clay County Board of Election Commissioners that candidates **Bill Cross** and **Shirley M. Smith** have been elected to three year terms on the Gladstone City Council.

Councilman Roger Norris moved to place Bill 00-13 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Councilman Norris welcomed Mr. Cross and Ms. Smith to the City Council.

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 00-13, 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 00-13 and enact the Bill as Ordinance No. 3.747. Councilman Bishop seconded. The vote: All "aye" - Bishop, Nodler, Norris, Newsom, Hammen. (5-0)

Item 9. on the Agenda. **SPECIAL PRESENTATIONS AND REMARKS.**

Mayor Art Hammen presented Recognition Plaques on behalf of the City Council to former Gladstone Mayors **Larry Whitton** and **Lee Bussinger** who served as co-chairs for the Citizens for Quality Water and Sewers Bond Committee in sincere appreciation of their leadership and commitment to the success of the Tuesday, April 4, 2000 Bond Election.

The Mayor commented that these gentlemen had not always seen eye to eye in the past, but came together to express their support for such an important issue for our residents, and we are most grateful.

* * *

Mayor Pro Tem Anita Newsom presented a **Certificate of Service Plaque** to **Councilman Roger Norris** acknowledging his service to the City as a member of the City Council from April 1991 to April 2000, including terms as Mayor in April 1993 and April 1997. She noted the plaque is on behalf of all present and former Council members who were privileged to serve with him during his tenure.

Ms. Newsom told Councilman Norris that they had agreed to disagree at times, and that he had become a good friend, a good Councilman, and he will be missed. She also told him that his parents along with all who know him are very proud of his service.

Mayor Pro Tem Newsom also presented Councilman Roger Norris with a **Key to the City** on behalf of the City Council, City Staff, and Gladstone residents in grateful appreciation of his dedication to the City of Gladstone, Missouri.

Ms. Newsom presented a **Certificate of Service Plaque** to **Mayor Art Hammen** on behalf of all present and former Council members with whom he served, acknowledging his service as a Councilman from April 1994 to April 2000, and two terms as Mayor of the city.

She told Mayor Hammen that his whole life he has worked to do what was best for the City of Gladstone. He has contributed much to the Planning Commission and other Boards on which he served, as well as the Neighbors Helping Neighbors group. She thinks it is admirable that he is leaving the Council to spend more time with his family and other projects, and said when she retires this year herself, she hopes to be able to assist him.

Mayor Pro Tem Newsom also presented **Art Hammen** with a **Key to the City** on behalf of the Council, Staff, and residents in acknowledgment of his ongoing contributions to our city.

Finally, Mayor Pro Tem Newsom presented a flower bouquet to Mrs. Johanna Hammen in appreciation of her understanding of the many, many hours Art was away from his family in the performance of his Mayoral duties this past year.

Councilman Dan Bishop thanked both Art Hammen and Roger Norris for their service to the City. He said they only had the opportunity to work together one year and have at times disagreed, but he feels they have also done a lot of good for the City this past year. He wishes them the very best as they move on to the next activities in their lives and truly thanks them both for their service to the City.

Councilman George Nodler told Art and Roger that personally he will miss them both on the City Council, but the City of Gladstone will miss their service even more.

He thanked Art Hammen for his well thought out decisions and said he had certainly upgraded the Mayor's Christmas Tree effort which raised funds for the Neighbors Helping Neighbors organization and the Northland Christmas Store as well.

Mr. Nodler told Roger Norris that he is his best friend, has been a good Councilman, always did what was right; and he is proud of him.

Councilman Newsom told Art Hammen and Roger Norris that it was always interesting to come to a meeting because they are both very independent individuals and divergent thinkers, and it has been an excellent experience serving with them. She told them that although the City Council is losing them, our City will always have them and she believes their hearts will be there. She thanks them both for the time they have all spent together, and urges that we not lose track of one another.

Councilman Roger Norris said he made his farewell remarks at the last Council Meeting but there was someone who was not in the audience then who is here tonight, and he wants him to know that he shares the Key to the City he received with him. That person is Lee Bussinger and he was the first person to stand up at Mike Reinsch's kitchen table on a Saturday morning and tell him that he wanted him to be elected, and he told his friends. It was very much the other side of the political fence at that time. Councilman Norris said Mr. Bussinger took a big chance with him and he hopes he did not let him down.

Mayor Art Hammen said that twelve years ago he joined the Gladstone Planning Commission, and the Capital Improvements Committee, and about six years ago, thanks to a lot of people, was elected to the City Council. It has been his good fortune to be Mayor twice, and he has been a part of many positive changes and improvements throughout the city and among those is the excellent Gladstone staff. He acknowledged Public Safety Director Bill Adamo's achievements for our City; He told City Manager Davis that when we needed a new City Manager he was the unanimous choice, and was the only person we ever interviewed, and the Council was 100% behind him. He told Assistant City Manager Laura Gay that she was such a fine addition to the Staff and would go as far as she wants to in this business.

The Mayor said when he joined the City Council we had a long list of legal actions against the City, but City Counselor Nancy Thompson came on board and now it is very short and that she has done a very fine job. He told Director of Community Development Scott Wingerson that if he ever makes the unwise decision to leave this city he will hunt him down. He acknowledged and thanked Director of Parks & Recreation Steve Buschor and Finance Director Cash Sweiven; and told Director of Community Services Hamid Hashemizadeh, who is the newest member of the management team that by now he is sure he knows he is a part of a tremendous organization.

He acknowledged City Clerk Marilyn Ahnefeld and told her she was the epitome of service to Gladstone. He told Management Assistant Bryan Richison that he has a bright future in city government and that there is no better place to

learn the ropes than here in Gladstone, and he told Administrative Assistant Diane Whiteaker that she is a great asset to the City and is always willing to go the extra mile.

Mayor Hammen wished his running mate Roger Norris good luck in his new endeavors; and thanked Anita Newsom and told her he had learned a lot from her. He thanked George Nodler for the fact that he could always count on him. He told Dan Bishop that he brings a new perspective to the City Council and said they had a great time at the National League of Cities Conference where he got to see a side of him he hopes the rest of the Council gets to see, and wishes him luck in his political ambitions.

Mayor Hammen said the decision to retire from the Council was not easy. People ask if he will miss it and the answer is yes, he will. But what he will really miss is the people: the citizens, staff, and Council who are all great people. He said he does look forward to spending more time with his wife and kids.

He congratulated Bill Cross and Shirley Smith and told them they will spend an exciting three years on the City Council, and he hopes that they will remember that the Council is at its best when it works as a team.

Mr. Hammen said about a year ago he was asked to be a part of a brand new organization in Gladstone called Neighbors Helping Neighbors. Pete Hall from the Gladstone Economic Betterment Council and Leo Slenker who was the Gladstone Area Chamber of Commerce President at that time asked him to help organize this group whose purpose is to serve Gladstone residents in need. Many people have contributed to its success, and he announces tonight that effective tomorrow he will become the new Executive Director of Neighbors Helping Neighbors and invites everyone to participate.

Item 10. on the Agenda. CITY COUNCIL OATH OF OFFICE: BILL CROSS

The City Clerk gave the Oath of Office to Bill Cross for a three year term on the Gladstone City Council and Councilman Cross took his seat.

Item 11. on the Agenda. . CITY COUNCIL OATH OF OFFICE: SHIRLEY M. SMITH

City Clerk Marilyn Ahnefeld gave Shirley M. Smith the City Council Oath of Office and Councilman Smith took her seat at the Council table.

Item 12. On the Agenda. ELECTION OF MAYOR AND OATH OF OFFICE.

Mayor Pro Tem Anita Newsom presided over the election of Mayor.

Councilman George Nodler nominated Anita Newsom for Mayor of Gladstone noting that she has served on the City Council for the past ten years and has served with distinction. The accomplishments of the last ten years are far too numerous to name them all, but he mentions a few: The renovation of Happy Rock Park, the Transportation Sales Tax Approval, the recent 93% approval of our water bonds which shows the extreme confidence of the citizens in this Council, the water main upgrade, and the Amphitheater in Oak Grove Park in which Anita played an important part. Mr. Nodler said the Council for the past ten years has avoided last minute political deals, and has always elected the Mayor Pro Tem as Mayor. Councilman Nodler said he would like to continue that tradition and nominates Anita Newsom to the position of Mayor.

Councilman Shirley Smith said because two members of this Council are newly sworn in, and because two others have done yeoman's duty for many years as Councilmen, Mayors and Mayor Pro Tem, she nominates Daniel Paul Bishop for the office of Mayor of the City of Gladstone, Missouri.

Mayor Pro Tem Newsom called for a roll call vote.

Councilman Smith, Councilman Cross and Councilman Bishop voted for **Dan Bishop for Mayor.**

Councilman Nodler and Councilman Newsom voted for **Anita Newsom for Mayor.**

Mayor Pro Tem Newsom announced that Dan Bishop has been selected as Mayor. City Clerk Ahnefeld administered the Oath of Office to Dan Bishop for the position of Mayor of the city of Gladstone, Missouri.

Item 13. On the Agenda. .ELECTION OF MAYOR PRO-TEM

Councilman Shirley Smith said because of his great popularity among the citizens as evidenced by his vote totals in the primary and general elections, she **nominates Councilman William Cross** for the office of Mayor Pro Tem.

There were no other nominations. A roll call vote was taken and Councilman Smith, Cross, Nodler, Newsom, and Mayor Bishop voted in favor of the nomination of Bill Cross as Mayor Pro Tem. (5-0)

Item 14. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Cross moved to approve the Consent Agenda as listed. Councilman Smith seconded. The vote: All "aye" – Smith, Cross, Nodler, Newsom, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Cross moved to adopt **RESOLUTION R-00-28**, authorizing acceptance of work under contract with Brandy Electric for the City Hall exterior lighting project, and authorizing final payment in the amount of \$1,962.50 from the Capital Improvement Sales Tax Fund. Councilman Smith seconded. The vote: All "aye" – Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Councilman Cross moved to adopt **RESOLUTION R-00-29**, authorizing the City Manager to execute a contract with HNTB Corporation for the North Oak Corridor Study for a total amount not to exceed \$50,000. Funding authorized from the General Fund. Councilman Smith seconded. The vote: All "aye" – Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Councilman Cross moved to adopt **RESOLUTION R-00-30**, authorizing the City Manager to accept a bill of sale from Clayco Properties and Haines Stowers Construction Company, conveying to the City a water line and hydrant serving Claybrook 2nd Plat. All improvements have been constructed at developer's expense. Councilman Smith seconded. The vote: All "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Councilman Cross moved to adopt **RESOLUTION R-00-31**, accepting permanent easements from property owners in conjunction with the Heatherton Place Subdivision development located at 62nd Terrace and N. Main. Councilman Smith seconded. The vote: All "aye" – Smith, Cross, Nodler, Newsom, Bishop. (5-0)

REGULAR AGENDA

Item 15. on the Agenda. Communications from the Audience.

Donald Harper, 1606 NE 68th Terrace, suggested that the City Council consider an ordinance similar to one recently enacted by the City of Smithville providing for the registration of all beer keg purchases. He said this has great potential for limiting underage drinking. It cannot stop it, but it can perhaps limit it and he suggests that in order for it to be successful in one community, surrounding communities need to adopt similar legislation. He thinks it is worthy of consideration as a future agenda item. Mayor Bishop thanked Mr. Harper for bringing the item to Council's attention and said we will look into it and follow up with him.

Item 16. on the Agenda. Communications from the City Council.

Councilman Shirley Smith said she drove many miles around Gladstone while campaigning. There are a lot of homes in Gladstone and living in those homes

are citizens who are depending on us to give them the very best that a city can give them. She said she is going to do her very best for the people in those houses.

Councilman Anita Newsom had no communications at this time.

Councilman George Nodler congratulated the newly elected members of the City Council.

Councilman Bill Cross thanked everyone for the opportunity to serve on the City. He said after being employed by the City for seventeen years it is his pleasure now to sit on the City Council and he certainly appreciates all the help that everyone gave him all those years. He hopes that he can do half the job that Roger Norris and Art Hammen did because he has followed their career on the City Council and recognizes that the two of them have accomplished a great deal. He hopes that he can add something to it in the next three years. Councilman Cross said he has learned a lot about city government here in Gladstone and how it works over the past twenty years and he thanks everyone again for being here.

Mayor Dan Bishop welcomed the new members of the City Council and said that Gladstone can be proud of selecting two members of such high caliber. He thanks the Council for intrusting him with the position of Mayor and said he is honored and humbled. To the members who did not vote for him, he respects them, and looks forward to working with all members of the City Council for the good of this community. He also welcomes the large number of attendees here this evening. It is great to see the council chamber so filled and he hopes they come back often. As Mayor he wants to have an open door policy, and welcomes anyone to call him at any time about any issue they wish to discuss.

The Mayor said he wants Gladstone to be resident friendly, and he hopes all will join us for refreshments in the lobby following adjournment of this meeting.

Item 17. on the Agenda. Communications from the City Manager.

City Manager Kirk Davis announced that the Spring Clean-Up Days are scheduled for April 28,29, 30 at Gladstone Central Park, and May 5, 6, 7 are the Bush Disposal Days at the Gladstone Public Works Building. More information will be made available as we get closer to those dates.

The City Manager extended congratulations on behalf of City Staff to the new members of the City Council and the Mayor and Mayor Pro Tem. He told them we look forward to working with them this next year.

City Manager Davis then presented a bouquet on behalf of the City Staff to the Mayor's wife, Leslie Bishop, and told her we would be taking much of her husband's time in the coming year while he serves as Mayor because it is a real commitment to serve on the City Council.

Item 18. On the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision and a Special Use Permit on property at 7260 N Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries, Inc. (File #1115/16)

Mayor Bishop opened the public hearing and announced that at the applicant's request the **hearing is continued to the April 24, 2000 City Council Meeting.**

Item 19. On the Agenda. PUBLIC HEARING: on a request to rezone from RP-3 to RP-4 and from RP-3 to CP-1, property north of Englewood Road, west of Main, and east of Broadway. Applicant: Nolte & Associates. Owner: Herman Scharhag. (File #1117)

Mayor Bishop 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, and finally the City Staff presentation.

No representative of the Applicant was present and there were no persons desiring to speak in favor of the application.

Opposed.

Mary Abbott, 5905 N Broadway, said in 1966 there was a proposal for apartments at this location. We did not need them at that time and we don't need the apartments that are now proposed. She cannot get out of her driveway to drive south because of the traffic. Broadway is a mess anyway, and the water that comes down every time it rains is about to run her out. It keeps taking her backyard out and has flooded her basement. And now we are going to have more traffic. We don't need this. She is sure there is something that can be done with Mr. Scharhag's property besides apartments.

Community Development Director Scott Wingerson explained this is a follow up item. Back in January, Council approved a development plan which included construction of a 154 unit apartment building and 20,000 sq. ft. commercial project. As a condition of the site plan ordinance, it was a requirement that the applicant file a zoning change application to change the zoning from RP-3 to RP-4 for the senior housing, and RP-3 to CP-1 for the retail. This request is in compliance with that condition and the Planning Commission recommends approval to the City Council.

Councilman Newsom asked if the developer's agreement is in place yet. Director Wingerson said it was not, and staff suggests that Council only give one reading tonight to allow that to come forward. The applicant is still agreeable to such an agreement and staff recommends that it come forward together with the building permit and that Council give second reading and enactment of this bill at that same time.

Councilman Newsom also asked about the dedication and escrow of money for the northern road. That is not a part of the staff recommendations? Mr. Wingerson said staff is suggesting that the development patterns have changed so significantly from the previously approved to the currently approved plan, that it is very questionable whether that east-west corridor road would be necessary. If it is necessary, it will be constructed by private developers on the north eleven acres. Mr. Newsom said at no expense to the City? Mr. Wingerson said that is correct.

Item 19a. on the Agenda. **FIRST READING BILL 00-14**, rezoning from RP-3 to RP-4 and from RP-3 to CP-1, property north of Englewood Road, west of Main, and east of Broadway. (File #1117)

Councilman Shirley Smith moved to place the bill on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Anita Newsom said she concurs with staff's recommendation that we not give second reading until we do have a developer's agreement.

The vote: All "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Item 20 on the Agenda. **FIRST READING BILL 00-15**, amending certain sections of Chapter 18 of the Code of Ordinances dealing with the use of motor vehicle safety belts.

Councilman Bill Cross moved to place Bill 00-15 on First Reading; Councilman Shirley Smith seconded.

Discussion.

Councilman Anita Newsom said she understands this Bill is consistent with state law as far as not allowing an officer to stop a vehicle for the sole reason of a seat belt violation.

City Counselor Nancy Thompson said that is correct, it **does allow** the officer to stop a vehicle for a seat belt violation for children between the ages of four

and 16. It **does not allow** that primary enforcement for a driver of a vehicle or anyone over the age of 16. It conforms with what state law currently allows.

The vote: All "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second Reading of Bill 00-15, Waive the Rule, and place the bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 00-15, and enact the Bill as Ordinance No. 3.748. Councilman Smith seconded. The vote: All "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Item 21. On the Agenda. **APPROVAL OF BUILDING PERMIT** for the demolition of existing building and construction of a new building located at Northtowne Volkswagen, 6728 N. Oak. Applicant/Owner: K.L. LeFever. (BP# 99-0891)

Councilman Smith moved to approve the Building Permit for 6728 N Oak; Councilman Cross seconded.


Discussion.

Councilman Nodler said he would be remiss if he did not ask former Councilman Norris' famous question, is everything in order? City Manager Davis assured everything is in order. The vote: all "aye" - Smith, Cross, Nodler, Newsom, Bishop. (5-0)

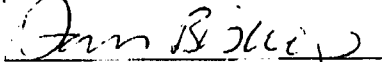
* * *

There were no questions from the new media or further business to come before the April 10, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Mayor Dan Bishop

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 24, 2000**

OPEN STUDY SESSION: 6:00 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 April 10, 2000 City Council Meeting Minutes.** ..
- 4a. **PROCLAMATION:** encouraging Gladstone citizens to exercise their right to be counted as part of the 2000 Census.
5. **CONSENT AGENDA**

RESOLUTION R-00-32, authorizing acceptance of work under contract with Rose-Lan Construction for the Englewood Baptist Sanitary Sewer Improvements, and authorizing final payment in the amount of \$3,139.42 from the Combined Water and Sanitary Sewer Fund (Project 0030).

RESOLUTION R-00-33, accepting temporary easements from property owners in conjunction with the NE 70th Street reconstruction (Project 9915).

APPROVAL OF FINANCIAL REPORTS FOR MARCH, 2000.

RESOLUTION R-00-34, authorizing execution of a contract in the amount of \$389,886.35 with Superior/Bowen Asphalt Company for the 2000 Street Overlay Program with funding authorized from the Transportation Sales Tax Fund.

RESOLUTION R-00-35, authorizing a contract with GC Construction in the amount of \$253,535.00 from the Transportation Sales Tax Fund for the 2000 Curb and Sidewalk Program.

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 tenant finish of 2,530 sq. ft. building space located at 4770 N. Belleview, Suite 206 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-282).
10. **SECOND READING BILL 00-06**, granting a Special Use Permit subject to certain conditions to Stonebrooke, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrooke L.L.C. (File #1110).
11. **PUBLIC HEARING:** on a request for a Site Plan Revision and a Special Use Permit for property located at 7260 N. Antioch Road for operation of a Day Care facility. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).
- 11a. **FIRST READING BILL 00-16**, granting a Site Plan Revision for property located at 7260 N. Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).
- 11b. **FIRST READING BILL 00-17**, approving a Special Use Permit subject to certain conditions to Kathleen Tobin for operation of Caroline's House child care on property located at 7260 N. Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).
12. **PUBLIC HEARING:** on a request to rezone property from CP-3 to CP-0, property located at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).
- 12a. **FIRST READING BILL 00-18**, rezoning property from CP-3 to CP-0, located at 6101 N. Chestnut. Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).
- 12b. **FIRST READING BILL 00-19**, approving a Site Plan Revision for property located at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).
- 12c. **FIRST READING BILL 00-20**, approving the Final Plat of "Kendallwood Commercial Center" at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant/Owner: Curry Investment Company (File #1118).
13. **FIRST READING BILL 00-21**, revising certain Fees and Charges for services and activities provided by the City and amending certain ordinances.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 24, 2000

Mayor Dan Bishop called the **Regular April 24, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 247 led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Smith moved to approve the **Regular Monday, April 10, 2000 City Council Meeting Minutes** as submitted. Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** encouraging Gladstone citizens to exercise their right to be counted as part of the **2000 United States Census**.

Item 4b. on the Agenda. Mayor Dan Bishop read and presented a **PROCLAMATION** to **Ms. Marianne Chance**, a junior political science major at the University of Missouri at Kansas City recognizing her contributions as his Council Assistant from January 2000 through April, 2000. The proclamation noted that Ms. Chance was the first student to serve in Gladstone under the University's Political Science Internship

Program which provided her the opportunity to observe the inner workings of municipal government and insight into the provision of municipal services.

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Bill Cross moved to adopt **RESOLUTION R-00-32**, authorizing acceptance of work under contract with Rose-Lan Construction for the Englewood Baptist Sanitary Sewer Improvements, and authorizing final payment in the amount of \$3,139.42 from the Combined Water and Sanitary Sewer Fund (Project 0030). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-00-33**, accepting temporary easements from property owners in conjunction with the NE 70th Street reconstruction (Project 9915). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR MARCH, 2000**. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-00-34**, authorizing execution of a contract in the amount of \$389,886.35 with Superior/Bowen Asphalt Company for the 2000 Street Overlay Program with funding authorized from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-00-35**, authorizing a contract with GC Construction in the amount of \$253,535.00 from the Transportation Sales Tax Fund for the 2000 Curb and Sidewalk Program. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

Mayor Dan Bishop advised the audience that the Englewood Road & Broadway rezoning of the Scharhag property is not on the agenda tonight because the agreement with the developer has not been finalized. He noted that persons are more than welcome to speak on this item tonight if they desire, but offers that a staff member will contact interested citizens and arrangements will be made for a meeting with the

developer, during which time citizens will be able to express their concerns regarding the proposed development.

Mrs. Mary Abbott, 5905 N. Broadway, said that since they were here they felt the City Council should hear what they had to say and read from her prepared remarks:

"I have come here tonight to protest rezoning the Scharhag property.

We have given each councilperson a copy of the petition that was circulated and a copy of the letter I received from Scott Wingerson. Our petition is not and is not meant to be a legal document, it is merely a statement of our concerns and the concerns of the people we could contact in a short time. We had the feeling that the second reading of the rezoning Bill 00-14 would be tonight and then voted on, much as the planned development was presented and the first and second reading, then the vote for the plan, all on January 24.

We have tried to express our concerns in the petition, but let me tell you in talking to the people who signed the petition, there are many really upset residents in the area from 62nd and North Broadway to 53rd and Old Pike Road. They are concerned about the enormous amount of new traffic that has been fed into Broadway, we suppose from the new housing developments on Old Pike and west on Englewood Road. Broadway is a main artery in Gladstone to Metro North and believe me we all complain we can't get out of our driveways. This main road is just like it was in 1953 when we moved to Brady Hills, except the west side has a side walk and no ditch but the east is worse, the ditch in my front yard gets deeper with each storm. Every time it snows there are at least 3 cars in it; one time they took out my mail box. Last winter one driver (and I can't imagine how he got there) went down the sidewalk and stopped just short of the telephone pole on 59th Terrace. They dump their trash and beer bottles, cartons are the favorite. It is not unusual to get the dust pan and broom and clean up the broken beer bottles from my drive so I can get out. My father built my house for my daughter in 1966 and there was no 59th Terrace at that time, just a farm with the old big barn on the hill, just east and south of the big house that is still there, Grandma Millsap's house. The city told them that they were going to 4 lane Broadway in the near future. That was 34 years ago and the only thing they have done for Broadway is resurface it about 3 years ago and that is when my water problems started.

And speaking of which, there are many more who also have water problems. All of this area feeds into East Creek and it can be a roaring river in the blink of an eye and then gone as soon as it quits raining. The Bircair Apartments, with their concrete parking lots, intensified the flood potential of the creek and then all the buildings and parking lots on North Oak made it much worse, and if you think that is not so, sit in Priscilla's parking lot when it is raining hard and watch the water go down the hill to the creek. This area has a real water problem and the creek is full of junk, dead trees, limbs, leaves and you name it east of the bridge at 59th. The city has been called about the situation, but the condition still exists. The Scharhag property we are talking about is

named Morgan Park on the AAA map of KC. for good reason. The trees and grass help the runoff to the creek.

Now to the last of the problem, which we feel is a big one. Only a chosen few knew anything about a pending apartment complex. Those of us who take and read both the KC Star and the Dispatch said they had never seen one word in the paper. The first indication that anything was pending was when the sign went up to rezone. The Council meeting April 10 when Scott Wingerson got up after me and talked in favor of I'm sure he said 140 senior apartment complex, and no impact on Broadway, all on Englewood Road, there was no mention of the retail mall. I found it out by accident on Tuesday, April 11. Mr. Wingerson called me on Thursday, April 13 and again talked for the senior apartments but no mention of the retail stores. It was confirmed when I received the letter with the plat enclosed from him on Saturday, April 15. The people in Hickory Hills, I understand were sold on the apartments but nothing was ever said about the retail part. We do not feel that the city has been as straightforward about the plan for our part of the city as they should have been. I also discovered in looking at the plat that there are 150 apartments and 174 parking places. That is a lot of cars to cause no impact on adjoining roads, not counting the provisions for the shops.

I do not approve spending \$50,000 for a study of North Oak when North Broadway is the mess it is.

As residents of the area, some who have no choice but to use Broadway or Old Pike to get to work or shopping, plead with you to vote against this development. We do not need or want any more apartment complexes or any more strip malls. We are saturated with them now.

Thank you very much for allowing me to express my opinion."

Mayor Bishop thanked Mrs. Abbott for her comments.

Phil Kingsbury, 5908 N Broadway said he has lived there for 36 years. When he first moved there, Broadway was a dirt street with deep ditches on either side of the road, and 50 cars a day. Today there are over 2,000 cars a day. His concern is traffic, he was almost run over today just going to his mailbox by a speeder. On this apartment complex, there needs to be an ingress and egress ramp going into the complex. He has fought apartments ever since he has lived there and has learned that you cannot fight progress but you can make the developer do what they are supposed to do. That entrance is going to be right on a hill, and there have been two people killed on N Broadway within a 100 yards of his house since he has lived there. At times drivers go 70 mph.

Mr. Kingsbury said his next concern is water drainage. There is only an 18" metal flume coming off of the two ponds on the Scharhag property and those two ponds hold about an acre of water total. There are six houses to the north of the Scharhag

property and he has seen water run across N Broadway even with a 3" rain. Sometimes it runs right across the street to the house on the west side of Broadway, it goes right into their garages. It is a problem. That flume underneath Broadway should be increased to at least a 5' flume and the drainage flume coming off those ponds should be at least 36". The taxpayers should not be the ones who pay for it, it should be the apartment complex.

Ever since he has been out here, apartments have devalued the homes of people who live on N Broadway and for a couple of blocks off of Broadway for years and years. Gladstone has never been able to do anything about the problems on the west side of Broadway because Gladstone city limits only go 180' back for the centerline of Broadway to the west. Since he moved out there traffic has increased by 500 %. In the last two years it has increased about 200%. They can hardly cross Broadway in the morning or the evening; you can't even get on it. He and his sons own ten acres on the west side of Broadway they have fought apartments all their lives. We have enough apartments.

Mr. Galen Neill, 6010 N. Wyandotte submitted a petition protesting Englewood & Broadway rezoning signed by in excess of 200 names. He said they did not have a lot of time to circulate it but as Mary Abbott expressed, there is a lot of opposition to this rezoning. He personally circulated the petition himself and knows the feelings of the public. He was delighted to hear the Mayor advise that a meeting will be held with the homeowners. Mr. Neill said he chairs a Crime Watch group comprised of the three subdivisions of Walnut Creek, 61st Street Addition and Stormy Acres, and comes into contact with a lot of people so he is delighted to hear that a meeting is planned.

Mayor Bishop asked Mr. Neill if it would be appropriate to have staff contact him, Mrs. Abbott, and Mr. Kingsbury to arrange the meeting. Mr. Neill said he would be willing to be a contact if the residents have no objections. The Mayor asked the City Manager to see that those contacts are made.

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

Councilman Shirley Smith and Councilman George Nodler had no comments at this time.

Councilman Anita Newsom said she was pleased to see in the latest issue of the ***Missouri Municipal Review*** that our City Clerk Marilyn Ahnefeld is a participant in the Master City Clerk Academy.

Ms. Newsom asked if we are starting our weekend code enforcement. It seems that we have a used car lot popping up on every corner and in every front yard. *City Manager Davis* responded that it has been under way even over the winter months and we certainly have observed a collection of one-day used car lots around and have requested staff to address them.

Councilman Newsom continued that people are parking on easements and blocking the line of sight. When people drive by and turn around and make imprudent turns, this is not a safe situation and flies in the face of the ordinances we have in place.

Ms. Newsom asked the status of the 76th Street improvements. She stated that it is a mess and should have been done quite some time ago. The street has potholes, no curbs, major rutting, pitting, and getting worse all the time, and we are not treating our citizens correctly.

City Manager Kirk Davis stated that there are improvements planned through the Capital Improvements Program and Overlay Program from Oak to Euclid in different phases because of different styles of construction. He believes there is some overlay money set aside for overlay from N Troost on east except for the one block at Lydia. The overlay would be this summer and the reconstruction from Oak to Troost was moved up from the Capital Improvements Committee from year 2005 to year 2003, and will be addressed in two weeks as part of the Budget process. The City Manager continued that there were other issues involved, a water main that needs to be repaired, and we don't want to overlay North Oak till the water main is repaired; there is also the 76th and Oak traffic loops and intersection improvements that must be constructed. We must get easements and right-of-ways from Oak to Troost and this will be a difficult process because those houses are so close to the street.

Councilman Newsom commented that she does not see that section of the street, especially from Oak to Lydia getting any better. She cannot see why it is so far back on our schedule although she does understand we don't want to overlay and then dig it up for the water main work. It looks bad, driving is bad and it gets so much traffic.

City Manager Davis agreed and stated that the other factors we must take into consideration are the promises we made to the citizens in the 1996 Transportation Sales Tax program. We are in the fifth year of that program and when completed we will have met those promises, but to this date we are limited as far as additional projects and would have to change those promises and re-prioritize.

Lastly, Councilman Newsom noted that Wednesday is Administrative Assistants Day and we have a number of them in the City who keep all of us rolling along, and she passes on her thanks to them.

Mayor Pro Tem Bill Cross said he certainly agrees with Anita, and has come to realize in the past two weeks how valuable those administrative assistants are. He appreciates all the work that they have done, and how hard they work.

Mr. Cross said he learned some things this last week regarding the 72nd Street improvements, and asked for a project status update for the Council's awareness.

Assistant City Manager for Development Scott Wingerson said the 72nd Street Project has some complicated issues and he will try to explain it in a short time. There is a high-pressure gas main under the street which the gas company relocated. This allowed the power company, phone and cable companies to come in and relocate their facilities to allow for construction. When that was completed the Public Service Commission required MGE to switch their services back to the high pressure gas main for the high gas usage during the winter months.

The good news is that today MGE is relocating the gas mains back to the temporary main that will allow significant construction to occur beginning next week.

The current projection is that the streets, both Antioch and 72nd will be open late summer or early fall, with completion in late fall of this year.

City Manager Davis stated that it is a very difficult project and we get calls from citizens all the time. The utility companies knew about this project a long time ago and it is very frustrating to deal with these companies now when they have not performed as stated in meetings we have had with them. When completed, we will have a much nicer road for our residents.

Councilman Cross said he sees the amount of effort it takes on just this one project.

Mayor Dan Bishop advised that since we have two new Council members it is necessary to reassign City Council Liaisons to our boards and commissions. At least one Council member is assigned to each of our ten boards and commissions. He has conferred with each Council member and recommends the following Board and Commission liaison appointments.

PLANNING COMMISSION

Anita Newsom
Shirley Smith

CAPITAL IMPROVEMENTS PROGRAM COMMITTEE

George Nodler
Bill Cross

BOARD OF ZONING ADJUSTMENT

Bill Cross

UNIFORM CODES BOARD OF APPEALS

George Nodler

INDUSTRIAL DEVELOPMENT AUTHORITY

Shirley Smith

SPECIAL ROAD DISTRICT #3

Dan Bishop

TIF COMMISSION

Dan Bishop

PARKS & RECREATION BOARD

Anita Newsom

RECYCLING & SOLID WASTE

Bill Cross

CABLE TV ADVISORY BOARD

Shirley Smith

Councilman Shirley Smith moved to approve the recommended City Council Liaison Appointments. Councilman Bill Cross seconded.

Discussion:

Councilman Anita Newsom asked if there would be a printed list of the appointments. Mayor Bishop acknowledged that a list would be provided.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

City Manager Kirk Davis announced that Home Depot has withdrawn their site plan amendment application. This weekend is Spring Beautification from 8:00 am - 5:00 pm Friday through Sunday in Central Park, and the following weekend is Spring Brush Disposal, May 5 through 7 at the Community Services Building at 76th & Antioch.

The City Manager further said he appreciated the efforts of Director Wingerson in responding to Mrs. Abbott on her inquiries about the Scharhag property rezoning and providing information to her. He does not believe anything was left out intentionally, and that all processes were met on that application. We can always improve communication, but he appreciates Mr. Wingerson's providing her information over and beyond the Public Hearing.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for interior tenant finish of 2,530 sq. ft. building space located at 4770 N. Belleview, Suite 206 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-282).

Councilman Cross moved to approve the Building Permit for 4770 N. Belleview as submitted; Councilman Smith seconded.

Discussion.

Councilman Nodler asked former Councilman Norris' question, is everything in order? City Manager Davis assured everything is in order.

Mayor Bishop asked if this application was for only one suite in that building. Director Wingerson clarified that it is several suites, but one tenant. The vote: All "aye" – Smith, Cross, Nodler, Newsom, Bishop. (5-0)

Item 10 on the Agenda. SECOND READING BILL 00-06, granting a Special Use Permit subject to certain conditions to Stonebrooke, L.L.C. to operate a Subdivision Swimming Pool at 4109 NE 72nd Street. Applicant/owner: Stonebrooke L.L.C. (File #1110).

Mayor Bishop mentioned for the record that the First Reading of this Bill took place on March 13th, 2000.

Councilman Cross moved to accept the First Reading of Bill 00-06 and place the Bill on Second and Final Reading. Councilman Smith seconded.

Discussion.

Councilman Newsom asked about the crosswalk placed as a Condition # 7. She said we cannot mandate parenting and we cannot mandate common sense but asked if there was a way we can put any kind of a hold harmless clause on this because the City is allowing the pool to be built in a place where pedestrians will be crossing the street, and possibly young children darting out across the street. Is there a need to put in a hold harmless clause that indicates that we realize there needs to be parental or adult supervision in a situation like this.

Ms. Newsom asked if we approve something where the children cross the street, is it an attractive nuisance? Are we in any kind of a liability on it as a City by approving this special use permit.

Ms. Thompson responded that she does not think the City has any liability by approving the special use permit. However, she does think the actual crosswalk needs to be studied by a traffic engineer as to whether or not its location is appropriate, rather than the requirement just being a condition of the special use permit without any engineering study being performed. From a liability standpoint, the residents assume their own risk as they cross the street. The city is charged with the responsibility of installing adequate and engineeringly sound traffic control devices. And if one is warranted, then certainly one needs to be installed; if one is not warranted or makes the situation more dangerous, it should not be installed. That requirement (Condition #7) needs to be made subject to a traffic engineer's recommendation .

Mr. Cross asked if the homeowners association is liable for any accidents that might occur on the swimming pool grounds. Ms. Thompson said that would be correct on the swimming pool grounds. The Association is charged with the responsibility of maintaining appropriate insurance, and making sure the premises are safe, that is their responsibility not the City's.

Ms. Newsom said with the motion maker's consent she would amend Condition #7 in the ordinance to read as follows:

#7. "A continental style crosswalk and advance signage in accordance with MUTCD shall be installed across NE 72nd Street at N. Norton, in accordance with traffic design and engineering approved by a traffic study."

Councilman Cross who made the motion and the seconder Councilman Smith were in agreement.

Discussion on the amendment.

Mayor Bishop explained that we had a first reading on this Special Use Permit on March 13, 2000 and the second reading was deferred. He asked Staff to discuss for the record the reasons and current status of this application.

Director of Community Development advised that on March 6, 2000 the Planning Commission voted 11-1 to recommend approval of the request. The City Council Public Hearing was held on March 13, 2000 and first reading of the bill was given at that time. There was a lot of discussion at the Council level and ultimately the Council requested that a traffic study be performed to determine the safety of a crosswalk at 72nd & Norton. Second Reading was scheduled for March 27, 2000 and continued until tonight. At the March 27th meeting several of the area residents of Stonebrooke and Stonebrooke Estates spoke under Communications from the Audience in support of the request.

Mr. Wingerson said that brings us up to date except for noting that there is a Petition included in Council's packet which speaks in favor of the special use permit for the operation of a neighborhood swimming pool.

Mayor Bishop asked Director Wingerson if he is correct in his understanding that no traffic study has been performed yet because it was felt to be cost prohibitive, however condition #7 under the ordinance as amended by Councilman Newsom would require a traffic study be performed before they could proceed to build the pool. Mr. Wingerson said yes that is accurate.

City Counselor Nancy Thompson said in addition that would go farther to say that if the traffic study did not recommend a cross walk at that location, the pool would be built without a cross walk at that location.

Mayor Bishop asked Ms. Newsom if that is the intent of her amendment. Ms. Newsom said yes, whatever is prudent with respect to traffic codes. She said we do not want to mark a crosswalk if it is not a safe place for people and have to arbitrarily put one in because the ordinance says we have to have one.

The vote on the amendment to Condition #7 of Bill 00-06. All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Newsom noted Condition #10 indicates "due to parking limitations, the maximum membership of the pool shall be limited to 85 households". She asked if there would be any prudence in putting a safeguard in calling for a minimum number of households that are participants in the pool in order to maintain the pool to such standards so that we do not end up with a Hamilton Heights pool situation. Would this need to be part of the deed restrictions of the development.

Mayor Bishop said he believes the testimony we heard previously indicates that is a part of the restrictions and covenants on all of the homes to be built on the south side (Stonebrooke Estates); but he understands that for homes on the north side (Stonebrooke) which have already been platted, we would have no authority to require such a covenant.

Counselor Thompson said we could actually require that a certain number of the homes be encumbered by a perpetual covenant prior to issuance of the building permit if there were a certain minimum number of homes that were necessary to support this type of special use permit within the Stonebrooke Estates and Stonebrooke Subdivisions combined.

Councilman Newsom said her logic is that right now there are young families in there with kids and people who like and want to use the pool. She has seen neighborhoods grow and change, the kids move away from home, they get cars, they find something else they want to do. Other homeowners move in who may or may not want to be a part of this, and if it is not a part of their covenant that they are a member of the homeowners association, we could encounter the same maintenance problems we had in Hamilton Heights.

Counselor Thompson explained that in order to impose those kinds of covenants on the Stonebrooke Subdivision as opposed to the Stonebrooke Estates subdivision, Stonebrooke residents would have to voluntarily place that covenant on their property. She explained that in Stonebrooke Estates it could be done by the developer because the developer retains that right to amend the bylaws and to provide for maintenance fees for the pool. Those on the Stonebrooke side would have to voluntarily do that, but that could be made an additional requirement that they obtain a voluntary covenant from a certain number.

Mayor Bishop told Councilman Newsom that he had raised the exact same concern at the previous reading of the Bill and we probed at some length how much money would be generated on an annual basis by the homeowner dues from the Estates. He personally came to the point where he was fairly satisfied that it would be enough to maintain the pool on an ongoing basis.

Councilman Newsom asked Councilman Cross what his opinion is being familiar with pool operation costs. Councilman Cross said they could operate and maintain the pool with what they propose to charge, particularly with no personnel costs.

Councilman Nodler asked Mr. Wingerson if he would comment on his analysis of supporting the pool with just the 37 lots in Stonebrooke Estates that would be encumbered. Director Wingerson told Councilman Nodler that he believes he is referring to the staff report created in late February or early March prior to the Planning Commission Hearing. The Planning Commission spent some time discussing that issue as did the Council. So if the Council is satisfied at this point, staff just wanted to raise the issue.

Mayor Bishop stated for the record that as referenced earlier, the Council did receive a petition signed by 53 persons presumably all of whom live in the Stonebrooke subdivision in support of this pool and we also had a number of individuals speak in favor of this pool at our Council Meeting on March 27, 2000 and based on the strong showing of citizen support for this pool, he will be support this special use permit.

The vote to accept the First Reading of Bill 00-06 and place the Bill as amended on second and final Reading; The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the bill.

Councilman Bill Cross moved to accept the second and final reading of Amended Bill 00-06 and enact the Bill as **Ordinance No. 3.749**; Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11. on the Agenda. PUBLIC HEARING: on a request for a Site Plan Revision and a Special Use Permit for property located at 7260 N. Antioch Road for operation of a Day Care facility. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).

Mayor Dan Bishop opened the Public Hearing and explained the hearing process.

Applicant Kathleen Tobin, 6113 N Michigan said she requests approval of a special use permit at this location for the operation of **Caroline's House** Day Care facility as licensed by the State of Missouri. The State will allow up to 73 children based on the size of the building but her daily attendance generally runs about 50 children. She is agreeable to the conditions of the Special Use Permit and requests Council approval of her application.

Community Development Director Scott Wingerson advised that this application is for a site plan revision as well as special use permit on property at 7260 N Antioch Road for the operation of Caroline's House Day Care. He noted the Planning Commission unanimously recommended approval by a vote of 10-0 subject to the conditions listed on site plan and special use permit bills. The applicant is agreeable to all conditions and he invited questions.

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

Item 11a. on the Agenda. FIRST READING BILL 00-16, granting a Site Plan Revision for property located at 7260 N. Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).

Councilman Smith moved to place Bill 00-16 on First Reading; Councilman Cross seconded.

Discussion.

Councilman Newsom asked if there would be traffic markings for entering off of Antioch Road and exiting to 72nd Terrace. Director Wingerson said yes.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-16 and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the Second and Final Reading of Bill 00-16 and enact the Bill as **Ordinance No. 3.750**. Councilman Cross seconded. The vote: All aye: - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11b. on the Agenda. FIRST READING BILL 00-17, approving a Special Use Permit subject to certain conditions to Kathleen Tobin for operation of Caroline's House child care on property located at 7260 N. Antioch Road. Applicant: Kathleen Tobin. Owner: Tuf-Flight Industries (File #1115/16).

Councilman Cross moved to place Bill 00-17 on First Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the bill.

Councilman Cross moved to accept the First Reading of Bill 00-17, Waive the Rule and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 00-17 and enact the Bill as **Ordinance No. 3.751**. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 12. on the Agenda. PUBLIC HEARING: on a request to rezone property from CP-3 to CP-0, property located at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).

Mayor Bishop explained the Public Hearing process and noted for the record that he will abstain from voting because he is associated with the Assistance League of Kansas City who will occupy this proposed facility.

Jeff Schroeder, introduced himself as the owner and President of Scharhag Architects, 1806 Swift, North Kansas City, Missouri, and said he is here to represent

the Assistance League of Kansas City in this application. The Assistance League is a not for profit 501 (c) (3) organization that relies on donations for their work and is a totally volunteer organization with no paid volunteers.

This facility will house the projects they operate such as Operation School Bell, I'm In Charge, Operation Hug, and others. They propose an approximate 5,000 sq. ft. building which will serve 2-3 staff members who will be there 2-4 times a week. Two meetings are held monthly with typically 50-60 people in attendance and they propose a large parking lot to accommodate this need.

Mr. Schroeder said there are a number of members of the Assistance League here this evening who can answer any questions Council may have. They have read and agree with the terms and Conditions 1 through 7 of the Site Plan Bill (00-19) They are pleased to be in Gladstone and ask Council's approval of this application.

There were no others to speak for or against this application.

Community Development Director Scott Wingerson advised that the Planning Commission recommended unanimous approval of this request and the site plan ordinance contains several conditions to ensure compliance with the City Code.

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

Item 12a. on the Agenda. **FIRST READING BILL 00-18**, rezoning property from CP-3 to CP-0, located at 6101 N. Chestnut. Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).

Mayor Pro Tem Cross moved to place Bill 00-18 on First Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-18, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: 1 "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Councilman Smith moved to accept the Second and Final Reading of Bill 00-18 and enact the Bill as **Ordinance No. 3.752**; Councilman Cross seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1)

Item 12b. on the Agenda. **FIRST READING BILL 00-19**, approving a Site Plan Revision for property located at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant: Scharhag Architects. Owner: Curry Investment Company (File #1119).

Mayor Pro Tem Cross moved to place Bill 00-19 on First Reading; Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Mayor Pro Tem Cross moved to accept the First Reading of Bill 00-19, Waive the Rule and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Mayor Pro Tem Cross moved to accept the Second and Final Reading of Bill 00-19 and enact the Bill as **Ordinance No. 3.753**; Councilman Smith seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1)

Item 12c. on the Agenda. FIRST READING BILL 00-20, approving the Final Plat of "Kendallwood Commercial Center" at the southeast corner of N. Chestnut and N. Brooktree Lane (6101 N. Chestnut). Applicant/Owner: Curry Investment Company (File #1118).

Councilman Smith moved to place Bill 00-20 on First Reading; Councilman Cross seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-20, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 00-20 and enact the Bill as **Ordinance No. 3.754**. Councilman Smith seconded. The vote: "aye" - Smith, Nodler, Newsom, Cross. Mayor Bishop "abstained". (4-0-1)

Item 13. on the Agenda. FIRST READING BILL 00-21, revising certain Fees and Charges for services and activities provided by the City and amending certain ordinances.

Councilman Cross moved to place Bill 00-21 on First Reading; Councilman Smith seconded.

Discussion.

Councilman Smith noted there was not ample time in the earlier study session for Staff to review the proposed changes and she would be reluctant to give a second reading to this bill without benefit of that presentation.

Director of Finance Cash Sweiven explained there are two reasons for this presentation on a proposed revision to our fees and charges: Long Term Fiscal Analysis and Council Goals. We have taken the opportunity to review our revenue streams and propose adjustments. He advised that departments were asked to review their fees and charges for their associated services and propose adjustments to them. He stressed that not all of the fees and charges that were proposed for increase have been brought forward at this time because some involve changes in policies and procedures that we need to look at and discuss further.

The findings and recommendations of the review fell into the categories of adjusting charges for Maps and Publications, Reports, Animal Licenses & Fees, Building and Field Rentals, Annual Swimming Pool Memberships and Swimming Lessons. Basically we are proposing to increase the fees for these services to better cover some of the costs associated with providing those services. Mr. Sweiven invited questions.

Councilman Newsom said she was glad to see that we have placed the un-neutered female and male animals charges on a level playing field with both at \$20.00 and are keeping the neutered and spayed fee at a reasonable cost. She does question the changes in the Euthanasia Fee from the current rate of \$20.00 for the first pet euthanized and \$35.00 for an additional euthanized within a year to a flat fee of \$30.00 for the 1st and any additional pet euthanized. Why would we charge a flat fee for both the first and second pet euthanasia within a year.

Director Sweiven said through his discussions with animal control they felt they did not want to penalize a second euthanasia so they suggested equalizing the amount. Ms. Newsom said so we are just going to have puppies and take them out there at \$30.00 a pop and have them euthanized, she does not understand the logic. She asks if this is in deference to their not being dumped off on the side of the road in which case we would have to euthanize them at our cost.

Mr. Sweiven said he believes that part of the consideration was that there was not a change in the cost of euthanizing one animal versus a second. Ms. Newsom said the more we use our equipment at the Animal Control facility the sooner it will have to be replaced just because people are not prudent pet owners.

Mr. Sweiven pointed out that these proposed increases or adjustments are not to fully cover the costs of any of these activities but hopefully better recoup some of those costs.

Councilman Newsom said she would go on record that she has a problem with charging the same fee for the first pet euthanasia and any other pet in the same year.

Ms. Newsom also asked what the day care swim lesson fees are for. Director Buschor explained that those are special rates that we offer the day cares who utilize our services during the summer months.

Ms. Newsom said she does believe it is prudent to bring our charges in line each year.

Mr. Sweiven said as a part of the fiscal long term analysis, we will looking at our fees and charges each year in October and adjust them accordingly and bring them back to the Council in early December so we will have a process in place now, as opposed to individual city departments reviewing them at different times.

Councilman Newsom also asked if we know the number of 2nd euthanasia occurrences we would have in a year. Director Bill Adamo said he does not have the number but believes it is rare. Ms. Newsom said she can live with it for this year but would like to see statistics next year.

The vote: "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5 -0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 00-21, Waive the Rule and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0). The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 00-21 and enact the Bill as **Ordinance No. 3.755**. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 14. on the Agenda. Other Business.

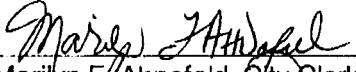
Phil Kingsbury, 5908 N Broadway, spoke to the City Council about the number of arrests on N Broadway between 58th Street & 60th Street between 10:00 pm and 3:00 am. About three weeks ago there were five arrests in this vicinity all the same night and the number of red lights keeps people awake. Our Public Safety Department does a good job but he asks if we can't spread out the arrests a little bit.

He also noted his son who lives at 5900 N Broadway in Kansas City city limits has experienced thefts but Kansas City Police will not come out nor will Gladstone because it is not in our city limits. He said Kansas City does not do any patrol on the west side of Broadway. Mayor Bishop thanked Mr. Kingsbury for his comments.

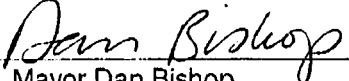
* * *

There were no communications from the News Media or further business to come before the April 24, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Mayor Dan Bishop

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, May 8, 2000**

OPEN STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

**CONTINUATION OF OPEN STUDY SESSION
*(Following the close of the Regular Meeting)***

**Closed Executive Session will immediately follow adjournment of the
Open Study Session pursuant to Missouri Open Meeting Act
Exemption 610.021(2) 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 April 24, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the period **May 14-20, 2000** as **"Emergency Medical Services Week"** in the City of Gladstone.
5. **CONSENT AGENDA**

RESOLUTION R-00-36, authorizing the City Manager to enter into a contract with Incode for the purchase and installation of licensed software program(s) and related support services for the Court Division. Contract not to exceed \$35,648 from the General Fund.

RESOLUTION R-00-37, authorizing acceptance of work under contract with R.K. Breit Construction, LLC for the 61st and Olive Storm Drainage Improvements, and authorizing final payment in the amount of \$6,772.08 from the Capital Improvements Sales Tax Fund (Project 9416).

RESOLUTION R-00-38, authorizing acceptance of work under contract with Ace Pipe Cleaning for Sanitary Sewer Cleaning and Televising, Phase 1, and authorizing final payment in the amount of \$8,886.77 from the Combined Water and Sanitary Sewer Fund. (Project 9905).

RESOLUTION R-00-39, accepting an ingress/egress easement from Talon Development, Inc. in conjunction with the development of Gladstone Commons Subdivision located at 64th and N. Indiana.

RESOLUTION R-00-40, authorizing the execution of a contract with Metro Asphalt, Inc. for the 2000 Full Depth Street Reconstruction Program for a total amount not to exceed \$553,075.60 from the Transportation Sales Tax Fund. (Project 0002).

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 finish of 2,530 sq. ft. building space located at 4770 N. Belleview, Suite 107 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-0358).
10. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of 12,542 sq. ft. building space located at 4770 N. Belleview, Suite 100 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-0368).
11. **APPROVAL OF BUILDING PERMIT** for construction of an 18 unit condominium complex located at NE 68th Street and N. Olive (Northaven Village Condominiums). Applicant/Owner: Wesco Investments. (BP# 00-0222).
12. **APPROVAL OF BUILDING PERMIT** for Oakhill Day School for the addition of temporary modular classrooms at 7019 N. Cherry Street. Applicant/Owner: Oakhill Day School. (BP# 00-0377).
13. **APPROVAL OF BUILDING PERMIT** for the addition to and remodel of existing building located at 6889 N. Oak Trafficway (SS Auto Sales). Applicant: Paul Davis Systems of Northland, Inc. Owner: Brent and Brenda Shaw. (BP# 99-0434).
14. **PUBLIC HEARING:** on a request for a Site Plan Revision in a CP-2 zone on property located at 4929 Old Pike Road for development of a Steak 'N Shake Restaurant. (File #1121).
Audience Note – The Planning Commission has not submitted its recommendation to the City Council on this item; therefore, the Public Hearing will be opened and immediately continued to the May 22, 2000 meeting.
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MAY 8, 2000

Mayor Dan Bishop called the **Regular May 8, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Smith moved to approve the **Regular Monday, April 24, 2000 City Council Meeting Minutes** as submitted. Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** designating **May 14-20, 2000** as "**Emergency Medical Services Week**" in Gladstone, Missouri to promote awareness of the vital public service all members of emergency medical services teams provide and to encourage community observance with appropriate programs, ceremonies, and activities.

Gladstone Public Safety Captain Doug Scheffner accepted the proclamation on behalf of the department from Mayor Bishop.

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Shirley Smith moved to approve the Consent Agenda as listed. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Shirley Smith moved to adopt **RESOLUTION R-00-36**, authorizing the City Manager to enter into a contract with Incode for the purchase and installation of licensed software program(s) and related support services for the Court Division. Contract not to exceed \$35,648 from the General Fund. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Shirley Smith moved to adopt **RESOLUTION R-00-37**, authorizing acceptance of work under contract with R.K. Breit Construction, LLC for the 61st and Olive Storm Drainage Improvements, and authorizing final payment in the amount of \$6,772.08 from the Capital Improvements Sales Tax Fund (Project 9416). Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Shirley Smith moved to adopt **RESOLUTION R-00-38**, authorizing acceptance of work under contract with Ace Pipe Cleaning for Sanitary Sewer Cleaning and Televising, Phase 1, and authorizing final payment in the amount of \$8,886.77 from the Combined Water and Sanitary Sewer Fund. (Project 9905). Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Shirley Smith moved to adopt **RESOLUTION R-00-39**, accepting an ingress/egress easement from Talon Development, Inc. in conjunction with the development of Gladstone Commons Subdivision located at 64th and N. Indiana. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Shirley Smith moved to adopt **RESOLUTION R-00-40**, authorizing the execution of a contract with Metro Asphalt, Inc. for the 2000 Full Depth Street Reconstruction Program for a total amount not to exceed \$553,075.60 from the Transportation Sales Tax Fund. (Project 0002). Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

Paula Coleman, 11 NW 61st Terrace, Gladstone, Missouri, expressed concern for the rezoning of the Scharhag property west of Main, north of Englewood, and east of Broadway because she is a frequent pedestrian in that area and has concern for

increased traffic. She does not reside close enough to be affected, but she believes there needs to be a review of water drainage should the development take place.

Mayor Bishop thanked Ms. Coleman and advised that a meeting has been set between concerned residents and the developers to give residents an opportunity to voice concerns. The meeting will be held on **May 16, 2000 at Fairview Christian Church at 7:00 pm.**

Art Pfaff, 205 NW 59th Street, said he lives north of the proposed Scharhag project. In November, the AHM Development Company invited the citizens who were connected to the property and Mr. Scharhag to a meeting. They came to the meeting and were presented with a proposal which they thought was very reasonable. It ended about half-way through the development, and it was said there would be nothing planned along Broadway or to the west part of the development and they all thought it was a great idea. He now sees a third revision which includes assisted living homes, retail shops in the middle and strip shops along N. Broadway with two exits off of the development into Broadway. He really thinks it is a critical safety problem and he feels for the people at the bottom there because heavy rains always cause a problem at the bottom of the hill. They appreciate the opportunity to talk to the developer next Tuesday.

Kenneth Bell, 5801 N Broadway, said he is next to the Scharhag proposal and explained that the curb goes down N Broadway and ends at his lot. The ditch was filled in and carried a lot of water and now he has water over and under his drive because the curb did not continue. He has not been successful in getting estimates to have the black top end of the driveway done. No one is interested in doing that work because it is not going to hold. He said he has asked the street department to look at it and was told they would do a work order, but he has not seen anyone or heard from us.

Mayor Bishop assured Mr. Bell he will follow-up on the issues raised this evening.

Mary Abbott, 5905 N. Broadway, distributed to the City Council a copy of a traffic count for 58th & N. Broadway conducted by area residents for a 12 hour period on Tuesday, May 2, 2000. The report indicates that a total of 7,513 were counted during this period. Ms. Abbott said that is a lot of cars for a little two-way street with ditches on one side.

Mayor Bishop thanked Mrs. Abbott for her report.

Jeff Williams, 304 NW 60th Terrace, said he would echo the comments of others concerning the proposed development and voice his own concerns. He has two small children that he is very concerned about because of the amount of traffic already on N. Broadway. He is specifically concerned about the high density housing going north on Broadway beyond Englewood. He understands that property is presently zoned for

single family housing and he thinks the continuation of single family housing will help the neighborhood, and help keep in tact what we have today.

Mr. Williams said changing that zoning to retail and increasing the traffic counts on Broadway is detrimental to trying to raise a family safely on the Broadway corridor.

Kristi Shea, 5805 N Broadway, said she concurs with the comments of others. She would also add that there are several families in this area and they do not let their kids play on or near the street. If you increase traffic that will just make it that much worse not only for accidents but the number of people. She also points out that there is a drainage problem now with the rain coming down the hill. The proposed project is not a good idea.

Mayor Bishop again reminded that a meeting has been arranged with the developer and invites all interested residents to attend.

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

Councilman Shirley Smith referred to an annual report from the Gladstone Senior Advisory Committee addressed to the City Council and distributed in April. The report complimented the Hamilton Heights Park project and as a daily user she would certainly add her thanks for this park. The street programs were complimented as well as the senior programs through our Parks and Recreation Department, and it was noted that Seniors Coordinator Paige Robbins has added more senior opportunities than ever before. The report requests new chairs for the Community Center and concern was expressed for the weight of 18 wheeler trucks parking on residential streets.

Ms. Smith said this senior organization is really devoted to our City and she appreciated receiving their report and hopes it was acknowledged.

Councilman George Nodler had no communications at this time.

Councilman Anita Newsom said she assumes the Spring Brush Disposal this past weekend was well received but as a downside to that, M-1 became very littered over the weekend from brush spilled en-route to the Public Works facility. Several large diameter sticks/limbs created an unsafe situation on M-1 because motorists had to dodge them. We may want to have our City crews check these routes periodically during these events.

City Manager Davis noted that this year M-1 was used as the detour route because 72nd Street was closed and said we would have to make arrangements to check those routes.

Councilman Bill Cross thanked the residents who provided the North Broadway traffic count and suggested they may want to take a traffic count for an additional day prior to

the May 16th meeting. Their count was for a Tuesday and he would be curious if it would differ greatly on another day of the week. An additional day would give us a better sampling of the traffic. He lived in this area for twelve years and knows that traffic has increased and is familiar with the water coming down the hill.

Jeff Williams, 304 NW 60th Terrace, asked about the feasibility of having the City perform a traffic count. City Manager Davis said no one has requested a traffic count and he would offer it if it would assist the group in developing their numbers. He suggests they contact Assistant City Manager of Development to make arrangements for the count.

Councilman Cross said he appreciates our City staff giving up a part of their weekends to work at the spring Clean-up and Brush Disposal the past two weekends. Our residents certainly appreciate it because they definitely took advantage of it.

Mayor Dan Bishop advised that the Northland Regional Chamber of Commerce hosted their annual Excellence in Education Banquet recently to recognize individuals who are extraordinary in their efforts to support education in the northland. Gladstone Public Safety Officer Ronn Shatswell who serves as the School Resource Officer at Antioch Middle School was nominated in the Service to Education Category. Members of the City Council who were able to attend were proud to see him receive this recognition and we congratulate him.

The Mayor also noted that recently auditions were held for the two Theatre in the Park productions this summer and a total of 318 persons auditioned which was the second highest number in the history of the program. This is a testament to how outstanding this program is and how it is growing in the community. He commends all who took the time to audition.

He also noted that the Amphitheatre committee hosted the 7th Annual Golf Tournament last Thursday and he commends the committee as well as the staff for the success of the tournament. Approximately 80 golfers took part in the event which raised approximately \$5,000 for the Amphitheatre fund.

Mayor Bishop said he too took advantage of the brush disposal opportunity this weekend and agrees it is a tremendous service that the City provides bi-annually.

He announced that from 10:00 am – 2:00 pm on Saturday, May 13, 2000 the Annual Emergency Medical Services Fair will be held in Oak Grove Park with fire equipment and emergency services and he encourages everyone to attend.

Lastly, Mayor Bishop introduced **Mr. Matt Moore** who will be a junior majoring in political science this Fall at UMKC and later hopes to attend law school. Mr. Moore will serve as his intern for a fifteen week period this summer and he looks forward to working with him.

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

City Manager Kirk Davis reported that we had 1,687 loads of brush last weekend, and for the spring cleanup there were 929 cars with approximately 60 dumpster loads, so these are certainly both good programs for our citizens.

Item 9. on the Agenda. **APPROVAL OF BUILDING PERMIT** for tenant finish of 2,530 sq. ft. building space located at 4770 N. Belleview, Suite 107 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-0358).

Councilman Bill Cross moved to approve the building permit for Suite 107, 4770 N Belleview; Councilman Smith seconded.

Discussion.

Councilman Nodler asked if everything was in order and staff assured it was. Mayor Bishop said he understands this is just for the tenant finish of one of the suites in the professional building. Mr. Wingerson said that was correct.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10. on the Agenda. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of 12,542 sq. ft. building space located at 4770 N. Belleview, Suite 100 (Belleview Professional Building). Applicant: Luke Draily Construction. Owner: Belleview Properties LLC. (BP # 00-0368).

Councilman Smith moved to approve the building permit for Suite 100, 4770 N Belleview; Councilman Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11. on the Agenda. **APPROVAL OF BUILDING PERMIT** for construction of an 18 unit condominium complex located at NE 68th Street and N. Olive (Northaven Village Condominiums). Applicant/Owner: Wesco Investments. (BP# 00-0222).

Councilman Bill Cross moved to approve Building Permit #00-0222 for Northaven Village condominiums for Suite 107, 4770 N Belleview; Councilman Smith seconded.

Discussion.

Councilman Newsom asked if there were any elevations available. Assistant City Manager Wingerson advised there were not, but this construction will be identical to the existing three buildings which are white with green roofs.

Mayor Bishop noted there were no comments on the Community Development Staff Report.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 12. on the Agenda. **APPROVAL OF BUILDING PERMIT** for Oakhill Day School for the addition of temporary modular classrooms at 7019 N. Cherry Street. Applicant/Owner: Oakhill Day School. (BP# 00-0377).

Councilman Smith moved to approve the building permit for 7019 N Cherry; Councilman Cross seconded.

Discussion.

Councilman Newsom noted the staff report indicates the use of brick and glass for the exterior finish which she questions on modular classroom units.

Assistant City Manager Wingerson referred the question to Mr. Bill Spooner who was here to represent the school.

Bill Spooner, Chairman of the Oakhill Day School Board of Trustees, explained that it is not actually brick but is a clay that has the appearance of brick and they selected it to match the existing building. This permit is for temporary buildings which they plan to use for five years until they can build their next building. They hope to have a new proposed facility with parking to bring forward next spring.

Councilman Cross said this is a definite improvement over the old temporary trailers. Mr. Spooner agreed and said the buildings will have a peak roof with a 2' soffit, and the siding material is actually safer for the kids.

The Mayor said there are several additional comments and asked if they are acceptable to the school. Mr. Spooner said he had not seen the conditions because he is here representing someone else this evening but assures all the conditions are agreeable.

Councilman Newsom asked if the school will have a Crisis Plan in place for emergencies. Mr. Spooner said they have one in place but will tell us that at their strategic planning meeting held recently, that was at the top of the list.

Ms. Newsom said at Clardy School when they had temporary buildings that was one of the concerns for the ingress and egress during storms. Also communications between the various buildings was of utmost importance. Mr. Spooner agreed and said they have radio communications and telephone both because they will only have the safest environment for their students.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 13. on the Agenda. **APPROVAL OF BUILDING PERMIT** for the addition to and remodel of existing building located at 6889 N. Oak Trafficway (SS Auto Sales). Applicant: Paul Davis Systems of Northland, Inc. Owner: Brent and Brenda Shaw. (BP# 99-0434).

Mayor Pro Tem Cross moved to approve Building Permit #99-0434. Councilman Smith seconded.

Discussion.

Councilman Newsom stated that she did not understand the blueprint and where this was going to fit on the lot. Mayor Bishop agreed and asked for clarification.

Assistant City Manager Wingerson explained that the permit is to enlarge the existing building. It is compliant with set-backs in the same general position as the existing building. Currently the building is approximately 600-900 square feet and will increase to about 1,200 square feet.

Mayor Bishop mentioned that today he noticed there is a driveway going back behind the building to the east with gravel and asked if this was always there or was it in preparation for the addition.

Mr. Brent Shaw stated that the back part will be landscaped because of water coming down and they did not want mud to keep coming into the driveway. The driveway goes all the way around the existing building. Cars will be parked in the back along with building materials so it is not in the middle of the car lot.

Mayor Bishop stated that there are a number of additional staff comments, numbered one through eleven and asked Mr. Shaw if he has looked them over. Mr. Shaw replied yes, he had and they were acceptable.

Councilman Newsom asked if that included the site plan such as designated parking spots and asked about the exterior finish. Mr. Shaw answered yes regarding the parking and said that the exterior finish will be stucco with trim.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 14. on the Agenda. **PUBLIC HEARING:** on a request for a Site Plan Revision in a CP-2 zone on property located at 4929 Old Pike Road for development of a Steak 'N Shake Restaurant. (File #1121).

Mayor Bishop announced that the Planning Commission has not submitted its recommendation to the City Council on this item and he opened the Public Hearing and continued the Hearing to the May 22, 2000 City Council Meeting.

* * *

There were no communications from the News Media or further business to come before the May 8, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

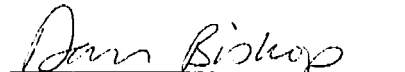
Mayor Pro Tem Cross moved to adjourn to the continuation of Open Study Session. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Following the close of the Open Study Session, Mayor Pro Tem Bill Cross moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(2) for Real Estate. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MAY 22, 2000

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 May 8, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating June 3, 2000 as "**BROOKS ROBINSON DAY**" in the City of Gladstone.
- 4b. **PROCLAMATION:** honoring **BETH HOULIHAN** for her many years of volunteer service in designing and coordinating the planting of flower beds in city parks and other municipal properties.
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-41, authorizing the change in control of the Gladstone Cable Television Franchise from Time Warner, Inc. to the proposed merged company AOL Time Warner, Inc. (currently America Online, Inc. and Time Warner, Inc.)

RESOLUTION NO. R-00-42, authorizing acceptance of work under contract with Delta Sweeping Company for the 2000 Street Sweeping Program, Phase 1, and authorizing final payment in the amount of \$15,998.28 from the General Fund (Project 0040).

RESOLUTION NO. R-00-43, authorizing execution of a contract with Wornall Securo Business Systems for the City Hall Video Security for a total amount not to exceed \$25,124 from the Capital Improvements Sales Tax Fund (Project 0015).

RESOLUTION NO. R-00-44, accepting a temporary construction easement from a property owner in conjunction with the 55th Terrace and Old Pike Road Street Improvements. (Project 9719)

RESOLUTION NO. R-00-45, accepting temporary and permanent easements from property owners in conjunction with the 58th & N. Broadway Drainage Improvements (Project 9809).

APPROVAL OF PARK FESTIVAL USE PERMITS for the 4th Annual Gladstone Summertime Blues Fest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 16-17, 2000, and the 21st Annual Gladfest Celebration on Friday, Saturday and Sunday, September 29-30, and October 1, 2000 in Gladstone Central Park, 69th & 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, 76th & North Troost, (2-day license) Friday and Saturday, June 16-17, 2000; and the 21st Annual Gladfest Celebration (3-day license) on Friday, Saturday and Sunday, September 29-30, and October 1, 2000 in Gladstone Central Park, 69th & N. Holmes. Managing Officer: Chad Nichols.

APPROVAL OF FINANCIAL REPORTS FOR APRIL, 2000.

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 in a CP-2 zone on property located at 4929 Old Pike Road for development of a Steak 'N Shake Restaurant. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1121).
- 9a. **FIRST READING BILL 00-22,** granting a Site Plan Revision in conjunction with a rezoning of property located at 4929 Old Pike Road. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1121).
- 9b. **FIRST READING BILL 00-23,** approving the final plat of "Steak 'N Shake, Gladstone," 4929 Old Pike Road. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1122).
- 9c. **APPROVAL OF BUILDING PERMIT** for construction of a 3,880 sq. ft. building located at 4929 Old Pike Road (Steak 'N Shake). Applicant: Kaw Valley Engineering. Owner: Steak 'N Shake, (BP# 00-0261).
10. **FIRST READING BILL 00-24,** repealing certain parts of Ordinance No. 3.706, and enacting a new ordinance levying sewer billing and commodity charges in the City of Gladstone, Missouri.
11. **FIRST READING BILL NO. 00-25,** amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to add a "Stop" Sign Location; and repeal Section 3. of Ordinance 3.682 relating to the designation of a one-way street at Kendallwood Parkway.
12. **APPROVAL OF BUILDING PERMIT** for tenant finish of 1,428 sq. ft. building space located at 6437 N. Prospect (Prospect Plaza) for Digital Connect, Inc. Applicant: Juratovac Kristke Lohrentz Architects, Inc. Owner: Bradley Operating Limited Partnership (BP# 00-0366).
13. **APPROVAL OF BUILDING PERMIT** for construction of a 5,100 sq. ft. building located at 6101 N. Chestnut (The Assistance League of KC). Applicant: Herman Scharhag Architects. Owner: The Assistance League of KC (BP# 00-0367).
14. **APPROVAL OF BUILDING PERMIT** for construction of a 520 sq. ft. deck at Peso's Restaurant, 5941 N. Antioch Road. Applicant: Peso's Restaurant. Owner: Curry Investment Company. (BP# 00-0445).
15. **PUBLIC HEARING:** on proposed 2000-2001 Annual Operating Budget for the City of Gladstone, Missouri.
16. **Other Business.**
17. **Questions from the News Media.**
18. **Adjournment.**

GLADSTONE CITY COUNCIL
OPEN STUDY SESSION MEETING

MONDAY, May 22, 2000

TIME: 7:00 PM

A G E N D A

1. Review of proposed Pawnbroker Licensing and Regulation Ordinance.
2. Discussion of Cable TV Franchise transfer of control to AOL Time Warner, Inc.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MAY 22, 2000

Mayor Dan Bishop called the **Regular May 22, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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.

Mayor Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Mayor Pro Tem Cross moved to approve the **Regular Monday, May 8, 2000 City Council Meeting Minutes** as submitted. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** designating **June 3, 2000** as "**BROOKS ROBINSON DAY**" in Gladstone, Missouri, in tribute to Baseball Hall of Famer, Brooks Robinson, who will visit Gladstone to sign autographs and attend a banquet in his honor to benefit the Gladstone Recreation Program Assistance Fund.

Mr. Charles Carmack, a life-long friend of Mr. Robinson, accepted the proclamation on his behalf, to be presented to Mr. Robinson at the June 3rd banquet. Mr. Carmack commented that Mr. Robinson was selected for the All Century Team and is one of the finest gentlemen around. This event will be a great opportunity to meet Mr. Robinson and get his autograph because he probably will not be doing these types of things much longer.

Item 4b. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** honoring **BETH HOULIHAN** for her many years of volunteer service in designing and

coordinating the planting of flower beds in city parks and other municipal properties with scouts and other organizations for over ten years.

Mayor Bishop commented that as he and Director of Parks and Recreation Steve Buschor walked in this evening, Steve mentioned that Ms. Houlihan not only plants and coordinates the plantings, but in the heat of the summer she travels around in her own vehicle and waters the flowers from gallon jugs. Mr. Bishop stated that was above and beyond, and the Council and City are grateful.

Ms. Beth Houlihan accepted the proclamation, stating that there were two reasons why she has been involved in this project which is near and dear to her heart. One is the community and the other is children. This was a way to meld the two together; help the community and help the children build a love of their community. This way children can do a service to see something grow in the community. She appreciates everyone's support and said they have a wonderful staff to work with.

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-41**, authorizing the change in control of the Gladstone Cable Television Franchise from Time Warner, Inc. to the proposed merged company AOL Time Warner, Inc. (currently America Online, Inc. and Time Warner, Inc.) Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-42**, authorizing acceptance of work under contract with Delta Sweeping Company for the 2000 Street Sweeping Program, Phase 1, and authorizing final payment in the amount of \$15,998.28 from the General Fund (Project 0040). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-43**, authorizing execution of a contract with Wornall Secure Business Systems for the City Hall Video Security for a total amount not to exceed \$25,124 from the Capital Improvements Sales Tax Fund (Project 0015). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-44**, accepting a temporary construction easement from a property owner in conjunction with the 55th Terrace and Old Pike Road Street Improvements. (Project 9719). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-45**, accepting temporary and permanent easements from property owners in conjunction with the 58th

& N. Broadway Drainage Improvements (Project 9809). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve **PARK FESTIVAL USE PERMITS** for the **4th Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 16-17, 2000, and the **21st Annual Gladfest Celebration** on Friday, Saturday and Sunday, September 29-30, and October 1, 2000 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve the **BEER LICENSE** for **GLADSTONE AREA CHAMBER OF COMMERCE** at the **Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, (2-day license) Friday and Saturday, June 16-17, 2000; and the **21st Annual Gladfest Celebration** (3-day license) on Friday, Saturday and Sunday, September 29-30, and October 1, 2000 in Gladstone Central Park, 69th & N. Holmes. Managing Officer: Chad Nichols. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR APRIL, 2000**. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 6. on the Agenda Communications from the Audience.

Cornelia Long, 201 NE 59th Street, said she attended the meeting last week at Fairview Christian Church about the Scharhag property and left with more questions than she went in with. She has three concerns: no study done for water drainage, no traffic study and staff also recommended besides the apartment that there would be a strip shopping center at the top of N. Broadway with two exits at the top of Broadway. This was something everyone feels is very detrimental. The most disturbing thing to her was that one member of a City committee stood up, shook a paper at them and said this was a done deal, there is nothing you can do about it. With that, she thought there must be something to be done. There were about 125 people at the meeting which shows a real concern by all of them with what has happened and how the project has been changed from what was originally presented to them. She understands there was a First Reading and asks if these things were brought up.

Mayor Bishop stated that as best as he can address her concern, there has been a First Reading on the Bill which was approved. Council is waiting to see the negotiated agreement between the City and developer. As part of the agreement, a traffic study has to be performed, and has not yet been completed. The storm water study has not been done and Staff is waiting to see what is recommended by those studies.

Ms. Long said it was her understanding that the City of Gladstone was the one who really wanted the strip shopping center. There is a strip mall just west of her where Sub-Way is located with 8 stalls, and 4 are vacant. She questions the economics of this and wonders if Council has heard all this and has approved it anyway with all these things left undone.

Councilman Newsom asked about the original presentation made.

Ms. Long stated that it the original presentation of the plan was at a neighborhood meeting by the developer.

Ms. Newsom clarified that the first meeting at which the plan was presented was not a City meeting. Ms. Long agreed, saying it was a developer meeting at Executive Realty. Everyone understands the land needs to be developed, but then it has all changed.

Ms. Newsom said that when it was presented by the developer, they alluded to one thing, then when it was presented to the City, it was evidently a different picture. We as City elected officials and City staff are not involved in that; not that we are held harmless from that, but we do not know what you were told from that meeting and there was no one showing up at the Public Hearing to show opposition.

Ms. Long stated that they were not within the area that they had to be notified of the Public Hearing. However, it was nice for the City to arrange the meeting last week. The people are truly concerned, they are not complaining, they have had these problems for a long time. She asks Council to consider the problems for the people that have lived there all these years, the water drainage where we have had a terrible time, and the traffic. The strip shopping center just blows her mind and she cannot imagine it. Any light Council can shed on it she would appreciate.

Councilman Smith stated that she would try to answer it for her. The original site plan presented had nothing on that plot of the land. In lieu of accepting this and letting them build whatever they wanted to build there, the City said, no, you have to give us an idea of what you want there. The City did not say they wanted a strip mall there. It was a way to make known what the developer wants there.

Ms. Long asked if the rezoning is calling for R-4 zoning for apartments. Councilman Smith responded yes, this rezoning would give the City more control on what is going in there instead of less control.

Mayor Bishop said that during the Public Hearing, the concerns did not go unvoiced. Mr. Brandom was here, the Heinisch's, many people from that street and other folks. They raised the same concerns we are hearing now.

Ms. Long asked if they are aware of it. Mayor Bishop stated that Council has heard and is aware of the concerns about water and traffic.

Art Pfaff, 205 NW 59th Street, said he has been a resident of Gladstone for 35 years and lives next door to Mrs. Long. He is upset with the way this has been handled. In November, there were 25 or so that had been personally invited by Mr. Scharhag to a development meeting. A plan was shown that involved 135 senior apartments. When they saw the rezoning sign they thought that was the plan that was to be presented. Since the boundary line was set at 190 feet, residents within 185 feet are to be notified personally of a meeting, then no one was notified of any change. That is the reason there have been no objections up till now. The rezoning was passed. We are

concerned that at the public meeting we were told that the Council has no discretion after the First Reading.

He continued to say that he obtained from the Missouri Municipal League a Conduct of City Council Meetings throughout the state of Missouri. It says, "No bill shall become an ordinance unless on its second and final reading a majority of the entire elected legislative body shall vote in favor". They were told the opposite and that it was a done deal and no use to object.

Mr. Pfaff stated he supports the people who are here tonight. His friends have a driveway that comes out at the bottom of the hill and they cannot get anyone to replace the driveway because it is a waste of time. The flood water would just wipe it out again. Companies will not consider putting in a driveway for them.

The traffic on N. Broadway is unbelievable. In a 10-hour count there were 7,531 cars counted. Someone at the meeting told them, for an artery road to be considered a major arterial road, between 6,000-9,000 cars must pass through there in a 24-hour period. This count was in a 10-hour period and N. Broadway is not considered to be a major artery. It is to them where two people have been killed on that street, numerous accidents have occurred, and if not for the very, very good Public Safety Department giving traffic tickets, they would have a really bad problem. In bad weather, they must go up hill either way and that presents a real problem. He knows Mr. Cross lived up the hill and knows what that problem is.

Mr. Pfaff finished by stating that he objects to the way it has been handled and people felt they were being treated unfair. If they had known what was going on, they would have objected from the very beginning.

Nancy Bell, 5801 N. Broadway, stated that her husband has taken pictures that might help when reviewing this problem. It shows how the traffic and water drains to an 18" pipe in front of their house and if there is a 2-3" rain with the ditch cleaned out, it goes over Broadway and cars will plane over that area. One car landed in a window of a house across the street in the past. Speaking to engineers, she has no satisfaction when they say no more water will go down this hill. She does not believe this. Now they say the "Leimkuhler Lake" area will not be drained. It will drain into the 18" pipe and take all of it.

The pictures show at the top of the hill, if they put two streets out onto Broadway, it will be a big problem; they can hardly get out of their driveway now. Ms. Bell thanked the Council.

John Temple, 3707 NE 62nd Terrace, has been a resident of Gladstone 15 years and this is his first City Council meeting. He had seen an article in one of the area papers regarding the increase of some of the fees and charges, and wanted an explanation, particularly for un-spayed female dogs. Fees are going up from \$6 to \$20. He stated that as a citizen, he pays enough taxes, it is a form of a tax, and we are tired of taxes. That is why educational taxes don't go through, and other taxes that are important for the City, it is because we get taxed to death. It is ridiculous to take a 233% increase in a fee to go to the general fund and not be getting any benefit from the City for that. He

has checked with four local municipalities in the area and their fee for the same type of dog at Claycomo, Kearney, Liberty, NKC, and Parkville averages \$5.00 per year. Yours is \$20 next year and that is ridiculous. He gets taxed on city tax, county tax, KC tax, state tax, federal tax, sales tax, property tax, real estate, fuel, franchise tax, phone, luxury, and animal tax. He has had enough, does he need to move out of Gladstone. Everyone here is tired of paying taxes. You will not get the beneficial taxes through unless you cut this kind of tax out. He wants the Council to think about that. He wonders how much thought was put into it and wants an explanation.

Mayor Bishop thanked Mr. Temple and asked the City Manager or staff to speak to the issue of rate increases that was addressed several meetings ago.

City Manager Davis stated that Captain Mike Couch from Public Safety is here tonight and asked that he get Mr. Temple's phone number and check back. When those fees were enacted, it was after a considerable amount of time and that department did check surrounding communities and Kansas City to make sure they were within the market on all those fees as suggested. If there is an inequity, they will be the first to bring it back.

Mayor Bishop noted that we are still not recouping those costs to provide the services, but yet getting a little bit more of what it costs; we are still subsidizing those costs.

City Manager Davis agreed, stating that we are trying to operate a little more like a business in terms of fees and charges. Certainly we recognize our market in the surrounding communities and are interested in looking at Mr. Temple's information.

Dick Heinish, NW 58th Street, stated that he has talked with several City people before and wanted to go back to discuss the Scharhag development. They have attended meetings in November, December, and January, and voiced concerns over the development. At the time, they were aware there had not been a water study done, but were assured one would be done. They were not aware that a traffic study had not been done; and no justification for the retail development. In the three changes to the proposal, the retail space has increased by 30%, from 15,000 sq. ft. to 19,800 sq. ft. with no study done on the feasibility or need for another retail center. There was no study done for Englewood Plaza or Creekwood as to the vacancies or turnover. It looks like another paved area that may not be occupied; it is another run-off area. He would appreciate it if they would insist on a feasibility study on the need for this retail area.

Donald Harper, 1606 NE 68th Terrace, said he has been a Gladstone resident for 35 years. He has missed the last few Council meetings, but read in the paper where one citizen spoke regarding the televised broadcast issue. He wanted to double that number and give his opinion. In principle, he wants to support this; he believes information should be disseminated to as many people as possible, but in the real world from what he has seen in Gladstone for 35 years, he has serious doubts that people will turn off their favorite TV program and tune in to a City Council meeting. He believes it is supported by the number of people who are routinely present at Council meetings and how many minutes away do any of us in Gladstone live from City Hall where everyone is welcome to come express their views. It won't really work, but he wishes it would. As an alternative, it would be much better to put the minutes on the Internet, and when we miss a meeting we can look there. He knows that not everyone has

access to the Internet, but not everyone has cable TV either. It is a coming thing that we can all use our computers to download and read the minutes, study them, come back to the next meeting to say what we want when we cannot attend. He stated that it is just the opinion of one more citizen and thanked the Council.

The Mayor asked staff if possibly someone could speak to the issue of the Broadway and Englewood Project, where we are in terms of the studies not being completed yet and where we are in the process and what staff's opinion is as to what this plan has to offer that the current plan for the property that was approved some time ago, does not have. It should be informative for everyone.

Assistant City Manager Scott Wingerson stated that in the studies themselves, there are really two critical areas, the first is storm water. There is a storm water study in the file. It is called a macro-drainage study, a large picture conceptual type of study. That study has been performed and actually is referenced in the site plan ordinance that Council approved. The recommendation from that study and subsequent studies, and the final engineering will implement those concepts. It is designed to a hundred year storm.

In terms of the traffic study, it has not been performed. In the site plan ordinance approved by the City Council, that is a requirement, that they perform an all-encompassing traffic study. Again, it is the developer's responsibility to implement the recommendation of that traffic study. The study would be performed by an independent traffic engineer and would be unbiased toward the developer and the City, but rather to the necessary improvements on Broadway.

One thing that came out at the meeting at Fairview Christian Church is that there are two driveways onto N. Broadway. That is conceptual to show the commercial, show the parking, show that it physically fits. The traffic study may recommend something different; perhaps a single driveway a little bit wider, so there are a lot of things that can evolve and change as the studies are performed and the actual construction and engineering is planned for the development of the property.

The second question was where does the application stand now. The site plan ordinance was approved by the City Council some time back. One of the conditions was that the applicant come forward with a zoning change application in which a public hearing was held and that is what the Council took a First Reading on. The First Reading was held on recommendation of staff and was held for a lot of things to happen. One of those things was the final negotiations of the developer's agreement, the financing on the developer's side needs to occur. More importantly, the engineering studies, traffic studies, and water studies to come forward for discussion in greater detail as those things are performed. Right now the option on the property is through the end of the year, so he does not think Council will take action on it before the end of the year. It is possible, but not likely in his opinion.

Mayor Bishop asked why staff feels this plan is more advantageous, or beneficial to the City and neighborhood than the previous plan on that property.

Assistant City Manager for Development Scott Wingerson stated that the current plan on the property is RP-3 zoning. It is nine buildings, 154 units with an extreme amount of parking to serve that type of facility. When approved in 1986 or '87, the City was not as sophisticated in the development regulations as they are today. The currently approved plan does not include plans for storm water management, does not include provisions for public improvements in a general sense, including roadway improvements. Compared to the current plan, there are still 154 units designed for senior living, but the parking is greatly reduced. The middle section is open and will remain green space unless there is a need for additional parking based on the use of the facility. Council may remember some discussion on what would happen if the senior units were transformed into more typical type of housing. It was agreed upon by the developer, staff and he believes, the Council that the parking would have to be expanded, but not really possible except in that middle section or they would have to reduce the density of the apartments, making it physically higher, more rent and more marketable in the community at large.

The current plan also includes commercial which fronts on N. Broadway. N. Broadway, as Mr. Pfaff stated, is classified as a primary collector. A primary collector is designed and functioned to carry 6,000-9,000 cars and vehicles each day. Englewood is an arterial roadway and is designed to carry 25,000 plus cars. So it is very, very close where commercial development is a valid consideration for the City.

Mayor Pro Tem Cross stated that the 6,000-9,000 falls right in there, then asked how soon the traffic study would be completed so we can tell these people.

Mr. Wingerson stated that he talked to the developer last week and suggested to him that the traffic study be moved forward quickly to provide answers to the people who are concerned. Regardless, so that we can provide accurate answers which we do not have today. The developer is hesitant because they have not purchased the property and the financing is not in place. They want to go forward on those two avenues, then perform the traffic study and have agreed to implement the recommendations of the traffic study. Before Council considers the Second Reading and the zoning change, there is a very good chance that the traffic study will be back in plenty of time for review.

Councilman Cross restated that the original plan was approved by the Council in 1986 or '87 and the 154 units were in place at that time. Mr. Wingerson confirmed that was correct, 154 units with 2 parking spaces per unit.

Mayor Bishop asked Mr. Wingerson if it is staff's opinion, with the new plan, the City has more opportunity to help the neighboring folks in terms of storm water run-off and traffic than what we have in the current existing site plan. Mr. Wingerson replied, absolutely.

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

Councilman Smlth remarked that she attended the EMS Fair held on May 13th at Oak Grove Park. She asked about the attendance when she arrived and was told it was a low turnout, but in such a large area it is sometimes hard to tell. The children love

getting close to the large equipment and she wanted to commend the efforts of these people.

Ms. Smith also congratulated Finance Officer Cash Sweiven on his election as Second Vice-President of the Missouri Government Finance Officers Association.

Councilman Nodler had no comments.

Councilman Newsom commented that the Brooks Robinson event and the scholarship program for youngsters is a very beneficial one, serving youth who could not otherwise participate in these programs. She has seen through her own personal and professional experience, the results of this program. She has a youngster who, through Sheila Lillis' help, got a scholarship. As long as he was involved in that basketball program, he had no discipline problems in school. He continues to be a child not fraught with the problems he had before. There are so many positive things in involving students in projects like this. Ms. Newsom remarked that as she was handing the gavel over to the new principal at school today, they were talking about students being involved in sports and how beneficial it is for them.

Ms. Newsom also wanted to remind everyone that students get out of school on June 2nd and they will be outside playing, running across the streets, doing the things kids do in the summer. We need to be mindful of that and don't want to harm children just trying to have a good time.

Mayor Pro Tem Cross concurred with Ms. Newsom on having a gentleman like Brooks Robinson who stands for everything that is right. A few of us had the privilege of watching him play at both the old and new stadium. Mr. Robinson has done this for years and years and we appreciate the effort of bringing him here to Gladstone. He agrees with Ms. Newsom that it means so much to these young people to be involved in these types of programs.

Secondly, he remarked that he appreciates the group he calls "the Broadway group" and the numbers that are showing up and the interest there. He said that yes, they do have their interest in this. They have been picking on the Mayor, the City Manager, and Scott Wingerson, asking lots of questions. We are all trying to work out something on this and are behind them and want to see something worthwhile worked out.

Mayor Bishop expressed his sympathy to the property owners who received damage from the tornado that struck the northland two weeks ago. The citizens of Gladstone should be very grateful that their City was largely untouched from the tornadic activity of May 11th.

Mayor Bishop commented on an article that appeared in The Kansas City Star on May 19th. It raises the concern that many areas are not covered by storm warning sirens. The diagram from the paper shows what looks like parts of Gladstone are not covered. He remembers that last year, Sergeant Marrali presented the Council with the City's emergency preparedness plan and remembered that the entire City is covered by sirens. We need to reassure all of Gladstone that we are protected by sirens. If it is

not accurate, we need to make sure that we are covered. He then asked the City Manager to speak to this issue.

City Manager Davis stated that after the storms of 1998, with 70-80 mph winds, there was a lot of damage. Discussion ensued relative to storm warning sirens and early warning systems. At that point in time, we used a one-time only pot of money made available to us to replace the three sirens dating from 1955 and the Cold War era. We replaced them with five sirens strategically placed around the City. Mr. Davis stated that he feels pretty confident that we have covered our entire City with the five sirens and the effort made a couple of years ago.

Councilman Newsom commented that in all her years in Gladstone, last week was the first time she heard the sirens, hearing them loud and clear.

Mayor Bishop commented on the proposed development at Broadway and Englewood. He feels we are all sympathetic with this issue. Our City Counselor addresses that we held a Public Hearing on this matter and that was the appropriate time for citizens to come forward to voice their opinion on a proposed development and for the developer to speak to those issues and concerns, and for staff to speak. We had that process here and we probably need to say for the record that when it comes time for Council to make a decision on this issue, they will have to limit what was heard to the comments made at the Public Hearing. But it should not really concern anyone who is here because the issues that we heard in the Public Hearing are much the same as the issues we have heard at the last three Council meetings, specifically storm water run-off and traffic.

The City Manager commented that the issue of Broadway and the storm water drainage has been made very, very clear. As a result of their input and comments, the staff involved with CIP is aware of what a priority it is for those citizens and we can carry that message as we begin to review a future road program as well as additional storm water projects.

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

City Manager Kirk Davis reminded everyone that City Hall will be closed on Memorial Day, Monday, May 29th.

Mr. Davis also reminded Council about the Clay County Municipal Coordinating Committee meeting on Thursday, May 25th and to see Diane if interested in attending.

Mr. Davis congratulated Director of Finance Cash Sweiven on the City's receipt of the Government Finance Officer's Award for the year 2000. We have received this award for many years and he has continued that tradition in his role.

The City Manager stated that with the good attendance he wanted to plug a new Public Safety program called the Citizens Police Academy in which citizens can participate. This program was offered in the spring with not much response, so it will be offered in the fall. If anyone is interested in applying, they would find it a rewarding experience.

City Manager Davis presented **RESOLUTION R-00-46**, as an Agenda addition, stating that it must be passed prior to June 1st. It is authorizing the City to receive grants for law enforcement traffic services. There are three different grants, but only one resolution is required.

Mayor Bishop asked if it would be helpful to approve this now. City Manager Davis responded, it would. Mayor Bishop then called for a motion to approve **RESOLUTION R-00-46**.

Mayor Pro Tem Cross moved to adopt **RESOLUTION R-00-46**, authorizing the Mayor and City Manager to execute a Law Enforcement Traffic Services Grant Application with the Missouri Division of Highway Safety. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 9. on the Agenda PUBLIC HEARING: on a request for a Site Plan Revision in a CP-2 zone on property located at 4929 Old Pike Road for development of a Steak 'N Shake Restaurant. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1121).

Mayor Bishop 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, and finally the City Staff presentation.

Bob Dennison, Indianapolis, Indiana. He has been employed by Steak 'N Shake for the last 20 of the 26 years he has been in the restaurant business. Steak 'N Shake started in 1934, is the second oldest restaurant chain and will be around for quite a while. They are just starting to expand in the Kansas City market area with the intent to reach about 16 restaurants. Not the typical restaurant, they are 300 strong nation-wide, and should be 600 within five years. There will be 40 new restaurants this year, 48 the following year, and 20% increases thereafter. He has been part of the real estate search in the Kansas City area and has done his share of trooping around the hills of Gladstone.

Mr. Dennison continued, stating they are not a fast-food restaurant, nor are they fine dining. It is hard to discern where they belong out there. They prepare the food to order for each guest and serve in the dining room on real china, real glass, real silverware. They have a little caboose tagged on the side for drive-through and that gives somewhat a stigmatism of fast-food. But nothing is prepared ahead of time. They are a stickler for quality, going back to the originator Gus Phelps. His message early on was to use quality products, serve quality food, and charge a nickel more for it. That has been the message from day one.

There seems to be some chagrin about the 24-hour operation. They are a 24-hour operation chain, have been for twenty years and will continue to be. The traffic for the peripheral third-shift hours, from 1:00 am - 6:00 am are very limited and most would be coming from the Vivion Road area, not the residential area north of us, but they are certainly welcome to come for a fine meal.

There is no heavy truck traffic. They frown upon semi-trucks coming in. The only trucks are their own coming from their commissary once a week and during the initial operating months, twice a week. Produce, dairy and a few other small vendors would be accessing the site, but not during the late night hours. Mr. Dennison stated that he would turn the time over to Mr. Bowles from Kaw Valley Engineering who will address issues pointed out by staff in design and engineering. He thanked the Council.

Mr. Dana Bowles, Kaw Valley Engineering, 1333 NW Barry Road, Kansas City thanked Mr. Dennison for his presentation. He stated he would address specifics to the site. Brochures were distributed to Council and staff showing the restaurant profile with the 1999 prototype showing the restaurant and signage. They have a history of high quality in their products and in their buildings as well. This building meets all requirements of the Uniform Building Code, as well as fire code, and any code specific to the City of Gladstone.

There has been concern relating to being open 24 hours and the noise from trucks and traffic and also lighting of the site. Mr. Dennison addressed the issue of truck traffic, but he wanted to add that Steak 'N Shake owns their own fleet of trucks and can have absolute control of when deliveries will be made, which is from 7:00 am – 7:00 pm. Trash pick-up would be during the day and would not impact the neighbors.

Steak 'N Shake traditionally does a lot of landscaping on their sites. Old Pike Road up to Home Depot and the east will be landscaped and irrigated. Trees planted are a minimum of 2", or 6 ft. tall plantings, with a minimum of five-gallon size for shrubs.

Since Steak 'N Shake is a 24-hour operation, there has also been concern about lighting. The company sends all sites to Consolidated Lighting in Indianapolis, Indiana where they develop the photometrics for the sites. This particular site has been done and they have tried to minimize the intensity of the light as it goes from the south toward the northeast. At last Monday's Planning Commission meeting, the question was raised about addressing the lighting and taking into account the lighting from surrounding businesses, Home Depot and the car dealer from the south and east. They have talked with Consolidated Lighting and it may be possible to check with the existing lighting plans in the area. They are looking at shielding of the lighting units.

Another issue Mr. Bowles wished to address is traffic through the site. They were designed to maximize movement with two entrances close to Old Pike and Home Depot. A question was raised as to moving the east drive, but it still remains the best drive considering all options.

Mr. Bowles finished by stating that the storm drainage plan has been carefully considered and is designed for a 100-year storm.

Councilman Newsom asked about the building material which is to be brick. She commented that other companies have presented plans, stating they will be built of brick and they are not brick at all. Mr. Bowles replied yes, they are real brick.

Ms. Newsom asked for clarification on the signs on the site plan. It shows pole signs and monument signs. She asks if there would there be one sign. Mr. Bowles stated

there would be one monument sign on the site. The signage by-passes them as engineers, it was originally submitted with both pole and monument signs.

Councilman Smith commented that the presentation was excellent and the lighting and traffic concern is more than adequate. The concern is the next door neighbor and the combination of the two facilities. She feels it can be worked out. Neighbors want some kind of cut-off time when they can go to bed and go to sleep.

Mr. Bowles acknowledged that Steak 'N Shake is aware of this and they try not to be intrusive. They are trying to minimize lighting and try to keep it on their site, but need some lighting as a safety factor since they are open 24 hours.

Councilman Nodler asked if they were aware of all the conditions and those conditions would be met. Mr. Bowles replied yes, he addressed this last Monday, and to his knowledge there is no problem with any of the conditions.

No one spoke in favor of the application.

In opposition of the application:

Joe Nelson, 4910 Old Pike Road, stated that his home is directly across the street from Home Depot's parking lot. He stated that while he is speaking against the project, he wants to make some positive comments. He does not want to be all negative about this. He and his wife recently visited the Steak 'N Shake in Liberty and they were impressed with the restaurant. It was clean, friendly; they talked with the manager for a while and were impressed. One of the things they liked about it was that it was a family location and they do not serve alcoholic beverages. This project is better than the pet store or car dealership that was proposed for that site earlier. The excessive light that was addressed earlier affects them; the lighting from the car dealership and Home Depot surrounds them on three sides. He does not like more lighting, but does appreciate staff addressing working to get the lighting down.

Another issue that has been a constant problem for his family since Home Depot was built, is that when Old Pike Road was widened, they have had the creek flooding through their yard. The creek flows under the road right through their yard. Even though there was an engineering determination, and additional water run-off was said to be insignificant, they disagree with that. They experience a difference in storm water run-off prior to when Home Depot was there when it was just trees. They have been disappointed with the system. It has ended up being a culvert system running through their yard, not a containment system. They are at the down-stream site that was just mentioned here and they have a problem from the road-widening project. He is not here to discuss that as an issue, but actually wanted to thank the City staff and Steak 'N Shake engineers. It sounds like they have made an effort to address these issues. His understanding is that there will be a containment detention system to release water at a slower rate. But there is still a problem there with the original project.

One of his main concerns is about the 24-hour operation with the proposed restaurant and the precedent that will be set there. Presently, activity is from 6:30 am to 10:00 pm. At night and Sunday evening, Home Depot is closed, a residential time, down time

which Councilman Smith mentioned. But the 24-hour operation will turn Old Pike Road into a commercial operation. Home Depot recently requested a 24-hour operation. Although they withdrew the request, obviously they are interested in it and expect that when they get over some of the hurdles, they will be back again. If Steak 'N Shake is allowed, it will be hard to say no to Home Depot when they come back.

Another thing that was mentioned tonight was that there would be no heavy truck traffic, but he expects there will be if it is a 24-hour operation. Trucks would see the signs and come off the highway and park in Home Depot's lot and run into the restaurant. He also has a concern about the traffic in the area. Home Depot is a very successful store. On the weekends, it seems there is not enough room for all the products they have there and customer parking. People are double parking in the front to load things up. So there would be more congestion added to traffic that is already there in Home Depot's parking lot and then at the south entrance and turning left from Steak 'N Shake onto Old Pike Road. If something is in that spot, Home Depot could not expand; it seems they might need to do that and would not be able to.

Faith Nelson, 4910 Old Pike Road, stated that her husband addressed all the issues that were of concern. She does not have much faith in the process at this point. Four years ago when she and many of her neighbors sat in here to oppose the Home Depot and had petitions of 200 signers that were opposed, and the Council voted to approve it, she lost most of her faith in City Council politics. She came tonight anyway because she did not want to hear the comment she heard earlier, that you were not at the Public Hearing. She considers this 24-hour operation detrimental to her family. It is going to fritter away the property value of their home and she wanted Council to know that is how she feels about it.

Mayor Bishop then asked for staff comments.

Assistant City Manager for Development Scott Wingerson highlighted five of the twelve conditions that Mr. Nelson and Councilman Nodler referred to. Condition #1 limits truck traffic delivery from 7:00 am to 7:00 pm. Condition #2, trash pickup will be from 8:00 am-6:00 pm. Mr. Bowles mentioned Condition #5 about the required lighting design; when that design is completed they shall take into account the surrounding lighting levels generated by Home Depot and the car dealerships. #10 speaks to Ms. Newsom's concern about signage which shall be one monument sign and signs on the building shall be monument, code complaint, or a variance request for consideration by the Council. Finally, Condition #11, the applicant has submitted a comprehensive drainage report and the site plan ordinance recommends that all of those ideas and concepts and recommendations to be fully implemented by the developer.

Mayor Bishop stated that he remembers when it was recommended to put a car lot on this parcel. It was noted then that Home Depot did not meet code as far as parking spaces for that lot and there was a desire to add the additional lots and share spaces with the adjoining property, whoever that would be. He asks, how does this proposal fit that.

Mr. Wingerson stated that was accurate, and that in accordance with Home Depot the requirement would be one space per 200 sq. ft. The City Council and Planning

Commission felt that because it was a warehouse-type store and because Home Depot has significant statistical evidence, a slight reduction in the parking would be appropriate. The actual number he does not recall. As a side benefit of Steak 'N Shake, there would be the opportunity to share parking back and forth if it becomes necessary. As Mr. Nelson said, Home Depot is very successful and would be very busy certain times of the day. It is also true on most occasions, there is parking available. The Home Depot manager has no recollection of not being able to find a parking space in the lot. The two developments can work in concert in terms of circulation with the access at the Home Depot light and the parking availability.

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

Item 9a. on the Agenda FIRST READING BILL 00-22, granting a Site Plan Revision in conjunction with a rezoning of property located at 4929 Old Pike Road. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1121).

Councilman Shirley Smith moved to place the bill on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Newsom stated for the record, this site plan seems to be the best of the options that have come forward thus far. According to the recent Chamber of Commerce list of business needs in Gladstone, restaurants were at the top of the list and it does fill a niche.

Mayor Bishop stated that it strikes him that the boot-heel area of Gladstone is, in his opinion, underserved by restaurants in general and that it seems that it would be nice to provide additional restaurants to the residents who live in the boot-heel. He continued to say that he was not around when the proposal came forward for the pet store operation, but does remember the car dealership. He understands Mr. and Mrs. Nelson feel the system has served them poorly in terms of the storm water problems they are having and perceive them to be caused by the Home Depot development. He suggests that the fact that there is not currently a car dealership on that site indicates that the system has worked to some extent. He agrees with Councilman Newsom that this is a better proposal for the site and it is the standard Council has to look for as far as the use of a particular piece of property. He is pleased by the site plan additional requirements #1-12. The applicant intends to honor those conditions and that makes this plan more acceptable to him.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-22, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the Second and Final reading of Bill 00-22, and enact the Bill as **Ordinance No. 3.756**. Councilman Cross seconded. The vote: All "aye" Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 9b. on the Agenda. FIRST READING BILL 00-23, approving the final plat of "Steak 'N Shake, Gladstone," 4929 Old Pike Road. Applicant: Kaw Valley Engineering for Steak 'N Shake. Owner: Credit Suisse (File #1122).

Councilman Bill Cross moved to place the Bill on First Reading; Councilman Shirley Smith seconded.

There was no discussion.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 00-23, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final reading of Bill 00-23, and enact the Bill as **Ordinance No. 3.757**. Councilman Smith seconded. The vote: All "aye" Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 9c. on the Agenda APPROVAL OF BUILDING PERMIT for construction of a 3,880 sq. ft. building located at 4929 Old Pike Road (Steak 'N Shake). Applicant: Kaw Valley Engineering. Owner: Steak 'N Shake, (BP# 00-0261).

Councilman Smith moved to approve Building Permit for 4929 Old Pike Road; Councilman Cross seconded.

There was no discussion.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10. on the Agenda FIRST READING BILL 00-24, repealing certain parts of Ordinance No. 3.706, and enacting a new ordinance levying sewer billing and commodity charges in the City of Gladstone, Missouri.

Councilman Bill Cross moved to place the Bill on First Reading; Councilman Shirley Smith seconded.

Mayor Bishop asked staff to give some details on this item.

City Manager Davis explained that the City of Kansas City treats our sewage and each year they analyze and review their costs and, if necessary, submit their bill to us after their Council adopted one to increase our sewer commodity charge. Last year was expensive and we fought it a little and maybe did a little good because this year it is not as high, it's not pleasant, but we will increase our charge by 11 cents, about a 7.2%

increase. Last year was about 11%. This is a charge we have to pass through to our residents from the City of Kansas City to treat our sewage.

Mayor Bishop recalled that we brought in an employee of the Kansas City Water Department last year and questioned her quite a bit. We don't like to see this come before us, but we do understand it is due to deferred maintenance from Kansas City and we will be seeing this for the next few years as he understands it.

Councilman Newsom stated that it is not something we can control and the City cannot absorb these charges.

Mayor Bishop pointed out the chart provided by staff in the memo that shows our City still remains near the bottom in terms of least expensive combined water and sewer rates in the metropolitan area.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 00-24, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final reading of Bill 00-24, and enact the Bill as **Ordinance No. 3.758**. Councilman Smith seconded. The vote: All "aye" Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11. on the Agenda **FIRST READING BILL NO. 00-25**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to add a "Stop" Sign Location; and repeal Section 3. of Ordinance 3.682 relating to the designation of a one-way street at Kendallwood Parkway.

Councilman Smith moved to place the Bill on First Reading; Councilman Cross seconded.

Discussion.

Councilman Newsom stated she thought it was a wise move. She has traveled through that neighborhood since it was built and you become accustomed to how it runs. She saw someone driving there and evidently was looking for a particular house and was not sure what to do or where to go. It is a long overdue move.

Mayor Bishop commented that he met with The Woodlands Home Association Board some time last November or December. It was an item high on their list of things to be done in that neighborhood. In the spirit of being resident friendly, he supports this bill.

Councilman Cross agreed that it is safety friendly as Ms. Newsom mentioned. Very worth-while, a necessity.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-25, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the Second and Final reading of Bill 00-23, and enact the Bill as **Ordinance No. 3.759**. Councilman Cross seconded. The vote: All "aye" Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 12. on the Agenda **APPROVAL OF BUILDING PERMIT** for tenant finish of 1,428 sq. ft. building space located at 6437 N. Prospect (Prospect Plaza) for Digital Connect, Inc. Applicant: Juratovac Kristke Lohrentz Architects, Inc. Owner: Bradley Operating Limited Partnership (BP# 00-0366).

Councilman Cross moved to approve Building Permit for 4929 Old Pike Road; Councilman Smith seconded.

Councilman Newsom asked what Digital Connect was. Mr. Wingerson answered that it was mobile phones and pagers services and products.

Mayor Bishop mentioned that there were a number of comments and asked if they were acceptable to the applicant. Mr. Wingerson stated they were.

Councilman Nodler asked if everything was in order. Mr. Wingerson said yes they were.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 13. on the Agenda **APPROVAL OF BUILDING PERMIT** for construction of a 5,100 sq. ft. building located at 6101 N. Chestnut (The Assistance League of KC). Applicant: Herman Scharhag Architects. Owner: The Assistance League of KC (BP# 00-0367).

Councilman Cross moved to approve Building Permit at 6101 N. Chestnut; Councilman Smith seconded.

Mayor Bishop stated for the record that he will abstain on the vote as he serves on the Assistance League Advisory Board.

Councilman Newsom asked about the Community Services Enforcement Code area, Sheet #A-4 mentions a metal building which made her antenna shoot up. Scott Wingerson stated that is the structure portion itself.

Councilman Nodler asked if everything was in order. Mr. Wingerson said yes they were.

The vote: All "aye" – Smith, Nodler, Newsom, Cross. Mayor Bishop abstained. (4-0-1)

Item 14 on the Agenda **APPROVAL OF BUILDING PERMIT** for construction of a 520 sq. ft. deck at Peso's Restaurant, 5941 N. Antioch Road. Applicant: Peso's Restaurant. Owner: Curry Investment Company. (BP# 00-0445).

Councilman Smith moved to approve the Building Permit for 5941 N. Antioch Road. Councilman Cross seconded.

Discussion.

Councilman Newsom asked if this does not encroach on the southern property line setback. Mr. Wingerson answered no, it does not, there is no required set-back as it borders on commercial property. There is still adequate drive-through for two cars to pass and delivery vehicles.

Ms. Newsom commented that cars have a propensity to park next to the curb at that area. Will it be marked adequately to prohibit cars so there can still be two-way traffic. Mr. Wingerson replied yes, that is correct.

Councilman Nodler asked if everything was in order. Mr. Wingerson replied yes.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 15. on the Agenda **PUBLIC HEARING:** on proposed 2000-2001 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Bishop opened the Public Hearing and stated that he would immediately give the City Manager the opportunity to give the budget address, then entertain comments from anyone in attendance who would wish to comment on the proposed budget.

City Manager Kirk Davis said this is his third budget presentation and he is very pleased to present the 2001 budget for the City on behalf of the City staff and believes we have a good product for the Council. The annual budget represents the strategic administrative and financial plan for the City that will cover the next year. The budget, in addition to representing the financial plan, is also an operations guide, and a communications tool that reflects service levels planned for the benefit of the citizens of Gladstone. The proposed budget is a result of a lengthy and comprehensive process that involves dozens of City employees, each department, all directors, and members of the management team and the City Council. It is based on several key principles this year including the maintenance of service levels, meeting our financial obligations, maintaining a competitive employee package, adhering to current financial policies, utilizing capital improvement replacement schedules, and recognizing the results of the Public Safety Department's staffing study which will be discussed later.

The Public Hearing follows the preparation of that budget document. It also follows two study sessions that we held with the City Council. After this budget hearing, staff will prepare a budget ordinance that will be presented on the June 12th agenda.

The City Manager stated that tonight he will be presenting the overview of the general fund and the enterprise fund, with assistance from Laura Gay on the personnel budget package and assistance from Scott Wingerson on the capital improvement package.

Two years ago the budget focused on planning. The results of those efforts and plans became evident this year, resulting in a framework of more cost-effective maintenance, wise spending plans in our water and sewer system, storm water system, all of which will pay huge benefits to our citizens in the end. Those plans have also provided valuable information to move forward with decisions relative to Parks & Recreation and Public Safety.

Last year the budget message focused on the implementation of those studies, the importance of using maintenance programs such as sewer televising and cleaning programs and the value and impact of our business community on the financial operation of the City. This year City Manager Davis wants to touch on the benefits of a stable business community. And he wants to touch on the infrastructure construction as well as the long-term Public Safety needs that we are currently looking at. Again, we are in that implementation mode. This recognizes, for the most part, the budget is truly a maintenance budget; there are no significant increases in revenues, no significant increases in expenditures with the one exception of personnel which we will talk about shortly.

In the General Fund, budgeted revenues exceed expenditures by \$25,860. General Fund revenues total \$11,625,000. and expenditures total \$11, 599,000. As in the past, three revenue sources make up the majority of our revenue: property taxes, franchise taxes, and sale taxes. The total of the three sources is \$7,178,000 which is 62% of the total revenues we receive. Sales tax alone represents 29% of the total revenues in the general fund, not including capital improvements. We can easily see the importance of maintaining our sales tax base, protecting what little commercial property we have left to be developed, and becoming somewhat innovative in encouraging further development of our commercial corridors. We are in the process of taking some steps to review that with the Corridor Study approved last year.

Revenues are expected to increase over the previous budget year approximately \$343,000. Sales tax represents 40% of that growth. Sales tax projection is about 1 ½ %, so we have taken a fairly conservative approach, but one that makes a lot of sense.

The balance of the \$200,000 growth is spread among other sources, none of which are significant. This summer and next, the City will experience an unprecedented amount of infrastructure design and construction. It is extremely important because this is the follow-through on the planning that has been done over the last couple of years. It is the follow-through on commitments we made to citizens to try to improve our infrastructure. Approximately \$7.5 million in road work, including the maintenance program will be either in design or construction this year. And there will be approximately \$1 million in water system improvements as a result of the recent election, \$2.6 million in sewer system improvements, \$6.3 million in storm water improvements, and approximately \$1 million in capital improvement work. Scott Wingerson will address in more detail the capital improvements a little later. What is significant is, Mr. Davis does not think the City has ever had almost \$20 million in work,

either in design or under construction at the same time. City Manager Davis stated that the citizens are to be commended, the Council is to be commended for their commitment, and so is the staff.

The City is currently analyzing long-term space needs of the Public Safety Department. Over the past two years, members of that department and City administration have been analyzing staffing needs in the Public Safety Department. In fact, a committee was set up, chaired by Captain Doug Scheffner, which included several staff members in law enforcement, the fire side, also Laura Gay and Nancy Thompson. They reviewed the staffing needs in that department, starting in 1998 as part of the City Manager's list in terms of growth and for our citizens. The committee came back with a recommendation which focused on fire fighter/paramedic needs and those services. This year in the budget is a commitment by the City Manager to try to meet the obligations contained in that recommendation to the staff. We do not agree on the time frame, do not think we can do it as quickly as they would like to, but can meet their obligations, which are ten new employees. We have hired one position and the hiring of part-time firefighters/paramedics will get us started and will be a priority over the next five years.

This recommendation was based upon maintaining and improving those service levels as mentioned, not raising taxes, and not altering the Public Safety administration. The committee did a good job, they made a recommendation that is workable. They look forward to the City Manager's commitment to follow through with it.

The 2001 budget recognizes this effort. We have two firefighters and one paramedic, a part-time pool that will increase our ability to improve service in the fire side of the Public Safety Department where we are trying to meet minimum national fire protection standards. Along with hiring the fire inspector, the full time staffing increased by three with a goal of an additional six over the next five years. The personnel classification is the only object class expense that is experiencing a significant increase over last year's budget. It is due to Public Safety hiring, maintaining a personnel compensation plan, hiring a Human Resources administrator which is becoming more and more important for us as we try to improve services to our own employees. A recreation technician will be a valuable addition to offer some new programs and youth programs.

Other highlights in the budget include typical replacement of the fleet, such as patrol vehicles, motorcycles, vehicles identified by the Capital Replacement Program Schedules and their process. Also included in Capital and Supplemental are a thermal imaging camera, 51 additional street lights which have been a Council issue the last couple of years, and a traffic counter. We are getting more and more requests for traffic information, traffic control, and traffic enforcement. Also included are chairs for the community building and \$50,000 for the Capital Equipment Replacement fund which we are trying to build up. We now have approximately \$240,000. and to put that into perspective, a new fire truck is about \$500,000. We need to continue to work on this and are pleased we can contribute to this fund each year.

City Manager Davis advised that at the last Study Session, Council asked to add into the budget a mobile radar unit. It has been added in. The way that worked out, it was proposed to add in the Strategic Planning process. Council decided not to move

forward on that right now, so the money went back into the fund. The proposed \$25,000 revenues over expenditures beforehand, adding the \$35,000, equals \$60,000, then add the \$11,000 back in for the radar unit. Mr. Davis took the liberty to reduce the equity assessment by \$24,000 to take us back to the \$25,000 revenue over expenditure figure seen previously.

The proposed budget for the water and sewer system enterprise fund will provide for all operating costs, capital equipment purchases, bond requirements and capital improvements. The revenues are estimated to be \$5,357,000, and expenses are budgeted at \$5,348,000. Revenues are based on 857 million gallons of water. The budget expenses include a continuation of the televising of the sewer program, \$150,000 for line maintenance. It includes the acquisition of an 18,000 gallon per minute pump, for the five million gallon reservoir. Also included is the water line valve at the reservoir, clean-out of backwash pond, initial funding for the North Oak water line replacement that is a very expensive project which will require funding over two years. It gives us a good start with that project this summer. This project is linked with other capital improvements tied to North Oak in the future.

Typical automotive purchases include trucks and normal purchases. There are no new fleet purchases, all simply replacement of existing vehicles.

The KCMO water pass-along fee that we dealt with earlier on tonight's agenda is included.

During the last Council meeting, staff was directed to eliminate the revenues from the billboard off of Highway 169 and reevaluate revenues. The proposed budget reflects those changes with an \$8,500 deduction, or reduction in rental income and a increase in interest earning in the amount of \$5,000. Councilman Newsom asked staff to look at our revenues. Actually, it turned out to be a pretty easy project as Alan Greenspan made it a little more palatable when he raised interest rates. We recalculated interest rates based on our funds available on a daily basis, increased by ½ basis point and added \$5,000 back into that fund which he was comfortable with. The increased interest earnings are a direct result of recalculating interest earned based on Greenspan's actions.

The last enterprise fund is the proposed budget for the pool. Revenues are projected to be \$174,700, with expenditures at \$173,000. Annual membership fees and equity adjustments have allowed us to balance the budget. We have allowed in this budget, \$25,000 for a Spray Ground. Yesterday's paper talked about what municipalities are doing at their municipal pools. Our Department is recommending a new item called a Spray Ground. We are going to try to add attractions each year as we can afford it, to try to increase interest in the pool and make it a better and nicer facility for the citizens. The Spray Ground is approximately \$25,000, requiring the equity adjustment, but we feel good about the operation of the pool and the fact that we are able to present a balanced budget even with that type of capital expenditure.

Mr. Davis asked if there were questions about the general fund or enterprise fund, then turned the time over to Laura Gay to present the Personnel package.

Assistant City Manager Laura Gay thanked the City Manager for doing an excellent job of hitting most of the highlights in Personnel and wanted to pick up a few additional items. As mentioned, the only category that is anticipated to increase is the Personnel related expenditures which comprise 72.5% of the general fund expenses. That includes not only Personnel salaries and benefits, but also includes the insurance premiums that the City pays for our Worker's Compensation coverage, property and casualty coverage, auto premiums, and general liability. The budget contains a total of 155 full time positions, an increase of five over the current year's budget. Four are recommended in the general fund, and one in the CWSS enterprise fund. As Mr. Davis indicated, two of those in the general fund are full time firefighter/paramedic positions consistent with the staffing study that was concluded approximately six months ago. In addition, there was a recommendation to provide funding in the amount of \$50,000 to fund a pool of part-time firefighter/paramedics. It is an important distinction to see that this is not a reserve, but permanent part-time employees who will give us the ability to, at a reduced cost, bridge the gap with part time employees who we can train and bring on to maintain our minimum staffing levels in that division.

As the City Manager mentioned, it also includes hiring a Human Resources administrator that would serve all the employees. This individual would be responsible for administering the City's classification and compensation plan, preparing and evaluating personnel and insurance costs annually, developing and managing citywide training and updating and maintaining the Personnel Manual, handling of payroll, and generally keeping up with the ever-expanding area of human resources.

Finally, the Parks and Recreation technician would be used by both Parks Division and Recreation to assist with current programs, offer new programming and assist in managing purchasing and work order requests. The Parks Division is responsible for all of our public building facility maintenance and the work orders generated to keep those in good operating order. The department has identified revenue sources to offset at least 60% of that position.

The FY01 budget also contains recommendations to reclassify or upgrade several positions. This area is reviewed annually, whether the duties and responsibilities have changed and evolved over time and whether they are being compensated appropriately for those responsibilities. This year we recommend reclassification of four regular part-time employees. These positions were originally classified as regular clerical positions, but have found these positions have evolved and are performing functions consistent and equal to those of their full-time employees. We suggest no upgrading to full-time but modify the salary structure so their pay is more consistent. It give us the ability to retain these people once we attract them.

Finally, the remaining reclassification is for the MIS Support Specialist's position as we continue to evolve and grow in the world of technology. We have added significant responsibility to this position, particularly network administration, and feel like this is warranted based on the duties and responsibilities being assigned.

One of the other issues that we look at each year as part of the annual budget process, is the market analysis of the pay plan that was adopted in 1996. The Council adopted a philosophy which would maintain the mid-point for salary ranges to be 7.5% of market

and 17.5% above the market for Public Safety, is recognizing the nature of the job and multi-disciplinary aspects of those positions.

Each year we survey what we have established as benchmark positions. This year we benchmarked thirty-five of those positions, representing 63% of all classifications in the City. Several years ago we established survey data that we have used consistently and again used this year with an aging factor to adjust to December 31, 2000. The salary table in the Public Hearing document is the structure that we recommend to become effective in November of 2000. In 1996 we moved to a process of evaluating employees in November when the new salary structure would take effect.

The fifth new employee position is a utility maintenance worker in the CWSS fund. This water and sewer crewman position resulted as part of the water quality study to include a comprehensive annual flushing program. This position would be involved in keeping that program going in addition to assisting the existing crew with water main line repairs, locates, investigating and clearing sewer backups and miscellaneous construction.

Finally, Ms. Gay wanted to highlight one change in the budget numbers. In April, we were anticipating the health insurance increase to be 7%. It is somewhat difficult to determine because MARCIT, our insurance provider, conducts their budget process at the same time we do and they give us estimates as we begin our process. On the medical side, there will be no increases in costs. There is a slight increase in the dental rates. The figures include that 7% increase, but will come back in the actual budget document reducing those costs back down to what we would expect. We had budgeted for an increase of about \$80,000 based on the new positions, and small increase in dental rates. Now that increase will only be about \$33,000.

Ms. Gay added that there will be no benefit enhancements to the budget package this year. If there are questions, she will be happy to answer them.

Assistant City Manager for Development Scott Wingerson stated that relative to the Capital Improvement Program, revenues from the half-cent Capital Improvement Sales Tax and the half-cent Transportation Sales Tax fund this plan, and are expected to exceed \$4.4 million in Fiscal Year 2001.

The first category under the Capital Improvement Sales Tax Fund is Debt Service. This item includes payments on existing debt, excluding the 2000 COP, Happy Rock Park, The Home Depot, and Prospect Plaza.

The second category is Engineering Division Transfer which represents an administrative transfer to cover a portion of the costs associated with implementing and managing the 5-Year Plan.

The third category is Stormwater Projects. 18 of the 21 Master Plan projects are scheduled for construction during the proposed 5-Year Plan.

The fourth category is Park Projects. The highlight of this category in FY01 is the start of Happy Rock West improvements. This land was purchased over the last two years and is on the west side of Antioch Road. The plan recommends engineering of all

improvements for baseball and soccer programs. The second is grading of the site, estimated at \$80,000. Also proposed is tennis court resurfacing and fencing and the construction of a storage building at Oak Grove Park. Overall, the proposed amount is \$252,000 for FY 01 for these projects.

The fifth category is Building Projects and the significant project in this category is to begin implementing the recommendations resulting from the Master Plan study. This study is currently underway and will address office space, equipment storage, material storage, fueling areas and the firing range among many other issues at the Public Works facility. Prior to any results or construction, the study will be presented with specific project recommendations for consideration to the CIP and Council for review. Also included in this category are funds to improve the City Council Chambers including technology upgrades to allow for improved presentations to the City Council and residents who attend. Also included are miscellaneous improvements to City Hall including irrigation systems, carpet/flooring replacement and ceiling tile replacement, and the renovation of Station II parking lot. These totals \$230,000. for FY01.

Finally, \$200,000 in the Street project category is recommended for transfer to the Transportation Sales Tax (TST) Fund. This is the last planned transfer of CIST funds to assist in the construction of streets and will allow completion of the 5-Year Plan.

Mr. Wingerson pointed to the map on display that represents the original 5-Year Plan approved by the Council. FY01 is the final year of the plan and we will complete the promise made to residents within the five years and within budgetary compliance.

There are three notable exceptions. The first is Monroe north of 72nd Street impacted by the 72nd Street construction on 72nd Street where it is not reasonable to be overlayed at this time. The second is 64th and N. Indiana and N. Walrond. That is the subject of one of the top four storm water projects and the road will be significantly impacted by the sewer plans in that area. The third area is the Old Pike Road area between 55th Terrace and basically 52nd Street. There is also significant heavy construction at 55th Terrace and Old Pike Road which does not make overlaying the roadway feasible at this time. When those projects are done they will be overlayed properly.

In the Transportation Sales Tax Fund there are four primary projects each year within the Streets Maintenance program. The first is street maintenance itself, recommended for funding at \$1,260,000. that will allow completion of the fifth year of the 5-Year Plan. In addition, there is an intermediate maintenance program for funding in the amount of \$125,000 that enhances the life of the streets that we maintained over the last five years and the newer streets that were constructed over the last seven to ten years.

The third program is the ADA curbcut project, designed to comply with the sidewalk ramp requirements of the Americans with Disabilities Act. This program is funded at \$100,000. The fourth program is the Arterial Sidewalk project. This program installs sidewalks on all arterial and primary collector streets in the City, especially those close to schools.

Two other projects are planned for FY01. The first is \$25,000 for landscaping enhancement along the NE 72nd Street project corridor in addition to the existing

landscape already planned. The second project is planned funding of \$270,000 for the reconstruction of NE 70th Street from N. Oak to N. Holmes, on the south side of City Hall.

Mr. Wingerson stated he would be happy to answer any questions Council may have, then will turn the time back to Mr. Davis.

City Manager Davis concluded the Budget presentation, thanking the Council for their indulgence and hours spent reviewing the budget. He thanked the Budget team: Mr. Richison, Mr. Wingerson, Ms. Gay, and Mr. Sweiven for their efforts, and the efforts of the other departments and employees that put together the budget package this year. They did an excellent job and he is proud of the document proposed to the Council.

Mr. Davis then asked for questions that Council may have.

Councilman Newsom commented that she has always been impressed with the process that the City and staff go through in order to bring a budget forward. The collaborative process that starts with every member of the department bringing its ideas and projects forward, the prioritization process they bring to the budget team, then bringing it to the Council is an excellent way to address the needs of the City. Every person working in the City has a different perspective they work from and see different needs and things to make their work and the work we do for the citizens more efficient and provide better services.

Ms. Newsom stated that she must highlight a couple of issues that she finds disappointing and that she disapproves. First is her disappointment that we have not been able to include the Strategic Plan, the strategic planning session that was brought forward during the planning process. The best way to make decisions is to have goal-oriented decisions, not that we do not have individual daily goals, but a long-term strategic plan in place is the best way to do our work. We establish Council goals each year, with the over-arching goals that encompass the total work of the City and our focus is to vision as to where we are going is very, very important. She is disappointed that we are not able to include it.

Ms. Newsom voiced her disapproval of two other items on the budget. One is the inclusion of the mobile radar unit. She did not see this come forward through the budget process from the departments, nor has she seen any data that shows it is effective. If it had come forward with data from the department and from those who work the traffic and streets and are in their cars, she would have a lot more support for this item. She is data driven and does not approve of this purchase of \$11,000 for a radar unit that reads out speeds. It may intimidate some people into slowing down, but she has worked with youth for thirty years and knows that they like to challenge the machine. For whatever good it does, it will do that much more harm, therefore without data, she disapproves that issue.

The second issue is probably no great surprise. She disapproves of the elimination of the \$8,500 for the signboard revenues. If the people in Claymont want to write a thank you to Alan Greenspan, fine, but we are setting a precedent here by removing things when we do not have proper revenue sources in place. By the luck of some interest

rates, we are able to cover that fund, but we are still eliminating an \$8,500 revenue and replacing with a hopeful \$5,000 increase in interest. That is not prudent financial planning, not a way we need to be spending our citizens' money.

Ms. Newsom also wants to note that she is in receipt of a copy of a letter that was sent to members of the City Council that was sent by a member of the Missouri Department of Conservation, on Department of Conservation stationery. This person is not a Gladstone resident, but evidently owns property in Gladstone, and is discussing the issue of the signboard. It is always interesting, and she likes hearing citizens opinions, but basically the memo received from this individual is on inappropriate stationery and out of line. She does not hold this kind of communication with community members in the same level that she holds communication from our tax-paying residents who live here and come home to the City every night. We are making imprudent financial decisions by eliminating that revenue and in the interim are looking at eliminating the billboard. She hates billboards, but without a dedicated source of revenue that is going to supplant that, she is not in support of that issue.

Councilman George Nodler commented that he agrees with Councilman Newsom on the billboard. We have so few sources of revenue that does not tap into the taxpayers pocket that he hates to see one eliminated that generates \$8,500 that is not coming from the citizens of Gladstone. Although we have found a way to cover the \$8,500 this year, it is continuous each year and we will have to find that \$8,500 in future budgets and he has a problem with that.

A few months ago, we had a plan brought to us to put another billboard on our property up there which was going to generate another \$8,500 additional revenue as he understands it. The Council declined it basically for the benefits of the view of the residents of Claymont and Briarcliff West. We declined to act on that, and he knew Mr. Bishop was very strong in his opposition to building that second billboard and generating that additional revenue. Over the next ten years, between the two revenues, we would have generated \$170,000 for our water fund, which is no insignificant amount of money and not factoring in the possibility of increasing those rates. He definitely has a problem with eliminating it.

Mr. Nodler asked as far as the mobile radar unit, what is the size of this unit and would this be placed in residential streets as well as Antioch and North Oak.

City Manager Davis did not recall the size and stated that he did not recall any hard data out there, but would research the potential benefit relative to traffic enforcement that may be out there. We have not found any hard data or reports as yet.

Councilman Newsom stated she is not in favor of purchasing things on a whim and remembers a number of years ago going to a national conference and getting brochures and information on a thermal imaging camera and she was considered a wacko, she could not imagine that. But, she is ready and if it saves one life, it is important as a fire prevention issue. There is hard data that has come forward, especially recently in the Kansas City community where this would have been beneficial. She is a believer in hard data; but if she is going to go out and do impulse spending of her own money, that is one thing, but she is not that way with citizens'

money. They trust her with that money and she knows it is a small percentage of the total budget, but we are setting a precedent of imprudent spending if we continue along those lines.

City Manager Davis pointed out that, at Council's request, they did spend some time talking to our patrol officers, people that are out there in law enforcement and traffic control. Obviously they are getting a new toy, and were pleased with the request. There was a modest amount of research, but as far as the impact, he would like an opportunity to find out what is out there.

Councilman Newsom asked where they were going to put this, out on M-1 so teenagers can see how fast they are driving, so that can be a real sport. She cannot see that it is feasible to put on the corner where she lives because the size will block visibility, and she does not want it sitting in her yard. She has concerns about its usability and functionality.

Councilman Nodler commented that he liked the Manager's choice of word, "toy". He views it as an \$11,000 toy that Public Safety will play with for a few months, then end up in a storage facility.

Mayor Bishop said that he did not want to stifle Council discussion or comments, but stated there are likely citizens in the audience who have come to comment on the budget, and as it is getting very late, maybe it would be appropriate to allow citizen comments, then if there is further Council discussion, to do it at that time. He asked the other Council members if that would be acceptable. Council agreed.

Mayor Bishop then asked for comments from the audience concerning the budget that has just been presented by the City Manager.

Dale Connor, 143 Pointe Drive in Claymont Pointe. He wanted to express his gratitude for the sensitivity that the City Council has for their neighborhoods. Last fall the Claymont Pointe residents, of which there are probably 15 still here this evening, petitioned the Council to remove the billboard sign at the City waterworks property. The sign is unsightly, massive, and does not seem to fit in the neighborhood. The Claymont Pointe residents do not get to look at the advertising side of it; they see the v-shaped back part of it that has rusty I-beams. He was also reminded to mention that bats fly out of it at night.

He continued, stating yes, the billboard was there when they all moved in, but they are always looking for ways to improve their neighborhood and removal of that sign would certainly be a step in the right direction. In the newspaper several weeks ago, he read about Kansas City commissioning HTNB Architects to do an enhancement study for the Broadway corridor. The study recommended something like \$10.3 million of beautification enhancements. He thinks this would be a good opportunity for Gladstone to get the lead on that and say we are going to remove the sign and get on the bandwagon for the beautification project. He realizes there is concern about losing the \$8,500 in revenue to the budget. That is always a concern, but in the grand scheme of things removing the billboard would improve that high profile corridor to the airport. He thanked the Council for their concerns.

Tom Menefee, 206 Pointe Drive, wanted to ask a question of the City Manager. Something they have not complained about is the huge cell tower on the water property. He feels sure that revenue would probably more than cover the \$8,500. The tower has been there a couple of years. He asked how much money does that bring to the City.

City Manager Davis said he would have to check the revenue. The water fund gets revenue from several leases and antennas that total approximately \$100,000, but it is off the top of his head and is for everything in the City. The monopole brings \$23,000 per year with two providers.

Mayor Bishop asked how long it has been there. Mr. Davis stated from 1992 or 1993.

City Counselor Nancy Thompson stated that it has been a two-provider antenna for the last two years since the new pole went up. Prior to that, it was a one-provider antenna for Cellular One.

The Mayor asked if that was a new source of revenue when that came along. Mr. Davis answered that was correct.

David Hyatt, from Infinity Outdoor, the actual owner of the billboard property by Claymont Pointe said their company actually just got this board in February of this year. In discussion with Nancy Thompson, the City Counselor, he was told there was a petition from Claymont residents given to the City which would be discussed during the budget time.

Mr. Hyatt asked if the Council would reconsider bringing the item back into the budget. They would like to be good neighbors. The sign has been there for a long time and he knows the residents have concerns with the back of it. He agrees, and they would be more than willing to put up some type of opaque shield so you could not even look into it, or even doing landscaping around the sign. Maybe place the billboard in a park where the City would want some landscaping done, that would be an option.

The actual rent right now is \$8,400 per year with a percentage rental clause that is in there. The revenues would be a couple thousand higher than that, probably not this year but in following years. Infinity is a sales organization, they are the largest sign company in North America. They pride themselves on doing a good job and would like to be good neighbors with everyone. He would be more than willing to talk with whomever regarding these options and he can answer any questions at this time.

Leo Chaney, 202 Pointe Drive, wanted to comment that if we need to make money off of these signs, get this gentleman to put one up closer to your house or maybe in a Gladstone park or this building right here. We can put a big sign up out front and get the waterworks free. He asked Council to think about it.

Don McLaughlin, 6313 N. Bales, wanted to endorse the tentative action on the billboard sign and suggested that we use it as a first step in eliminating all billboards in the City of Gladstone. He understands there are a couple more that are on private

property. He does not know what we can do about that, but he thinks they are taking a good step.

The second item, is a question regarding the City employee's health plan. He is curious about a comment that was in some of the background material that was provided by staff that said the City has absorbed all the increased costs in health insurance for the employees over the last seven years. He is not aware of any employer who does not at least share those increased costs with the employees, rather than absorbing the entire amount. While it does not sound like a great deal of difference in the current year's budget, we need to think about it in the future.

If we have a problem with the \$8,500 in revenue, maybe when we re-write the contract for Economic Development, we can cut some of the welfare to the Chamber of Commerce. He thanked the Council.

Mayor Dan Bishop stated that while still in the Public Hearing, he wanted to read into the record the letter that Councilman Newsom referenced earlier. It is to the Mayor and City Council:

Dear Members of the Gladstone City Council.

Please accept my thanks and admiration for your consideration of removing the two billboards near your City's waterworks. If you do find a way to take down those billboards, you will not only have improved the Gladstone neighborhood, but you will have also given a boost to the imminent improvements on both the Broadway corridor and the Vivion Road upgrade.

In addition, you will be setting an example for the entire metropolitan area to envy and hopefully, emulate.

Best wishes to you all as you contemplate this opportunity. Sincerely, Anita B. Gorman. Mayor Bishop added that there were a couple of PS's in the letter not relevant to the discussion here tonight.

Mayor Bishop stated that since there were no other comments from the audience, he asked for any further discussion from the Council.

Mayor Bishop said he wanted to add a few thoughts. First, he does not disagree with Councilman Newsom that the citizen-based strategic planning is a good thing. He feels that during the Study Session he made it clear in principle, he agrees with it. However, as we discussed, and the City Manager said in his address on the budget, there are many issues which are coming to a head as the result of studies done over the last two years. Staff and the Council have a lot on their plates right now. He feels the direction was given to the City Manager during the Study Session to postpone consideration of expending this \$35,000 for the citizen-based strategic study plan until mid-year budget. It was not eliminated, there was general support for the concept, the direction was to wait until mid-year budget, then come back and re-examine the issue as to whether we want to do it. It has not been taken off the table, it is still out there and we are merely

postponing the expense for that \$35,000. He feels it is the right thing to do right now, given all that is currently being worked on at the City level.

As far as the mobile radar unit, he disagrees with Councilman Newsom concerning that issue. We have a terrible problem in Gladstone with speeders in our neighborhoods. He has visited 11 of the 16 home owner associations this last year since he came on the Council. Speeding is a complaint that he hears in every part of Gladstone. We have two people working in our traffic control unit right now, two officers. It is impossible for them to patrol all the neighborhoods of this City frequently enough to deter the speeding. At this point, this is a suggestion by citizens to purchase a mobile radar unit. We have seen them in many communities around us and the highway patrol uses them. When Public Safety was asked about it, they were enthusiastic, it was reported to us. Mr. Bishop says he has more confidence in our Public Safety officers and our Department than to think they are like children, wanting a little toy to play with, which they will use for a short period of time, then put away in the toy chest. He believes these are competent, professional people, who if they say they need this traffic control device, they must need it, and he thinks we should give it to them. And we have the money to do it.

On the billboard issue, he understands there is a difference of policy opinion on this issue and he thinks opinions will not change at this point. But again, for the record, he believes this is the correct policy to pursue. This Council, this City prides itself in being neighborhood friendly. And here we have an opportunity to enhance a lovely neighborhood in the City. Are we going to sit up here and say that billboard was there before the townhomes, therefore it can just stay and make that neighborhood look unattractive. Or, are we going to say the City is in the business of enhancing neighborhoods, not making money to the detriment of the neighborhood.

Furthermore, we have an opportunity to take a leadership role in this regional effort to improve, not only the 169 corridor, but also the Vivion Road corridor. He thinks it is the right thing to do. As Councilman Smith said, sure we hate to lose the money, but we cannot always use money as the final deciding factor when it comes to policy issues. He stands in support, wholeheartedly, of the budget that has been presented here tonight and intends to vote in favor of it at the next Council meeting.

The Mayor closed the Public Hearing.

Item 16. on the Agenda. Other Business.

Councilman Newsom mentioned that she hopes we are on top of Code Enforcement with all the outside sales areas getting larger and larger, creating more and more trash.

City Manager Davis stated that in the FYIN, there was a letter to Home Depot relative to their site. Mr. Wingerson had several discussions in the last few days with Wal-Mart regarding their site and recognizing it is very visible from M-1 and that they have a lot of material out there.

Ms. Newsom stated that there is a lot of trash blowing around out there and in their neighborhood.

There were no communications from the News Media or further business to come before the May 22, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:

Marilyn F. Ahnefeld, City Clerk

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



Mayor Dan Bishop

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 12, 2000**

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 May 22, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating June 14, 2000 as "NATIONAL FLAG DAY" in the City of Gladstone.
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-47, authorizing execution of a contract with Musselman and Hall Contractors, L.L.C. for the City Parking Lot Seal Coat Program for a total amount not to exceed \$13,453.29 from the Capital Improvements Sales Tax Fund. (Project 0023).

RESOLUTION NO. R-00-48, authorizing execution of a contract with Capital Electric for the Central Park Ballfield Lighting for a total amount not to exceed \$49,974. from the Capital Improvement Sales Tax Fund. (Project 0036).

RESOLUTION NO. R-00-49, authorizing execution of a contract with Fleshman Excavating for the Old Pike Road Street Reconstruction for a total amount not to exceed \$319,791.31 from the Capital Improvement Sales Tax Fund. (Project 9719).

ANNUAL LIQUOR LICENSE RENEWALS: for Bubbles Wines and Spirits, 7407 N. Oak; Hen House, 6475 N. Prospect; Conoco, 5810 N. Antioch Road; Margarita's North, Inc. 7013 N. Oak; Quik Trip #181, 2590 NE 72nd Street; Quik Trip #237, 6309 N. Antioch Road; Godfather's Pizza, 328 NE 72nd Street; King Super Store, 7020 N. Oak; Smokehouse BBQ, 6304 N. Oak; KC Northland Elks #2377.

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 rezoning of property at 6334 NE Antioch Road (Commerce Bank) from C-1 to CP-1. Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).
- 9a. **FIRST READING BILL 00-26**, rezoning property located at 6334 NE Antioch Road (Commerce Bank) from C-1 to CP-1. Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).

- 9b. **FIRST READING BILL 00-27**, approving a Site Plan in conjunction with a rezoning at 6334 NE Antioch Road (Commerce Bank). Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).
10. **PUBLIC HEARING:** on a request for a Site Plan Revision in a CP-1 zone for Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boico-Raidl-Rhea Architects, Inc. Owner: Hy-Vee, Inc. (File #1123).
- 10a. **FIRST READING BILL 00-28**, approving a Site Plan Revision for Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boico-Raidl-Rhea Architects, Inc. Owner: Hy-Vee, Inc. (File #1123).
- 10b. **APPROVAL OF BUILDING PERMIT** for the construction of a canopy addition for the pharmacy at Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boile Raidhl Rhea Architects. Owner: Hy-Vee, Inc. (BP# 00-0457).
11. **PUBLIC HEARING:** on a request for rezoning from R-1 to CP-3, property located at the southeast corner of N. Oak and NE 68th Street. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
- 11a. **FIRST READING BILL 00-29**, rezoning property located at the southeast corner of N. Oak and NE 68th Street from R-1 to CP-3. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
- 11b. **FIRST READING BILL 00-30**, approving a Site Plan in conjunction with a rezoning at 6779 N. Oak Trafficway. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
12. **FIRST READING BILL 00-31**, amending Article IV, Sections 17-49 through 17-58 of the Gladstone City Code relating to licensing and regulation of pawnshops within the City of Gladstone.
13. **RESOLUTION NO. R-00-50**, Adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July, 1, 2000 and ending June 30, 2001, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.
14. **RESOLUTION NO. R-00-51**, authorizing termination of a "Sign Location Lease" with Whiteco Outdoor Advertising assigned to Infinity Outdoor, Inc.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

**GLADSTONE CITY COUNCIL
OPEN STUDY SESSION MEETING**

MONDAY, JUNE 12, 2000

TIME: 6:45 PM

A G E N D A

1. Cable TV Broadcasting Update.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 12, 2000

Mayor Dan Bishop called the **Regular June 12, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Newsom moved to approve the **regular Monday, May 22, 2000 City Council Meeting Minutes** as submitted. Councilman Nodler seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** designating **June 14, 2000** as "**NATIONAL FLAG DAY**" in Gladstone, Missouri.

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

Following the Clerk's reading, Councilman George Nodler moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-47**, authorizing execution of a contract with Musselman and Hall Contractors, L.L.C. for the City Parking Lot Seal Coat Program for a total amount not to exceed \$13,453.29 from the

Capital Improvements Sales Tax Fund. (Project 0023). Councilman Anita Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-48**, authorizing execution of a contract with Capital Electric for the Central Park Ballfield Lighting for a total amount not to exceed \$49,974. from the Capital Improvement Sales Tax Fund. (Project 0036). Councilman Anita Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-49**, authorizing execution of a contract with Fleshman Excavating for the Old Pike Road Street Reconstruction for a total amount not to exceed \$319,791.31 from the Capital Improvement Sales Tax Fund. (Project 9719). Councilman Anita Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman George Nodler moved to approve **ANNUAL LIQUOR LICENSE RENEWALS:** for **Bubbles Wines and Spirits**, 7407 N. Oak; **Hen House**, 6475 N. Prospect; **Conoco**, 5810 N. Antioch Road; **Margarita's North, Inc.** 7013 N. Oak; **Quik Trip #181**, 2590 NE 72nd Street; **Quik Trip #237**, 6309 N. Antioch Road; **Godfather's Pizza**, 328 NE 72nd Street; **King Super Store**, 7020 N. Oak; **Smokehouse BBQ**, 6304 N. Oak; **KC Northland Elks #2377**, 7010 N Cherry. Councilman Anita Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

Paula Coleman, 11 NW 61st Terrace, expressed her concern regarding the rezoning of the property located north of Englewood Road, between Broadway and Main. She stated that she did attend a recent meeting for the public with the developer of the property. Although she had to leave by 8:30 pm, she felt that her concerns were not going to be addressed there because of problems voiced about the drainage situation, which is apparently an ongoing situation. It does not personally affect her, but her concern is that the rezoning of this property to commercial for a portion of that area, would further encroach into the residential neighborhood, greatly reducing the buffer between the commercial and residential areas. There would be dangerous access and egress with the proposal due to the steep slope of Broadway and the very short visibility for oncoming traffic. It would also add to the existing water run-off on Broadway, between the pond on the south and 59th Terrace on the north.

She stated that it was hard for her to imagine that the proposal for a further commercial development on Broadway was proposed by someone who lives and drives along Broadway daily or walks along that street frequently. She drives along Broadway every day and witnesses people tuning out onto Broadway and nearly hitting oncoming traffic. As a pedestrian, it is difficult for her to walk along either side of Broadway without feeling like she is in danger.

She understands the concern about adding revenue and that commercial property would do that for the City of Gladstone. But she wants to present a challenge. She is

now at this and has only been a homeowner for a year and a half, and has never owned a home before. She asks Council to park at the state building on Englewood and Broadway and walk down the slope going north on Broadway to observe the blind turn that would result from the commercial property being developed there and to observe the existing drainage ditch along Broadway to 59th Terrace and look at its current level of maintenance and the debris that has accumulated in the drainage pipe and is not being maintained. The likely places where water will puddle and flood into the streets and yards would be even more than it is currently.

Ms. Coleman asks if Council will consider whether the revenue from a small strip mall is worth the hazards that she observes as a pedestrian that walks past there. She thanked the Council, gave copies of her remarks to the City Clerk who distributed them to the City Manager and Council members.

Mayor Dan Bishop stated that Council has heard her concerns which have also been raised in the public hearing and since that time concerning the traffic and water run-off. Part of what is happening is that there is a traffic study required as part of the rezoning and staff is waiting to see what recommendations might be made.

Don McLaughlin, 6313 N. Bales, stated that he was privileged to sit in on the Study Session on televising Council meetings and mentioned that his own wife is physically unable to come to Council meetings without a great deal of assistance. He thinks everyone should remember the handicapped and the aged who don't make it to Gladfest to tell us they are not interested in cable TV. There were some 45-50 people as he recalls, who either called in or wrote to City Hall asking to televise meetings. Also remember, the cost, even if we went commercial, would be the same or a little less than we pay for mortgage payments on the interest and taxes on GEBC's vacant lot on 72nd Street under their so-called economic development contract. If we can do that for the Chamber and GEBC, he thinks we can take care of the aged and disabled who would like to see these Council meetings.

Mr. McLaughlin continued, stating that he was privileged to attend the economic development meeting last Thursday evening. Having talked to others who were captioned on name tags as community leaders, he feels they are really concerned citizens. They would like to tell the Council that they really should give earnest consideration to bringing the economic development program back into City Hall. He was amazed to see the 1993 plan for economic development included in the handout. There are almost verbatim portions of the GEBC contract that would implement a great deal of that plan which never happened. A great deal of that contract they have failed to perform. He asks Council, and feels the community people will trust more in this City Council and back economic development and efforts, if you will bring it in-house where they think it belongs.

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

Councilman Shirley Smith, stated that she was privileged to attend a D.A.R.E. graduation program at Oakwood Manor Elementary. It was a great deal of fun and very informative. She asks the City Manager or someone on staff to pass along to the

Public Safety Department what a great program it is and how well it was conducted. Officer Becky Davis is devoted to that program and makes it run smoothly. The children are learning so much more than simply how to say no to drugs. The D.A.R.E. program also teaches children not to be afraid of uniformed officers and has taught them to interact so well. Parents were there and some grandparents, it was a great activity and she personally appreciates their efforts.

Councilman Nodler had no comments at this time.

Councilman Newsom reminded everyone that children are out of school and doing the things kids do in the summer, running across streets and in between cars, dodging traffic outside City Hall.

Ms. Newsom mentioned that she received the Chamber Newsletter and is looking forward to the Blues Fest this coming weekend. She is disappointed that the City is not listed as a sponsor for the Blues Fest, nor is it mentioned at all in the newsletter. She asks if we are not participating at all as a City to support this event in our parks.

City Manager Davis stated that yes, obviously we are participating and actively involved in this event and the fact we weren't mentioned must be an oversight.

Ms. Newsom stated that generally we are hand-in-hand in support of all these events with the Chamber.

Mayor Pro Tem Cross had no comments at this time.

Mayor Dan Bishop agreed with Councilman Smith about the value of the D.A.R.E. program. He attended his second D.A.R.E. graduation at Linden West Elementary about a year ago. They are enjoyable, and it is great to see the young people who have taken part in this program. They seem to enjoy it and it does a lot of good.

The Mayor commented about how fortunate we were as a community to have Brooks Robinson here in Gladstone last Saturday. To have someone of this caliber, a baseball Hall of Famer was a real honor. There were about 350 people who participated in the early afternoon autograph session and the evening banquet at Old Pike Country Club was thoroughly enjoyable and said he enjoyed meeting Mr. Robinson. Additionally, we fulfilled the purpose of the event by raising a significant amount of money for the Parks & Recreation Scholarship Fund which will be great when young people can participate in activities they could not otherwise afford.

Board of Zoning Adjustment Appointments.

Mayor Bishop said that the Council appoints members of our City to various Boards and Commissions. Most terms for members expires the end of December except for the Board of Zoning Adjustment of whose terms expire in June. We have two members whose terms expire on June 30, 2000. Mr. Leroy Gunselman and First Alternate Ron Pashen have both expressed a desire to be reappointed to their positions for an additional term.

The Mayor asked for a motion. Councilman Newsom moved to reappoint Leroy Gunselman and Ron Pashen for terms expiring June, 2005. Councilman Nodler seconded.

Discussion.

Councilman Newsom stated that Mr. Gunselman and Mr. Pashen have done a fine job and need to continue with their services.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Bishop stated that the Council certainly appreciates their dedicated good service on the Commission.

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

City Manager Kirk Davis invited everyone to attend the Blues Fest this coming weekend at Oak Grove Park, Friday and Saturday night. Hopefully, the weather will be cooperate and will have great crowds out there.

Mr. Davis wished to send condolences to Kansas City Mayor Kay Barnes in the passing of her husband, Frank Barnes.

The City Manager wished to send a farewell salute to Mike Rice, reporter for The Kansas City Star who will be moving on to another beat. He appreciates Mike's coverage and his professionalism as he has worked with the City of Gladstone. He welcomes Ms. Jerry Berrios who will be covering Gladstone for the Star.

Item 9. on the Agenda. PUBLIC HEARING: on a request for rezoning of property at 6334 NE Antioch Road (Commerce Bank) from C-1 to CP-1. Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).

Mayor Bishop 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 and finally, the City Staff presentation.

Mark Brown, with Gould Evans Goodman Associates, is representing Commerce Bank. As stated on the agenda the desire is to rezone facilities at 6334 NE Antioch Road from C-1 to CP-1. The rezoning would better utilize the facility through more favorable setbacks achieved through the rezoning. The primary goal of the bank is to better serve their existing customers.

The existing facility was built in the 70's, is approximately 2,600 square feet and has a small lobby area to serve customers. The drive-thru is limited to three lanes and an ATM. At peak usage there is quite a bit of stacking and circulation on the site. In the new addition of approximately 1,600 square feet which the majority of the space is to

create a new teller line and walk-in space for customers. In addition, the drive thru lanes which would be new, would contain six drive up lanes and a separate ATM canopy on the parcel of the corner of Antioch and 64th Street which should drastically improve the stacking by having a longer area for cars to stack and additional lanes to alleviate the stacking backup in the lanes themselves. This should take off some of the impact from the parking lot since more people will be able to use the drive-up portion of the facility.

The existing part of the facility will be remodeled, the teller lines will be removed and the area currently used for tellers will be used for customer service. The existing drive-thru canopy will be removed.

Mr. Brown stated that no existing changes are proposed to the street access. All work will be done on site. Improvements beyond what he has discussed will include a new trash enclosure to replace the one serving the facility as well as additional landscaping.

Mayor Bishop asked where the trash enclosure is located on the plan. Mr. Brown indicated it is not on the plan but is located in one of the parking stalls on the east side where the current trash unit is located. The current trash structure is a picket fence and will be replaced with materials more consistent with the building materials.

Mayor Pro Tem Cross confirmed that there would be six lanes instead of the three currently in place. Mr. Brown stated yes, the drive-thru lanes will be relocated with a longer drive around on the west with a larger volume of stacking with the new configuration.

Councilman Cross asked about the impact on stacking and access to the ATM lane. Mr. Brown stated, yes, it could be possible during peak times. There is a lane for ATM independent of the drive-thru lanes that would have a certain level of access even with peak times in the drive-thru lanes.

Councilman Smith asked about the traffic signs for left or right turn only and if it will it be incorporated into the plan to make it flow better. Mr. Brown stated that it was discussed and would be discussed with the planning department. The question is where would the signs go without being a hindrance to the traffic leaving the drive-thru. Perhaps directional signage on the pavement would be the best option if planning deems it to be the best response.

Mayor Bishop asked about additional landscaping to buffer the site or to improve the surrounding setbacks. Mr. Brown stated that the majority of the landscaping is on the parcel that Commerce has purchased. The majority is at the intersection of 64th Street and Antioch Road. There will be landscaping beds, with lower types of plantings.

Councilman Nodler mentioned that at the Planning Commission meeting with Gould and Associates there were concerns about the constriction of the lanes and existing signs as being one of the potential problems.

Mr. Brown stated that it was brought up at the Planning Commission meeting last week. There was talk about realigning some of the curbs along the north, but there is an agreement with the Trust that owns the property to only allow the level of changes that they are making.

Councilman Nodler asked if the sign could be moved. Mr. Brown stated that had not been discussed.

Councilman Newsom asked if the sign could be put closer to the street or is it maxed out. Assistant City Manager for Development Scott Wingerson stated yes, it was maxed out.

Mr. Brown responded that with the additional lanes, under normal usage, there would not be any congestion along the north property line.

Ms. Newsom asked Mr. Brown if in his past experience with new facilities and possible traffic glitches, don't sometimes after people get used to a new business and the layout, they find ways to avoid those. Mr. Brown responded yes, that is generally true, and in this instance, once people know the traffic flow, they will not go through the drive-thru lanes to get to the ATM machine. They will stay within the horseshoe to access the ATM.

No one spoke in favor or opposition of the application.

Mayor Bishop then asked for staff comments.

Assistant City Manager for Development Scott Wingerson wanted to draw Council's attention to two of the eleven proposed conditions in the draft ordinance.

The first is Condition #4 mentioned by Mayor Bishop which includes the landscaping element which is a requirement of this particular plan. The minimum sizes are listed after the first sentence.

The second Condition #10 mentioned by Councilman Smith which mentions pavement markings and signage raised by the Planning Commission. The condition reads: "Pavement markings and/or signage shall be utilized to facilitate efficient internal traffic flow to and from drive-thru lanes. A striping and signage plan shall be submitted to and approved by staff prior to issuance of a building permit."

The Planning recommends unanimous approval to the City Council, staff concurs and he is available to answer any questions Council may have.

Councilman Newsom asked if the bill as it is written eliminates the part of the parcel that we do not need to be rezoning. Mr. Wingerson replied, yes, that the original published legal notice included three parcels, one called the old Gene's Party Shop parcel, on the corner of 64th and Prospect, and the other called the primary Bank parcel where Commerce Bank sits. There is a third parcel to the south of both of those parcels which is ingress/egress easement parcel, owned by one of the owners of the

property, a trust. The trust as well as Commerce Bank have requested that it not be considered as part of the zoning change and is not reflected as a legal description of the ordinances.

City Counselor Nancy Thompson clarified that the applicant had stated during their presentation that the trust did not give authorization to moving any of the curb lines and the City does have an owner's authorization which would allow changes or amendments to the site plan by the City Council as it goes through this process. As Councilman Smith questioned, there are opportunities to make changes as Council desires.

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

Item 9a. on the Agenda. **FIRST READING BILL 00-26**, rezoning property located at 6334 NE Antioch Road (Commerce Bank) from C-1 to CP-1. Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).

Councilman Newsom moved to place Bill 00-26 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Newsom stated that she knew there was concern about the narrowing of passage of the drive-thru lanes. In her experience with the public and people driving through, after once or twice, they will find a safer route. The real concern is moving the tall sign closer to the road passage. She is in favor of the way it is currently designed.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-26, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final reading of **Bill 00-26**, and enact the Bill as **Ordinance No. 3.760**. Councilman Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 9b. on the Agenda. **FIRST READING BILL 00-27**, approving a Site Plan in conjunction with a rezoning at 6334 NE Antioch Road (Commerce Bank). Applicant: Gould Evans Goodman Associates. Owner: Eldon Marcus King Revocable Trust and Commerce Bank. (File #1127).

Councilman Nodler moved to place Bill 00-27 on First Reading; Councilman Newsom seconded.

Discussion.

Councilman Newsom stated that she wanted her comments made during the rezoning discussion (Item 9a.) to be included in this site plan approval. She had stated that she knew there was concern about the narrowing of passage of the drive-thru lanes. In her experience with the public and people driving through, after once or twice, they will find a safer route. The real concern is moving the tall sign closer to the road passage. She is in favor of the way it is currently designed.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of Bill 00-27, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final reading of **Bill 00-27**, and enact the Bill as **Ordinance No. 3.761**. Councilman Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10. on the Agenda. **PUBLIC HEARING:** on a request for a Site Plan Revision in a CP-1 zone for Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boice-Raidl-Rhea Architects, Inc. Owner: Hy-Vee, Inc. (File #1123).

Mayor Bishop 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 and finally, the City Staff presentation.

John Schweiger, Boice-Raidl-Rhea Architects is representing Hy-Vee for an addition to the property to further enhance services for their clientele. This addition is a pharmacy pick-up window, along with a drive-thru lane and canopy covering for protection from the elements. The current hours of operation are from 8:00 am to 9:00 pm and would remain the same for the drive-thru. The added canopy is planned to blend in with the existing architecture with the same color, materials, and brick.

In the Planning Commission meeting, there was discussion over the drive entrance. The current plan showing the entrance has been revised and shows an additional drive lane off to the side so that if there were any stacking, Hy-Vee could accommodate it. The exit drive points to the right, so drivers know they have to exit to the right.

The landscaping plan has also been revised. There will be additional trees and shrubs as the Planning Commission has asked.

Comments in favor of the application.

Ann Alexander, 6767 N. Askew Circle stated that this is the first she has heard about it and is the pharmacy she has used. Provided it is done attractively, she is all for it.

No one spoke in opposition of the application.

Assistant City Manager Scott Wingerson stated that at the Planning Commission meeting there was discussion regarding the exterior lighting and fencing on the south property line. Bill 00-28, Condition #1 states that "exterior lighting shall be designed, installed and maintained to reduce any adverse impact on the surrounding neighbors" which means lighting shields. Condition #4 requires "the privacy fence along the south property line shall be repaired where necessary and shall be continuous, and shall be maintained in perpetuity by the property owner. Finally, the hours of operation as mentioned are from 8:00 AM to 9:00 PM.

The Planning Commission recommends unanimous approval and he will be happy to answer any questions.

Councilman Newsom asked what the definition of the fence being "maintained" means in Condition #4. What is that in City standards.

Mr. Wingerson stated "maintained" means it is in good, solid repair, no missing slats, or deteriorating columns.

Ms. Newsom then mentioned the trash that blows on and through there on a regular, daily basis.

Mr. Wingerson said that prior to the Planning Commission meeting, staff wrote a letter to the applicant about that very issue. The applicant responded that operations had been advised of that and would police it on a regular basis.

Councilman Cross asked if there was any recourse if Hy-Vee does not keep the store picked up. Mr. Wingerson stated that Codes Enforcement has been watching the store closely.

Item 10a. on the Agenda. **FIRST READING BILL 00-28**, approving a Site Plan Revision for Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boice-Raidl-Rhea Architects, Inc. Owner: Hy-Vee, Inc. (File #1123).

Councilman Anita Newsom moved to place Bill 00-28 on First Reading; Councilman Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5 – 0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-28, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-28 and enact the Bill as Ordinance 3.762; Mr. Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10b. on the Agenda. **APPROVAL OF BUILDING PERMIT** for the construction of a canopy addition for the pharmacy at Hy-Vee, Inc., 7117 N. Prospect. Applicant: Boice Raidhl Rhea Architects. Owner: Hy-Vee, Inc. (BP# 00-0457).

Councilman Nodler moved to approve the Building Permit for 7117 N Prospect as submitted; Councilman Newsom seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11. on the Agenda. **PUBLIC HEARING:** on a request for rezoning from R-1 to CP-3, property located at the southeast corner of N. Oak and NE 68th Street. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).

Mayor Bishop referenced a memorandum from Director Scott Wingerson which indicates that at 11:00 AM this date, the applicant requested a continuance of this public hearing and related items 11a, and 11b, to the next regular meeting on June 26, 2000, to allow them to consider alternatives relative to the recent Planning Commission recommendation. The Mayor said the memo indicates that staff has no objection.

Mayor Bishop opened the Public Hearing and **continued the Hearing to the Monday, June 26, 2000 City Council Meeting.**

Item 12. on the Agenda. **FIRST READING BILL 00-31**, amending Article IV, Sections 17-49 through 17-58 of the Gladstone City Code relating to licensing and regulation of pawnshops within the City of Gladstone.

Councilman George Nodler moved to place Bill 00-31 on First Reading; Councilman Anita Newsom seconded.

Discussion.

Councilman Newsom commented that hindsight is wonderful. Mayor Bishop noted that City Counselor Thompson gave a study session presentation at our last Council Meeting on this proposed ordinance which will update our Municipal Code and bring us into compliance with State Statutes with respect to the licensing and regulation of pawn shops.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5 -0) The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of Bill 00-31, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of Bill 00-31 and enact the Bill as Ordinance 3.763; Councilman Newsom seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 13. on the Agenda. RESOLUTION NO. R-00-50, Adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July, 1, 2000 and ending June 30, 2001, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.

Councilman Shirley Smith moved to adopt Resolution 00-50; Councilman Bill Cross seconded.

Discussion.

Councilman Anita Newsom said this is the 10th City of Gladstone annual budget that she has been a part of. She has always been very very proud and pleased at the way the entire Staff, not just Management Staff, has worked to pull together collaboratively their wants and needs to best serve our citizens; and how things have been prioritized and brought forward to the point that Council can adopt a budget and move forward to providing service for our citizens. She said a number of years ago she was asked to run for the City Council on a platform of fiscal prudence, we had a situation going on at the time in the city where there were allegations that finances weren't being handled prudently but by political agendas. She believes we have come a long, long way over the past number of years to make sure that it is truly a needs-based budget.

Councilman Newsom said as she mentioned at other Council Meetings, she is disappointed that there are issues and items in the budget this year that were not needs driven by the various departments, but are addressing personal political agendas, therefore she will not be able to vote for the budget this evening as it currently stands.

Councilman George Nodler said he concurs with Councilman Newsom's views and especially has a problem eliminating the revenue from the billboard at the water treatment plant from the budget. We will be eliminating \$8,500 in revenue and we now have a memo from the holder of that sign lease offering to raise the amount to \$12,400. At that rate probably in ten years we would lose \$124,000 in revenue for our water fund, and the water users will have to make up that deficit, there is no other way. Just recently we turned down an additional signboard in Claymont in deference to the view from the residents of Claymont and Briarcliff West which could have resulted in similar revenue. So we are talking approximately \$250,000 over ten years that could have been generated for the water fund without going to the residents or water users of the city. It is very difficult to come up with additional revenues that we don't have to go to Gladstone taxpayers for. Mr. Nodler said he is very disappointed that we have eliminated that revenue from the budget and that is mainly why he cannot vote in favor of the budget as proposed.

Mayor Dan Bishop said he was sad that we have heard from two Council members tonight who have indicated an unwillingness to vote for this budget. He agrees that

staff works very hard on the budget and they have put together an excellent budget. Last Council Meeting during the budget public hearing as he recalls, Councilman Newsom identified three items that she objected to in this year's budget. First, was the fact that there was not an expenditure of \$35,000 in this budget for a citizen based strategic plan. The Mayor said it was decided during a study session on the budget that staff has their plate full right now and that Council does also and therefore it would not be prudent to go on with the citizen-based strategic plan at this time. Therefore, at this time, we are saving the City \$35,000.

Mayor Bishop said the other item Councilman Newsom expressed displeasure with was the expenditure of \$11,000 for a mobile radar sign. The suggestion that the City purchase a mobile radar sign was brought forth by numerous citizens in this community. We then brought it up during the budget study session. Staff then explored that suggestion with neighboring communities who are very pleased with the results of having a radar sign and they checked with our own Public Safety Department who were enthusiastic about having a mobile radar sign. Based on that positive feedback from our own professional staff who we praise highly, that expenditure for the mobile radar sign was added into the budget. He thinks we have a terrible problem with speeders in all parts of Gladstone and if this will help to alleviate that problem with speeders in Gladstone it is money well spent.

Mayor Bishop said the third item that Councilman Newsom expressed disappointment with was the loss of revenue from the billboard which is located on the City waterworks property. As the lease currently stands that amounts to about \$8,5000 in lost revenue per year. We heard last Council Meeting during the hearing on the budget that about 2-3 years ago, a telecommunication monopole was placed there on the waterworks property. That monopole generates up to \$23,000 per year for the City water fund budget. \$23,000 a year we are now getting that we were not getting three years ago. That \$23,000 more than makes up for the money we will lose from this billboard as well as the money we would have made which the Council unanimously decided against placing there last year. Not only that, but the water fund currently operates in the black and even with the loss in the revenue from the billboard, the water fund will continue to operate in the black. Furthermore, as he already pointed out, we are saving the City \$35,000 by not having the citizen base strategic plan at this time. We are talking about a budget of approximately \$20 million dollars, and there is disappointment being expressed about an expenditure of \$11,000 and a loss of \$8,5000, which still does not amount to the \$35,000 we are saving the City. The Mayor said it is sad to him that representatives of this city who were sent here to represent the citizens would vote against the budget which includes in it funds for capital expenditures, streets, sanitary sewer improvements, storm water improvements and for public safety. Because if you vote against this budget, you are not only voting against each of these three items, you are voting against everything in this budget including public safety for this city, and you are going on record as not supporting public safety, and going on record as not supporting public works, and going on record as not supporting community development, and that is sad.

Councilman Anita Newsom said her response is that she does not feel she is going on record of not supporting issues. She is going on record not supporting the setting of a

precedent of fiscal imprudence. She stressed that she has not been shown data that the \$11,000 speed monitor equipment does anything to increase the safety among our citizens driving through our community or protect our children out playing in their yards.

Ms. Newsom said on the elimination of the revenue from the water treatment plant, basically we have no real other revenue that supplants that, we are lucky enough to have interest revenue this year to do it. What she is in opposition to is the way this budget has come forward with some personal agenda items on it.

Councilman Shirley Smith said she has always made her own way. She has a four-star credit rating and owns her own home and everything in it and she does it on her income. Proportionately, this means that if she goes out one night a year and eats at Perkins by herself and goes to a movie, she is being fiscally imprudent. She really dislikes being personally attacked on her fiscal responsibilities and she does not appreciate a letter from Infinity Outdoor who made an inadequate presentation to this Council on the billboard sign, vague and incomplete. And now four days before we vote on the budget they come up and say "oh yeah, we are going to do all of this". To her it is like a guy who goes with a gal for five years and when she says "I don't want you any more", he says - "O.K. I'll marry you". Ms. Smith said she does not appreciate this and she is going to vote in favor of this budget presented.

Councilman George Nodler added that he is disappointed that during the budget hearing, the Mayor kind of cut off the discussion with an angry discourse similar to the one he displayed tonight. We were having a discussion, the Claymont residents had come up and given their position, and then the Mayor gave a fiery, somewhat angry speech after that and then ended the discussion and the rest of the Council had not even offered opinions. Mr. Cross and Ms. Smith had not even offered an opinion during the budget hearing, but the Mayor more or less just terminated it with his angry discourse, and he seems to have the same attitude tonight.

Mayor Bishop said the only thing he would add is that he for one, and he can only speak for himself, is not advancing any personal agenda in anything he has advocated for in this budget. His only purpose in serving on this City Council is for the betterment of this community and for the citizens who voted for him and everything that he suggested. He said he advanced suggestions that were given to him by citizens and his only agenda is to do what is in the best interests of this community.

Councilman Bill Cross acknowledged the amount of time, effort and study that has gone into this budget. We have studied it for a couple of months, have looked through it and discussed all of these matters, and because it is prepared by professionals he is willing to vote for it. He recognizes again the fact that it (billboard revenue loss) is a very small figure compared with the total budget. He is someone who believes in the beauty of the city and that is where his interest is right now over that amount of revenue that we would be losing and he feels we can make it up in many, many different ways.

The vote on adoption of Resolution R-00-50: "Aye" - Smith, Cross, Bishop. "Nay" - Newsom, Nodler. (3-2)

Item 14. on the Agenda. RESOLUTION NO. R-00-51, authorizing termination of a "Sign Location Lease" with Whiteco Outdoor Advertising assigned to Infinity Outdoor, Inc.

Councilman Smith moved to adopt Resolution R-00-51; Councilman Cross seconded.

Discussion.

Councilman Anita Newsom said as she had commented before, she does not like billboards, but believes that right now it is fiscally imprudent to cancel a lease such as this especially when they are offering to give the City more money to have it there. It has been there for fifteen years and it hasn't seemed to bother anybody until recently.

Councilman Nodler said he had already expressed his opinion.

There were no further comments.

The vote on adoption of Resolution R-00-51: "Aye" – Smith, Cross, Bishop. "Nay" - Nodler, Newsom. (3-2)

Item 15 on the Agenda. Other business.

Councilman Smith requested that City staff provide information and prepare an Ordinance for introduction on elimination of City Council Primary Elections in the city of Gladstone.

Mayor Bishop noted that in February he asked the City Counselor to prepare a legal opinion on what it takes to eliminate the primary election in the city of Gladstone. That memo was provided to all then current Council members, and was provided again in last week's packet. It is his understanding that it only takes an ordinance passed by the Council to eliminate the primary election. This is an issue that has come up from time to time and seems worthy of Council debate and consideration and he supports Councilman Smith's request that City Staff bring forth an ordinance for consideration at the next Council Meeting.

Councilman Newsom asked what eliminating the primary would do for our citizens.

Ms. Smith responded that it would save us some money. Ms. Newsom said then we will have Council members elected with 10%, 12% of the vote? Councilman Smith responded the percentage would depend on who goes out to vote. The primary purpose is to save money for the City and for the candidates because those who advance to the primary have to have another campaign expenditure for the general election. She admits she has not done any homework on how many candidates we have had file for the Council office for the last five years but she would venture a guess that is not really more than 6-7. If 20-25 people are filing it might get out of hand but for an election for a city of this size, she really does not think we need a primary.

Councilman Nodler noted that when he was first elected to the Council there were six people who ran for the one seat. He won the primary and had about 35% of the vote and he felt much more comfortable going forward to the general election and coming out with 62% of the vote and feeling like he was representing the citizens of Gladstone, than if he had just been declared the winner with 35% of the vote. This is just his only personal opinion.

Mayor Bishop commented that these are all valuable insights and food for debate and discussion. As this point it seems perhaps premature if we are going to have this as an agenda item. We need to see if there is majority sentiment to bring a Bill forward on the next agenda for full discussion and debate.

Councilman Newsom asked if we were going to have study session bringing forth some facts and figures prior to putting it on the agenda. Mayor Bishop asked if there was a desire for a study session. Ms. Newsom said she thinks it would be beneficial.


Councilman Cross said he would like to see the number and cost of each election, and percent of voters. He said it was his impression that in the primary there was something like only 4% of the registered voters in Gladstone who voted which equated to approximately \$10.00 per vote. A study session might be worthwhile and he would ask the Counselor to gather the information for presentation.

Mayor Bishop agreed a study session would be advisable and asked if staff needs any further direction. City Manager Davis said he does not believe so.

* * *

There were no communications from the News Media or further business to come before the June 12, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn E. Ahnefeld, City Clerk

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


Mayor Dan Bishop

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 26, 2000**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemption
610.021(2) for Litigation Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 12, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating **Tuesday, June 27, 2000** as "**JIM BEATTY RECOGNITION DAY**" in Gladstone, Missouri, in tribute to retiring Gladstone Public Safety Sergeant James Beatty's thirty-two years of service to the City of Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-52, authorizing execution of a contract with the Larkin Group in the amount of \$189,000.00 authorized from the Combined Waterworks & Sewerage System Fund for the design of the Water Treatment Plant & Water Supply Improvements Project. (Project #0113)

RESOLUTION NO. R-00-53, authorizing execution of Change Order #4 in the amount of \$44,880.00 to the contract with Burns & McDonnell Engineers for Inspection and Administration of the 72nd Street Reconstruction Project authorized from the Transportation Sales Tax Fund. (Project #9417)

RESOLUTION NO. R-00-54, 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 renovation of Happy Rock West Park.

RESOLUTION NO. R-00-55, affirming and ratifying the actions of the City Manager and City Counselor relating to the purchase of certain real property within the City of Gladstone, accepting the deed transferring such property to the City and directing the City Clerk to file such deed with the Clay County Recorder of Deeds.

RESOLUTION NO. R-00-56, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2000 through June 30, 2001 for a total Gladstone Local Share not to exceed \$17, 133.00 from the Transportation Sales Tax Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: Kwik Shoppe, 7603-05 N Oak; Firehouse North, 6948 N Oak, Applebee's Neighborhood Grill & Bar, 6069 Antioch Road, Gladstone Bowl, 300 NW 72nd Street.

APPROVAL OF FINANCIAL REPORTS for the month of May, 2000.

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 rezoning from R-1 to CP-3, property located at the southeast corner of N. Oak and NE 68th Street. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
- 9a. **FIRST READING BILL 00-29,** rezoning property located at the southeast corner of N. Oak and NE 68th Street from R-1 to CP-3. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
- 9b. **FIRST READING BILL 00-30,** approving a Site Plan in conjunction with a rezoning at 6779 N. Oak Trafficway. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).
10. **Other Business.**
11. **Questions from the News Media.**
12. **Adjournment.**

GLADSTONE CITY COUNCIL
OPEN STUDY SESSION MEETING

MONDAY, JUNE 26, 2000

TIME: 6:30 PM

A G E N D A

1. Discussion of Gladstone Public Safety Space Needs Analysis.
2. Discussion of application fees for use of public property by telecommunication and cable providers.
3. Discussion of process for solicitation of Banking Services proposals.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 26, 2000

Mayor Dan Bishop called the **Regular June 26, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Councilman Anita Newsom
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor Nancy Thompson
City Clerk Marilyn Ahnefeld

ABSENT: Mayor Pro Tem Bill Cross
Councilman George Nodler

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

Mayor Dan Bishop led the Pledge of Allegiance to the Flag in which all joined

Item 4. on the Agenda. **Approval of Minutes.**

Councilman Anita Newsom moved to approve the **Regular Monday, June 12, 2000 City Council Meeting Minutes** as submitted. Councilman Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

Item 4a. on the Agenda. **PROCLAMATION:** recognizing **Helen Midkiff**, for her contributions to the beautification of Gladstone for more than four decades through the planting and nurturing of over 400 varieties of roses at her residence at 72nd & N Cherry Lane.

In presenting the framed proclamation to Mrs. Midkiff, Mayor Bishop referred to a ***Kansas City Star*** article about her that told of the optimism she finds in her roses as evidenced by a sign in her garden which reads "I can complain because rosebushes have thorns, or rejoice because thorn bushes have roses".

Item 4b. on the Agenda.

PROCLAMATION: designating **Tuesday, June 27, 2000** as "**JIM BEATTY RECOGNITION DAY**" in Gladstone, Missouri, in tribute to retiring Gladstone Public Safety Sergeant James Beatty's thirty-two years of service to the City of Gladstone, Missouri.

Mayor Dan Bishop said this proclamation is presented with great pleasure and sadness. He noted Sergeant Beatty was the recipient of the KMBC TV 9 Metropolitan Chief's Association Bronze Award of Valor in 1988 and has continually earned the respect of Gladstone residents, fellow officers and employees, city officials, and area law enforcement agencies.

The Mayor said he had occasion to go on several Public Safety ride-a-longs since coming on the Council and can tell us that Sergeant Beatty's fellow officers certainly respect him and say that he is as fine a man as you could ever hope to meet and is one individual who none of them would mind taking correction from in any matter of morals or advice in any way because he is a man who walks the walk. The Mayor said his retirement is a loss to the Public Safety Department and the City but we thank Sergeant Beatty for all he has done.

Sergeant Jim Beatty thanked the Mayor and Council and said he has thoroughly enjoyed working for the citizens of Gladstone for the past thirty-two years. He said he has enjoyed most of his assignments which have been enlightening, right up to the delivery of City Council packets. He wished his fellow officers the same enjoyment he experienced and the hope that the Lord will watch over them.

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

Following the Clerk's reading, Councilman Anita Newsom moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Newsom, Bishop. (3-0)

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-52**, authorizing execution of a contract with the Larkin Group in the amount of \$189,000.00 authorized from the Combined Waterworks & Sewerage System Fund for the design of the Water Treatment Plant & Water Supply Improvements Project. (Project #0113) Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-53**, authorizing execution of Change Order #4 in the amount of \$44,880.00 to the contract with Burns & McDonnell Engineers for Inspection and Administration of the 72nd Street Reconstruction Project authorized from the Transportation Sales Tax Fund. (Project #9417) Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-54**, 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 renovation of Happy Rock West Park. Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-55**, affirming and ratifying the actions of the City Manager and City Counselor relating to the purchase of certain real property within the City of Gladstone, accepting the deed transferring such property to the City and directing the City Clerk to file such deed with the Clay County Recorder of Deeds. Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-56**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2000 through June 30, 2001 for a total Gladstone Local Share not to exceed \$17,133.00 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: Kwik Shoppe, 7603-05 N Oak; Firehouse North, 6948 N Oak, Applebee's Neighborhood Grill & Bar, 6069 Antioch Road, Gladstone Bowl, 300 NW 72nd Street.** Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS** for the month of May, 2000. Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Newsom, Bishop. (3-0)

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

Mary Abbott, 5905 N Broadway, thanked the City Council for adoption of a good budget, and said we need firefighters and police cars, and we need to have the security that this budget allows us. She thanks the City Council very much.

Galen Neill, 6010 N. Wyandotte, said he has been asked by residents of the 59th Street - 61st Street Neighborhood Watch Group to deliver a letter tonight addressed to Mayor Dan Bishop, Councilman Bill Cross and Councilman Shirley Smith expressing gratitude for their foresight in approving the 2001 Gladstone City Budget, which provides the citizens of Gladstone with a new mobile radio unit, four new police patrol cars, and a new snow removal truck. These items help increase the safety and welfare of all residents of Gladstone. This budget also provides the hiring of two full time firefighters which is vital to the health and well being of every resident in Gladstone. Mr. Neill said the letter concludes with a thank you to Mayor Dan Bishop, Bill Cross and Shirley Smith and says we appreciate you and support you and is signed by residents of that area.

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

Councilman Shirley Smith reported she will attend an open house for the new Synergy House Thrift Store in the Gladstone Plaza Shopping Center on Wednesday, June 28th from 12:00 - 1:00 P.M. This organization has done great work through the years and she hopes this store is successful in bringing in money so they can continue their good work.

Councilman Anita Newsom, expressed her appreciation to all those who participated in the success of the Blues Fest. The weather held and it was a well organized event.

Ms. Newsom reminded of the 4th of July Fireworks display in Oak Grove Park complete with band concert. She is cranking up two freezers of ice cream, as is Park Board Chair Freddie Nichols and all are invited to meet under the big tree for sampling.

Ms. Newsom said there has been a media focus the last few days in remembering the veterans of the Korean War which reminded her of the flag banners that are flown throughout Gladstone which were purchased during the Gulf Storm conflict. Individuals donated \$40-60 at the time for each flag and with the passage of time, some need to be replaced. You get a great feeling of community when you see those flags as you come down the street, particularly at this time of year. She does not like to see a "shoddy" flag and would be happy to organize an effort to purchase replacements.

Mayor Dan Bishop commented that he was glad to see the reference in the **Sun Newspaper** about storm warning sirens. Gladstone has gotten a lot of attention in the new media. We have done a good job in Gladstone updating our storm siren system and do have coverage in all parts of Gladstone. It is a point of pride for us and he hopes citizens feel comfortable that the city is covered.

The Mayor also complimented the successful Blues Fest and the great weather we had for this two day event.

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

City Manager Kirk Davis reminded of the upcoming 4th of July fireworks display in Oak Grove Park, and the first Theatre in the Park Production this year of "**Joseph and the Amazing Technicolor Dream Coat**" **July 7, 8 and 9th.**

Mr. Davis also invited the City Council to attend the retirement luncheon for Sergeant Jim Beatty at 11:30 on Tuesday, June 27th in the Gladstone Council Chambers.

Item 9. On the Agenda. **PUBLIC HEARING:** on a request for rezoning from R-1 to CP-3, property located at the southeast corner of N. Oak and NE 68th Street. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).

Mayor Dan Bishop opened the Public Hearing and explained the hearing process.

Applicant Dan Claassen, Wichita, Kansas, founder of Fuel Outlet, expressed his appreciation of Council's consideration of this rezoning request. He explained that Fuel Outlet is an unattended opportunity for citizens of the city to obtain unleaded and premium un-leaded gasoline. It is an un-attended station offering no other amenities other than those typically offered at a gas station as far as air for tires, windshield cleaner, and gasoline. There is no C-store, no building, and no attendant on site for the operation. The customer would simply drive up to the gas dispenser and put in cash or paper money, coin or credit card and receive authorization in the event of a credit card transaction, pump their gas and receive a receipt if they so desire. When they developed the system they started from the ground up for unattended fueling. This is not equipment that is available off the shelf for a fueling operation it is totally nationally certified equipment designed specifically for an unattended gasoline facility.

He said it has many features and has many parts about it that are not typical to a gas service station and just to drive home that point, when it went through the national registry for authorization for gas dispensers they had to rewrite a lot of the rule books because of the technology used for this type of equipment. It is enhanced with several safety features and operational features. In essence, it is the Cadillac of the line for the equipment used in the internal parts of the dispenser. For customer convenience there is an assistance phone on site offered twenty four hours a day, seven days a week, so that in the event that anyone has a difficult time or a question about the operation, they have access to trained personnel who can guide them through or take care of the question they may have. The technicians who travel around and take care of these facilities are certified by the company, they are not just clean up crew people. They have the ability to work on the equipment and have the parts and pieces necessary to keep the dispenser in operation on the service truck that makes the rounds. So that in the event that something goes wrong, or a customer has a problem, they can be dispatched instantly 24-hours a day to the facility and fix any problems they may have.

Mr. Claassen said they went through the Planning Commission process and at the first session there were a couple of questions that the Commission had on the safety and viability and the approvals of the state, local or federal agencies including fire departments. They were able to work with staff to bring to their satisfaction the fact that this has been done before and as close as Independence in Missouri, and that it is an approved and authorized business.

He said, at the second Planning Commission Meeting, a concern was addressed that in the event this went away as a gas station there was a fear that it would turn into what was described as a mini-used car lot, where a gas station is in operation and up and going for a period of time and goes out of service for whatever reason and then turned into a used car lot.

This lot is not the typical size for a convenience store, it does not need a parking lot it only needs a drive for ingress and egress to the gas dispensers, so the lot is not big enough in the event that would happen nor is there even a building associated with this. In the unlikely event that it would go away as a fuel outlet facility it just physically would not be possible to turn it into a used car lot.

Mr. Claassen said he understands the concerns of the City and would be more than pleased to offer a deed restriction associated with the property that would not allow it to be used ever as a used car lot.

Councilman Anita Newsom noted that it was said that service technicians are dispatched instantly. What is the response time?

Mr. Claassen responded that it is a ten-minute response time. 99.9 percent of the time it is just a question and that can be taken care of over the phone. Understand these dispensers are made up of mechanical equipment and although they put in good stuff, they do fail. So if something happens, such as someone does not get a receipt because the paper is jammed or a heavy snow and the paper is jammed, then they can log them in as needing a request and mail that off from their home office the following day. These are the type of issues they normally have associated with it. As far as safety concerns, he would mention that all the fuel lines, tank and under the dispenser, have the ability to catch any spill that may occur in a secondary contained housing. So anywhere in the fuel stream from storage to delivery, if there was a leak, alarms would go off and the facility would automatically shut down.

Ms. Newsom asked about gasoline spills on site. Mr. Claassen said they would respond no differently than a standard gas station in the event that happened, the Fire Department would be called. Although they carry equipment on board to clean up fuel spills, it is very customary to go ahead and dispatch the fire department.

In the unlikely event that someone would sever a hose or if a vandal would take a knife and slash a hose, at a standard gas station you could pump thousands of gallons of gas onto the tar mat; here, you will pump less than a tenth of a gallon. The system will note the difference in the pressure on the hose and automatically shuts down. That is one of the safety aspects we have.

Councilman Shirley Smith asked if most of their other facilities are off of freeways. It seems to her that would be the ideal location because we are still kind of a bedroom community and she does not see anybody driving down N Oak at 3:00 A.M. who suddenly feels they have to have gasoline. To her the problem is not with what is proposed but simply location.

Mr. Claassen said they look at it as a neighborhood gas station. All but one of their locations are in neighborhoods. The only exception to that happens to be in Independence at the corner of 24 Highway and 291 Highway. The rest of them are right in the area with the potential customers, in the neighborhood where the customer lives. They aren't a convenience store, they are not the neighborhood grocery store, they are a specialty use retailer who offers fuel at a

discount. Their customer typically is the one who says - "I just want to save some money, I don't need anybody there to watch me do it or there if I need assistance; or I don't want anybody to sell me a loaf of bread. I just want to come in and get my gas and get out as fast as I can, and save me as much money as you can." Those people exist from corner to corner of the city, so putting these facilities right in the middle of where they live is where they need to be to service their needs.

Councilman Shirley Smith asked if it would be inconvenient to have closing hours, or if it is better if they are open all the time.

Mr. Claassen said it is better if they are open all the time although traffic after 11:00 pm drops off. As far as being in the neighborhood, they have a big umbrella canopy which they designed specifically for a neighborhood. Research indicates that bright lights promote safety and is a marketer for more sales. They have that same amperage of light but they tucked it up under the canopy so that five feet up under the canopy is where these lights are. So there is no flooding of lights to the neighborhood, it is always directed down making them a good neighbor.

Staff Presentation: **Director of Community Development Scott Wingerson** said it is important to note that the facility in total includes a 24' x 68' canopy, the associated drives, a small service areas, a dumpster enclosure, a small pay phone, and the sign. The applicant requests a buffer zone variation at the southwest corner of the property. The City Code requires a 35' buffer and that buffer is slightly encroached upon.

Mr. Wingerson said there are three main concerns from the staff's perspective. The first is that the facility is proposed for a 24 hr. operation. The facility is un-manned, and directly adjoins residential property. Because there is no primary building and no staff management of the facility in terms of controlling noise and other activities on the property, the use of the site becomes very very intense.

The second concern relates to the current zoning of the property. It is currently zoned R-1 and the applicant requests rezoning to C-3 zoning. If approved, a C-3 classification would be directly adjacent to single family residentially zoned property and multi family residentially zones to the east.

Third concern is that the facility does not provide an enclosed structure. In this case the fueling island and canopy serve as the primary structure. Although it is allowed in a C-3 zone classification, the underlying zoning actually regulates the future land use. There are several examples of allowable land uses in a C-3 zoning classification. Mr. Wingerson said Mr. Claassen referenced used cars but there are other uses such as shop stores, yards for the retail rental of automobiles, trucks, boats, building supplies and lawn accessories, wholesale sale of automotive equipment, construction equipment and farm equipment. Services such as automobile repair and washing, farm machinery repair, general repair and fix-it shops, frozen foods including lockers, drive in theaters, swimming pools, bakeries, pop bottling and

manufacturing type uses. All of those uses are also not necessarily required to be located within a primary enclosed structure.

Mr. Wingerson noted that the spirit of the request is truly innovative. The concept of an unmanned fueling facility is innovative and he is sure very very successful. However, this request is not in compliance with the Zoning Ordinance or the Comprehensive Plan. There were several options for the Planning Commission to consider. One was to approve the request as petitioned, one was to approve with conditions which are recommended in your ordinance; and finally, the Commission can recommend to deny the request. In this particular case, the staff recommended that the request be denied; the Planning Commission voted 8-0 unanimously to support that recommendation.

Mr. Wingerson invited questions.

Councilman Anita Newsom asked what the Comprehensive Plan shows for that corridor. Mr. Wingerson responded, general commercial in terms of land use, however the comprehensive plan talks about generally buffering C-3 uses with less intensity uses such as C-2, C-1, C-0 for transition.

Item 9a. on the Agenda. **FIRST READING BILL 00-29**, rezoning property located at the southeast corner of N. Oak and NE 68th Street from R-1 to CP-3. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).

Councilman Anita Newsom moved to place Bill 00-29 on First Reading; Councilman Shirley Smith seconded.

Discussion.

Councilman Anita Newsom said she has strong mixed emotions about this proposal. She truly likes the innovative concept and thinks it is probably a service that we are looking forward to in the future throughout many parts of the community. Her greatest concern about this business is this particular proposed location. When you look at the whole plan, it is a corner that is carved out of a solid R-1 residential block. Residences that have been there for years and years and are still very strong viable residences. She would like to see a less intense commercial use there. She would like to see Mr. Claassen's business located someplace else in the community. She does not think this is the place for this particular business.

Councilman Shirley Smith said she concurs. She thinks it is a fine facility and is worthy of consideration but thinks it is the wrong place, and encourages the applicant to examine some other locations in the city perhaps farther down N Oak where it is more commercial or elsewhere. She agrees this is not the right spot.

Mayor Bishop noted that the Planning Commission is comprised of volunteers who are appointed by the City Council and serve for the good of the community. They have regularly

scheduled meetings all most as often as the regular Council Meetings, and they work hard and are conscientious and diligent. He will not say that we always follow the recommendations of the Planning Commission, but when you have a unanimous vote against a proposal, he has to consider that very strongly. He has reviewed the Planning Commission Meeting Minutes and based on the thought processes in what he read, and the views of his fellow Council members, he too is unable to support this proposal tonight.

Roll Call Vote on placing Bill 00-29 on First Reading: "Aye" – 0. "No" – Smith, Newsom, Bishop. (0-3) Mayor Bishop announced that this Bill has been defeated.

Item 9b. on the Agenda. **FIRST READING BILL 00-30**, approving a Site Plan in conjunction with a rezoning at 6779 N. Oak Trafficway. Applicant: Fuel Outlet #11, L.L.C. Owner: Judy Kendrick and Lorena Parr. (File #1125).

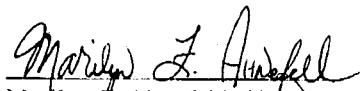
Mayor Bishop advised that due to denial of Bill 00-29 (Item 9a), this Site Plan Bill will not be introduced.

* * *

There were no communications from the News Media or further business to come before the June 26, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular City Council Meeting.

Councilman Anita Newsom moved to adjourn to **Closed Executive Session in the City Manager's Office for Litigation Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(2)**, as previously posted. Councilman Shirley Smith seconded the motion. The vote: All "aye" – Councilman Newsom, Councilman Smith, Mayor Bishop. (3-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Mayor Dan Bishop

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 10, 2000**

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 **June 26, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating the month of **July, 2000** as **National Parks & Recreation Month** in Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-57, authorizing the City Manager to execute a Membership Agreement on behalf of the City of Gladstone, Missouri with Mid-America Regional Council Insurance Trust (MARCIT) to provide certain insurance services.

RESOLUTION NO. R-00-58, authorizing the purchase of Public Safety Department radio system components from Commenco, Inc., in an amount not to exceed \$30,136.81 from the Fund Balance in the General Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: **Tortilla Flats**, 5716 N Antioch Road; **Golden Eagle Restaurant**, 6502 N Oak; **Dominic's Restaurant**, 6300 N Oak; **The End Zone**, 7630-32 N Oak.

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 C-1 to CP-3, property at 6722 N Oak. Applicant/owner: K.L. LeFever. (File #1128)
Audience Note – This public hearing will be opened and immediately continued to the July 24, 2000 City Council Meeting at the Applicant's request.
10. **PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129)
Audience Note – The Planning Commission has not submitted its recommendation to the City Council on this application; therefore, the public hearing will be opened and immediately continued to the July 24, 2000 City Council Meeting.
11. **APPROVAL OF BUILDING PERMIT** for construction of 288 sq. ft. ATM and Canopy for Commerce Bank, 6334 N Antioch Road. Applicant: Gould Evans Goodman Associates, LC. (BP #00-0505)
12. **RESOLUTION NO. R-00-59**, authorizing the offering for sale of an issue of approximately \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.
13. **FIRST READING BILL 00-32**, establishing application fees for cable, telecommunication, and other related service providers who request permission to use the right of way or other public property to provide services to the public.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 10, 2000

Mayor Dan Bishop called the **Regular July 10, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor Nancy Thompson
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Shirley Smith

Item 3. on the Agenda. Pledge of Allegiance.

Chris Lavenburg from Troop 214 sponsored by the Knights of Columbus led the color guard and Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular Monday, June 26, 2000 City Council Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: All "aye" -- Nodler, Newsom, Cross, Bishop. (4-0)

Item 4a. on the Agenda. PROCLAMATION: Designating the month of **July, 2000** as **National Parks & Recreation Month** in Gladstone, Missouri. Director of Parks and Recreation Steve Buschor accepted the proclamation from Mayor Bishop.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman George Nodler moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "aye" -- Nodler, Newsom, Cross, Bishop. (4-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-57**, authorizing the City Manager to execute a Membership Agreement on behalf of the City of Gladstone, Missouri with Mid-America Regional Council Insurance Trust (MARCIT) to provide certain insurance services. Councilman Anita Newsom seconded. The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-58**, authorizing the purchase of Public Safety Department radio system components from Commenco, Inc., in an amount not to exceed \$30,136.81 from the Fund Balance in the General Fund. Councilman Anita Newsom seconded. The vote: All "aye" -- Nodler, Newsom, Cross, Bishop. (4-0)

Councilman George Nodler moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: Tortilla Flats**, 5716 N Antioch Road; **Golden Eagle Restaurant**, 6502 N Oak; **Dominic's Restaurant**, 6300 N Oak; **The End Zone**, 7630-32 N Oak. Councilman Anita Newsom seconded. The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0)

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

Bill Burford, 3510 NE Shady Lane Drive stated that he is here to speak on behalf of the silent majority, some of those that voted some Council members in. He mentioned that the City was looking at a sales tax increase for funds and projects that he and his group would like to support it, but there is some concern about responsibility.

The responsibility came up first when they read in the paper a quote from the Mayor regarding some equipment that was bought that would track speed and the quote stated it was "only" \$11,000. His concern was about the "only" \$11,000. Then there is the revenue that was lost from the billboard that they feel is a political move, then to the possibility of televising Council meetings at a cost he has seen from \$10,000 - \$30,000. That is the concern about responsibility and they felt someone should state how they feel.

Mr. Burford said if you were to address your City employees, and ask what they would like to spend the \$11,000 on, and it was "only" \$11,000, they might like a raise. Perhaps when Councilman Cross was at the swimming pool he could have used the money for the pool. Perhaps we could use it in the community center.

Mr. Burford stated that is their concern, and they want to make sure they keep the Council responsible and keep them on alert. They are out there watching now. There seems to be some press going on now and if we need TV coverage, for whatever reason, we know how to do that. We did it several years ago with signs out front. It was not the kind we want to have, but we did. So we want to keep you responsible.

Mayor Bishop thanked Mr. Burford, noting that he had spoken on the phone with Mr. Burford and it was nice to put a face with a voice.

Mr. Burford commented that they want to support the sales tax, but want Council to give thought as to how they spend "only" \$11,000. of the citizen's money.

The Mayor mentioned that in the budget just passed, they did save \$35,000 of taxpayer dollars that had been presented as a recommendation for an outside consultant on a citizen-based strategic plan. It was removed from the budget, saving \$35,000 which for this fiscal year did amount to a net savings in the budget and they are proud of that.

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

Councilman Nodler had no communications at this time.

Councilman Newsom stated that it was great to do a proclamation for Parks and Recreation as it is a great month for Parks and Recreation. The Fourth of July celebration was wonderful and at work the next day she heard compliments one on top of the other about how nice it was. People could hear the band with the new sound system and folks were thrilled with that. Last night she went to the Theatre in the Park performance, and again it was outstanding and one of the most colorful they have put on in years. She is very proud that Gladstone has a part in that.

Councilman Newsom asked about the curb replacement projects in our neighborhoods and if there is a provision in the contract for clean-up and restoration of sites to bring them back to standard. Does it also include clean-up of the gravel out in the roadway. In her neighborhood, there is gravel in the roadway and rolling downhill to the stop sign, it is difficult to stop. Maybe this needs to be monitored on a daily basis, not just at completion of the project.

Ms. Newsom commented that regarding codes enforcement, it is political sign season again, and there are signs stuck in right-of-ways. The ordinance has been revised so there are definite measurements and should not be a problem with people understanding where they can place those signs.

Ms. Newsom stated that she has noticed recently some businesses that have almost covered the entire front windows of their business with big signs. Public Safety would not even be able to tell if they were being robbed in broad daylight. She believes this is in direct conflict with our sign code.

Assistant City Manager for Development Scott Wingerson stated that typically they have not regulated store signs on windows inside businesses. He said it certainly can be looked at.

Ms. Newsom recalled that they had talked about this before when McDonald's was painting their inside windows and Public Safety could not see inside. It would seem to be a safety issue for employees.

Mr. Wingerson stated that they would look into it and report back at the next Council meeting or the FYIN Newsletter to the Council.

Councilman Cross mentioned also that the Fourth of July event was a success and the ice cream was great that Councilman Newsom made along with Steve Buschor and Freddie Nichols. The crowd was large and the fireworks lasted another 10-15 minutes longer than usual. He talked with the band director today and she stated that we wore her out with the longer fireworks. It was extremely good.

The play last evening was fantastic. The crowds were high, an estimated 9,000 people for the weekend. He thanked Steve Buschor and the many people who worked on these efforts.

Mayor Bishop stated that at the last Council meeting in June, he was proud to present a proclamation to retiring Sergeant Jim Beatty from Public Safety after 32 years of employment with the City of Gladstone. He was able to come to the reception on June 27 in the Council Chambers. It was an experience that he will not forget. The Council Chambers was packed with people who hold Sergeant Beatty in the highest of esteem, those who have known him for many years. It was pretty special when he received the bloodhound puppy. He will miss seeing him each week when he delivered the Council packet.

Mayor Bishop mentioned that Synergy Services, who has done so much good in the northland, has opened a thrift store in the Gladstone Plaza Shopping Center. They not only do a great deal of good, they do good well. Everything tends to be done with a little extra flair, a little spark that makes them stand out. He was proud to attend the ribbon-cutting for the new store on the 28th of June. It is an asset to the Gladstone Plaza Shopping area and he is glad they have chosen to locate in our fine City.

Mr. Bishop commented that he, too, enjoyed the fireworks in Gladstone and the fact that we maintain the small-town feeling even though we are surrounded by a big city. The display was great and did go on for a long time. He enjoyed the ice cream as the other Council members did.

The Mayor mentioned the occurrence from Sunday morning that was in the paper wherein several Kansas City firefighters responding to a fire call within Gladstone were injured and received medical attention. He expresses his sympathy to the Kansas City firefighters who were injured in the line of duty. Fortunately, the injuries were not of a severe nature.

Mayor Bishop noted that at the June 26th Council meeting, Helen Midkiff received a City Proclamation for her contributions to the beautification of Gladstone through the planting of roses at her home on 72nd Street. She appreciated that proclamation. On Thursday of that week her husband, Don Midkiff passed away and he expresses his sympathy to the Midkiff family.

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

City Manager Kirk Davis stated that it is nice to hear those kudos for Parks and Recreation. Both events were well-attended and well-planned. Steve and his department deserve a lot of credit.

Mr. Davis commented that in regards to Councilman Newsom mentioning the curb replacement,

Assistant City Manager for Development Scott Wingerson has done an excellent job. In the Meadowbrook area and north of 72nd Street you can see a lot of curb work being done. It is good to see the money being used for the benefit of the citizens. We will be following up in most of those areas with the overlay program. This is the final year of the overlay in the five-year overlay program that began in 1996. It has been on schedule, under budget and those promises are going to be kept with a couple of exceptions which the Council is aware which make good business sense. He give special kudos to the staff and Scott Wingerson for this program.

The City Manager reminded Council of the July 17th Joint Study Session with the CIP Committee, Parks and Recreation Advisory Board, Planning Commission, and Special Road District #3. This meeting will be a discussion relative to the application for federal funding of major capital projects planned in the coming years as well as the Public Safety Study. The meeting will be at City Hall beginning at 6:00 pm. before the Planning Commission meeting at 7:30 pm.

Item 9. on the Agenda **PUBLIC HEARING:** on a request to rezone from C-1 to CP-3, property at 6722 N Oak. Applicant/owner: K.L. LeFever. (File #1128)

Mayor Bishop opened the Public hearing and **continued the Hearing to the July 24, 2000 City Council Meeting at the Applicant's request.**

Item 10. on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129)

Mayor Bishop opened the Public Hearing and **continued to the July 24, 2000 City Council Meeting.**

Item 11. on the Agenda. **APPROVAL OF BUILDING PERMIT** for construction of 288 sq. ft. ATM and Canopy for Commerce Bank, 6334 N Antioch Road. Applicant: Gould Evans Goodman Associates, LC. (BP #00-0505)

Councilman Nodler moved to approve the Building Permit for 6334 N. Antioch Road. Councilman Newsom seconded.

Discussion.

Councilman Newsom asked if the elevation is set the same as at the Public Hearing. Assistant City Manager Scott Wingerson acknowledged that it is the same.

Mayor Bishop commented that he is pleased to see activity and starting the building process.

The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0)

Item 12. on the Agenda **RESOLUTION NO. R-00-59**, authorizing the offering for sale of an issue of approximately \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.

Councilman Newsom moved to adopt Resolution 00-59; Councilman Nodler seconded.

Discussion.

Mayor Bishop commented that he is extremely glad to be moving forward with the issuance of these bonds which brings us a step closer to starting the improvements that we promised to the citizens of our City when they voted for this bond issue.

Councilman Nodler acknowledged that Mr. Greg Bricker, from George K. Baum and Associates, is present tonight and asked if he might want to say a few words.

Mr. Bricker stated that he had spoken with City Manager Kirk Davis earlier tonight in that the timing is very good on this issuance and the issue in late March and early April of \$8,000,000 of COP's of which \$6,000,000 will be used to fund the first portion of the Stormwater Master Plan. Those certificates were issued and when interest rates were starting to go up to slow down the economy, he thought it could catch us on the water bonds on the back draft of the rate hikes, but fortunately the effects of the rate increases had the prescribed effect and now interest rates are coming back down just in time for the sale of the water bonds. We have delicately dodged the spike in interest rates. Subject to the resolution being adopted tonight, we will proceed with the marketing of the bonds and will be present at the July 24th Council meeting with the adoption of the final rates with a closing on the 10th of August when the funds will be in the hands of the City.

The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0)

Item 13. on the Agenda. **FIRST READING BILL 00-32**, establishing application fees for cable, telecommunication, and other related service providers who request permission to use the right of way or other public property to provide services to the public.

Councilman Cross moved to place Bill 00-32 on First Reading; Councilman Newsom seconded.

Discussion.

Councilman Newsom commented that this was a good thing.

Mayor Bishop mentioned that we heard about this bill at our last Council meeting Study Session from City Counselor Nancy Thompson. Apparently we have heard from a number of service providers who want to use the City's right of way. It has become prudent to establish a fee structure so we know what to charge these companies. Gladstone has joined a consortium of municipalities through MARC who have this same concern. We are adopting the rates set forth by the consortium tonight. It seems a prudent thing to do.

The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 00-32, Waive the Rule and place the Bill on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final reading of Bill 00-32 and enact the Bill as **Ordinance 3.764**; Councilman Newsom seconded. The vote: All "aye" – Nodler, Newsom, Cross, Bishop. (4-0)

Item 14. on the Agenda. Other Business

Councilman Newsom asked about the camera in the Council Chambers.

City Manager Davis stated it is part of the new interior security system at City Hall.

Mayor Bishop stated that he had an issue he wanted to open up for discussion. In The Kansas City Star, Metropolitan Section today is an article about seven metropolitan governments who have joined the federal Communities for Safer Guns Coalition which was set up to help save lives and make communities safer by keeping guns out of the hands of children and criminals. It is administered by HUD and has 515 members from state and local governments. Officials sign a pledge saying they support local law enforcement buying from gun manufacturers that have adopted a new set of gun safety and dealer responsibility standards. Local governments who have joined the coalition are Kansas City, MO., Jackson County, Independence, Grandview, Belton, Leawood, and Kansas City, KS.

The Mayor stated that he checked his accumulated incoming information and found a letter from Nancy Kirshner-Rodriguez who is the Deputy Assistant Secretary for Intergovernmental Relations regarding Communities for Safer Guns Coalition. This letter asks Gladstone to become a member of the coalition and includes a draft of the pledge.

He asked if there was any desire in pursuing this issue. Perhaps a study session to hear how Public Safety feels about it. It sounds like there is some metro-wide interest in this initiative and he is interested in learning more about it.

Councilman Newsom stated she has not seen anything about it and would like to do more reading about it before putting the City's name on it.

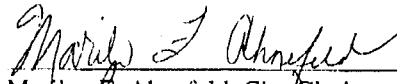
Mayor Bishop agreed, stating that his question is do you want to learn more about it. Council members agreed they would like to learn more.

City Manager Davis stated that he would get the information from Mayor Bishop and make calls to get more information. Hopefully, they could get this information for Thursday's packet. A resolution could then be put on the agenda for the next Council meeting or take appropriate direction if needed on a future agenda.

Councilman Newsom and Mayor Bishop stated they need more information and staff's recommendation concerning this issue.

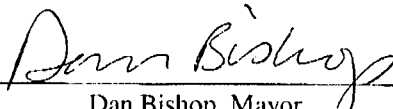
There were no communications from the News Media or further business to come before the July 10, 2000 Gladstone City Council Meeting. and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Alnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐


Dan Bishop, Mayor

GLADSTONE CITY COUNCIL
OPEN STUDY SESSION MEETING

MONDAY, JULY 24, 2000

TIME: 6:45 PM

A G E N D A

1. Project Application for TEA-21
Enhancement Projects.
2. Primary Elections in Gladstone

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 24, 2000**

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(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 July 10, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-60, authorizing the execution of an application for grant funds on behalf of the City of Gladstone with the State of Missouri in the amount of \$34,220 for aid in the construction of a gabion basket wall along the south side of a creek upstream from N. Belleview and Vivion Road in Gladstone (Project 0020).

RESOLUTION NO R-00-61, authorizing the execution of an application for grant funds in the amount of \$76,963 and loan funds in the amount of \$76,963 on behalf of the City of Gladstone with the State of Missouri for aid in the construction of drainage and erosion control improvements and box culvert replacement at NW 58th Street and N. Broadway in Gladstone (Project 9809).

RESOLUTION NO R-00-62, authorizing execution of a contract with Camp, Dresser & McKee, Inc. for the design of the Rock Creek Detention Basin at 68th Street and the Rock Creek Channel Improvements from Brooktree to City limits for a total not to exceed \$383,400 from the Capital Improvements Sales Tax Fund. (Projects 0122 and 0123).

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: Donovan's Grill, 6825 N. Oak; Uncle Nebo's, 7102 N. Oak; Tailgaters, 316 NE 72nd Street, Tommy's Grill, 6221 N Chestnut, and Hy-Vee, 7117 N. Prospect.

APPROVAL OF FINANCIAL REPORTS FOR JUNE, 2000.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
 - a) Neighborhood Preservation Task Force Appointments.
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on a request to rezone from C-1 to CP-3, property at 6722 N Oak. Applicant/owner: K.L. LeFever. (File #1128)
Audience Note – This public hearing will be opened and immediately continued to the September 11, 2000 City Council Meeting at the Applicant's request.
10. **PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129).
Audience Note – This public hearing will be opened and immediately continued to the August 14, 2000 City Council Meeting at the Applicant's request.
11. **FIRST READING BILL 00-33,** approving the final plat of Northaven Village Condominium Third Plat, located at 69th and N. Olive. Applicant/Owner: Northaven Village Condominiums, L.L.C. (File #1132).
12. **FIRST READING BILL 00-34,** authorizing the issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.
13. **FIRST READING BILL 00-35,** amending schedule V of the Model Traffic Code to establish "No Parking" on 66th Terrace from its intersection with 67th Street to N. Forest (north side only).
14. **APPROVAL OF BUILDING PERMIT** for tenant finish of 2,300 sq. ft. building space located at 7125 N. Broadway (formerly Sal's Deli) for North Oak M.U.G. Club. Applicant/Owner: North Oak M.U.G. Club. (BP# 00-0576).
15. **APPROVAL OF BUILDING PERMIT** for construction of 27,696 sq. ft. addition and remodel of existing building located at 611 NE 69th Street (Linden Baptist Church). Applicant: Ken McCall Architects. Owner: Linden Baptist Church, Inc. (BP# 00-0450).
16. **APPROVAL OF BUILDING PERMIT** for construction of 15,266 sq. ft. addition to existing building located at 6415 NE Antioch Road (Saint Andrews The Apostle Church). Applicant: Gastinger Walker Harden Architects. Owner: The Catholic Diocese of Kansas City-St. Joseph. (BP# 00-0470).
17. Other Business.
18. Questions from the News Media.
19. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 24, 2000

Mayor Dan Bishop called the **Regular July 24, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

Assistant 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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. **Approval of Minutes.**

Councilman Anita Newsom moved to approve the **Regular Monday, July 10, 2000 City Council Meeting Minutes** as submitted. Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

Following the Clerk's reading, Councilman Anita Newsom moved to approve the Consent Agenda as listed. Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-60**, authorizing the execution of an application for grant funds on behalf of the City of Gladstone with the State of Missouri in the amount of \$34,220 for aid in the construction of a gabion basket wall along the

south side of a creek upstream from N. Belleview and Vivion Road in Gladstone (Project 0020). Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5 0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO R-00-61**, authorizing the execution of an application for grant funds in the amount of \$76,963 and loan funds in the amount of \$76,963 on behalf of the City of Gladstone with the State of Missouri for aid in the construction of drainage and erosion control improvements and box culvert replacement at NW 58th Street and N. Broadway in Gladstone (Project 9809). Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO R-00-62**, authorizing execution of a contract with Camp, Dresser & McKee, Inc. for the design of the Rock Creek Detention Basin at 68th Street and the Rock Creek Channel Improvements from Brooktree to City limits for a total not to exceed \$383,400 from the Capital Improvements Sales Tax Fund. (Projects 0122 and 0123). Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS: Donovan's Grill**, 6825 N. Oak; **Uncle Nebo's**, 7102 N. Oak; **Tailgaters**, 316 NE 72nd Street, **Tommy's Grill**, 6221 N Chestnut, and **Hy-Vee**, 7117 N. Prospect. Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS FOR JUNE, 2000**. Councilman George Nodler seconded. The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

There were no communications from the audience.

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

Councilman Smith stated that she was happy to be back from vacation and missed everyone. She did return in time to attend the Westgate MML Recognition Dinner. It was a wonderful dinner and a very nice ceremony. Our City honoree, Ken Winkler has done a lot for the City and made a good representation for us and she congratulates him.

Councilman Nodler had no communications at this time.

Councilman Newsom had no communications at this time.

Mayor Pro Tem Cross commented that he appreciates the volunteers who are here tonight and the time they will be spending working to help Gladstone as members of a new task force.

Councilman Cross said he also appreciates the "North Broadway Group", and their efforts of time spent, phone calls, and attendance at Council meetings. It is good to see this kind of effort made by citizens for something they believe in.

Councilman Cross thanked the City Clerk and City Counselor for their work in researching primary elections. The information provided was exactly what he wanted to find out.

Mayor Bishop stated that he is very pleased tonight to be able to announce a new initiative that he is hopeful will spark an important dialogue in this community concerning an important topic that will result in benefit for the entire City. Two months ago, he asked members of the City Council to suggest names of individuals to serve on a neighborhood preservation task force. Each Council member submitted names, and this list has brought fourteen individuals. When he reads this list and introduces these members, he thinks everyone will agree there is a diverse group of citizens, representing all different geographical regions of the City. They are male and female, different ages, employed and retired. Each one brings a valuable and individual perspective to the important work this task force is going to undertake.

Mayor Bishop introduced Carol Rothwell who will chair this task force. She is known to many in this room, has been involved in our Gladstone community for many years, and has exceptional talent. Carol Rothwell is Vice-President at Time-Warner Cable in charge of public affairs. The Mayor said at Time Warner, she has become familiar with the governmental process and will bring great insight and a probing and sharp intellect to this endeavor. She will guide this task force well and bring forth the information it needs to make its recommendations. Carol is a calm person, a consensus builder and he is pleased that she agreed to chair this task force of diverse individuals coming together for a common purpose.

Mayor Bishop thanked Ms. Rothwell, and noted there are a number of task force members present this evening and asked them to stand when their names were read. The members are:

Anne Alexander
Wayne Beer
Barbara Bowers
Dick Davis
Andrew Dominguez
Terry Hoppenthaler
Jan Kauk

Ralph Maddox
David Ramsay
Carol Rudi
J.C. Sanders
Mark Tankesley
Al Westphal

Mayor Bishop thanked the members for their willingness to serve. He said he wanted to leave the work of the task force up to the task force. Carol Rothwell had asked if there was some predetermined outcome he was looking for. He said no, not at all. In leaving the goals of the task force up to the task force, the mission we will give them tonight is pretty broad. It will be up to them to determine how to fulfill the mission.

Before reading the mission statement, Mayor Bishop said he wanted to comment on the Gladstone Helping Neighbors organization that was founded by Mayor Art Hammen last year. He serves on the board this year and has found the organization to be a great asset to our community. Neighbors Helping Neighbors has been operating as an ad hoc group, with private

dollars, evaluating projects as they come along and there will always be a role for that organization in Gladstone.

The purpose of this new task force is to make recommendations to the Council on what we should do as a City with public funds and public resources to address the important issue of neighborhood preservation in Gladstone. Mayor Bishop then read the Neighborhood Preservation Task Force Mission Statement:

"It is the goal of every city to ensure safe and decent housing for all citizens. Neighborhood preservation efforts assist in the attainment of this goal while serving to increase property values and provide a sense of community. Additionally, strong neighborhoods lead to increased public safety and improved public services.

To these ends, the mission of the Neighborhood Preservation Task Force is to investigate, study and make recommendations to the City Council on the health of Gladstone neighborhoods. Topics may include, but not be limited to: neighborhood associations; code compliance; landlord-tenant relations; and infrastructure.

It is anticipated that the Task Force will make a comprehensive report to the City Council in March, 2001."

The Mayor stated that originally it was thought to give six months to this task force, but as Scott Wingerson pointed out, we would probably lose some time with the holidays, so we want to give adequate time to do the work, but we do have an end date in mind and have settled on March, 2001. He then asked Carol Rothwell if she would like to make a few comments.

Carol Rothwell stated that she would speak for all the members, even though she does not know them all yet. She thanked the Council for putting their trust in them and will take it very seriously. There will be a lot of studying, and looking at other cities. There will be hearings for the citizens of Gladstone when the appropriate time comes. They are grateful for the help that they will get from the Staff. She has made comments to people from other cities and they made expressions of sympathy, so she knows it will not be easy. Ms. Rothwell stated she is looking forward to working with this group and will see the Council in March, if not before.

Ms. Rothwell stated that the first meeting will be Tuesday, August 1, at 7:00 pm. in the Council Chambers. Dick Davis will be the vice-chair of the group.

Councilman Newsom asked that a copy of the Mission Statement be provided to Council members. She had a request from a citizen today asking about the task force but she had no information.

The Mayor advised that copies of the Mission Statement will be available on the table so members and Council can pick them up later.

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

Assistant City Manager Laura Gay stated that she had a request for a copy of the Study Session Memorandum on the Primary Elections and that they are available for those who are interested.

Ms. Gay reminded everyone to join the last Theatre in the Park production coming up on August 4th through 6th beginning at 8:30 pm in Oak Grove Park. The production is "Fiddler on the Roof."

Ms. Gay stated that she was both happy and sad to announce that Management Assistant Bryan Richison will be leaving the City of Gladstone in two weeks. He has accepted a position in Douglas County, Colorado as a financial analyst and this is a great opportunity for him. We are pleased and thrilled for him in his next career step. We are saddened to Bryan go, but we wish him well in his endeavor. He will be with us through the 4th of August.

Item 9. on the Agenda **PUBLIC HEARING:** on a request to rezone from C-1 to CP-3, property at 6722 N Oak. Applicant/Owner: K.L. LeFever. (File #1128)

Mayor Bishop opened the Public hearing and **continued the Hearing to the September 11, 2000 City Council Meeting at the Applicant's request.**

Item 10. on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129)

Mayor Bishop opened the Public Hearing and **continued to the August 14, 2000 City Council Meeting.**

Item 11. on the Agenda. **FIRST READING BILL 00-33**, approving the final plat of Northaven Village Condominium Third Plat, located at 69th and N. Olive. Applicant/Owner: Northaven Village Condominiums, L.L.C. (File #1132).

Councilman Cross moved to place Bill 00-33 on First Reading; Councilman Smith seconded.

Discussion.

Councilman Nodler asked if staff would like to comment on this application.

Assistant City Manager for Development Scott Wingerson stated that this was a request to subdivide the building currently under construction for condominium ownership purposes. The Planning Commission recommends approval by a vote of 9-1.

Mayor Bishop stated he had read the Planning Commission minutes and was unclear as to the reason for the one vote in opposition. Mr. Wingerson said there was no reason given.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the First Reading of Bill 00-33, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Smith moved to accept the Second and Final Reading of Bill 00-33 and enact the Bill as **Ordinance 3.765**; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

ITEM 12. on the Agenda. **FIRST READING BILL 00-34**, authorizing the issuance of \$4,000,000 of Combined Waterworks and Sewerage System Revenue Bonds.

Councilman Newsom moved to place Bill 00-34 on First Reading; Councilman Nodler seconded.

There was no discussion.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-34, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Discussion.

Councilman Newsom stated it was a shame to issue \$4,000,000 worth of bonds without saying something. This has been discussed quite a bit prior to this time and she feels we are doing the right thing for our community.

Mayor Bishop commented that it is one of those items knowing there is a resounding mandate from the citizens. We got the message on the April ballot issue and saw the overwhelming majority of citizens who approved this issue. It is the right thing to do and good improvements to the waterworks and to the sanitary sewer system that will serve this community well over many years to come. It is with great pleasure he supports this bill tonight.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-34 and enact the Bill as **Ordinance 3.766**; Councilman Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 13. on the Agenda **FIRST READING BILL 00-35**, amending Schedule V of the Model Traffic Code to establish "No Parking" on 66th Terrace from its intersection with 67th Street to N. Forest (north side only).

Councilman Cross moved to place Bill 00 35 on First Reading; Councilman Smith seconded.

Discussion.

Councilman Newsom stated that residents were in favor of a no parking on the south side of the street, so why are we putting it on the north side.

Assistant City Manager Gay stated that the request came from a resident in the neighborhood. As is our policy and procedure, Public Safety and Community Services reviewed the data. The recommendation from Public Safety was that we establish no parking on the north side of the street. A letter was delivered with this recommendation to approximately fifty homes that would be impacted by the decision. The comments you see attached to the bill are responses from those fifty who chose to respond. Of those who did respond, six agreed with the recommendation, and four suggested the south side.

Councilman Cross asked if we do know the questionnaire was delivered to all and just assume that some did not respond.

Ms. Gay said yes, they were all given the opportunity to provide comments on the recommendation.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 00-35, Waive the Rule and place the Bill on Second and Final Reading: Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 00-35 and enact the Bill as **Ordinance 3.767**; Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 14. on the Agenda **APPROVAL OF BUILDING PERMIT** for tenant finish of 2,300 sq. ft. building space located at 7125 N. Broadway (formerly Sal's Deli) for North Oak M.U.G. Club. Applicant/Owner: North Oak M.U.G. Club. (BP# 00-0576).

Councilman Smith moved to approve the Building Permit for 7125 N. Broadway. Councilman Newsom seconded.

Discussion.

Councilman Newsom asked if all the conditions listed were agreeable to the applicant. Mr. Wingerson stated that they were.

Mr. Wingerson advised the North Oak M.U.G. Club is a chapter of Alcoholics Anonymous.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Bishop stated that it will be nice to have that building occupied after being vacant for so long.

Item 15. on the Agenda **APPROVAL OF BUILDING PERMIT** for construction of 27,696 sq. ft. addition and remodel of existing building located at 611 NE 69th Street (Linden Baptist Church). Applicant: Ken McCall Architects. Owner: Linden Baptist Church, Inc. (BP# 00-0450).

Councilman Newsom moved to approve the Building Permit for 611 NE 69th Street, Linden Baptist Church. Councilman Cross seconded.

Discussion.

Assistant City Manager for Development Scott Wingerson stated that the additions are to the south side of the building.

Mayor Bishop mentioned that there are several members of the Linden Baptist Church present and that they just celebrated a significant 100 year anniversary. That is quite a historic church here in Gladstone. He is glad that it is flourishing and needs the additional space.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 16. on the Agenda **APPROVAL OF BUILDING PERMIT** for construction of 15,266 sq. ft. addition to existing building located at 6415 NE Antioch Road (Saint Andrews The Apostle Church). Applicant: Gastinger Walker Harden Architects. Owner: The Catholic Diocese of Kansas City-St. Joseph. (BP# 00-0470).

Councilman Cross moved to approve the Building Permit for 6415 NE Antioch Road. Councilman Smith seconded.

Discussion.

Mr. Scott Wingerson displayed a rendering showing the school classrooms on the north edge of the property which connects the two existing buildings.

Councilman Cross stated that this was brought up about a month ago and Council asked that they review this issue to meet certain criteria. It seems everything has been met and with the number of students, there will be no traffic problems.

Mr. Wingerson stated that a traffic study was performed, the church was very cooperative and it worked out very well and was worth doing. The study indicated there would be very little traffic impact so it reduced the public improvements needed by the church. It was very good for the City and very good for the church.

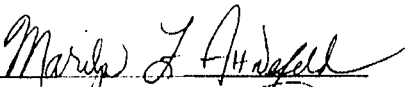
Mayor Bishop commented that it is good to see that church flourishing as well and needing additional space.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

There were no communications from the News Media or further business to come before the July 24, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

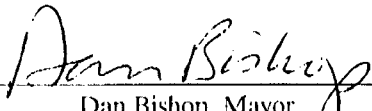
Councilman Anita Newsom moved to adjourn to **Closed Executive Session in the City Manager's Office for Real Estate pursuant to Missouri Open Meeting Act Exemption 610.021(2)**, as previously posted. Councilman George Nodler seconded the motion. The vote: All "aye" – Councilman Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒ _____

Approved as corrected/amended: _____


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 14, 2000**

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(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 July 24, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-63, authorizing execution of a contract with Black & Veatch in the total amount of \$197,037.00 for the design of the Mill Creek Sanitary Sewer Improvements and Meadowbrook Park Storm Drainage Improvement projects. (Combined Water & Sanitary Sewer Fund: \$107,920.00; Storm Water Improvement Fund: \$89,117.00). (Projects # 0118, 0119)

RESOLUTION NO R-00-64, authorizing Change Order No. 2 in the amount of \$27,914.02 from the Capital Improvements Sales Tax Fund to the contract with Metro Asphalt for the 2000 Full Depth Asphalt Replacement Program. (Project # 0002)

RESOLUTION NO. R-00-65, authorizing execution of a contract with Wilson Plumbing in the amount of \$184,099.00 from the Capital Improvements Sales Tax Fund for the Brooktree Circle Drainage Improvement project. (Project #9942)

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL for **Bob's IGA**, 5945 N Antioch Road, **American Drug Stores, dba Osco**, 6129 N Antioch Road. **Gladstone Phillips "66"**, 7303 N Oak.

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 for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129). (Continued from the July 24, 2000 City Council Meeting).
- 9a. **FIRST READING BILL 00-36,** granting a Special Use Permit subject to certain conditions to Voicestream Communications, Inc. to operate a communications tower facility on property west of 5870 N Oak Trafficway. (File #1129)
10. **PUBLIC HEARING** on a request for a Site Plan Revision on property at 5813 N Antioch Road. Applicant: GRAJA, Inc. dba Kentucky Fried Chicken. Owner: Kendallwood Investors. (File #1131)
- 10a. **FIRST READING BILL 00-37,** approving a Site Plan Revision subject to certain conditions in a CP-3 Zone for property at 5813 N Antioch Road. (File #1131)
11. **FIRST READING BILL 00-38,** approving the Final Plat of "**Amended Plat of Claymont Pointe 14th Replat**", 174 & 176 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1134)
12. **FIRST READING BILL 00-39,** an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".
13. **APPROVAL OF BUILDING PERMIT** for a 1,763 sq. ft. tenant finish at 2900 Brooktree for CECO Concrete. Applicant: Utley Construction. Owner: Jury & Associates, Inc. (BP #00-0613).
14. **APPROVAL OF BUILDING PERMIT** for a 4,227 sq. ft. building remodeling/addition at Commerce Bank, 6334 North Antioch Road. Applicant: Gould Evans and Goodman Architects. Owners: Eldon Marcus King Revocable Trust, Terry Bryson, Trustee. (BP# 00-614).
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 14, 2000

Councilman Nodler advised that in the absence of Mayor Dan Bishop and Mayor Pro Tem Bill Cross, he nominates Councilman Anita Newsom to serve at the Acting Mayor this evening. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Acting Mayor Anita Newsom called the **Regular August 14, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor Nancy Thompson
City Clerk Marilyn Ahnefeld

ABSENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross

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

Acting Mayor Anita Newsom led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. **Approval of Minutes.**

Councilman George Nodler moved to approve the **Regular Monday, July 24, 2000 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

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

Following the Clerk's reading, Councilman George Nodler moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

CONSENT AGENDA DETAIL:

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-63**, authorizing execution of a contract with Black & Veatch in the total amount of \$197,037.00 for the design of the Mill Creek Sanitary Sewer Improvements and Meadowbrook Park Storm Drainage Improvement projects. (Combined Water & Sanitary Sewer Fund: \$107,920.00; Storm Water Improvement Fund: \$89,117.00). (Projects # 0118, 0119). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Councilman George Nodler moved to adopt **RESOLUTION NO R-00-64**, authorizing Change Order No. 2 in the amount of \$27,914.02 from the Capital Improvements Sales Tax Fund to the contract with Metro Asphalt for the 2000 Full Depth Asphalt Replacement Program. (Project # 0002). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Councilman George Nodler moved to adopt **RESOLUTION NO. R-00-65**, authorizing execution of a contract with Wilson Plumbing in the amount of \$184,099.00 from the Capital Improvements Sales Tax Fund for the Brooktree Circle Drainage Improvement project. (Project #9942). Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Councilman George Nodler moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS** for **Bob's IGA**, 5945 N Antioch Road, **American Drug Stores, dba Osco**, 6129 N Antioch Road, and **Gladstone Phillips "66"**, 7303 N Oak. Councilman Shirley Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

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

There were no communications from the audience.

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

Councilman Smith said she attended the July 27, 2000 Clay County Municipal Coordinating Committee meeting. The program was interesting in that the City of Kansas City has recognized that their portion of North Oak needs beautification and they are going to start in that direction to improve it and dovetail with our plans to improve North Oak also. She also noted that Mayor Dan Bishop was elected Vice-chairman of the Clay County Coordinating Committee.

Councilman Smith commented on the wonderful Theatre in the Park production of "Fiddler on the Roof" in Oak Grove Park and she commends the theatre group on it.

Councilman Nodler had no communications at this time.

Councilman Newsom mentioned that she is glad the flag banners on our thoroughfares, which were damaged by the storm, have been removed and hopefully can be replaced through fund-

raising. She commented that if the price is still the same, she may just purchase one herself and encourage others to do so.

City Manager Davis commented that all the flag banners were acquired with donated funds from interested businesses and citizens a few years ago during Desert Storm. The Chamber has contacted the City about reinvigorating that effort to replace those that are showing wear and tear. Certainly the storms have caused us to move a little faster on this issue and there is interest from our community to raise money for more banners.

Councilman Newsom recently read an article in The American Legion Auxiliary magazine about patriotism and how we show or do not show it. This is one way Gladstone does show our patriotism and it is a good idea to continue. The flags were purchased during a tough time in the City when we came together as a community, and we can do it in good times as well.

Councilman Newsom held up a sticker that a friend had given to her to put on the door or window that says "in case of fire, please rescue the dog". She tried to modify the sticker to show she has two dogs, but Public Safety would not be able to read it. Other communities have some type of sticker or sign in a certain location by their door or window to identify that there are people inside that may have trouble exiting, or pets inside. Maybe at mid-year budget time this would be something to explore. As a citizen she stated she would be glad to pay a fee to have such a sticker so that if she were not home, persons or pets would be rescued. It would be friendly to our community and an idea to look at.

Ms. Newsom stated that she does not generally address "yellow journalism" propagated by the infamous "Tapes" in the Dispatch Newspaper; however, there is a statement in the July 26th publication, which has drawn special ire from her because it brings an innocent, well-respected person into the fracas that should not be included.

Councilman Newsom read the newspaper clipping which said: "I would just like to say that a member of the Gladstone Public Safety Department, after 32 years of service, retired. All of the Board members of the City Council who were in town attended. Ms Newsom, who was in town however, did not show up for the retirement dinner. I think this just shows how big a priority Gladstone Public Safety is to Anita Newsom."

Ms. Newsom stated that what bothers her is that the caller has the temerity to know her personal schedule and if they do presume to know the schedule, they should know that during that time she was still employed by the North Kansas City School District as Director of the Summer Learning Program at Topping Elementary School. And the "dinner" referred to was indeed a luncheon (for retiring Public Safety Sgt. James Beatty) during the time of day that the responsibilities of the day required her to be at school supervising and guiding 341 students. She stated that she is so glad someone is out there looking after her social calendar, but wishes they would get the facts straight before they publish negative opinion as to whether someone's presence at an event is cause for show of support or lack thereof.

She continued saying, just for clarification of the record, Officer Beatty and she had a very lengthy visit when he delivered his last Council packet to her home. They shared personal feelings about civic service, retirement in general, their plans for the future, as she was retiring

also. She had the opportunity to express her admiration to Officer Beatty for his style and manner of service which he has provided to our community. Ms. Newsom asked that this be the end of this particular issue.

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

City Manager Kirk Davis thanked and congratulated the Ibsens and the Parks and Recreation Department for the Theatre in the Park productions this summer. The events were well attended, we had great weather and great crowds.

Mr. Davis stated that he appreciated staff opening up the Community Services storm brush drop-off area for our citizens. In the two and a half weeks it was open, there were over 1,800 loads delivered to the site and it was certainly beneficial to our community. Total costs are not in yet on this event, but are similar to our spring and fall brush events. When the information is made available, it will be shared with Council.

Item 9. on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129)

Acting Mayor Anita Newsom opened the Public Hearing and explained the hearing process that we will hear first from the Applicant, followed by anyone in favor of the application, and next anyone in opposition, and lastly from staff.

Kathleen Hauser, Attorney with the law firm of Lathrop & Gage, 2345 Grand, Suite 2800, Kansas City, Missouri, introduced herself as the representative for applicant, Selective Site Consultants, who has filed an application on behalf of APT, sometimes known as VoiceStream Wireless, for the location of a monopole cell tower to be located on property west of 5870 N Oak.

Ms. Hauser introduced the following individuals who made presentations on behalf of the applicant:

- **Mr. Russell Pope, VoiceStream Communications, Inc., 9000 West 67th Street, Shawnee Mission, Kansas**
- **Mr. Gary Merritt, Selective Site Consultants, 13540 West 95th Street, Lenexa, Kansas**
- **Mr. Tom Slack, Appraisal & Consulting Services Group.**
- **Dr. Eric J. Strauss, 971 East 1338 Road, Lawrence, Kansas (University of Kansas City of Architecture and Urban Design)**

Speaker in opposition: **Mary Abbott, 5905 North Broadway.**

Staff presentation: **Mr. Scott Wingerson, Gladstone Director of Community Development..**

Request was made to enter the following documents into the record of the proceedings on this application.

- . Certified copy of the Gladstone Zoning Ordinance
- . Application of Selective Site Consultants for Special Use Permit, 5870 N Oak (File #1129)
- . Community Development Department Staff Report and attachments, 5870 N Oak (File #1129)
- . Bill 00-36 (File #1129)
- . Propagation Studies
- . Property Value Impact Study by Appraisal & Consulting Service Group, Thomas H. Slack
- . Dr. Eric J. Strauss Expert Testimony Report

Following the presentations, Councilman George Nodler moved to continue the Public Hearing to the Monday, September 11, 2000 City Council Meeting. Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0)

Note: attached and made a part of these minutes is the verbatim transcript of the presentation and discussion of this agenda item (Pages 1-43 of the John M. Bowen & Associates, Court Reporters "Transcript of Proceedings" prepared by Andrea J. Weinfurt.

Item 9a. on the Agenda. **FIRST READING BILL 00-36**, granting a Special Use Permit subject to certain conditions to Voicestream Communications, Inc. to operate a communications tower facility on property west of 5870 N Oak Trafficway. (File #1129)

Due to the continuance of the Public Hearing under Item 9, this Bill was not introduced.

Item 10. on the Agenda. **PUBLIC HEARING:** on a request for a Site Plan Revision on property at 5813 N Antioch Road. Applicant: GRAJA, Inc. dba Kentucky Fried Chicken. Owner: Kendallwood Investors. (File #1131)

Acting Mayor Anita Newsom opened the Public Hearing and explained the process.

Applicant Brian McMillian, with John Lutjen and Associates, 8315 N. St. Clair Avenue, Kansas City Missouri, 64151. said the project they are representing tonight is the proposed Kentucky Fried Chicken Restaurant to be located on the corner of Antioch Road and Kendallwood Parkway. It is a one-half acre site currently zoned CP-3 and formerly a Sinclair gas station. They are not asking to rezone the property, just revise the site plan. The gas station has been demolished, the gas tanks removed. They are looking for another use for the site. It is a challenging site with a severe topography change falling down Kendallwood Parkway to the east.

The plan before Council consolidates the three driveways on Antioch Road into one driveway and consolidates the two driveways on Kendallwood into one. The site plan shows the traffic circulation on the 2,500 square foot building, which requires thirteen parking spaces, but they have provided for twenty spaces. The northbound traffic will be turning in either through the light or by going down Kendallwood and through the southern entrance through the drive-thru and come back out Antioch Road.

The terrain in the back will have a retaining wall and is where the signboard and order board will be located. There will be considerable landscaping treatment in front of the wall, a dumpster, and more landscape treatment and more signage board behind. The driveway does include an emergency lane around the building itself.

Councilman Newsom asked if there was a diagram of the eastern elevation. **Mr. McMillian** replied that he did not have one.

Mr. Pete Hall, representing Kendallwood Investors, who lives at 5621 N. Clinton Place, stated that the owner of the property has an office on the lower, back side of the building. The owner has made it clear in no uncertain terms about the aesthetics of this. It will have a decorative wall, and the dumpster will have a ten-foot wall and will not be seen from any direction. Landscape planning will have screening. The Kendallwood Investors realize this corridor is too important to the City to leave as a gas station.

Councilman Newsom confirmed that the retaining wall would be a textured concrete wall, but will not be very visible with the trees and shrubs.

Ms. Newsom asked about the setback alignment being the same as the setback to the north and **Mr. McMillian** stated that was staff's suggestion and they are in agreement with that.

Assistant City Manager for Development Scott Wingerson advised that this application has some fifteen conditions and he will highlight a few of them. Truck and trash delivery will be allowed between the hours of 7:00 AM and 7:00 PM which is typical of this type of business. This property is allowed one monumental style freestanding sign and shall be in compliance with the Sign Code or variance request from the City Council. Cross access easements concerning the parcel located to the north and an access easement concerning the parcel to the east shall be submitted prior to building permit approval. The structure will be shifted five feet to the east with two feet applied to the parking aisle and three feet to the Antioch green space. The pylon sign on the parcel located to the north shall be removed. Sidewalks will be installed on the north side of Kendallwood Parkway to the west drive approach of 2700 Kendallwood.

Mr. Wingerson noted that the Planning Commission vote was nine in favor and one against.

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

Item 10a. on the Agenda. FIRST READING BILL 00-37, approving a Site Plan Revision subject to certain conditions in a CP-3 Zone for property at 5813 N Antioch Road. (File #1131)

Councilman Nodler moved to place Bill 00-37 on First Reading. Councilman Smith seconded.

The vote: All "aye" – Smith, Nodler, Newsom. (3-0). The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of Bill 00-37 and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of Bill 00-37 and enact the Bill as **Ordinance No. 3.768**. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0)

Item 11. on the Agenda. **FIRST READING BILL 00-38**, approving the Final Plat of "Amended Plat of Claymont Pointe 14th Replat", 174 & 176 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1134)

Councilman Nodler moved to place Bill 00-38 on First Reading. Councilman Smith seconded.

Discussion.

Councilman Nodler asked if everything was in order. Mr. Wingerson stated yes.

The vote: All "aye" - Smith, Nodler, Newsom. (3-0). The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of Bill 00-38 and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of Bill 00-38 and enact the Bill as **Ordinance No. 3.769**. Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0)

Item 12. on the Agenda. **FIRST READING BILL 00-39**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".

Councilman Nodler moved to place Bill 00-39 on First Reading. Councilman Smith seconded.

Discussion.

City Manager Davis commented that this is a yearly ordinance brought before Council to comply with State Law and now adds Mr. Wingerson, Assistant City Manager for Development to the list of officials required to file a disclosure statement.

The vote: All "aye" - Smith, Nodler, Newsom. (3-0). The Clerk read the Bill.

Councilman Nodler moved to accept the First Reading of Bill 00-39 and place the Bill on Second and Final Reading; Councilman Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom. (3-0) The Clerk read the Bill.

Councilman Nodler moved to accept the Second and Final Reading of Bill 00-39 and enact the Bill as **Ordinance No. 3.770**. Councilman Smith seconded. The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Item 13. on the Agenda. **APPROVAL OF BUILDING PERMIT** for a 1,763 sq. ft. tenant finish at 2900 Brooktree for CECO Concrete. Applicant: Utley Construction. Owner: Jury & Associates, Inc. (BP #00-0613).

Councilman Nodler moved to approve the Building Permit for 2900 Brooktree Lane as submitted. Councilman Smith seconded.

Discussion.

Councilman Nodler asked if everything was in order. Mr. Wingerson replied yes.

The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

Item 14. on the Agenda. **APPROVAL OF BUILDING PERMIT** for a 4,227 sq. ft. building remodeling/addition at Commerce Bank, 6334 North Antioch Road. Applicant: Gould Evans and Goodman Architects. Owners: Eldon Marcus King Revocable Trust, Terry Bryson, Trustee. (BP# 00-614).

Councilman Nodler moved to approve the Building Permit for 6334 N. Antioch Road. Councilman Smith seconded.

Discussion.

Councilman Nodler asked if everything was in order and Mr. Wingerson assured it was.

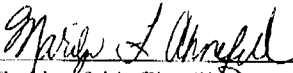
The vote: All "aye" – Smith, Nodler, Newsom. (3-0)

* * *

There were no communications from the News Media or further business to come before the August 14, 2000 Gladstone City Council Meeting, and Acting Mayor Anita Newsom adjourned the Regular Meeting.

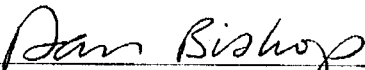
Councilman Nodler moved to adjourn to **Closed Executive Session in the City Manager's Office for Real Estate discussion pursuant to Missouri Open Meeting Act Exemption 610.021(2)**, as previously posted. Councilman Smith seconded the motion. The vote: All "aye" – Councilman Smith, Nodler, Newsom. (3-0)

Respectfully submitted:



Marilyn F. Ahnefeld, City Clerk

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



Dan Bishop, Mayor

PROCEEDINGS BEFORE THE CITY COUNCIL
OF GLADSTONE, MISSOURI

Attachment to
Item 9, Page 4
August 14, 2000
City Council
Minutes

In Re: MEETING AGENDA ITEM NO. 9:)
CONTINUED PUBLIC HEARING FOR)
Selective Site Consultants, Inc.)
13540 W. 95th Street)
Lenexa, Kansas 66215) No. 1129
Issue: Special Use Permit Request)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED, that on this 14th day of
August, 2000, the above-entitled matter comes on for
hearing before the City Council of Gladstone, Missouri,
City Hall, Gladstone, Missouri, with Councilman Ms. Anita
Newsom presiding as Acting Mayor.

The other members of the Council present are Mr.
George Nodler and Ms. Shirley Smith.

Appearing on behalf of Selective Site Consultants
are Ms. Kathleen Hauser of Lathrop & Gage L.C., Mr.
Russell Pope of VoiceStream Communications, Inc., Mr. Gary
Merritt of SSC, Inc., Mr. Tom Slack of Appraisal &
Consulting Services Group, and Dr. Eric J. Strauss of the
University of Kansas School of Architecture and Urban
Design. Also appearing is City Planner, Mr. Scott
Wingerson and City Counselor, Ms. Nancy Thompson.

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1 (Whereupon, the following proceedings are had
2 and entered of record.)
3

4 MS. NEWSOM: Item No. 9 this evening is
5 Continued Public Hearing on a request for special use
6 permit for property west of 5870 North Oak. The applicant
7 is Selective Site Consultants, Owner: Eugene Steffen, File
8 No. 1129. This was continued from the July 24th City
9 Council meeting.

10 Our normal format for our public hearing
11 process is we will hear first from the applicant, next from
12 anyone who may be in favor of the proposal, and next anyone
13 who would be in opposition to it, and last of all, we will
14 hear from the staff. Public hearing is now open.

15 MS. HAUSER: My name is Kathleen Hauser. I'm
16 an attorney with the law firm of Lathrop & Gage, located at
17 2345 Grand Boulevard, Suite 2800, in Kansas City, Missouri.
18 And I am here tonight representing Selective Site
19 Consultants.

20 Selective Site Consultants has filed an
21 application on behalf of APT, which is sometimes known as
22 VoiceStream Wireless, for the location of a monopole cell
23 tower to be located at the address referenced in your
24 report. Just preliminarily for the record, I would request
25 that the zoning ordinance -- and your city attorney was

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1 kind enough to provide me a certified copy -- be marked and
2 considered as part of this application. I would also ask
3 that the application itself, that I believe is before you,
4 be considered as an exhibit as part of the presentation in
5 this case. This application has been filed as a special use
6 permit. Therefore, this body hears it in an administrative
7 capacity rather than a legislative capacity. And I only
8 point that out because it is critical for us to bring you
9 the information, and for your decision to be based upon the
10 information that is presented to you tonight.

11 The particular site in question is located
12 along North Oak, which I don't need to tell you and
13 everyone is well aware that North Oak is a commercially
14 developed property. Ranging from just about when you cross
15 the river for long distance, commercial development has
16 thrived along this particular area. It has been the site
17 of development and redevelopment, but it continues to be a
18 critical area for commercial growth in the city of
19 Gladstone and other cities that are immediately surrounding
20 that.

21 In addition to the law of Missouri concerning
22 special use permits, you're also required to consider the
23 application of the 1996 Telecommunications Act, and I think
24 the staff and the applicant agree that the
25 Telecommunications Act does allow and recognize the right

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1 of municipal governments to enact reasonable regulations.
2 The restraints are that the regulations must not prohibit
3 the erection of cell towers, nor can the regulations be so
4 designed as to effectively prohibit the location of cell
5 towers. The other requirement is that there can be no
6 preference for individual providers in an area, it must be
7 treated similarly to what you have to do under the zoning
8 ordinance -- be uniform in your application. There cannot
9 be a favoritism shown in these applications, and finally,
10 under the Telecommunications Act, it is the responsibility
11 of the local government to act in a reasonable time frame.
12 What the courts have generally said on reasonable is it
13 should take no longer than a normal type of application to
14 be processed.

15 I bring these issues to you, again, so that you
16 are fully advised when you are hearing the testimony that
17 we are offering and also, hopefully that you will
18 understand the nature of what our testimony is and what
19 points we are trying to bring to it.

20 I'd like to start off with Mr. Russell Pope.
21 Mr. Pope is an RF engineer with VoiceStream, and he will
22 explain and offer to you for your consideration what steps
23 are necessary in order to determine appropriate site. I
24 would also like to ask if it's not part of the packet, that
25 the propagation studies developed by Mr. Pope be included.

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1 MS. THOMPSON: While he's getting set up, I'm
2 just going to add that these propagation studies are in
3 Council's packet. They are -- they would be the color of
4 the green rings that are in front, just to let you know.

5 MR. POPE: What we're all looking at -- again,
6 my name is Russell Pope from VoiceStream, 9000 West 67th
7 Street, Shawnee Mission, Kansas. I just kind of want to go
8 over from the engineering point of view why we chose this
9 site. First thing I want to say is the last couple of years
10 for cellular communications have really changed. They've
11 gone from where people want to use it in their vehicle more
12 to where they want to use it in their home, place of work,
13 other businesses, stores. And that's the driving force in
14 why we chose this site. We needed it to add to the overall
15 network or digital network here in Kansas City so people
16 would be able to use their phones in their homes, also
17 wherever they shop, go to -- commercial areas such as this
18 North Oak area.

19 First thing I want to discuss is what you're
20 seeing here is a propagation study. A propagation study is
21 we take real-life data, go out and physically drive --
22 test-drive an area, put it into a computer, and we have the
23 ability to model or predict what the outcome of the
24 coverage shall be. What you're seeing here is the actual
25 coverage within our network, or the Gladstone area and

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1 surrounding. So, as you can see here -- what you see is the
2 different colors represent different abilities for the
3 signal to be able to penetrate buildings. The red --
4 commercial. A building such as this would be considered a
5 commercial building -- a lot of brick, heavy structure,
6 steel, concrete. The yellow that you see here would be a
7 residential type of building -- lot of windows, wood trims,
8 etc. And the green is purely in your vehicle. You wouldn't
9 be able to get this in your house or anything like that.
10 So, you're looking at different signal strengths. So, as
11 you'd be looking at your phone, either you would have
12 coverage or you wouldn't have coverage, which would lead to
13 a dropped call. Where the white is -- no coverage. So, you
14 wouldn't be able to use that within your vehicle.

15 So, with this knowledge in hand -- our current
16 network -- I came up here and drove this entire area. Get
17 familiarized with it, see what type of buildings, type of
18 structures, see if there's anything existing -- any
19 existing structures that we can put our antennas on.
20 Unfortunately, there was none, and that's why we're here in
21 front of you this evening. Since there was no structures,
22 we went for the next best thing, which is a simple land use
23 -- commercial. All up and down the strip on North Oak was
24 deemed the best. It's going to cover what we needed to
25 cover with respect to commercial in-building, also the

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1 residential surrounding it. So, as you can see from the
2 bottom -- bottom picture down here, which shows completed
3 network with this site -- and you can see the desired
4 outcome is acceptable for this area.

5 Also, I want to mention that the FAA, FCC
6 guidelines for this particular tower are all met. I do a
7 study for the FAA where we take that particular location,
8 take into the consideration of height, ground elevation,
9 and do a study on it. And it came back negative, that it
10 will not impact anything for the FAA, so -- if there's any
11 questions --

12 MS. NEWSOM: Mr. Pope, what other sites were
13 considered as -- even though we didn't have a building to
14 put it on -- but what other sites were considered other
15 than the site that you've brought forth to us this evening?

16 MS. HAUSER: We have another witness who I
17 think can better address that. He was responsible for
18 selecting the site.

19 MS. NEWSOM: Okay. I guess this is the second
20 time -- I mean, I was at the planning commission hearing,
21 and I'm still unclear as to the maps. What is the optimum?
22 If we were looking at a map of optimum coverage, what would
23 it look like?

24 MR. POPE: For optimum coverage? For me, it
25 would be this right here, with this particular site in

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1 here. It would give us our desired coverage that we need
2 in being able to provide --

3 MS. NEWSOM: Then you want like in the -- what
4 I would consider the northeast quadrant of the bottom map,
5 you wouldn't want --

6 MR. POPE: You mean --

7 MS. NEWSOM: In that area. You wouldn't want
8 more yellow in there, so people in their homes in that area
9 could receive the signals in their homes?

10 MR. POPE: I would love that.

11 MS. NEWSOM: In my estimation, that would be
12 optimum; so, I'm trying to define optimum or what the
13 improvement's actually doing, I guess is my question.

14 MR. POPE: Well, our improvements is right in
15 this particular area.

16 MS. NEWSOM: So, that's your target area?

17 MR. POPE: That -- this is our target area. I
18 produce a search ring that says, "Okay, I'm going to look
19 in this area for a particular site which will cover this
20 particular issue." This issue is -- it's more so because
21 there's less coverage here. We're having a harder problem,
22 more dropped calls, worse quality, we're trying to address
23 that. So, you're absolutely correct about adding more up
24 here. But at this point in time, this was the number one
25 concern.

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1 MS. NEWSOM: So, that has become your priority
2 for this application?

3 MR. POPE: Yes, ma'am.

4 MS. NEWSOM: Does anyone else have questions
5 for Mr. Pope?

6 MS. SMITH: Yes. I also was at the planning
7 commission meeting, and the question was asked of you if
8 this was denied, did you have any other plans for
9 Gladstone, and your answer was no. Are you just going to
10 disband -- if this should happen, would you just disband
11 these plans to have better coverage, or would you still try
12 to seek other places for this tower?

13 MR. POPE: At this time, I don't have a
14 definite answer on that. It would have to be left to my
15 superiors to decide what they want to do. We could pursue
16 maybe a different area within Gladstone or try to pursue
17 this area further, I don't know. But we don't have any
18 further plans other than this tower right now.

19 MS. NEWSOM: Technologically, there's no such
20 thing as a booster repeater or something that would
21 increase signal without additional towers?

22 MR. POPE: There is such a thing, but you
23 still do need a tower to be able to get the height. We also
24 have the problem of dealing with not just terrain, but also
25 what we call clutter -- buildings, trees, things of that

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1 nature that block our signal. They just do not propagate
2 well through trees, so, we need to get above that clutter
3 for optimum. So, we would still be left with the same
4 situation of needing a tower to being able to do that. And
5 also, with a repeater, it's not highly recommended because
6 it's robbing Peter to pay Paul. Because we'd have to take
7 capacity off another site. So, that doesn't always
8 necessarily get your desired results.

9 MR. NODLER: Are you currently looking at any
10 other tower sites in the Kansas City metro area?

11 MR. POPE: Yes, we are.

12 MR. NODLER: Any in the Northland?

13 MR. POPE: Several in the Northland, above 152
14 -- north of 152.

15 MR. NODLER: But none of those sites would
16 serve this area that we're looking at right now?

17 MR. POPE: Unfortunately, no. Actually, both
18 of those are collocations. One's with Horizon and the
19 other's with Sprint. If we could find some suitable
20 collocation that would work, we would definitely look at
21 that as an avenue; but unfortunately, there's no tall
22 buildings and no other intent structures within this area.

23 MS. NEWSOM: On a tower like this, how many
24 other companies could possibly cohabitate, is the term
25 we're using, on the tower to provide a level playing field

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1 for other providers?

2 MR. POPE: We can have -- I've seen up to five,
3 and again, it goes to the height of the tower.

4 MS. NEWSOM: What does that do to the signal?

5 MR. POPE: If you have multiple carriers?
6 Actually, there's no degradation. No, we've done it in
7 many places and no one seems to complain. We don't
8 complain, no one else has. So, it's pretty friendly out
9 there. If there is a tower for everyone to collocate on,
10 we're not going to shy away from anybody. But again, it
11 goes with the height of the tower. The shorter the tower,
12 you're probably not going to get too many people on it;
13 because again, it's the clutter factor -- you got too many
14 trees, not tall enough, no one's going to collocate too
15 low.

16 MS. NEWSOM: Okay. We had someone who was
17 going to answer the question about the other sites that
18 were considered in the search ring?

19 MR. POPE: Thank you.

20 MS. HAUSER: I'd like to produce Gary Merritt,
21 who's with the Selective Site Consultants.

22 MR. MERRITT: Good evening. My name is Gary
23 Merritt. Our address is 13540 West 95th Street, Lenexa,
24 Kansas. Just to give you a little background, I have been
25 in the commercial real estate site selection business for

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1 34 years, have been involved in quite a number of choice
2 sites throughout this area and actually all the way to New
3 York and Pennsylvania in the telecommunications industry.

4 To better give you an overview of what we're
5 trying to accomplish, this particular tower, when
6 completed, will be part of VoiceStream's digital network
7 nationwide. The import of the Telecommunications Act that
8 our government saw the need to create a seamless network of
9 telecommunication towers throughout the United States so
10 that if we're in a situation where there's an emergency --
11 perhaps a member of your family that's been involved in an
12 accident or illness, and they reach for that cellular
13 phone, they can pretty well be assured of having a signal.
14 Our government felt that was necessary and we, on a daily
15 basis dealing with these things, know for sure that it is
16 necessary and important to your community.

17 As we approach these search rings, the area
18 that's defined, we can have a tower that will function
19 appropriately within this geographic location. Our first
20 choice is to look for an existing tower. In this
21 particular case, there aren't any towers in your city. The
22 second thing is, we'll look for a tall structure that maybe
23 we can put antennas on. In this particular case, there
24 were no tall structures that were available. The next thing
25 that we tried to do is, because of the sensitivity to

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1 residential areas, as much as possible we try to keep these
2 in a commercial or orientation in an area where it isn't
3 going to have an adverse effect on residences. We try first
4 to find a commercial property where we have a willingness
5 on the part of a landowner to lease property to us. When
6 you asked the question a little while ago about "Did we try
7 other locations," I didn't do this particular site
8 selection, but I can guarantee you that they did. They
9 talked to a number of property owners, and they come up
10 with a willing individual who owns a piece of property
11 who's willing to lease it to this company. And if it's in
12 an appropriate location, and the propagation study proves
13 out that it will be effective, then we try to make an
14 agreement with that party and then we begin this process,
15 and that's what's occurred here.

16 There's extensive research that went into this,
17 and I know that just like I do on a daily basis, we talk to
18 a lot of property owners, we look for the most appropriate
19 locations. The reason for that, we always try to locate on
20 an existing tower if we can because it reduces our cost
21 immeasurably, as you can well imagine. If we don't have to
22 build a tower, our cost is reduced. So, we're not out here
23 trying to build towers that don't need to be built.

24 The second thing is we try to put them in an
25 appropriate location, because that makes this function

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1 easier, if they're in an appropriate location. I've seen
2 the data, I've seen the photographs on this location, it's
3 a highly commercial area -- it is what we consider to be an
4 appropriate location. I'll be happy to answer any
5 questions.

6 MR. NODLER: Do you know what percentage of the
7 land mass on these maps is in Gladstone?

8 MR. POPE: I don't know the overall mass you're
9 talking about. I know that there's some of these villages
10 within this area right here, but the bulk of it is within
11 Gladstone, especially up and down the North Oak corridor;
12 and it does extend past the villages, also.

13 MS. NEWSOM: Mr. Merritt?

14 MR. MERRITT: Yes?

15 MS. NEWSOM: When you were referencing
16 extensive research that had been done, can you give me some
17 bullet points as to what kind of topics you research when
18 you go to sites?

19 MR. MERRITT: Well, we look for commercial
20 locations, number one, and they're in -- within that search
21 ring geography. So, it's a matter of focusing on a property
22 where you don't see a negative effect from the location,
23 and also you look for the most positive location in terms
24 of performance. And then you always have to come to the
25 point of reality and that is, some people are willing to

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1 lease their property and some people aren't willing to
2 lease their property. So, that's one of the considerations.
3 And you talk to quite a number of people -- and sometimes
4 it isn't necessarily that somebody doesn't want a
5 communications tower, it's just they have other plans for
6 their property; so, it's a matter of bringing all of these
7 things together, fitting them into something that is
8 appropriate, that is useful, and that accomplishes what you
9 need to accomplish here.

10 MS. NEWSOM: Okay. And then I -- the search
11 ring again, for this site -- for this tower was --

12 MR. MERRITT: I don't have a copy of that with
13 me, I'm sorry.

14 MR. POPE: It's basically -- it was a few
15 blocks long -- brought along the North Oak, because that
16 was all commercial. We didn't try to get into much of the
17 residential, if you know that that's not going to -- can't
18 resume proper tower use.

19 MS. NEWSOM: So, the search ring was more of a
20 search strip?

21 MR. POPE: It was more of a rectangle, went
22 right up through here.

23 MR. NODLER: Where's the tower that's starred
24 north of the proposal? Where's that?

25 MR. POPE: Linden water.

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1 MR. NODLER: Linden water?

2 MS. HAUSER: It may be appropriate at this time
3 for me to address the ordinance that I believe is before
4 you with conditions or with the proposed conditions.
5 Generally, the conditions are acceptable. I believe we
6 stated previously that we would be willing to construct the
7 tower to a height of 110 feet, but the additional height
8 would be available so other cell providers could collocate
9 on our tower. We previously agreed to 20 years, and I
10 understood that question from the planning commission to be
11 a question that was a one-time -- if it was approved, a
12 one-time period with no renewals. Obviously, if there
13 would be an opportunity for renewals, a lesser time would
14 certainly be considered.

15 At this time, I would like to call -- start our
16 expert witnesses. I'd like to call Mr. Tom Slack. Any
17 time any action involves land use, there are always
18 questions concerning what are the effects on property
19 values. And so, we have retained Mr. Slack for the purpose
20 of doing an analysis. And I'd like Mr. Slack to give you
21 his background, his experience, and also what he did to
22 come up with the results and what his results were.

23 MR. SLACK: Thank you. My name's Tom Slack. I
24 own a company called Appraisal & Consulting Services Group.
25 I do commercial real estate and business appraising and

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1 consulting services with regard to locations and other --
2 and property acquisitions. I've been in the business for
3 about 17 years, and over the years, I have reviewed a
4 variety of different locations and types of cell tower
5 designs. And the method that is used in the appraisal
6 business to analyze the impact on property values of any
7 proposed development, whether it's a cell tower or a
8 shopping center or an office building or whatever -- to
9 address the impact on surrounding properties, it's called a
10 paired sales analysis or paired data sets. And the
11 methodology is to identify a location where a similar type
12 of improvement exists, and try to compare what do
13 properties sell for in close proximity to the particular
14 development with those that are similar types of properties
15 but not located close to the particular project.

16 And in this case, at Ms. Hauser's request, I
17 have focused on residential properties but not exclusively,
18 the reason being that it is, I believe, VoiceStream's
19 experience -- and the other companies with whom I've worked
20 in the past, also their experience -- that commercial
21 property owners are typically not as concerned with the
22 impact on their property values. At any rate, I prepared a
23 study of a number of locations around the city -- probably
24 studied a dozen over the years. In this case, I focused on
25 three, and I'd like to give you each a copy if you'd like

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1 to have it. I don't know whether it's necessary to follow
2 along, I didn't really intend to go page-by-page. I'll try
3 to be brief.

4 To summarize my analysis, this study focuses on
5 three locations that are close to where cell towers have
6 been constructed close to residential properties or where
7 residential properties have been constructed next to
8 existing cell towers. The locations are in Independence,
9 Lee's Summit and Overland Park. They were selected
10 primarily because they are closer to residential
11 properties. You'll find, when you read this analysis using
12 the paired sales, in Independence, near I-70 and Noland
13 Road, I identified a cell tower location that is -- tower
14 is about 200 feet from a single family residential
15 subdivision. And I paired the sales that back up to the
16 tower and have direct visibility from their backyards with
17 those that are remote -- some of them a number of blocks
18 away but without direct visibility for the most part unless
19 they can see it over the top of the treetops or something.
20 What I found was that the homes that had sold within direct
21 proximity sold at an average price per square foot of
22 building area of house one percent greater than those that
23 were some distance removed.

24 I then did the same type of analysis in Lee's
25 Summit near 150 Highway and 291, a little bit west of

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1 there, at an intersection called Windemere. Lee's Summit
2 has a -- what's called a lattice tower that is more --
3 looks more like a radio tower or something like that that's
4 got multiple base. And in that case, the homes are not
5 quite as close -- about four to five hundred feet away, but
6 again, I looked at those homes that have direct visibility
7 and would arguably be affected versus those that don't have
8 direct visibility; and, in fact, there's two subdivisions
9 -- one located to the south, one located to the west.
10 Interestingly, the one located to the south, the homes
11 closest to the cell tower sold at the highest prices. On
12 the west -- but the difference was about four percent,
13 which can be attributed to a number of factors, in all
14 likelihood. The difference to the west: The homes closest
15 sold at a little lower price, about four percent, a little
16 over four percent, between four and five percent lower.
17 Again, at one location you get differences but the
18 disparity is very narrow, and in fact, the one home --
19 well, if I exclude one home that was kind of an aberration
20 -- 30 percent lower than any other in the subdivision --
21 again, the higher priced are those closer.

22 Finally, I looked at a location in Overland
23 Park, which is an interesting one because the cell tower
24 was built before the homes were located nearby, whereas in
25 these other ones, the cell tower was constructed after the

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1 homes were constructed. In Overland Park, again, the
2 single-family residences in the cul-de-sac that backed up
3 to the home about 145 feet from the cell tower commanded a
4 price that was about one percent greater than the rest of
5 the homes that were more remote from the cell tower. Again,
6 the deferential is minuscule, obviously, so, the conclusion
7 is no impact.

8 In addition to that analysis in Overland Park,
9 one of the -- in Overland Park they built a cell tower that
10 was 145 feet from the homes and then after about ten years,
11 in 1996, they relocated and built a larger cell tower where
12 they could have collocation, but it moved about 400 feet to
13 the south, so it was farther from the homes. Well,
14 eventually, they demolished the old cell tower and
15 subsequent to that, there have been resales of the homes.
16 So, I've had -- was able to pair sales of homes next to the
17 cell tower and then the same homes selling after they
18 removed the cell tower. Again, if I look at the before and
19 after, the depreciation rate was -- in comparing 1996 to a
20 2000 resale, was less than two percent per year, which is
21 consistent with the marketplace whether or not there's a
22 cell tower.

23 Finally, there are some apartments located
24 fairly near the proposed location here on North Oak
25 Trafficway to the south, so I looked a little bit at

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1 apartments. This particular cell tower in Overland Park --
2 and I think page nine, if I remember right -- I have a
3 photograph -- and there's some photographs of the other
4 towers that I discussed in the addenda -- but a photograph
5 of the new apartment complex, and you'll see the cell
6 tower directly behind it. I interviewed the management
7 personnel -- again, they built the apartments after the
8 cell tower was located there, it's 70 feet from the
9 apartment complex. They said it had no impact on their
10 rents -- they didn't lower rents for the particular
11 locations, it had no impact on occupancy, and there was no
12 resistance to it, although people did ask what it was when
13 they came in and looked for housing.

14 And then the final thing that I noted was that
15 Jay Wolfe has several automobile dealerships adjacent to
16 the proposed location, and, in this regard, I looked at
17 about 103rd and State Line in Kansas City, Missouri --
18 which I think has more probably auto dealerships than
19 anywhere in the city and a very successful location. And
20 if you drive by 435, you'll see a cell tower right in the
21 middle of that location in the area of Superior Nissan and
22 Molle Infiniti. There would be -- I think it would be
23 impossible to prove any adverse impact in that regard. So,
24 that's the substance of my research. Do you have any
25 questions?

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1 MS. HAUSER: I have been making the assumption
2 that you are familiar with the property. If you're not, I
3 do have photographs that I'd be happy to enter into
4 evidence; but again, I don't want to take your time if
5 you're familiar with the area. It's your decision.

6 MS. NEWSOM: Would anyone like to see the
7 photographs?

8 MS. HAUSER: We do have Mr. Steffen here
9 tonight, who is the property owner, if the Council has any
10 questions for him. And the lease, again, is part of the
11 application; so, that's before you that you should be aware
12 that he has authorized that and has found it acceptable.
13 Our last expert witness is Dr. Eric Strauss. Dr. Strauss'
14 expertise lies in the review of land use regulations and
15 their application. Again, I would ask him to come forward,
16 give you his background and share with you what his
17 analysis has been.

18 DR. STRAUSS: Good evening. My name is Eric
19 Strauss, 971 East 1338 Road in Lawrence, Kansas. I have
20 been asked to review the site location of this tower from a
21 land use perspective, which Kathy has noted. This is, from
22 my perspective, an accessory commercial use in a commercial
23 zone; and, like the previous expert witness, I've prepared
24 a document which I'll give to you now. Unfortunately, I
25 don't have as many pictures, so you'll just have to sort of

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1 bear with me. In terms of my credentials, I'm a professor
2 at the University of Kansas, where I've been since 1978. I
3 have a law degree, as well as a Ph.D. in Urban and Regional
4 Planning, am a certified planner. I am not only a teacher,
5 but a practicing planner, feeling that you can't teach a
6 subject, of course, without keeping up with the profession.
7 I've been a planning consultant, I was a director of a
8 county planning operation recently, in Kansas, and I have
9 given some expert testimony for the Village of Oakwood
10 within the last couple of years, so, I am familiar with
11 this area in particular.

12 I have obviously reviewed your zoning
13 ordinance, I reviewed your comprehensive plan, your
14 streetscape document, the minutes, of course, of the
15 planning commission meeting, some relevant things. I have
16 a very simple opinion. The simple opinion is the location
17 of this tower at this location is good land use planning
18 for three reasons.

19 The first is that your current zoning ordinance
20 presents no barriers to the location of this particular
21 ordinance, and I'd like to go through, of course, that
22 analysis. The second is that the planning documents that I
23 reviewed, again present no barrier to the location of this
24 particular tower. And the third -- again, if you throw out
25 your zoning ordinance, you throw out your plans, just pure

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1 planning principals would suggest this is a good place for
2 a tower like this, which I view as a temporary land use.
3 And the reason I do that -- again, it's something that I'm
4 sure you've thought about over and over again, as you've
5 heard this evening, the way people use cellular telephones
6 has changed dramatically. It's changed dramatically, so
7 that they have demanded, requested something different from
8 communities in terms of land use. It's not clear to me what
9 in 20 years people are going to demand in terms of land use
10 implications of communications technology. So, from my
11 view, this is a temporary land use and one which should not
12 be viewed as a permanent use of the property, set in stone.

13 Okay. Let's start talking about the zoning
14 ordinance itself. This property is owned C3. C3
15 regulations say nothing about a communications tower's
16 permitted use. It doesn't mention it. The height
17 regulations that are in the C3 zoning ordinance regulations
18 apply only to buildings. If you closely read your zoning
19 ordinance, I think you'll agree that what is being proposed
20 here is a structure, not a building. I don't want to
21 obviously split hairs, but there's no structure height
22 limitations or building height limitations. The definition
23 of building, again, does not include structure. As your
24 comprehensive plan points out, which I would agree, it
25 should be clear to you -- I'm sure that your city planner

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1 has told you this -- your zoning ordinance clearly needs
2 some updating and attention.

3 Okay. Let's -- if there's nothing in the C3
4 zoning ordinance about towers, the applicant has applied
5 for a special use permit. Now, a special use permit is a
6 permit, according to your zoning ordinance in which you
7 have a use of property, and that use of property is
8 attached to that property; so, you might again want to
9 consider for example that some court cases have held that
10 the property and the permit are one and the same, so that
11 as long as the property is being used for that similar use,
12 the special use permit is attached to that property for
13 that particular piece of time.

14 The language in your special use permit
15 ordinance section says that there is an exception to the
16 height requirement for microwave towers, that is, there's a
17 reference in that language to a microwave tower. Well, a
18 telecommunication tower, I don't think is a microwave
19 tower; but again, I'm not sure, because that term is not
20 defined. It's an -- it's not possible to determine that.
21 Another requirement for a special use permit are facilities
22 used for public utilities or public utility service
23 providers. Again, those aren't defined. So, my first
24 conclusion after looking at your zoning ordinance is that
25 you could make an argument that your regulations do not

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1 require cellular towers to have any special activity, that
2 they are not covered by a zoning ordinance, not covered by
3 the special use permit. Nonetheless, the applicant has
4 applied for a special use permit. So, the next task would
5 be to see whether or not the application would conform with
6 the special use permit standards in your ordinance.

7 Again, as Ms. Hauser pointed out, this is an
8 administrative hearing, so the review of this -- of your
9 application obviously follows your preannounced rules. So,
10 your first standard is that a special use permit conforms
11 to the general intent and purpose of the zoning ordinance.
12 That's sort of boilerplate language I may have written on
13 one or two occasions, but normally what would happen is
14 that somewhere in your zoning ordinance there would be --
15 either at the start of every zoning district a little
16 statement that says the purpose of this district is
17 dah-dah-dah-dah-dah; or it would be in some section of the
18 zoning ordinance. Well, it's not there. Your zoning
19 ordinance does not contain any language other than to say
20 that the zoning ordinance are the minimum requirements to
21 promote health, safety, and general welfare. Well, that
22 really comes up in the analysis of your staff report about
23 a drop zone. That is whether or not the area surrounding
24 this proposed monopoly is sufficient for some protection
25 from debris. Again, I believe that this is -- that this

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1 issue, while it may be valid, is not in the zoning
2 ordinance -- at least as I can find it -- and furthermore,
3 as I'm sure that you reviewed, the application has shown
4 that monopolies don't fail and are designed if they do, to
5 kind of bend and not break.

6 Okay. The second standard for a special use
7 permit is that it has no negative effect on neighboring
8 properties. And again, that would be the standard I would
9 argue that you are probably most likely to be interested
10 in. The appraiser has pointed out, and I'm sure when you go
11 by the site you know that this is a commercial use in a
12 commercial zone. The commercial area to the southeast --
13 that's mentioned in the staff report as now being used as a
14 church-related function -- is I don't believe going to be
15 any more negatively affected by the tower than by market
16 forces already. The residential property that would be
17 impacted by this is again, an apparently vacant house
18 either across the street in another jurisdiction, or
19 perhaps some apartment buildings that might be affected by
20 the site. But again -- by view of these. But again, if
21 you go to the site, you'll see that there's no negative
22 effect -- or at least not one that's reviewed -- and again,
23 your zoning ordinance does not contain any indication that
24 these are going to be issues that an applicant should think
25 about -- that is, esthetics or property values or safety

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1 concerns. So, I guess given what's in your zoning
2 ordinance, I don't see that there's really any issue.

3 The second reason that I think that is good
4 land use planning is that I believe the cell tower location
5 complies with your 1993 comprehensive plan. Now, you were
6 at the planning commission meeting, and obviously are aware
7 of the discussion there. The 1993 comprehensive plan calls
8 for the redevelopment of the North Oak Trafficway over a
9 20-year time span, because, of course, I would assume
10 that's the life of the plan. Interestingly enough, of
11 course, this is a 20-year permit for the tower. The plan
12 calls for an immediate pilot project at 72nd and North Oak,
13 a four or five block area centered there. Obviously, this
14 is nowhere near that area. I guess in my professional
15 opinion, redevelopment occurs with blighted property, or
16 property that can be blighted. I don't believe that the
17 John Deere dealership or the property use either to the
18 south or north meets that category right now, and therefore
19 I don't believe any future redevelopment of North Oak
20 Trafficway is going to be interfered with by this tower
21 that again, is hidden -- which I'll get to in a moment --
22 by a building in front of it, at least viewed from the
23 viewpoint of the passing motorist. Your streetscape plan,
24 which again was referred to, deals with things like curb
25 cut closings and signs and landscape. As near as I can

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1 tell, your streetscape plan calls that one tree be planted
2 on this particular parcel. Again, I don't think the tower
3 will interfere with it.

4 The staff report says that there needs to be
5 visual mitigation as part of a review of this particular
6 tower. Again, I look to see where's this requirement and
7 what does visual mitigation mean -- again, other
8 communities have said you have to paint the poles blue, or
9 perhaps you have to get the base screen, which again it is
10 in this case -- again, I didn't find any of these
11 particular requirements.

12 Okay. Let's throw out all the requirements for
13 a minute and just talk straight planning. Where do these
14 things belong? You've already heard, and I'm sure you know
15 that it's the responsibility of the City to provide some
16 criteria for distinguishing between the locations of these
17 towers. They're already here, as you know, and you need to
18 provide some way in which to distinguish between the
19 various locations of towers from a geographic perspective.
20 Why? Again, Kathy Hauser's pointed out that federal law
21 says that you cannot favor one service provider, and
22 second, it's good land use. So, the land use principals
23 that you've heard from just about everyone from the
24 applicant tonight are that they belong in industrial or
25 commercial areas, they should be screened as much as

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1 possible from passersby, and they should be as visually
2 unobtrusive as possible. Again, the City should avoid the
3 situation where because of its land use activity, its
4 residents cannot get satisfactory service.

5 So, I guess I'd like to conclude and say that I
6 think for a lot of reasons, you should consider enacting
7 the ordinance and granting the special use permit because
8 it's good land use planning. And I'd be happy to entertain
9 any questions you might have.

10 MS. NEWSOM: Any questions for Mr. Strauss --
11 Dr. Strauss, pardon me.

12 DR. STRAUSS: Thank you very much.

13 MS. HAUSER: Thank you very much for listening
14 to our presentation tonight. I believe we have addressed
15 all the pertinent issues for your consideration. There are
16 no violations of the zoning ordinance as we propose our
17 application. It is consistent with your comprehensive
18 plan, it is well-designed, it is something that is needed
19 for the network that is being developed and served by
20 VoiceStream, there is no negative effect on property values
21 -- it hasn't been said, but the cell tower does not require
22 the expense of water mains, sewers -- additional roads are
23 not necessary, there's only minimal contact at the site, so
24 there is no real additional impact on either the
25 surrounding areas or on the city itself.

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Again, we would much prefer to collocate.

There are -- based on our research, no towers located within the city of Gladstone, there are no towers in this immediate area that would allow us to collocate. The only places available in Gladstone, it is my understanding, is the water towers, and those are already being used for our antenna, but we have a situation now in which we need the site in order to complete our network.

And again, we submit that we have met all the criteria, and that it is a reasonable request on our part to ask you to approve this. The one point I always make when I discuss land use considerations is the primary criteria that must be considered is the question, "What is reasonable?" Is it reasonable to locate a cell tower in a commercial district that is already developed -- not waiting for development to occur, development's there. It's a service like electricity, like water, like other things that have to be located at certain places. You can't say, "I want to have it over here." It doesn't work that way, because there are things beyond that that dictate the location.

Again, we appreciate your time, and we will be happy to answer any questions. I would ask that the report by Dr. Strauss and the report by Mr. Slack be admitted and considered as part of your record. And if you have any

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1 questions for me, I'd certainly be happy to answer them.

2 MS. NEWSOM: Any additional questions for Ms.
3 Hauser? I have one, and I suppose it's possibly for Mr.
4 Pope. In the paper Mr. Slack gave us, there is a photo here
5 that shows a tower with many different levels on it or
6 something.

7 MR. POPE: Yeah.

8 MS. NEWSOM: Is that typical of collocated
9 services, or what am I looking at here?

10 MR. POPE: That would be a collocation. Where
11 you see multiple levels there, different platforms for the
12 different carriers, yes.

13 MS. NEWSOM: So, when a carrier would be added,
14 then, platforms would need to be added -- in short, more
15 visual impact?

16 MR. POPE: Yes, ma'am.

17 MS. NEWSOM: Thank you.

18 MR. POPE: You're welcome.

19 MS. NEWSOM: That answers my question.

20 MS. HAUSER: Thank you.

21 MS. NEWSOM: At this time, we would be welcome
22 to hear from anyone who would like to speak in favor of
23 this proposal. Please come forward and give your name and
24 address for the record. Seeing none, I would like to hear
25 from those people who may be in opposition to this

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1 proposal. Please come forward and give your name.

2 Hi, I'm Mary ^{Alcott} ~~Even~~. I live at 5905 North
3 Broadway. I will make this very brief. My neighbors and I
4 are very much opposed to this. We would appreciate a
5 negative vote, thank you.

6 MS. NEWSOM: Is there anyone else who would
7 like to speak in opposition of this proposal? Seeing none
8 at this time, we'd like to hear from staff. Mr. Wingerson?

9 MR. WINGERSON: Ms. Newsom and members of the
10 Council, thank you very much. I'd like to thank the
11 applicant for the very comprehensive presentation this
12 evening. I would like to acknowledge that approximately
13 two-thirds of the presentation tonight was not heard by the
14 planning commission. In terms of housekeeping, I'd like to
15 introduce Bill No. 00-36 as part of the record, as well as
16 the staff report provided earlier to the City Council. In
17 the event the City Council would choose to approve this
18 request, the draft bill -- or the bill before you --
19 provides some 14 different conditions that the applicant
20 has referenced. I'd like to draw your attention to about
21 half of them.

22 No. 1: That the special use permit is not
23 transferrable; No. 3: That all applicable state and
24 federal licenses and permits be acquired and actively
25 maintained by VoiceStream Communications; No. 4: That the

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1 tower and facilities shall meet the Federal Communications
2 Commission's requirements for radio frequency emissions;
3 Condition No. 5: That at least every 24 months, the tower
4 shall be inspected by an expert who's regularly involved in
5 the maintenance, inspection, and/or erection of
6 communication towers; Condition No. 6: That the maximum
7 height of the tower shall not exceed 110 feet above the
8 existing ground level. However, the tower shall be
9 engineered and constructed to be capable of additions to
10 raise the heighth of the tower to 165 feet to provide for
11 future collocation opportunities. Additionally, any
12 increases in height or other design changes will require
13 the special use permit to be amended, utilizing the same
14 process as the initial approval that we're in now.
15 Condition No. 9: That the base of the tower and related
16 accessories shall be screened with trees and other natural
17 landscaping elements to conceal the facility; Condition No.
18 10: The tower shall be deemed abandoned if it is not used
19 for more than a period of 180 days, the tower's abandonment
20 shall be demolished by the owner within 30 days. Finally,
21 Condition No. 11: In terms of the highlife, this permit
22 shall lapse if construction of the tower does not begin
23 within 180 days after the date of approval of the permit.
24 As Ms. Hauser stated, the planning commission,
25 at the request of the applicant, considers special use

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1 permit for the period of 20 years. Again, as the applicant
2 stated, I believe that we're in the agreement with the
3 terms of the 1996 Telecommunications Act. We have to
4 remember that this is a special use permit that would allow
5 the construction, operation, and maintenance of a 165-foot
6 wireless communications monopole.

7 I think in analyzing the request, it is
8 extremely important to note that Gladstone is currently
9 served by a number of wireless services. In fact, as the
10 applicant has stated here tonight and before the planning
11 commission, the applicant has antennas located on both the
12 Linden water tower and the monopole at the water treatment
13 plant. It also currently provides wireless services to the
14 Gladstone community. Other providers within our community
15 include Cellular One -- which is now Horizon, Sprint,
16 Southwestern Bell, Mobile Services, and Nextel.

17 I think it's clear from the application
18 materials that have been provided to you in your packet
19 that this request is one which seeks to improve the service
20 of VoiceStream Communications. It does not seek to
21 establish service. Based on this information, it is also
22 clear, based on the application, that the purpose of the
23 request is clearly to improve the existing service.

24 Mr. Pope talked a little bit about the
25 propagation study and area of coverage within the city

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1 limits of Gladstone. Basically, what the propagation study
2 shows is that the city is covered by service except in the
3 far northeast quadrant of the city. The structure will be
4 located approximately -- the tower will be located
5 approximately 60 feet from the southern property line of
6 the parent property, which is the Steffen dealership,
7 approximately 20 feet from the eastern property line.

8 In order to adequately protect the surrounding
9 structures, the tower should be adequately set back from
10 property lines of the parent property and neighboring
11 structures. The proposed location of the tower does not
12 provide an adequate safe zone around the base of the tower
13 for falling debris or collapse. Regardless of where the
14 tower is located on the property, a significant residential
15 population will be affected by the request; and the request
16 is not compatible with surrounding land uses and future
17 redevelopment of the parent property and adjacent
18 properties.

19 Finally, this Council is aware of the
20 streetscape efforts over the last years in this community.
21 A significant part of that discussion has included the
22 reduction of visual clutter adjacent to the North Oak
23 corridor. This includes some areas which transition from
24 pilot signs to monument stop signs, and the relocation of
25 overhead utilities.

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1 Additionally, and finally, the City is
2 currently performing a comprehensive marketplace land use
3 study, concerning the North Oak corridor. The proposed
4 site does not lend itself to visual mitigation to protect
5 North Oak corridor.

6 In summary, staff believes the request is
7 designed to improve service in areas substantially outside
8 the jurisdiction of Gladstone, and is not consistent or
9 compatible with planned improvements along North Oak
10 corridor. The tower would have a direct negative impact on
11 the commercial properties to the southeast of the site; and
12 in addition, the request is not compatible with the
13 surrounding commercially zoned areas, and has a negative
14 impact on the viability of the surrounding residential
15 areas.

16 That concludes my summary of the staff report
17 brought before you tonight. I'd be glad to answer any
18 questions you may have at this time.

19 MS. NEWSOM: Any questions for Mr. Wingerson?

20 MR. NODLER: One question. You said a lot of
21 new evidence was presented tonight that hadn't been
22 presented at the planning commission. Do you think it
23 would be beneficial for staff to take some additional time
24 to review the additional information?

25 MR. WINGERSON: Yes, sir, I do.

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1 MS. NEWSOM: Ms. Smith, do you have a comment?

2 MS. SMITH: I agree with that. We've got a lot
3 of new things here, and a short period of time to try to
4 absorb them and make any kind of good decision on this. I
5 agree.

6 MR. NODLER: Just as an observation, it looks
7 to me like the tower is going to be built just nearly to
8 the southern boundary of Gladstone. It looks like a lot of
9 the improved service will be in the villages and Kansas
10 City to the south of Gladstone, rather than Gladstone
11 residents.

12 MS. NEWSOM: In no effort to be parochial nor
13 negative, as been stated we've received a lot of new
14 information tonight which we cannot read and pay attention
15 at the same time -- at least I have difficulty with that.
16 There's some questions that still beg to be answered in my
17 mind, also. We've heard from several experts here tonight.
18 I was wondering -- no. I'm not giving an opinion, but I am
19 wondering here before we close the public hearing if it
20 would be prudent at this juncture to continue the public
21 hearing and to give us the opportunity as a city and a
22 staff -- as individuals to a body, to review the material
23 we were presented tonight and to ascertain some more
24 information here about the actual siting of this. We are
25 looking at a service which has mushroomed over the last few

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1 years and I don't see it abating in the near future, other
2 than maybe changing gears to another kind of device. I
3 mean, we put in land-line telephones years ago, and while
4 that was a great innovation, a lot of things have changed.
5 Now, we're walking around with phones about as big as a
6 candy bar, and that requires different than the old
7 land-line facilities.

8 Since this is the first request we have had
9 that is not on public property, or something that's on a
10 private property, I think we need to look very carefully at
11 what we're doing. What would be Council's direction or
12 druthers on this -- to close the public hearing, to
13 continue the public hearing and give us the opportunity to
14 look at the information and get some more information, let
15 staff do some legwork?

16 MS. SMITH: I would like to see the public
17 hearing continued. Very frankly, I'm not sure that the
18 evidence presented has altered what the planning commission
19 decided, but I'm not sure. And I certainly would like to
20 review it when I have time to review it and not just go on
21 my initial reaction tonight.

22 MR. NODLER: I'd like to continue the public
23 hearing.

24 MS. NEWSOM: I'd entertain a motion to that
25 effect.

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1 MS. SMITH: Second.

2 MS. NEWSOM: All those in favor?

3 MS. NEWSOM, MR. NODLER, MS. SMITH: Aye.

4 MS. NEWSOM: Public hearing continued to Site
5 -- time specific?

6 MS. SMITH: Next week?

7 MS. NEWSOM: Next meeting time, adequate time?
8 Two meetings -- would that be --

9 MS. THOMPSON: Can I ask what additional
10 information Council would like to have presented -- are you
11 wanting information on the search ring --

12 MS. NEWSOM: The viable sites.

13 MS. THOMPSON: The viable sites?

14 MS. NEWSOM: Like I said, I think we're looking
15 at -- this is the first entity that has come forward to us
16 to ask for additional siting of towers, and I can see this
17 only changing and having more applicants coming forward.
18 And I would like to review this material. And, as I said,
19 the actual siting of it, the service area -- if we're going
20 to be putting monopoles all over the city or in the
21 Northland, I think we need to look and work collaboratively
22 and cooperatively with the other municipalities to site
23 them for the best service.

24 MR. NODLER: Can you see what other cities are
25 doing, or how they're regulating them?

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1 MS. THOMPSON: Does staff need 30 days to take
2 a look at that and bring that information back to the City
3 Council, or two meetings, I guess 28 days is the --

4 MS. NEWSOM: Twenty-eight days.

5 MS. SMITH: Would that be acceptable by the
6 VoiceStream, if we did that -- or do you feel that's undue
7 length of time?

8 MS. HAUSER: Unless you want me to answer from
9 here --

10 MS. NEWSOM: That's fine.

11 MS. HAUSER: We would request it be at least
12 the next session. Again, the Federal Telecommunications
13 Act requires that you react within a reasonable time. There
14 have already been some delays in getting the application to
15 you, and we would ask it be acted on as soon as possible.

16 MS. NEWSOM: Considering tonight was the first
17 time it has come forward to us, and we've received pages
18 and pages of information here tonight, along with testimony
19 -- and we have two council members absent that need to be
20 brought up to speed -- I think 30 days would be the soonest
21 -- and not the next council meeting but the next one, two
22 council meetings from now.

23 MR. NODLER: I agree.

24 MS. THOMPSON: September 11th would be two
25 council meetings from now.

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1 MS. NEWSOM: September 11th? Motion maker,
2 would you like to include that as part of your motion?

3 MS. SMITH: Yes, I would, continue to September
4 the 11th.

5 MR. NODLER: Second.

6 MS. NEWSOM: Any discussion on the continuance?
7 All those in favor?

8 MS. NEWSOM, MR. NODLER, MS. SMITH: Aye.

9 MS. NEWSOM: The public hearing will be
10 continued to September 11th, so we can get rest of the
11 information we need. Thank you very much for all of your
12 information you gave us this evening.

13 MS. HAUSER: Thank you.

14 MS. NEWSOM: We have a lot of reading to do up
15 here.

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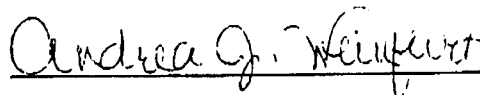
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C E R T I F I C A T E

I, ANDREA J. WEINFURT, Court Reporter in and for the State of Missouri, hereby certify that I was present at the hearing as set forth in the caption sheet hereof, that I then and there took down in shorthand the proceedings had thereat, and the following pages constitute a true and correct transcript of such notes made at said time and place.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of August, 2000.



ANDREA J. WEINFURT

Court Reporter

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CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 28, 2000

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(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 August 14, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** calling upon all Gladstone residents to support the nationwide "AMERICA GOES BACK TO SCHOOL: GET INVOLVED!" initiative during the months of September and October to ensure our youth return to safe schools this fall.

PROCLAMATION: recognizing the "TENTH ANNIVERSARY OF THE GLADSTONE EMERGENCY MANAGEMENT AGENCY (GEMA)" on September 9, 2000.

5. **CONSENT AGENDA**

RESOLUTION NO. R-00-66, amending the 2000-2001 Annual General Fund and Combined Waterworks and Sewerage System (CWSS) Fund budgets for the City of Gladstone and authorizing expenditures of funds. (**General Fund:** Revenues - \$11,909,322; Expenditures - \$11,883,462); (**Combined Water & Sewer Services Fund:** Revenues - \$5,390,908; Expenditures - \$5,381,848).

RESOLUTION NO. R-00-67, accepting a proposal from Independent Salt Company for the purchase of snow removal salt on an as-needed basis at \$24.70/ton (7 day delivery), \$26.00/ton (24 hr. emergency delivery); and \$22.00/ton (City pick up at local storage). Funding from the General Fund.

RESOLUTION NO. R-00-68, accepting a proposal from Shawnee Mission Ford for the purchase of a 2001 Ford E-350 one-ton diesel cargo van for a net purchase amount of \$21,875.00 from the Combined Water and Sanitary Sewer Fund. (Includes \$1,500 trade-in allowance for 1994 Ford cargo van).

RESOLUTION NO R-00-69, accepting a proposal from Jack Miller Chrysler Plymouth in the amount of \$21,750.00 for the purchase of a 2001 Chrysler Town & Country Van from the General Fund for the Parks and Recreation Division.

RESOLUTION NO. R-00-70, accepting work under contract with WRS Architects for the Public Safety Space Needs Analysis Study and authorizing final payment for Project 9910. Total contract amount: \$23,500. Final payment due from the Capital Improvements Sales Tax Fund in the amount of \$2,350.

RESOLUTION NO. R-00-71, accepting work under contract with Kincaid Construction for the Hamilton Heights Park Improvements and authorizing final payment for Project 9609. Total contract amount \$513,694.97. Final payment due from the Capital Improvements Sales Tax Fund in the amount of \$40,729.62.

RESOLUTION NO. R-00-72, authorizing execution of Change Order #1 in the amount of \$31,541.30 to the contract with Superior/Bowen Asphalt Company for additional work under the 2000 Street Overlay Program, Project 0101, authorized from the Transportation Sales Tax Fund.

RESOLUTION NO. R-00-73, authorizing execution of a contract with Fleshman Excavating for the 2000 Arterial Sidewalk Program for a total amount not to exceed \$97,625.42 from the Transportation Sales Tax Fund, Project 0011.

RESOLUTION NO. R-00-74, accepting a proposal from Midway Ford Truck Center, for the purchase of one (1) 2001 F350 4x2, one-ton diesel, crew cab utility truck for a net purchase amount of \$21,573. from the Combined Water and Sanitary Sewer Fund. (Includes 1996 Ford crew cab trade-in.)

RESOLUTION NO. R-00-75, accepting a proposal from O'Dell Tractor Company, for the purchase of one (1) 2000 Kubota M6800 tractor for the purchase amount of \$22,723.06 from the General Fund.

APPROVAL OF FINANCIAL REPORTS for month of July, 2000.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL for Peso's Restaurant and Cantina, 5941 N Antioch Road. Managing Officer: David Dale

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on setting the annual rate of levy for the 2000 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.
- 9a. **FIRST READING BILL 00-40**, setting the annual rate of levy for the 2000 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.
10. **RESOLUTION R-00-76**, authorizing the City Manager to execute a "Cooperative Agreement for Sewer Service between the cities of Kansas City, Missouri and Gladstone, Missouri".
11. **APPROVAL OF BUILDING PERMIT** for the addition of 935 sq. ft. at 1800 NE 65th Street (Fairview Christian Church). Owner: Fairview Christian Church. Applicant: Tevis Low Architectural Group, P.C. (BP# 00-0623).
12. **APPROVAL OF BUILDING PERMIT** for the addition of 1,500 sq. ft. and remodel of existing building at 7260 NE Antioch Road (Caroline's House Daycare Center). Owner: Tuf-Flight, Inc. Applicant: Environetics, Inc. (BP# 00-0639).
13. **Other Business**
14. **Questions from the News Media.**
15. **Adjournment.**



MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 28, 2000

Mayor Dan Bishop called the **Regular August 28, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Newsom moved to approve the **Regular Monday, August 14, 2000 City Council Meeting Minutes** as submitted. Councilman Nodler seconded. The vote: "aye" - Smith, Nodler, Newsom. Councilman Cross and Mayor Bishop "abstained" having been absent from the August 14, 2000 meeting. (3-0-2)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** calling upon all Gladstone residents to support the nationwide **"AMERICA GOES BACK TO SCHOOL: GET INVOLVED!"** initiative during the months of September and October to ensure our youth return to safe schools this fall. A representative of the Regional Department of Education Department accepted the proclamation from the Mayor and left informational pamphlets about the safe schools program for the public to be placed in the lobby area.

Mayor Bishop also read a **PROCLAMATION:** recognizing the **"TENTH ANNIVERSARY OF THE GLADSTONE EMERGENCY MANAGEMENT AGENCY**

(GEMA)" on September 9, 2000 and presented the proclamation to GEMA Volunteer Coordinator, Dennis Daly who was present with approximately ten GEMA members. Mr. Daly thanked the Mayor and Council for recognizing what their organization does and told them that when the "big winds hit, they will be there for them". Mayor Bishop stressed to GEMA volunteers that we certainly do appreciate the good work they do and look forward to maintaining this relationship.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, **audience member Don McLaughlin** requested that **RESOLUTION NO R-00-69**, accepting a proposal from Jack Miller Chrysler Plymouth in the amount of \$21,750.00 for the purchase of a 2001 Chrysler Town & Country Van from the General Fund for the Parks and Recreation Division be placed on the regular agenda. (See Item 8a.)

Councilman Anita Newsom moved to approve the Consent Agenda as Amended; Councilman George Nodler seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-66**, amending the 2000-2001 Annual General Fund and Combined Waterworks and Sewerage System (CWSS) Fund budgets for the City of Gladstone and authorizing expenditures of funds. (General Fund: Revenues - \$11,909,322; Expenditures - \$11,883,462); (Combined Water & Sewer Services Fund: Revenues - \$5,390,908; Expenditures - \$5,381,848). Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-67**, accepting a proposal from Independent Salt Company for the purchase of snow removal salt on an as-needed basis at \$24.70/ton (7 day delivery), \$26.00/ton (24 hr. emergency delivery); and \$22.00/ton (City pick up at local storage). Funding from the General Fund. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-68**, accepting a proposal from Shawnee Mission Ford for the purchase of a 2001 Ford E-350 one-ton diesel cargo van for a net purchase amount of \$21,875.00 from the Combined Water and Sanitary Sewer Fund. (Includes \$1,500 trade-in allowance for 1994 Ford cargo van). Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-70**, accepting work under contract with WRS Architects for the Public Safety Space Needs Analysis Study and authorizing final payment for Project 9910. Total contract amount: \$23,500. Final payment due from the Capital Improvements Sales Tax Fund in the amount of \$2,350. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-72**, authorizing execution of Change Order #1 in the amount of \$31,541.30 to the contract with Superior/Bowen Asphalt Company for additional work under the 2000 Street Overlay Program, Project 0101, authorized from the Transportation Sales Tax Fund. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-73**, authorizing execution of a contract with Fleshman Excavating for the 2000 Arterial Sidewalk Program for a total amount not to exceed \$97,625.42 from the Transportation Sales Tax Fund, Project 0011. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-75**, accepting a proposal from O'Dell Tractor Company, for the purchase of one (1) 2000 Kubota M6800 tractor for the purchase amount of \$22,723.06 from the General Fund. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS for the month of July, 2000**. Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL** for Peso's Restaurant and Cantina, 5941 N Antioch Road. Managing Officer: David Dale Councilman George Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Mr. Don McLaughlin, 6313 N Bales, Gladstone, Missouri, said he was curious about the mini-van purchase under Resolution R-00-69, since both a Plymouth and Dodge Caravan is mechanically the same as a Chrysler Town & Country. What you are paying for is a fancy interior and a fancy trim at a cost of another \$4,000- \$5,000 over a Plymouth or a Dodge. He thinks that should be explained to the Council before they make a final decision.

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

Councilman Shirley Smith applauded the continuing efforts of Public Safety in assisting Jerry's Kid's Muscular Dystrophy charity through the boot block last weekend and the bar-b-que the previous week. It was noted that \$3,200 was collected from the boot block.

Councilman George Nodler had no communications at this time.

Councilman Anita Newsom commented that staff works hard at communicating with our citizens and she appreciated receiving a copy of the **72ND STREET CONSTRUCTION NEWS** update sent to affected residents. She is asked about this project a lot and persons who live in the area are concerned about it on an ongoing basis. She was also pleased to receive the flier about the Kids Day Out Program. She believes this will be a very popular program because so often problems have been created for parents on conference days and other days when school is not scheduled. It appears we have scheduled some good educational and fun opportunities for the youngsters on these days. The City and Parks and Recreation Department is providing a very good service to our community and she would guess we would have no trouble filling the program.

Ms. Newsom said she apologizes for missing the last Park Board Meeting. The meeting date was listed incorrectly on the FYIN Calendar which she relies on for meeting information. She also noted that this past Saturday she had an interesting bus tour with the Neighbors Preservation Task Force. They toured neighboring communities to see how they sustained positive growth and maintained their neighborhoods as well as areas where they are still working on it. It helped to put in focus where we are as a city and gave us some ideas that we can work on to maintain the vitality and structure that we need in our community.

Councilman Bill Cross said he concurs with Councilman Newsom's comments on the distribution of the 72nd Street Newsletter, it is good PR and informative. City Manager Davis noted it is the 3rd edition of the bulletin to affected residents and we would like to see them distributed even more often.

Councilman Cross commented that the metered sales of water shown in the financial report were not what he thought they would be, but we will likely have a tremendous gain due to the weather this week. It does look like our staff is on top of things because we have good water, we don't have to ration, and the hydrants have all been flushed.

Mayor Pro Tem Cross also thanked Councilman Newsom for presiding at the last meeting when he and the Mayor were both absent. With Ms. Newsom's competence he knows the meeting ran smoothly.

Mayor Dan Bishop said he also attended the Muscular Dystrophy kick-off barbecue in Oak Grove Park and he was glad to hear the fundraiser was so successful this year. He, like Mayor ProTem Cross, regretted missing the last Council Meeting because he also was on a much needed vacation.

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

City Manager Kirk Davis had the following announcements and meeting reminders:

1. City Hall is closed Monday, September 4th for Labor Day.
2. Tuesday, August 29, Economic Development Summit at City Hall, beginning at 7:00 pm.
3. Thursday, September 7th, Neighborhood Preservation Task Force at City Hall, beginning at 7:00 pm.
4. Thursday, September 7th, Rock Creek Public Meeting for Storm Water Projects at Meadowbrook United Methodist Church, beginning at 7:00 pm.

Mr. Davis also announced that the City's Web Site is now in place as: gladstone.mo.us. He also noted the MDA Bootblock collection will continue this Saturday at the same location.

Item 8a. on the Agenda. RESOLUTION NO R-00-69, accepting a proposal from Jack Miller Chrysler Plymouth in the amount of \$21,750.00 for the purchase of a 2001 Chrysler Town & Country Van from the General Fund for the Parks and Recreation Division.

Councilman Newsom moved to place Resolution R-00-69 on First Reading; Mr. Nodler seconded.

Discussion.

Parks & Recreation Director Steve Buschor explained that the department built the specifications for the recreation van around a 2001 Grand Voyager. The bids came in from the Chrysler Plymouth dealership and it was learned that the Voyager no longer exists but is replaced by a comparable version of a Chrysler Town & Country. This is not a vehicle with leather seats and all the bells and whistles but rather a lower level model that is comparable to the Voyager.

Ms. Newsom asked what the van will be used for. Mr. Buschor replied it will be used for transporting materials to and from the fields and also satellite runs to and from the gymnasiums which is how we are currently using the existing van.

The Mayor asked Mr. Buschor if he felt this was a fiscally prudent expenditure for the Parks & Recreation Division.

Mr. Buschor said he does, and noted that this new purchase is equipped exactly like the mini-van that we have now. It is a Pontiac version of a mini-van with removable seats so that we can carry basketballs, volleyballs, etc. as well as making trips to the different field sites. It is intended for our programs whether basketball season or volleyball season. The proposal from the dealership states that this vehicle is identical in specifications to the old Plymouth Grand Voyager and meets and/or exceeds its bid. Mr. Buschor agreed to make a copy of the specifications for anyone who desires them.

There were no further questions. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 9. on the Agenda. PUBLIC HEARING: on setting the annual rate of levy for the 2000 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.

Mayor Bishop opened the Public Hearing and explained the hearing process and invited City Manager Davis to discuss the proposed levy.

City Manager Kirk Davis explained that each year we go through this process of setting the valuation. The City's year 2000 valuation for total assessed property is \$285 million dollars which includes about \$7.5 million in new construction and personal property growth. This is always a positive sign to have stable assessed valuation and we do have some growth that we can deal with and that says a lot about our community. The assessed valuation represents a normal growth of about 4.7%. Due to the Hancock Amendment (State Article X), the city is limited to 3% growth equal to the Consumer Price Index. As a result, the maximum tax rate permitted for tax year 2000 is \$.57 on the \$100 assessed valuation. That is consistent with last year which was also \$.57. Applying the rate to the \$285 million calculates to a growth tax revenue of about a \$1,625 million given our collection rates of 98-95% for real and personal property respectively. Our budget will be adjusted to reflect \$1,582 million versus what

was originally thought to be \$1,594 million. So there is a decrease but it is nominal given the dollars we are talking about.

Mr. Davis said staff recommends approval of Bill 00-40 which will maintain the property tax levy at \$.57/\$100. Mr. Davis said he or Finance Director Cash Sweiven would be happy to answer any questions regarding the calculation.

Councilman George Nodler said this is normally the time we like to "crow" about how well we look in comparison to other metro area cities and asked if we have any of those figures available. Director Sweiven said two cities in the metro area have a lower tax rate than Gladstone and he believes at least one of those cities has a casino. Mr. Nodler asked what Kansas City and Liberty's rate is. Mr. Sweiven said KC is approximately \$1.15 and Liberty is approximately \$1.10. Mr. Davis noted that would also include any debt service levies those cities might have because there is a dollar limitation for a general fund levy.

Ms. Newsom said \$.57 is not the highest rate we have had. Mr. Sweiven said that was correct and that as recent as five years ago it was \$.61.

Mr. Cross said we are still able to operate at \$.57 versus the higher rates of the other municipalities. Mr. Davis said it is nice to have the growth in the assessed valuation and the investment in our community, that's what's important.

There were no other comments or persons desiring to speak on this issue, whereupon the Mayor closed the public hearing

Item 9a. on the Agenda. **FIRST READING BILL 00-40**, setting the annual rate of levy for the 2000 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.

Councilman Newsom moved to place Bill 00-40 on First Reading; Councilman Cross seconded.

Discussion.

Mayor Bishop said he will vote in favor of the Bill because when you compare Gladstone's property tax rate to surrounding communities and the fact that it will stay the same as last year and in fact is less than five year's ago, it makes it easier to support.

Councilman Newsom said she thinks our staff does a fantastic job maintaining and managing the amount of money that we derive from property taxes.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-40, Waive the Rule and place the bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second Reading of Bill 00-40 and enact the Bill as **Ordinance 3.771**; Mr. Cross seconded. The vote: all "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10. on the Agenda. **RESOLUTION R-00-76**, authorizing the City Manager to execute a "Cooperative Agreement for Sewer Service between the cities of Kansas City, Missouri and Gladstone, Missouri".

Councilman Cross moved to adopt Resolution 00-76; Councilman Newsom seconded.

Discussion.

Councilman Newsom said as she stated when this agreement was discussed in study session last week, staff has done an outstanding job negotiating a very fair agreement. She believes the agreement will be very serviceable for our city as well as Kansas City.

Mayor Bishop said he was absent from the last meeting but having carefully reviewed the packet and memo that Director Hashemizadeh put together and the fact that he has done a good job negotiating this agreement he will be supporting the resolution this evening.

The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 11. on the Agenda. **APPROVAL OF BUILDING PERMIT** for the addition of 935 sq. ft. at 1800 NE 65th Street (Fairview Christian Church). Owner: Fairview Christian Church. Applicant: Tevis Low Architectural Group, P.C. (BP# 00-0623).

Councilman Anita Newsom moved to approve the Building Permit as submitted; Councilman Cross seconded.

Ms. Newsom said the church's need to expand is certainly very positive growth. She said it is also very positive for the City of Gladstone that this is the third church that has come forward with an expansion due to their growth and she thinks it says very positive things about our community.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 12. on the Agenda. **APPROVAL OF BUILDING PERMIT** for the addition of 1,500 sq. ft. and remodel of existing building at 7260 NE Antioch Road (Caroline's House Daycare Center). Owner: Tuf-Flight, Inc. Applicant: Environetics, Inc. (BP# 00-0639).

Councilman Newsom moved to approve the building permit. Councilman Cross seconded. Ms. Newsom asked Mr. Wingerson if the plans are in compliance with the site plan that was previously approved. Mr. Wingerson said yes and confirmed that everything is in order.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

* * *

There were no communications from the News Media or further business to come before the August 28, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

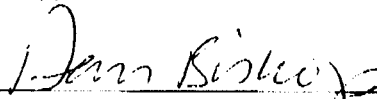
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Following the regular meeting, Councilman Newsom moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel discussion. Mayor Pro Tem Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 11, 2000**

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 28, 2000 City Council Meeting Minutes.**

4a. **PROCLAMATIONS/ RECOGNITIONS/ PRESENTATIONS**

PROCLAMATION: designating September 16, 2000 as "POW/MIA RECOGNITION DAY" in Gladstone, Missouri. Sponsor: VFW Post 10906

PROCLAMATION: designating September 20, 2000 as "UNDOING RACISM DAY" in the City of Gladstone. Sponsor: National League of Cities.

SPECIAL RECOGNITION of the members of the **GLADSTONE DEPARTMENT OF PUBLIC SAFETY** for their collaborative efforts with area law enforcement agencies in bringing the recent kidnapping/hostage ordeal to a safe conclusion.

D.A.R.E. PROGRAM TRADING CARD PRESENTATION to Gladstone Public Safety Department D.A.R.E. Program Officers Mitzi Coupe, Becky Davis, Ronn Shatswell and LeAnn Smith. Presenters: Miss Jennifer Smith, Mr. Les Smith

KEY TO THE CITY PRESENTATIONS to former Gladstone Mayors Lee Bussinger, Dick Davis, Bernie Jezak, Jack McCausland, Wilma Ogden, Milton Wallace, Larry Whitton, Ken Winkler.

5. **CONSENT AGENDA**

RESOLUTION NO. R-00-77, accepting a Permanent Waterline Easement from Oak Hill Day School required in conjunction with construction at Oakhill Day School, 7019 N. Cherry Street.

RESOLUTION NO. R-00-78, commending the cooperative efforts of the Missouri Department of Transportation, Missouri Conservation Department and other State Agencies, the Counties of Clay and Platte, and the Municipalities of Kansas City, Gladstone, Riverside, Northmoor, Claycomo, Pleasant Valley and Liberty to improve the Vivion Road Corridor.

RESOLUTION NO. R-00-79, authorizing execution of an Agreement for Depository and Banking Services with United Missouri Bank for a three year period through August 31, 2003.

RESOLUTION NO. R-00-80, accepting work under contract with Capital Electric for the Central Park Ballfield Lighting Project and authorizing final payment in the amount of \$49,974.00 from the Capital Improvements Sales Tax Fund. (Project #0036)

RESOLUTION NO. R-00-81, authorizing issuance of a Massagist Business Permit to Carolyn L. Faherty for a period of one year pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak.

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129). (Continued from the August 14, 2000 City Council Meeting).
- 9a. **FIRST READING BILL 00-36**, granting a Special Use Permit subject to certain conditions to Voicestream Communications, Inc. to operate a communications tower facility on property west of 5870 N Oak Trafficway. (File #1129)
10. **PUBLIC HEARING:** on a request to rezone from C-1 to CP-3, property located at 6722 N. Oak. Applicant/Owner: K.L. LeFever. (File #1128). Continued from the July 24, 2000 City Council meeting.
Audience Note – Applicant has withdrawn rezoning application, therefore, no Public Hearing will be held.
11. **APPROVAL OF BUILDING PERMIT** – for tenant finish of 4,100 sq. ft. building space located at 6443 N. Prospect (Prospect Plaza). Applicant: Patco Commercial Builders. Owner: Bradley Real Estate. (BP# 00-0712).
12. Other Business
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, SEPTEMBER 11, 2000

Mayor Dan Bishop called the **Regular September 11, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Newsom moved to approve the **Regular Monday, August 28, 2000 City Council Meeting Minutes** as submitted. Councilman Nodler seconded. The vote: all "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** designating September 16, 2000 as "**POW/MIA RECOGNITION DAY**" in Gladstone, Missouri. Mayor Bishop presented the proclamation to a member of VFW Post 10906 who thanked the City on behalf of this organization.

Item 4b. on the Agenda. Mayor Bishop also read a **PROCLAMATION** designating September 20, 2000 as "**UNDOING RACISM DAY**" in the City of Gladstone, sponsored by the National League of Cities.

Item 4c. on the Agenda. **SPECIAL RECOGNITION** of the members of the Gladstone Department of Public Safety for their collaborative efforts with law enforcement agencies in bringing the recent kidnapping/hostage ordeal to a safe conclusion.

Before making this presentation, Mayor Bishop had the following comments.

He said on Wednesday, August 30th, he like many people all across the metropolitan area awoke to the news of an on-going hostage crisis right here in Gladstone. The fact that the occurrence did not begin in Gladstone was small comfort in light of the obvious fact that it was going to end here. As the morning wore on, it appeared less and less likely that the standoff would have a desirable ending. Many speculated it would end in loss of life by gunfire or by the extreme high temperatures of that day. However, some 30 hours after the crisis began, it ended with no loss of life. This is truly a testament to the training and professionalism of the Gladstone Public Safety Department.

Tonight, the City Council, on behalf of citizens of Gladstone wish to recognize the entire Public Safety Department. Although some department members were more actively involved in the actual crisis than others, everyone in the department pitched in to ensure that uninterrupted public safety services were provided throughout the crisis.

Mayor Bishop said he had asked City Manager Kirk Davis to invite the members of the department who were most closely involved in the events of August 30th and 31st to come to the Council meeting this evening. Mayor Bishop asked each Public Safety participant to stand as their name was read.

Dispatch: Kim Romine, Supervisor

Tactical Team:

Perimeter Team: Sgt. Stan Dobbins

PSO Becky Davis

PSO Bill Willoughby

PSO Tracy Wilson

PSO Stefan Smith

PSO Chris Pouliot

Entry Team: Sgt. Bob Baer

Cpl. Mike McFarland

Cpl. Jeff Self

Cpl. Larry Robinson

Cpl. PSO Bill Thomsen

PSO Pat Farrens

PSO Vince Lowe

PSO Chris Hayes

P/FF Scott Sutton

Fire/EMS: Capt. Doug Scheffner

GEMA: Sgt. Tony Marrali, Dennis Daly

Negotiations/Criminal Investigations: Cpl. Dave Smith, PSO Wick Pickard

Interviews/Crime Scene: Det. Brent Whittlesey

Incident Command: Capt. Mike Couch

Public Information Officer: Sgt. Mike Hasty

Director of Public Safety: Bill Adamo

Mayor Bishop said we must also express our thanks to the other law enforcement agencies and relief agencies who assisted during the crisis. Many will be named in the

commendation he will present in a few minutes. He then asked if any Council members wished to make comments at this time.

Councilman Newsom said it is never good news when you receive a phone call from the City Manager early in the morning. The minute Mr. Davis told her what was taking place, she got a big lump in her throat. She said she told Kirk, whatever happens, keep our people safe. Over the course of the day, she received many phone calls from citizens asking what she knew. Everything seemed to be moving along, slowly, but moving along. When the standoff ended, she let out a big whoop and was again getting calls from residents with comments. They were saying Gladstone did it right, they took a long time, no one got hurt, they were patient. They said you must be very proud of Public Safety and she wholeheartedly agreed.

Ms. Newsom said she kept wondering what she would do if she were the woman in that car. She knew if she were the hostage in that car, she would feel very safe and very secure knowing officers were out there doing their very, very best, what they were trained to do, in their heart what they know is the right thing to do to protect the safety of the citizens and people who pass through our community.

Mayor Pro Tem Cross agreed with Councilman Newsom. He said he received many phone calls as well and told them not to worry because it was in the hands of Gladstone law enforcement and everything would turn out right. Some called back when it was over and said they had not been as confident as he. He knew some of these officers, many of them being former students. They handled the situation very effectively and he was very proud to be a Gladstone resident.

Councilman George Nodler also expressed his thanks. Knowing that Gladstone was the center of media attention in the metropolitan area, our Public Safety Department performed very well and made everyone proud to be a citizen of Gladstone.

Councilman Shirley Smith commented that we usually think nothing really bad can happen in Gladstone, but it can and it is nice to know that we can meet the challenge.

City Manager Kirk Davis said he also wanted to recognize the Public Safety Department. They rarely get the credit they deserve. He is proud of that Department and how they worked together. Everyone pitched in, they worked together as a team, and as a unit to bring a successful conclusion to this event. We did get a lot of attention. We heard from Japan, NBC New York, CNN, and citizens. From the Director to the Dispatchers, he is very proud of the job they did in this event.

Mr. Davis stated that sometimes he complains that the training budget is out of control. But this is why we spend and budget the money so these people can do their jobs as professionals, so when these situations come up there are no mistakes. The other thing you have to learn as City Manager is to get out of their way and let them do their jobs, they know what they are doing, watch, give support, and stay out of their way. The Manager concluded that the department worked together and everyone is proud of them, and the training money is well spent.

Mayor Bishop then read and presented a **SPECIAL COMMENDATION** to the members of the **GLADSTONE DEPARTMENT OF PUBLIC SAFETY** for their collaborative efforts with area law enforcement agencies in bringing the recent kidnapping/hostage ordeal to a safe conclusion. Director of Public Safety Bill Adamo accepted the commendation on behalf of the Department.

Director Adamo stated that he is convinced that this City has the best department, there is no question. We are going through the National Accreditation process and should be awarded the accreditation it in November. There are less than 500 nationally accredited cities in the entire world. Hundreds start and never make it through. The people focusing on this the last three years are to be commended for handling this in addition to their regular duties. This situation brings to the forefront the quality of our individuals in Public Safety.

Director Adamo thanked the Mayor and Council for the recognition on behalf of everyone in Public Safety.

Item 4d. on the Agenda. **D.A.R.E. PROGRAM TRADING CARD PRESENTATION**
to Gladstone Public Safety Department D.A.R.E. Program Officers Mitzi Coupe, Becky Davis, Ronn Shatswell and LeAnn Smith. Presenters: Miss Jennifer Smith, Mr. Les Smith

The Mayor introduced former Councilman Les Smith and his daughter Jennifer Smith.

Les Smith stated that many may remember his father, former Mayor Everett Smith who spent a good portion of his life helping building Gladstone to the fine City it is today. Through a trust fund he established prior to his death two years ago, the family is able to sustain some of the efforts in the interest of the Gladstone community. He then introduced his daughter Jennifer Smith who has a special presentation to make this evening.

Ms. Jennifer Smith stated that she graduated from the Dare Program two years ago when she attended fifth grade at Meadowbrook Elementary School. She loved the program and looked forward to it every week. She even wrote to her DARE officer, Officer Mitzi Coupe. In the program they talked about the ten ways to say no to drugs and to always have a high self-esteem. They learned you can say No to drugs -- it is not for me. Or have the broken record approach and say no, no, no, over and over again. The DARE Program taught her everything from saying no to drugs to living life with an optimistic outlook. She said every officer taught them in a fun way and her favorite way was a dance called the "Pencil Sharpener" but she won't show that tonight. There was a DARE Graduation too and all the parents were there. It was a special day for the students and they even gave Officer Coupe a bouquet of roses.

Ms. Smith explained that one day when she was at home, an anti-drug commercial popped up on TV and she remembered the DARE Program and how much the DARE officers meant to her. She talked to her Dad and he said some police departments have trading cards that their officers can give to their students. She asked if there was any way to help give these to our officers so the kids could have a way of remembering

them and the lessons they taught. She said her dad went to work on it right away and thanks to the trust fund her grandfather established, future graduates will have a life-long remembrance of their experience in addition to their other precious memories of school.

Ms. Smith stated that she was proud to present the trading cards to our DARE officers as a way of saying thank you for having a positive influence on her life as well as all of her friends.

Les Smith asked the DARE officers to come forward (Mitzi Coupe, Becky Davis, Ronn Shatswell and LeAnn Smith). He stated that they had presented 5,000 trading cards to the Department to hand out to school children. Each Dare Officer has an individual trading card and a casual group photo on a plaque as a permanent remembrance of what they do for the children. The plaque is presented on behalf of the families of the Gladstone community in appreciation for the program to educate resistance to drugs and violence.

Dare Officer LeAnn Smith presented Jennifer with a bag of Dare program remembrances for her enjoyment.

Mayor Bishop invited all to stay for the next presentation and said it would be followed by a ten-minute break for photos before reconvening the Council Meeting.

ITEM 4E. ON THE AGENDA. KEY TO THE CITY PRESENTATIONS to former Gladstone Mayors Lee Bussinger, Dick Davis, Bernie Jezak, Jack McCausland, Wilma Ogden, Milton Wallace, Larry Whitton, Ken Winkler.

Prior to making these presentations, Mayor Dan Bishop explained that since Gladstone's incorporation in 1952, many selfless individuals have served the City as members of the City Council. Most have served out of a commitment to make our City a better place and not because of any desire for fame or glory. Frankly, if they were seeking fame or glory on the Gladstone City Council, they were more than likely greatly disappointed.

During the last ten years it has become something of a practice to present a Key to the City to outgoing Council members who have served as Mayor. Prior to that time it was not a general practice and it was brought to his attention that there were eight former Mayors who had not received a Key to the City. These individual's service to the City spans over thirty years and it seems appropriate to recognize each of them this evening with a Key to the City. Six of the former members are with us, the other two were unable to be present because of prior commitments and we will try to schedule them to attend a future Council meeting to receive their keys.

Mayor Bishop presented Keys to the City to the former Mayors and called on them in alphabetical order: **Lee Bussinger** (Mayor - April 1972/73, 1973/74, 1979/80, 1983/84, 1985/86); **Dick Davis** (Mayor - April 1971/72); **Bernie Jezak**, (Mayor - April 1975/76); **Jack McCausland**, (Mayor - April 1974/75, 1976/77); **Wilma**

Ogden (Mayor - 1978/79); **Milton Wallace** (Mayor 1989/90); **Larry Whitton** (Mayor - April 1988/89); **Ken Winkler** (Mayor - April 1987/88)

Lee Bussinger thanked the City Council and said the Key is a special gift. Having sat through some 350 plus Council meetings, he knows what it is. He jokingly said If he leaves after the recess, please forgive him because he has certainly been to a enough of these meetings. Mr. Bussinger told the Council again that he sure appreciates receiving the Key to the City.

Dick Davis told the Mayor and Council that it was a big mistake to allow a bunch of old politicians to speak. He notes that only six of the eight former Mayors could make it, so apparently the other two have a life on Monday nights. It is fun to remember that he was elected in 1969 which either makes him old or a child city councilman. Mr. Davis said he still resides in Gladstone and it is a constant source of pride to look at how the city has evolved in the 20 years since he left the council table. He can say that consistently day in day out and year in and year out you look upon the City of Gladstone and you are impressed that it consistently attracts people with commitment, dedication, and the intelligence to sit at that Council table. It also consistently has attracted very bright, capable, caring city managers and had a very strong staff. This is the way democracy should work. When he left the Council we had an outstanding Public Safety Department and it is great to find out tonight that the Public Safety Department is still outstanding and share the podium on this night.

Wilma Ogden thanked the Mayor and Council and told them that she is very proud to tell people that she served on the Gladstone City Council. She said she was also extremely fortunate to have the best team of Councilman to work with during her term of office.

Milton Wallace said he was Mayor for only one term but he did have the pleasure of serving the City of Gladstone for three terms on the Council and one term included the period of water and sewer installations in Gladstone. He also happened to serve when the Gladstone Public Safety Department was started and it is one of his proudest moments. He is appreciative of this recognition and he told the City Council that he is proud of the job they are doing. He wishes them the very best and said they still have many hurdles that they need to accomplish for the betterment of our city and told them not to let up.

Larry Whitton said this was a very nice gesture and thanked the City Council. He remarked that most of the staff that is now in place is here because of the City Council he served with which included Milton Wallace, and he also gives a special thanks to deceased former Councilman Bill Patterson. Mr. Whitton again thanked the City Council for he Key to the City.

Ken Winkler said it is an honor to receive this Key. He noted that his roots are truly in this city. His growing up years were very nomadic but he was born here in a house that is still standing in our city. He moved away and came back several times, but when he finally came back to Gladstone in 1951 and has been here since. He also thanks Lee Bussinger because it was Lee who encouraged him to run for the City

Council as his running mate. Mr. Winkler said he is quick to tell anyone listening that being on the City Council is probably one of the most humbling experiences you will find. You find very quickly that you don't please everybody in the world regardless of how good you think you; but you still retain the support and the loyalty of a good number of folks including the citizens, fellow council and staff. He thanks the Council very much for this honor.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, **audience member Larry Whitton** requested that **RESOLUTION NO. R-00-79**, authorizing execution of an Agreement for Depository and Banking Services with United Missouri Bank for a three year period through August 31, 2003 be placed on the regular agenda. (See Item 5a.).

Councilman Anita Newsom moved to approve the Consent Agenda as Amended; Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-77**, accepting a Permanent Waterline Easement from Oak Hill Day School required in conjunction with construction at Oakhill Day School, 7019 N. Cherry Street. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-78**, commending the cooperative efforts of the Missouri Department of Transportation, Missouri Conservation Department and other State Agencies, the Counties of Clay and Platte, and the Municipalities of Kansas City, Gladstone, Riverside, Northmoor, Claycomo, Pleasant Valley and Liberty to improve the Vivion Road Corridor. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-80**, accepting work under contract with Capital Electric for the Central Park Ballfield Lighting Project and authorizing final payment in the amount of \$49,974.00 from the Capital Improvements Sales Tax Fund. (Project #0036) Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-81**, authorizing issuance of a Massagist Business Permit to Carolyn L. Faherty for a period of one year pursuant to Chapter 17.1 of the City Code regulating massage. Business Location: Back & Bodyworks, 7317 N Oak. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 5a. on the Agenda. RESOLUTION NO. R-00-79, authorizing execution of an Agreement for Depository and Banking Services with United Missouri Bank for a three year period through August 31, 2003.

Councilman Anita Newsom moved to approve Resolution No. R-00-79; Councilman Nodler seconded.

Discussion.

Mr. Larry Whitton, 3308 NE 70th Street, asked if we are still working from the investment policy adopted a few years ago and how the City decides which institution they will place their money with.

City Manager Davis explained that the Investment Policy Mr. Whitton refers to was implemented a few years ago and was updated as part of the audit requirement a year and a half ago. It is separate from the Depository and Banking Services Agreement being authorized tonight.

For the Depository and Banking Services Agreement, the City went through a pretty extensive Request for Proposal process with all area banks to serve our banking needs. After going through the RFP's and setting up a Committee which included city staff, an investment advisor and a citizen representative, we interviewed two finalists and made a recommendation to the Council at the last Council study session.

We set forth the requirements that we needed as a City staff in the RFP and allowed various banks to submit proposals on how they could comply with those requests. The proposals were reviewed by a consultant, citizen member of the committee, and three staff members including Finance Director Cash Sweiven. After interviewing the two final candidates, the Committee recommendation to the Council was to go with United Missouri Bank.

Mr. Whitton asked if this was based on the highest yield.

Mr. Davis stated that it was a combination of things. To some extent, yes. The investments are shopped around for all the time with our new policy. It is a combination of who can provide the services. There have been huge steps technologically in the last five or six years. We are looking at providing citizens services over the Internet, and do our banking over the Internet, using our technology available to us now to the highest capabilities we can. This proposal basically allows us to do that. It moves us into the 21st century technologically.

Manager Davis advised that monies are constantly bid and those investments are moving all around the nation at this point in time looking for the best return on our invested funds. There is a unique clause that allows us to sweep our accounts nightly to get adequate return on all monies we have even if we are using that money the next morning. The whole investment arena has change with technologies available.

Director of Finance Cash Sweiven pointed out that we updated our Investment Policy in January of 1999 and that the Investment Policies and Procedures are completely separate from this money. This is the overnight deposits and the banking services and checking and it is completely separate from the investment policy. In the investment policy itself it says that we will not keep more than 30-40% of our investment portfolio

at any one bank. He again stressed that the investment portfolio and banking services are completely separate.

Mr. Whitton thanked City Manager Davis and Finance Director Sweiven for the explanation.

Councilman Newsom thanked both the Manager and Finance Director for the additional information forwarded to Council relating to this agenda item.

The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Mr. Galen Neil, 6010 N Wyandotte, asked the status of the Herman Scharhag rezoning application explaining that he has a letter from the applicant indicating his desire to withdraw the rezoning for the proposed shopping center. However, the City's blue signage announcing a rezoning application on the property is still standing. He asked if that signage will be coming down.

Assistant City Manager for Development Scott Wingerson said the sign Mr. Neill refers to is the public notice sign and there is no reason for it to remain, so he will ask that it be removed immediately. As for the application, the developer is seeking financing and once that is approved the application will come back before the City Council likely as a site plan amendment and a building permit. So the status is pretty much the same.

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

Councilman Shirley Smith reminded that preparations are underway for our annual GladFest Celebration on September 29, 30 and October 1st. It is always a wonderful event and the only thing we can't control is the weather.

She also thanked the City staff for providing the opportunity for disposal of hazardous waste. These items are difficult to dispose of properly, and this is a great service which helps us protect our environment.

Councilman Anita Newsom mentioned that an interesting sidelight to the hostage situation was that one of the accreditation officers who was in our city as a part of the Gladstone Public Safety Department Accreditation process had the opportunity to ride with our first response team during the hostage situation.

Mayor Pro Tem Bill Cross said he attended the **Gladstone Emergency Management (GEMA) 10th Anniversary Dinner** last Saturday night and he was amazed at the number of their members who have been volunteers for so many years. A number are former students from his history or government classes and he was very impressed with all they have done to assist our city.

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

City Manager Kirk Davis announced that the Household Hazardous Waste Collection that Councilman Shirley Smith spoke of earlier is September 23, 2000 from 9: 00 AM - 1:00 PM in Gladstone Central Park. Residents are invited to bring their items and someone will be there to assist you.

The Manager also announced the 3rd and final Economic Development Summit Meeting will be held on Tuesday, September 11th at 6:00 PM here in the City Hall Council Chambers.

Item 9. on the Agenda. CONTINUED PUBLIC HEARING: on a request for a Special Use Permit for property west of 5870 N Oak. Applicant: Selective Site Consultant. Owner: Eugene Steffen. (File #1129). (Continued from the August 14, 2000 City Council Meeting).

Mayor Dan Bishop opened the Public Hearing on the request for a special use permit for property west of 5870 N Oak which was continued from August 14, 2000. He noted that he as well as Mayor Cross were absent and stated for the record that he had an opportunity to review the record from that public hearing. He asked if everyone had the opportunity to review the record?

Mayor Pro Tem Bill Cross said he would like to state that he was absent as mentioned, and definitely had ample opportunity to go over it, and study it thoroughly, and feels like he understands it.

Mayor Bishop said the other three Councilmembers of course were present. He asked if the applicant has anything further to submit in favor of their request this evening.

Applicant representative Kathleen Hauser, stated she is an attorney with the firm of Lathrop & Gage, 2345 Grand, Suite 2400 in Kansas City.

In addition to Ms. Hauser the following appeared on behalf of the applicant, Selective Site Consultants:

Mr. Trevor Wood of SSC, Inc.

Mr. Joseph Heikes of VoiceStream Communications, Inc

Speakers in opposition: Mary Abbott, 5905 North Broadway.
Galen Neal, 6010 N Wyandotte

City Staff presentations: Mr. Scott Wingerson, Gladstone Director of Community Development. Mr. Kreg Cox, Gladstone GIS Manager

Request was made to enter the following documents into the record of the proceedings on this application.

- . Certified copy of the Gladstone Zoning Ordinance dated 9/11/2000.
- . Transcript of Planning Commission Public Hearing of 8/7/2000
- . Staff Minutes of Planning Commission Hearing of 8/7/00
- . 1993 Comprehensive Plan Application of Selective Site Consultants
- . 1992 Corridor Study
- . Contract with HNTB for the North Oak Corridor Study dated 4/11/2000
- . Alternative System Designs: Cable Microcell Integrator Technology
- . Alternative Tower Designs
- . Kreg Cox Streets Traveled Map dated 9/7/00
- . Protest Petition submitted listing 200 signatures
- . Cartoon from 9/11/00 edition of Kansas City Star

Note: attached and made a part of these minutes is the verbatim transcript of the presentation and discussion of this agenda item and agenda item 9(a). (Pages 1-53 of the John M. Bowen & Associates, Court Reporters "Transcript of Proceedings" prepared by Andrea J. Weinfurt.

(Prior to Agenda Item 9a, upon motion, second and unanimous vote of the City Council, a short recess was called with agreement to reconvene at approximately 10:00 PM).

* * *

Following the recess, the Council reconvened shortly after 10:00 PM on Monday, September 11, 2000.

Item 9a. on the Agenda. FIRST READING BILL 00-36, granting a Special Use Permit subject to certain conditions to Voicestream Communications, Inc. to operate a communications tower facility on property west of 5870 N Oak Trafficway. (File #1129)

Councilman Anita Newsom moved to place Bill 00-36 on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Newsom said she will enter some discussion at this point. After sitting through the Planning Commission deliberations, Council meetings, hearing evidence, reading and re-reading the information that has been brought forward, she finds that she will be unable to vote positively for this special use permit. She feels there is technology available that is not being explored or employed with this specific proposal. The tower such as proposed is much too intrusive into neighborhoods and the possibility of the redevelopment of that commercial area. To her, by being so close to the building, it already has a shallow setback. She does not see the compelling case that this is anything but an increase in the capacity for the network as stated by

the applicant. Their application was to provide adequate coverage and it appears that adequate coverage exists from Mr. Cox's very careful experiment.

Ms. Newsom said several of the other issues and the draft that staff has provided support her negative vote on this, therefore she will be voting no.

Councilman Nodler said he would concur. Right now, Gladstone has made a very intense effort to redevelop N Oak and improve the looks of that main artery coming through our city and he does not think this proposal is in line with the idea and concepts that the Council has for what we want to do with N Oak, and he will be voting no.

Councilman Newsom said another issue is there seems to be a blatant lack of researching alternative sites in providing this coverage and she thinks there are many other methods and sites that would be available to provide increased coverage if necessary for their services.

Mayor Bishop said he also heard it said several times during the public hearing that alternative locations or multiple towers would be more economically costly and he did not see what appeared to him to be any adequate exploration of alternatives that would be less intrusive than the proposed tower. We heard some testimony that criticized some of the research we were provided concerning alternative technologies, but he believes there are some probably that could be used along N Oak and he would be open to seeing something like that brought forward at a later time. He is not going to be able to support this. If Mr. Cox is able to drive around and go into these office buildings which he has to think are probably constructed of more durable material than the average single-family house and was able to maintain coverage driving around during the hour long conversations, it seems to him that that indicates there is current coverage.

The Mayor said he has to draw the conclusion that this proposal is primarily to enhance the current level of customer coverage and he thinks it is inconsistent with the Comprehensive Plan. We have this corridor study going on right now, we are spending some big bucks on that and he just is not comfortable going with something like this. He thinks that much more attention could have been given to alternative proposals, and he can't support it.

Councilman Newsom said not to close the door on anything, she would welcome a proposal that maybe would incorporate some of the stealth-type technology that was brought forward whether it is flagpoles, using church towers. As she looks at the area on Mr. Cox's map, some of areas that were white dots on the others are very close to tall steepled churches on Englewood which might be viable sites and better than the initial one, especially right in that area where there seems to be a void of service or reported dropped call area.

Ms. Newsom said she is not opposed to a company being able to increase their service but she thinks there are better ways of providing alternative means of doing it and she would like to see those explored.

Mayor Bishop asked if there was any other discussion. Hearing none, he called for the vote to place Bill 00-36 on First Reading. The vote: All "Nay" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (0-5)

Mayor Bishop announced that Bill 00-36 was defeated. He said he had the opportunity to review the proposed draft findings of fact that were presented by Counsel and he thinks we heard some things on the record tonight that possibly supplement or would cause these to be in some minor way modified. He understands we have to present written findings of fact and he would propose postponing adopting those for another two weeks to give staff the opportunity to modify this draft as need be.

Counselor Thompson stated that Staff can put those in final form in two weeks for the Council to review. The Mayor asked if there is a consensus on that and all Councilmembers agreed.

Item 10. on the Agenda. PUBLIC HEARING: on a request to rezone from C-1 to CP-3, property located at 6722 N. Oak. Applicant/Owner: K.L. LeFever. (File #1128). Continued from the July 24, 2000 City Council meeting.

Mayor Bishop noted for the record that the Applicant has withdrawn this rezoning application, therefore, no Public Hearing will be held.

Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT - for tenant finish of 4,100 sq. ft. building space located at 6443 N. Prospect (Prospect Plaza). Applicant: Patco Commercial Builders. Owner: Bradley Real Estate. (BP# 00-0712).

Councilman Newsom moved to approve the Building Permit as submitted; Councilman Cross seconded.

Discussion.

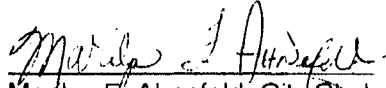
Councilman Newsom asked which part of the Prospect Plaza Shopping Center this building space is. Mr. Wingerson noted it is in the corner by the hardware store. Mr. Wingerson also confirmed that everything is in order.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

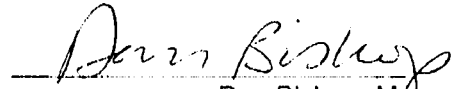
* * *

There were no communications from the News Media or further business to come before the September 11, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

PROCEEDINGS BEFORE THE CITY COUNCIL
OF GLADSTONE, MISSOURI

In Re: MEETING AGENDA ITEM NO. 9:)
CONTINUED PUBLIC HEARING FOR)
Selective Site Consultants, Inc.)
13540 W. 95th Street)
Lenexa, Kansas 66215) No. 1129
Issue: Special Use Permit Request)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED, that on this 11th day of
September, 2000, the above-entitled matter comes on for
hearing before the City Council of Gladstone, Missouri,
City Hall, Gladstone, Missouri, with Dan Bishop presiding
as Mayor.

The other members of the Council present are Mr.
Bill Cross, Ms. Anita Newsom, Mr. George Nodler and Ms.
Shirley Smith.

Appearing on behalf of Selective Site Consultants
are Ms. Kathleen Hauser of Lathrop & Gage L.C., Mr. Trevor
Wood of SSC, Inc., and Mr. Joseph Heikes of VoiceStream
Communications, Inc.

Also appearing is City Planner, Mr. Scott
Wingerson; City GSI Manager, Mr. Craig Cox; and City
Counselor, Ms. Nancy Thompson.

1 (Whereupon, the following proceedings are had
2 and entered of record.)
3

4 MAYOR BISHOP: We now move to the continued
5 public hearing on a request for a Special Use Permit for
6 property west of 5870 North Oak. The applicant is
7 Selective Site Consultant, the owner is Eugen Steffen, File
8 No. 1129 continued from the August 14th, 2000, City Council
9 meeting. And, at that meeting, myself as well as Mayor Pro
10 Tem Cross were absent, and I want to state for the record
11 that I have had an opportunity to review the record from
12 that public hearing. Has everyone had the opportunity to
13 review the record?

14 MR. CROSS: I would like to state that I was
15 absent as you mentioned, and I definitely have had ample
16 opportunity to go over it and study it thoroughly and feel
17 like I understand it.

18 MAYOR BISHOP: And the other three council
19 members, of course, were present. Does the applicant have
20 anything further to submit in favor of its request this
21 evening?

22 MS. HAUSER: My name is Kathleen Hauser, and
23 I'm an attorney with the firm of Lathrop & Gage. Our
24 address is 2345 Grand Boulevard, Suite 2400 in Kansas City,
25 Missouri. I don't believe we have anything else to say.

1 We would like an opportunity to respond to any
2 comments that are made by the staff on suggested locations
3 or other issues that may be brought up new, but at the
4 prior hearing, there was quite a bit of evidence provided
5 to you. It has all been marked as an exhibit and is in
6 front of you at this time. The City Attorney was kind
7 enough to share with me what she provided to you. The only
8 thing that I understand was in that packet that was not
9 introduced at the hearing would have been the proceedings
10 of the City Planning Commission and the minutes of the City
11 Planning Commission, but familiar with both of those, I
12 have no objection to those being considered, I believe that
13 even further provides evidence as to the basis of our
14 request, and supports the requests that we had before you
15 as being in furtherance of this City's comprehensive plan
16 and the City's general welfare.

17 MR. BISHOP: Are there any questions for the
18 applicant? Councilman Smith?

19 MS. SMITH: These are probably answered better
20 or more easily by the Selective Site Consultants. Do you
21 have someone here from there?

22 MS. HAUSER: Yes, we do.

23 MS. SMITH: They probably could answer these
24 easier because it has to do with that.

25 MR. WOOD: My name is Trevor Wood, I'm with

1 Selective Site Consultants, street address 13540 West 95th
2 Street, Lenexa, Kansas.

3 MS. SMITH: Thank you. I have them written,
4 because I don't want to miss any questions I want to ask
5 you. When you were doing your search ring, were there any
6 already existing supports in there, other than this one,
7 this site, that were identified but you rejected them, and
8 why were they rejected and how high were they?

9 MR. WOOD: Within the search ring, there were no
10 other available opportunities for collocation. Voicestream
11 is on the tower, the water tower which is north, and they
12 are on couple of structures to the south. I will highlight
13 those on the propagation study that is before us here.

14 What you have before you is the propagation
15 study in two segments. The first being titled "Current
16 Coverage Without Steffen Site," 85C097, June 19th, 2000,
17 and you'll see the red dot in roughly the middle of the
18 propagation study is the proposed site, and a second study
19 titled "Voicestream Wireless Proposed Coverage with Steffen
20 Site," 85C097, June 19th, 2000. This facility right here is
21 the water tower. This facility is a facility which is,
22 again, outside the city of Gladstone. And I believe this
23 one is also outside the city of Gladstone, and that is at
24 a -- this is the water treatment plant which I believe is
25 actually in Kansas City, Missouri. This is the tower --

1 yes, Kmart. There is a tower which is operated and owned by
2 the Army Corp of Engineers, and that tower was not
3 available for our use. That is the only other structure
4 that could conceivably be used by Voicestream for the
5 coverage that they need, and it is not available.

6 MS. SMITH: What was the tallest structure in
7 your search ring, do you know? Did you determine --

8 MR. WOOD: I would venture a guess that the
9 tallest structure in the search ring is probably no more
10 than 30 feet high -- I'm just guessing -- and I didn't get
11 out and actually measure those structures, but generally
12 speaking, nothing more than two stories in height.

13 MS. SMITH: Okay. I assume that trees are an
14 obstruction for you, is that true? Do you have to worry
15 about getting through trees? Is there any way you can use
16 a tall tree or are there any tall trees in Gladstone that
17 you found?

18 MR. WOOD: We have found tall trees that we
19 wanted to avoid, but as far as trying to use those trees
20 for our purposes in this facility, that would not be
21 workable from a number of points, and this is my common
22 sense operating here and my rough knowledge of the radio
23 frequency engineering side of this. I might also call on
24 Joe Heikes, who is a senior RF engineering manager of
25 Voicestream Wireless to make some further comments if he'd

1 like to, but a tree would generally -- particularly a
2 deciduous tree, with adding leaves and losing them, would
3 certainly create some problems with trying to attach any
4 type of item to it, and evergreen trees obviously would
5 have those same types of problems where you would be
6 constantly going through foliage.

7 There would also be issues of safety and
8 compatibility with building code requirements and, without
9 having actually reviewed the City's ordinances, I find it
10 difficult to think that the City would issue a building
11 permit to attach one of these structures to a living tree.

12 MS. SMITH: Okay. Did you produce a map of any
13 kind of -- in the search ring of the structures 60 to 80
14 feet tall, or, you know, a comprehensive map of all of
15 them, whether they were available or not?

16 MR. WOOD: I think the documents that are in the
17 record speak for themselves. I wasn't here at the last
18 meeting, and I'm not aware of what was submitted.

19 MAYOR BISHOP: I want to hear who can answer
20 that. If they speak for themselves, what is it you believe
21 they say?

22 MR. WOOD: Well, I suppose I'm saying that the
23 documents that have been submitted will indicate what we
24 showed.

25 MAYOR BISHOP: What is that?

1 MR. WOOD: That would be what Councilwoman
2 Smith just asked.

3 MAYOR BISHOP: And I understood her question to
4 be any structures 60 to 80 feet high and what do they
5 indicate to that effect?

6 MR. WOOD: I will reiterate that the documents
7 that were submitted were not submitted by me. If there was
8 a structure that was indicated as being 60 to 80 feet high
9 on something we produced to you, it should be noted on that
10 document.

11 MAYOR BISHOP: Is there someone here who knows
12 that?

13 MR. HEIKES: There is not a structure.

14 MS. HAUSER: Joe, I think you need to come
15 forward.

16 MR. HEIKES: Hi. My name's Joe Heikes, and I'm
17 the RF engineering manager for the Voicestream here in
18 Kansas City -- and for Gladstone, just for that matter.
19 And our address is 9000 West 67th, Shawnee Mission.

20 The answer to your question is that there were
21 no existing structures within the search area that were
22 more than, like he said, probably more than 30 feet or so.
23 There were no towers or high buildings, things of that
24 nature.

25 MR. BISHOP: Again, did you produce a map that

1 indicates the height of the buildings? Is that in the
2 material that's been provided, or any existing structures?

3 MR. HEIKES: Not to my knowledge. I don't
4 think so.

5 MAYOR BISHOP: Okay.

6 MS. SMITH: I have one more, and this might be a
7 little naive for you, but I'm not a layperson in this area.
8 Can you combine two or three other lower locations to get
9 the same effect as one high location?

10 MR. HEIKES: Yes. At times, that can be done.

11 MS. SMITH: Thank you.

12 MAYOR BISHOP: Sorry, may I just follow up on a
13 point that Councilman Smith was making? I think, is it the
14 case that trees act as a block to the signal that would be
15 broadcast by the tower?

16 MR. HEIKES: Yes.

17 MAYOR BISHOP: Is part of the objective to
18 raise the signal above the treetops?

19 MR. HEIKES: Getting above the treetops is a
20 minimum requirement, yes.

21 MAYOR BISHOP: And did you do any analysis as to
22 the height of the tallest trees within the search ring?

23 MR. HEIKES: Well, we didn't specifically
24 measure heights of trees. I think it's pretty fair to say
25 that in the area in question you have 40, 50-foot trees and

1 maybe some even bigger than that. Just by driving by I
2 think you can tell that.

3 MR. CROSS: Yet this tower is 161 feet tall. Did
4 you take anything, a crane, or put anything up to say this
5 is the reason it has to be this tall? This looks to me
6 like it is computer oriented.

7 MR. HEIKES: Yeah, this is a computer-generated
8 image.

9 MR. CROSS: And how do we know that it's
10 necessary to go 161 feet, I think is what the tower is
11 going to be. Why that tall? I mean, if our biggest tree
12 is 50, 65 feet and our buildings are 30, 40 feet, why do we
13 have to go up three or four times higher than that? And
14 how do we know, is the most effective height to put it --

15 MS. HAUSER: Can I make a point of
16 clarification? Where we're asking for the tower is 110
17 feet. We asked for the higher tower height so that there
18 would be other facilities collocated, but we're willing to
19 locate and we would accept a tower of 110 feet. So, I
20 think I just want to make that clear so that that's really
21 what the height is that we're looking at, which the lowest
22 height

23 MR. HEIKES: That we're comfortable with, based
24 on our computer analysis. And no, in answer to your
25 inquiry, no we didn't physically place the transmitter on a

1 crane. Sometimes that's done, so that's not silly.
2 Sometimes it's done. But at a certain point, when we've
3 done enough of these tests, we begin to believe our
4 computer models. And the coverage will change. It will
5 shrink and grow as you simulate the higher and lower tower
6 height. You know, Ms. Hauser's point is exactly right on
7 target that for us, 110, you know, get us 30 feet or more
8 over the treetops and we're good. But we're proposing a
9 higher tower so that other carriers will also make sure
10 their needs are met as well.

11 MS. NEWSOM: Okay. I've got some things I need
12 to clarify in my mind. So, the proposed tower that we're
13 looking at is higher than possibly your computer-generated
14 model says it may need to be for the maximum --

15 MR. HEIKES: No, no, this is done at 110 feet,
16 as far as antennas are located on the tower.

17 MS. NEWSOM: But this is a computer-generated
18 model?

19 MR. HEIKES: Yes.

20 MS. NEWSOM: It's not a live experiment or
21 anything like that?

22 MR. HEIKES: Correct.

23 MS. NEWSOM: Again, for my clarification, the
24 purpose of this tower, then, is to improve the coverage,
25 not provide new coverage?

1 MR. HEIKES: Well, I would say that it is to
2 provide new coverage. Particularly, new residential
3 coverage. Where before, we may have had coverage on the
4 street or in somebody's car, but they're not able to use
5 the phone in their house. So, in that sense it's new
6 coverage.

7 MS. NEWSOM: And this would -- a tower of this
8 height would provide the optimum coverage needed for that,
9 then?

10 MR. HEIKES: Yes.

11 MS. NEWSOM: Okay. And I don't know if anyone
12 answered the question about using lower multiple towers. I
13 mean, when I'm looking at the location, the red area on the
14 map gets redder -- I mean, it's got a strip up and down Oak
15 Street which is indeed a commercial corridor and not a
16 residential area, where the service is increased, or where
17 you said you wanted to increase service in the residential
18 areas --

19 MR. HEIKES: Right.

20 MS. NEWSOM: But the residential areas that I
21 see out here in the green and yellow on either side of the
22 North Oak corridor, I don't see a lot of improvement,
23 according to your computer-generated model, if I'm reading
24 it correctly. Please clarify.

25 MR. HEIKES: Okay, sure. If I'm not mistaken,

1 this would be North Oak. I'm wrong. This would be North
2 Oak.

3 MS. NEWSOM: Uh huh.

4 MR. HEIKES: And the hole that we're trying to
5 fix is this big green and white area right in here. And I
6 think you'll agree --

7 MS. NEWSOM: Which is the villages, if I
8 understand correctly.

9 MR. HEIKES: Well, it's partly Kansas City,
10 Missouri, it's partly Gladstone, it's partly villages, yes.

11 MS. NEWSOM: Okay. I never seem to get an
12 answer on --

13 MR. HEIKES: I answered Councilman Smith in
14 the affirmative that that can be done at times.

15 MS. NEWSOM: And what would precipitate that
16 from being a viable alternative in this site?

17 MR. HEIKES: Well, there can be a number of
18 concerns. One is the fact that to get above the treetops
19 is still kind of important, even if you're going to split
20 cells and try to use a number of smaller sites and so, you
21 know, 110 is already getting toward the lower elevation of
22 where we want to be.

23 Number two is, there becomes -- frankly, it
24 becomes an economic thing. It costs us three times as much
25 money to put up three times as many sites but as far as

1 technically feasible, it is technically feasible.

2 MAYOR BISHOP: Can I just jump in for a second?
3 Councilman Smith sort of touched on this, existing fixed
4 locations. Did I understand in your answer that you didn't
5 really consider those?

6 MR. HEIKES: No, we did.

7 MAYOR BISHOP: And specifically, let me throw
8 out some examples. There's a number of churches along
9 Englewood Road that have steeples on them. Were those
10 sites considered as possible locations?

11 MR. HEIKES: Maybe Trevor can speak to that. I
12 know there were only two candidates that were submitted to
13 RF engineering from the people who go out and look for
14 leasable sites. And as far as what all were leasable or
15 not leasable, he might have to speak to that.

16 MR. WOOD: If there's some sites with some
17 street addresses, that might be helpful. I'm unaware of
18 facilities that were -- that had steeples that were within
19 the search ring that we were issued that would have worked
20 for this particular system.

21 MAYOR BISHOP: How about athletic field light
22 poles? For instance, at Englewood Park?

23 MR. WOOD: Athletic field light poles at
24 Englewood Park would not have achieved the objective that
25 Voicestream was looking for, due to their height.

1 MAYOR BISHOP: You looked at them?

2 MR. WOOD: We've considered such proposals
3 numerous times in the past, yes. Not specifically here,
4 but that issue has been entertained many times.

5 MAYOR BISHOP: Why is that found not to be
6 satisfactory?

7 MR. WOOD: Well, again, it's the height issue.
8 And it may be where those sites sit in the search ring, if
9 they're even in the search ring, whether we can accommodate
10 equipment below a light at an athletic field where you've
11 got an equipment shelter and so on and to forth.

12 MAYOR BISHOP: But is it possible if you were
13 to tackle this issue from a multiple tower-type of
14 approach, that a light pole and an athletic field could be
15 a possible location for one to have the locations?

16 MR. WOOD: That would be an RF engineering
17 issue. They would have to review the site and review the
18 elevation above mean sea level of the particular site that
19 was in question in conjunction with foliage that was around
20 it and review that against the coverage objective they had
21 and where they needed to get coverage, and go from there in
22 order to determine whether that was a feasible alternative.

23 MAYOR BISHOP: And that alternative really
24 wasn't explored here?

25 MR. WOOD: Well, like I said, it's been explored

1 numerous times. And in this particular instance, I don't
2 believe that any such structure was going to work within
3 the parameters of what Voicestream provided to us.

4 MS. NEWSOM: Without digging back through the
5 minutes from last time, I recall asking a question about
6 the search ring at the last meeting, and was told that
7 basically there wasn't a ring, and the motion was made to
8 indicate up and down North Oak was basically the area where
9 the search was made. It wasn't really what I would truly
10 call a ring where you would find whatever --

11 I mean, I recall as we were siting, as the
12 Public Safety Department was siting our new -- I call them
13 our new civil defense warnings or whatever, that they used
14 a concentric ring -- or not concentric, but individual
15 rings for the coverage of those sirens. And I'm looking at
16 rings, and to me, if I were looking at the top map and
17 looking for a ring location within a search ring, you know,
18 I think North Oak probably wouldn't be an area where I
19 would look if I were going to start putting up a site and
20 not building off of existing structures.

21 Where's the rationale, again, for wanting to
22 continue to site something along North Oak?

23 MR. HEIKES: This is, by the way, the search
24 ring. I don't know if you-all have this in your packets,
25 but this is what RF engineering issued to the site

1 aquisition people. And it turns out it's a square in this
2 case, or a rectangle. It's not an actual ring.

3 But the criteria that go into determining it is
4 we look at our existing coverage. In some cases, we do
5 live, network testing to determine where our coverage
6 deficiencies are, and then, ideally, we place the site as
7 close as we can to that deficiency in order to fix it.

8 And often times, with search rings, we also as
9 engineers realize we live in a real world too, and, you
10 know, you have to fudge those boundaries a little bit. If
11 you drive up and down Englewood, you don't see much
12 commercial zoning. You drive up and down North Oak, you
13 do, and so, we sometimes will also -- well, okay, maybe the
14 ideal spot is here, but if we can get over toward North
15 Oak, maybe we can get over into more favorable, a more
16 reasonable land use situation.

17 So, I guess I kind of agree with you in
18 principal. I mean, ideally, I would like the site right on
19 top of somebody's house, but that's not really practical,
20 either.

21 MS. NEWSOM: When you talked about live,
22 network testing -- would you define that for me, please?

23 MR. HEIKES: What it means is we'll put a phone
24 and a computer in a car, and we'll drive around and log the
25 signal strength and the quality of the phone call and that

1 sort of thing.

2 MS. NEWSOM: Was that done on this project?

3 MR. HEIKES: We did it on a number of sites. We
4 did not do it on this project. Actually, I take that back.
5 We have drive-tested it, but we haven't actually logged the
6 data. It's been more of an engineer's informal survey type
7 of a thing, where you go out with a phone in a car in test
8 mode.

9 MAYOR BISHOP: If I could jump in again, what is
10 the lowest tower that you could use, okay, could use to
11 obtain the desired coverage?

12 MR. HEIKES: I would like to go no lower than
13 100 feet. I mean, 110 is optimal or designed. We could
14 live with 100. I wouldn't want to go much below 100.

15 MS. NEWSOM: Are you familiar with the kind of
16 stealth technology they use to put in towers that don't
17 look like towers. They're kind of camouflaged, in other
18 words?

19 MR. HEIKES: I've seen some of them, and some
20 of them are quite hideous. They look like trees with six
21 limbs and things like that.

22 MS. NEWSOM: I know in California, they've used
23 palm trees and that wouldn't quite fit in your territory
24 here, but if there were other options that were available
25 -- I mean, a palm tree would stick out on North Oak and

1 State Line.

2 MR. CROSS: So, in your company, you never have
3 used any type of stealth then, huh?

4 MR. HEIKES: No, that's not true. I guess by
5 stealth -- we have in some cases. We've put in structures
6 that look like a flagpole, for example. That's probably as
7 stealthy, as sexy as we've gotten in Kansas City.

8 MR. CROSS: But you didn't have to go up 110
9 feet though, did you?

10 MR. WOOD: C103, a site that Voicestream has in
11 Independence is at 135 feet. That's what would be
12 characterized as a flagpole design. It's a similar pole up
13 at that level. The deficiency with using that type of
14 structure is you get much lower call capacity because you
15 can get far fewer antennas on the structure.

16 MR. CROSS: What size, base type of thing would
17 you need to put there? How big of a building would you
18 need to put there to take something up over 100 feet? How
19 much room? In other words, I was looking at the application
20 that was originally given here on the site plan, and in
21 looking again, the ground equipment, what do you need to
22 place on the ground and how big is this?

23 MR. WOOD: VoiceStream actually just uses an
24 equipment cabinet quite nice for --

25 MR. CROSS: I saw the cabinet in the drawing,

1 but it looked a little bit different from what --

2 MS. NEWSOM: Is that the one that looked like a
3 tractor trailer base dropped off?

4 MR. HEIKES: Much smaller than that.

5 MS. NEWSOM: But it had that same metal box
6 look?

7 MR. HEIKES: Yeah. It's probably about four feet
8 tall and maybe about six feet wide and about three feet
9 deep.

10 MS. NEWSOM: Similar to one of the boxes KCPNL
11 puts out for service to a large institution or something,
12 like we're got back here for --

13 MR. HEIKES: I'm not super familiar with those.
14 I don't know.

15 MS. NEWSOM: What I remember seeing in an
16 illustration that came out in the Planning Commission
17 packet was -- to me, it looked like a utility trailer off
18 the back of an 18-wheeler that has been dropped off.

19 MR. WOOD: That's an inaccurate illustration,
20 and I apologize for that having been presented at the
21 outset to the Planning Commission. That would be a typical
22 shelter that some of the other carriers would use. And
23 it's about a ten foot by twenty-eight foot room
24 pre-fabricated usually with stucco or adrogate out of
25 material, and that is not what you would see with

1 Voicestream's proposal.

2 MS. NEWSOM: What would we see?

3 MR. WOOD: You would see something about it's
4 expandable, depending on the number of antennas that
5 Voicestream has in its system, but it would probable be
6 about double the width of this, maybe just a little bit
7 wider.

8 MR. HEIKES: Actually, if you took about three
9 of these podiums and put them next to each other, it would
10 be about that size, at the biggest.

11 MS. NEWSOM: You said number of antennas that
12 VoiceStream would use. And, again, it was my understanding
13 there would be a monopole with whatever antenna-type
14 equipment. When you speak of multiple antennas for
15 VoiceStream, I start getting visions of one of the
16 illustrations we had last time, of several different
17 platforms or levels on it. Is that --

18 MR. WOOD: Well, it would be on the same level,
19 but they would have the opportunity to expand as their call
20 capacity increased and they needed to take more calls in
21 and output calls to other wireless users.

22 MS. NEWSOM: Voicestream could also lease other
23 portions of this to other vendors that service the
24 community?

25 MR. WOOD: It could.

1 MR. HEIKES: To clarify, any of our new
2 antennas would go on the same platform, so we wouldn't keep
3 adding them up and down. Other carriers would add them up
4 and down.

5 MS. SMITH: I have a question. Let me understand
6 this about the ground equipment, I'll call it that, the
7 building. You said that the building she referred to other
8 carriers might have. Does this mean that everything you
9 put on that pole is going to be additional ground building,
10 or you understand, as additional carriers come on will
11 there be more buildings down at the bottom?

12 MR. WOOD: If additional carriers come on, they
13 will likely need equipment space at the base of the tower,
14 or compound that is, being leased from the land owner.

15 MS. NEWSOM: Are you familiar with the structure
16 we have over here under the water tower that houses several
17 vendors that is, I believe, brick?

18 MR. HEIKES: Yes. I've been in it a few times.

19 MS. NEWSOM: Okay.

20 MAYOR BISHOP: Are you familiar with the PCS
21 technology?

22 MR. HEIKES: We're in the PCS block.

23 MAYOR BISHOP: So, are you -- how does that
24 relate to the cable technology? Are we talking about cable
25 technology here with this tower?

1 MR. HEIKES: It's truly wireless, at this point.
2 Now we are rolling out digital or, you know, data services
3 as well, but it's not really cable technology.

4 MAYOR BISHOP: I want to go back to that issue
5 of stealthing. And would you concur that there's a
6 possibility to have something more esthetically pleasing
7 along North Oak if stealth technology were used instead of
8 what it is you're proposing here?

9 MR. HEIKES: I guess I would answer that that's
10 -- it largely depends on what the City's goals are. One of
11 our goals here with this proposal is to provide space for
12 other carriers, minimize the chance for tower
13 proliferation. Now if we go in with something that's very
14 stealthy, almost always that means that we're the only ones
15 that are going to be on it. And somebody else is going to
16 come down and say, "We need a tower, too. We can't go on
17 VoiceStream's flagpole," or palm tree or whatever.

18 MAYOR BISHOP: Speaking of that, do you know
19 what other wireless carriers are currently providing
20 service to this area? Are there any?

21 MR. HEIKES: Oh, sure. You mean as far as our
22 competitors in this market?

23 MAYOR BISHOP: Yes.

24 MR. HEIKES: Sprint PCS, Nextel, Verizon and
25 Southwestern Bell Wireless.

1 MAYOR BISHOP: So, there would be opportunities
2 from other folks who wanted to put towers up to possibly
3 purchase or rent space from those providers?

4 MR. HEIKES: Yes, uh-huh.

5 MS. NEWSOM: Just to clarify again, the list
6 that you just gave plus yourselves --

7 MR. HEIKES: And AT&T Wireless, by the way, is
8 coming to town as well.

9 MS. NEWSOM: -- currently have service in the
10 city of Gladstone?

11 MR. HEIKES: Yeah, of some level or another.
12 I'm not sure of what quality and so forth.

13 MS. NEWSOM: And the goal of your proposal,
14 then, is to --

15 MR. HEIKES: For us? Is to increase our own
16 network quality.

17 MAYOR BISHOP: Are there any other questions for
18 the applicant?

19 MS. HAUSER: Mr. Mayor?

20 MAYOR BISHOP: Yes?

21 MS. HAUSER: If I may again, for clarification,
22 if the council would choose to grant this, one of the
23 conditions is that anyone else who would come to locate on
24 the tower would have to come back in and get approval. The
25 condition is set forth in No. 6 of the proposed bill, and

1 it would require reconsideration of any additional carrier
2 on the facility.

3 MS. NEWSOM: Did I understand correctly from
4 previous hearings before the Planning Commission or City
5 Council that additional carriers would most likely cause
6 the need for increased height of the tower?

7 MS. HAUSER: That's correct, yes.

8 MR. HEIKES: May I clarify something? My
9 colleague just told me I may have mislead you or misspoke,
10 and we don't want that. What I meant to say was that other
11 carriers may desire to locate on our tower. There are no
12 towers that exist of our competitors that are close enough
13 to this coverage objective for us to locate on them and
14 still satisfy our needs, okay?

15 MAYOR BISHOP: Anything else, Ms. Hauser?

16 MS. HAUSER: No, that's all.

17 MS. NEWSOM: I've got one more question. On
18 the site location itself, the location in proximity to the
19 existing building. Was there any thought or discussion on
20 siting it someplace closer to the edge of that property
21 instead of almost directly in back of the Steffen building?

22 MR. WOOD: What you're looking at now is a
23 survey that was not prepared by Selective Site Consultants.
24 It was prepared by AKA, which is a surveying firm, and this
25 gives it a little better overhead view of the facility.

1 Where we are is we're back in this area, and I guess I'm
2 wondering where you're asking where we could have gone?

3 MS. NEWSOM: Any place further back on the lot
4 that would be an increased setback.

5 MR. WOOD: My understanding in speaking with the
6 person that acquired this site and Mr. Steffen is that this
7 was the location that was feasible for Mr. Steffen to lease
8 to us.

9 MS. NEWSOM: Okay.

10 MR. WOOD: I think that also does the most
11 adequate job of placing the tower as far away from any type
12 of residential structure of any sort, apartments included,
13 that we can do to leave it where it is. And it is
14 well-screened from a majority of surrounding uses and by a
15 substantial amount of foliage and by the buildings on North
16 Oak Trafficway.

17 MS. NEWSOM: Review with me again the screening
18 that you're going to use on the actual site?

19 MR. WOOD: The screening that's proposed right
20 now is a fence, and the applicant is willing to entertain
21 additional screening that the City might request in the way
22 of landscaping or so on and so forth.

23 MS. NEWSOM: Would this be wood or chain-link?

24 MR. WOOD: I believe we're showing a chain-link
25 fence right now.

1 MS. NEWSOM: Open or opaque? I don't mean
2 opaque, but opaque with strips through it?

3 MR. WOOD: I believe at this point it is open,
4 but like I say, we're open to any comments that the City
5 Council would have with regard to screening. Certainly,
6 the use that's being made of the rear of this property is
7 quite industrial. If you've driven by it, you'll note the
8 number of machines that are in disarray and so forth. We
9 have maintained from the outset in speaking with the city
10 planning staff and the planning commission that if there
11 was anything that council or commission had wanted us to
12 do, we'd be happy to entertain that as far as plantings or
13 a more substantial fence that would screen this facility
14 from view on North Oak.

15 MAYOR BISHOP: Thank you.

16 MR. WOOD: Thank you.

17 MAYOR BISHOP: Is there anyone in the audience
18 who would like to speak in favor of this application? Is
19 there anyone in the audience who would like to speak in
20 opposition to this application?

21 MS. ABBOTT: My name is Mary Abbott, and I live
22 at 5905 North Broadway. I would like to say, before I read
23 my little script, that I appreciate that Voicestream needs
24 some kind of a communication tower in order to further
25 their business. But I think that there would be some place

1 that they could get it where it would not be in a
2 residential area. And I would like to thank the mayor and
3 the city council for the opportunity to express my opinion
4 in opposing the construction of the proposed communication
5 tower. And the reasons for my opposition are:

6 Number one, there has been a \$50,000
7 appropriation for a survey of the improvement of the North
8 Oak corridor, but I think it would be foolish to permit
9 this monstrosity to be constructed before there has been a
10 report from the HNTB Corporation with their
11 recommendations. Would they require more money for their
12 survey if North Oak changed in the middle of their survey
13 and they had to redo some of it? Why spend \$50,000 for a
14 recommendation if new permits are going to be granted
15 before the recommendations are ever heard?

16 Number 2, I don't want to sit on my deck on a
17 beautiful evening and have to look at the blinking lights
18 of the communication tower. That, aside from being ugly,
19 does not benefit the anything but Voicestream. I have
20 enough problems without the environment on the west and the
21 south without having to put up with another one on the
22 east.

23 And Number 3, in talking with people who signed
24 this petition and drive North Oak all the time, we think it
25 would be an eyesore not only for us, but the community of

1 Gladstone as a whole.

2 Number 4, I wouldn't by a house in close
3 proximity to one of these things and I wouldn't blame
4 anyone else if they wouldn't, either. We feel property
5 values would diminish considerably.

6 Number 5, there are big planes that fly over my
7 house and over North Oak, not every day, but on numerous
8 occasions and tonight's one of them. Depending on the wind
9 for MCI but every day all day and sometimes at nights small
10 aircraft fly over, going to the downtown airport. They fly
11 very low, and sometimes I would hate to have -- they fly
12 very low sometimes, and I would hate to have airplane parts
13 strewn all over the area, let alone the thought of anyone
14 being killed. Also, the helicopters that check traffic on
15 169, 35 and 29 all fly over the house and up and down North
16 Oak.

17 I really appreciate that we need to associate
18 ourselves with progress, but my gosh, we don't have to live
19 with it right in our own backyards. Thank you very much.
20 We appreciate the Council, and everybody that signed our
21 petition would appreciate a negative vote on this thing.
22 Thank you very much.

23 MS. NEWSOM: How many signatures did you say you
24 have?

25 MS. ABBOTT: We have 197.

1 MAYOR BISHOP: Thank you, Ms. Abbott. I'll
2 just -- to clarify the record, Mr. Gaylen Neal, while you
3 were speaking, handed each member of the Council a protest
4 petition concerning this application and it does indicate
5 it's signed by 197 people.

6 MS. ABBOTT: I'd be happy to answer any
7 questions, you know, if you have any. This neighborhood is
8 really perturbed about having it right there. Thank you.

9 MAYOR BISHOP: Thank you.

10 MR. NEAL: My name is Gaylen Neal, and I reside
11 at 6010 North Wyandotte, Gladstone Missouri. And it's very
12 nice that you guys take the time to delve into all the
13 practicalities of these things and everything.

14 I just want to let you know that while those
15 petitions were being presented this evening, there were
16 three other signatures that came forth. They will be on
17 the original petition and the petitions that you have,
18 those signatures won't be on there. So, in order for you
19 to get yourself up to date of the signatures of the ones
20 that were applied after those copies were made, you'll have
21 to get a copy of the original that I gave to the City
22 Clerk. And I just want to point out while speaking with a
23 large portion of the neighborhood that's around this
24 particular tower request, that I spoke to approximately 121
25 people, and I had one person turn me down for saying that.

1 particular phase of the protest petition. All the rest of
2 them signed without any problem, so I want you to bear that
3 in mind while you take that into consideration.

4 MAYOR BISHOP: Thank you, Mr. Neal. Anyone else?
5 Does staff have anything further?

6 MR. WINGERSON: Mayor Bishop and members of the
7 council, we do. I'd like to suggest that the information
8 provided to you tonight is not new information, but
9 information designed to support the position of staff.

10 To begin with, we have some housekeeping tasks
11 to take care of. One is we would ask that a copy of the
12 Gladstone City Ordinance, a certified copy be inserted into
13 the record. This would substitute for the copy submitted
14 at the last public hearing.

15 MAYOR BISHOP: That request is granted.

16 MR. WINGERSON: Ms. Hauser referenced it, I'd
17 like to submit to the record the transcript from the
18 Planning Commission Hearing, public hearing, as well as the
19 minutes created by staff of that same public meeting.

20 MAYOR BISHOP: Granted.

21 MR. WINGERSON: I'd also like to introduce some
22 documents that the Council is intimately familiar with.
23 The first is the Gladstone comprehensive plan, created in
24 1993. As an appendix to the comprehensive plan is what
25 amounts to be an corridor study created in 1992, both by

1 HNTB, as the City's consultant. I'd also look to introduce
2 the streetscape plan and notebook, and introduce the
3 corridor study, North Oak corridor study contract that is
4 contracted with HNTB.

5 I'd like to talk a little bit about those
6 documents. And by doing that, I'd like to read some
7 prepared statements, so, if you would just bear with me for
8 just a second. My understanding of the time the
9 comprehensive plan was prepared, the City's primary
10 commercial corridor being North Oak and Antioch Road were
11 targeted to beautification efforts and the gradual
12 upgrading of the appearance of individual structures along
13 the corridor.

14 Since the adoption of the plan, many
15 beautification efforts on private properties and along the
16 right-of-way have been accomplished. The general nature
17 and development pattern of these corridors has been the
18 result of a period of years of development of small parcels
19 of ground for commercial purposes that lay adjacent of the
20 corridors on the front side and residential areas to the
21 rear. This pattern of development is typical in the
22 metropolitan Kansas City area. Given Gladstone ordinances
23 at the time and the size of the parcels, meaning width and
24 depth, new construction of structures of major height was
25 recommended or anticipated.

1 The 1993 comprehensive plan offers a number of
2 points of guidance for consideration and review of matters
3 such as the North Oak proposal currently being evaluated.
4 Significant among these is the recommendation to "create a
5 plan for the consistent upkeep and maintenance of all
6 right-of-ways, buildings and structures to ensure an
7 esthetically pleasing city." "Make sure that existing
8 development of commercial infill areas is equal to or
9 exceeds the quality and character of existing surrounding
10 commercial uses by requiring such development to be planned
11 district's required site plan approval by the city
12 council."

13 The terms of the original corridor study
14 created in 1992, the purpose of that report were to
15 stabilize Gladstone's acclaimed commercial corridors and
16 surrounding areas, maintain development quality in
17 Gladstone's newer commercial corridors, reinforce long-time
18 Gladstone enterprises, and provide for new development
19 opportunities supportive to and compatible with its
20 corridors and surrounding areas.

21 In conclusion, the proposed monopole is not
22 supportive of or compatible with surrounding development of
23 the North Oak corridor. Currently, there are no commercial
24 structures over 45 feet. Clearly because of the height and
25 scale, this proposed structure is out of character with

1 surrounding development, such it does not help maintain or
2 enhance development along the corridor. Furthermore, this
3 new development does nothing to stabilize existing
4 commercial developments along the corridor. Thus, as a
5 commercial structure, the proposed PCS monopole does not
6 meet any of the goals of the 1992 North Oak corridor report
7 or the 1993 comprehensive plan.

8 The last document I provided to you was the
9 contract between HNTB and the City for the North Oak
10 corridor study. There are four goals that are applicable
11 here tonight: One, to improve the overall aesthetic
12 quality of the corridor; two, identify the corridor's
13 market strengths and opportunities to attract additional
14 business to the corridor; three, identify potential
15 locations along the corridor for redevelopment; and four,
16 improve vehicular and pedestrian accessibility along the
17 corridor.

18 The proposed monopole tower will impact the
19 overall esthetic quality of the corridor, as it will be of
20 such height that it will make the tower highly visible
21 along a large portion of the corridor.

22 In developing the agreement for the
23 implementation study, one of the stated goals of the study
24 is to reduce visual clutter along the corridor. Items
25 identified as visual clutter include overhead power utility

1 lines and other obstructive structures in the city.
2 Installation of the proposed tower could be considered to
3 increase the visual clutter along the corridor.

4 In preparation of these documents, specifically
5 referring to the streetscape notebook, the comprehensive
6 plan, and its appendices, the community spent countless
7 hours studying these issues, studying the planned growth of
8 this community. The 1993 effort and the 1992 effort were no
9 exception.

10 Additionally, redevelopment is occurring along
11 the North Oak corridor, north of the proposed site. There's
12 no reason to think that it won't continue. A couple of
13 examples of that would include the Worth Harley Davidson
14 building, the Bank Midwest building, the newly finished
15 Eckert building, the under-construction VW dealership,
16 previously-constructed Rod's Hallmark in Olde Town Shopping
17 Center. All of those are examples of the quality that the
18 1993 comprehensive plan envisioned when it was adopted by
19 the Planning Commission and the City Council. As a note,
20 several of those businesses had won county-wide recognition
21 for quality development efforts.

22 As the applicant stated, there are not any
23 buildings that exceed 45 to 50 feet in the study area, the
24 request almost triples the height of the buildings in the
25 area -- except for the water tower, which is outside of

1 their search ring. In addition to the discussion of
2 compatibility in the staff report, the community has
3 defined the important issue through the work and the
4 documents just discussed.

5 To provide the City Council, City Clerk and
6 applicants with another document entitled "Alternative
7 System Designs: Cable Microcell Integrator Technology."
8 Doing the research for this issue, there's an exiting
9 volume of information on the internet. This document is
10 from the internet, and I've selected pages that talk about
11 technological alternatives that are available to PCS
12 providers. I draw your attention to what would be the
13 fourth page back. This is a provider of equipment which
14 allows the use of the cable television network to enhance
15 the wireless service. One point says "The system serves as
16 an alternative or compliment to traditional tower microcell
17 deployments." It permits wireless service providers to
18 control multiple PCS cable systems from a central site.
19 Installed on coaxial cable lines, ACOI -- which is the
20 technology we're talking about -- provides an interface
21 between a wireless PCS handset and a television cable link,
22 and can be adopted for fiber network implementations. In
23 general, PCS Over Cable, which is the common term for this
24 type of technology is a distributed antenna system that
25 serves to speed the buildout of personal communication

1 service PCS system, improve the wireless network, and avoid
2 or augment traditional improve deployments. There's other
3 information that is along the same line of this
4 information.

5 I'd also like to provide a document to the
6 Council, the City Clerk and the applicant, entitled
7 "Alternative Tower Designs." I believe another way to say
8 this would be stealthy, didn't we hear that earlier?
9 Again, from the internet, some research about stealth
10 technology and stealth construction techniques. I draw
11 your attention to the first page, there are four examples
12 at the bottom of that page that show various stealth
13 technology, one being a flagpole, one being a church
14 steeple, one being a clock tower, and one being traditional
15 lighting as you might see in a streetscape. The second page
16 basically suggests that there are a wide range of
17 configuration possibilities third page is a beautiful
18 system. The pictures are black and white and hard to see,
19 but many of these monopole systems also contain street
20 lights or community banners. You can see those better on
21 the next page back, examples from Dallas, Texas; Ft.
22 Collins, Colorado; Denver, Colorado, and Atlanta, Georgia.
23 On the following page, you could kind of see these things
24 superimposed on the internet on the web page for this
25 particular. It's a fairly nice little graphic that shows

1 the traditional monopole as being proposed tonight in the
2 this second slide, if you will, shows a stealth monopole
3 with the same providers on it, that happens to be the clock
4 tower. Traditional monopole, flagpole, tops and corners of
5 existing structures can be adapted for antenna. Again, a
6 flagpole, I'm not sure if you can flip that far, but it's
7 this exhibit. I'm sorry, I don't know the page number.
8 It's an interesting analysis of what we're talking about
9 tonight. Once example is a lattice tower. And the comment
10 is that item's clearly out of scale with Town Center, even
11 though it's on an industrially zoned land. The second,
12 more traditional monopole, as discussed tonight, in a
13 commercial zone could be acceptable if monopole antennas
14 were surrounded by trees. And then finally, the last
15 comment is item is totally acceptable when its hidden
16 inside a cupola. The rest is additional information on
17 again comparative photos of the traditional monopole being
18 discussed tonight, and the same monopole with stealth
19 technology at a different location. Again, a streetscape
20 traditional style lighting concept -- there's the tree that
21 was talked about earlier, ballfield lighting is another way
22 to deal with these towers and finally, a church steeple.

23 I'd like to take just a minute to ask Craig Cox
24 to come forward. Craig is the City's GIS manager and is
25 responsible for preparing the maps that we present so often

1 to the City Council and received very nice compliments,
2 thank you. Craig has done a hands on study relative to this
3 issue, and I'd like Craig to come forward and explain what
4 he's done over the last couple of weeks.

5 MR. COX: Thank you. The City authorized the
6 purchase of a VoiceStream phone and a service plan through
7 the same company. The propagation map that was previously
8 submitted and displayed indicates levels of coverage around
9 the Gladstone area, specifically, the one that has existing
10 sites, as far as antennas.

11 Basically, I took the least coverage areas,
12 which appear as pockets in the search ring, and I
13 translated that to a more specific street map. And in doing
14 so, I then mapped out a travel area that I could traverse
15 through these areas. And one of the first things that I did
16 notice was that of these pockets, there were 16 separate
17 areas. And all of them lie outside of Gladstone, except for
18 one of them that did straddle the line, and only a portion
19 of it was in Gladstone. This area turned out to be
20 generally described from the west side Broadway to the east
21 side, being Antioch Road, on the north side from Shady Lane
22 down to Vivion Road on the south side.

23 As I progressed, I did take the phone out into
24 a vehicle and I did this on September 7th, Thursday between
25 the hours of 10 a.m. and 4 p.m. And as I did so, I made

1 three separate phone calls. Each of them lasted more than
2 an hour in length and I traversed the areas that I have
3 highlighted on my map. In doing so, I received good
4 basically, a phone call was never dropped during each one
5 of those phone calls, and I could receive good reception
6 throughout each one of those. Also, I exited the vehicle on
7 three different occasions and I entered three different
8 office buildings. Two of the office buildings were in the
9 Creekwood Commons medical complex, and that happens to be
10 located in one of the white pocket areas. Once I entered
11 the building, I walked through the building while still
12 being on the same phone call, and traveled the elevators
13 from the bottom to the top floor. And again, the phone
14 call was never dropped. That location is generally at 54th
15 Street and North Oak.

16 Also, I entered an office building in
17 Gladstone, and that's 6000 North Oak. That's the Wood
18 Manor II building, and it's a partially submerged building
19 and I traveled through both of the floors. These buildings
20 are brick and steel buildings, generally two floors -- I
21 think all of these are two floors in height and that was my
22 final --

23 MAYOR BISHOP: Are there any -- does Council
24 have any questions for Mr. Cox concerning his findings as
25 submitted to us?

1 MS. NEWSOM: Craig, would you uncover that map
2 again? Thank you.

3 MR. COX: The white areas on my map are shown
4 as red boxes.

5 MS. THOMPSON: Craig, what are the green areas
6 in the map?

7 MR. COX: The green areas would indicate the
8 streets that I traveled within that search ring.

9 MS. NEWSOM: And this was done last Thursday?

10 MR. COX: Last Thursday.

11 MS. NEWSOM: So, we have a test run on a day
12 that was high humidity and foliage on the trees.

13 MAYOR BISHOP: Thank you.

14 MR. WINGERSON: Mayor Bishop, that concludes
15 staff's presentation for this. I'm available to answer my
16 questions that you may have, of course, as is Mr. Cox. I
17 have one question to suggest. I believe that there was
18 some information provided tonight from Selective Site
19 Consultants that two sites were considered in this request.
20 I would be curious just to understand what that second site
21 is. I'm not sure that information was provided to staff.
22 As Ms. Hauser did, I would request an opportunity to
23 summarize staff's position prior to the closing of the
24 public hearing. Thank you.

25 MAYOR BISHOP: Thank you. Are there any other

1 questions for Mr. Wingerson?

2 MS. NEWSOM: Not at this time.

3 MAYOR BISHOP: Okay. Ms. Hauser, did you wish
4 to take advantage of your opportunity to speak again?

5 MS. HAUSER: Yes, please. Thank you for the
6 opportunity to address and clarify some points. I think
7 it's important to note that in response to one of the
8 opposition, a concern about seeing from her patio a
9 monopole with lights on it, there will not be any lights on
10 this tower. It does meet all of the FAA and FCC
11 requirements and, in this particular area, the lights are
12 not required. I'd also, for the record, like to note that
13 there have been two people who have appeared in opposition
14 throughout three hearings, and yet you have a petition with
15 197 individuals who have signed it. I have questions about
16 whether those people would have signed it if they had had
17 all the information.

18 But I want to go directly to the staff report
19 and the concerns that have been raised as part of that. I
20 assume you're aware there are no independent towers located
21 in the city of Gladstone. Every antenna now is on a
22 city owned or government-owned facility. Under the federal
23 law, there must be some kind of reasonableness in your
24 regulations. The Telecommunications Act has been discussed
25 at both the hearings, it's recited in the transcript, and

1 there is concurrence with the staff and the applicant as to
2 the role of that.

3 The suggestions that have been made tonight do
4 not take into consideration the fact that there are no
5 towers in Gladstone. It does not take into consideration
6 the fact that you may have passed a comprehensive plan, but
7 you have not amended the zoning ordinance. It's the zoning
8 ordinance that regulates the uses. The comprehensive plan
9 is turned to as a guide for development, but the
10 regulations are found out in the zoning ordinance. And as
11 you will note that the last time, when Dr. Eric Strauss
12 testified, the zoning ordinance does not limit the height
13 of any structure. It only limits the height of buildings.
14 So, all the discussion about the structure being out of
15 sync with the buildings in the area does not directly
16 relate to what the zoning ordinance -- or the requirements
17 in the zoning ordinance.

18 Some of the issues that were brought out as far
19 as alternative designs, again, I'd like to point out to you
20 we're talking about a site that is not directly on North
21 Oak. It sits back from North Oak. If you went with a
22 flagpole-type design, there would not be the ability for
23 anybody to collocate on it. The other types of designs
24 that are proposed are financially infeasible at this
25 particular site, and I question whether there would be any

1 value to be gained out of them, because you're sitting back
2 away from North Oak. It's not immediately visible, as far
3 as the surrounding area from the street, north oak or 95th
4 Terrace. I do believe that our RF engineer would like to
5 respond to few of the issues that have been brought up, so
6 I would like to give him the opportunity.

7 MAYOR BISHOP: Ms. Hauser, if I can just ask
8 you one question, are you suggesting to Council tonight
9 it's our obligation to allow the applicant to proceed with
10 the least expensive opportunity for a tower in Gladstone?

11 MS. HAUSER: Am I suggesting that they proceed
12 with the least expensive -- is that what --

13 MAYOR BISHOP: There seems to have been some
14 testimony this evening that other opportunities, the
15 possibility for multiple, shorter towers and different
16 locations would be more expensive, you know, economically
17 more costly. So, my question is, are you suggesting to the
18 Council that we have an obligation to allow you to
19 construct a tower at the location where it's cheapest for
20 you to do so in Gladstone?

21 MS. HAUSER: No, I don't think you have an
22 obligation to the cheapest. I do think there's a certain
23 amount of balancing. As you know, in any zoning
24 regulation, there's always a balancing that's involved.
25 Any controls that are put on for esthetic reasons have to

1 relate to a true value that will be achieved and not just
2 the appearance. So no, I'm not saying it has to be the
3 cheapest. I am saying it has to be reasonable in light of
4 other regulations.

5 MAYOR BISHOP: Thank you.

6 MR. HEIKES: I would just like to respond
7 briefly to some of the technical data that's been presented
8 in counter to our presentation. First of all, I want to
9 make it real clear that some of the things that have been
10 presented from the internet as research here are
11 advertisements from companies who want to sell things to
12 PCS companies. In the case of the Sanders news releases,
13 the PCS Over Cable, if you read it over a little more
14 carefully, you'll note it's for a CDMA network. Ours is
15 not a CDMA network, you still have to have a radio at the
16 end of the cable. I don't know exactly what staff is
17 proposing, that we go through and put radios in everybody's
18 house, you know, that's surrounding this area? That's how
19 we get around it, and we use their cable lines to talk to
20 the sites, but that's entirely, that's just entirely
21 infeasible. So, I find that to be not even useful.

22 The second thing is, speaking to the drive test
23 results, which is really what it boils down to, done by the
24 City staff, I can't -- it's a good, it's a fair laymen's
25 approach to how to check out a signal. You get a phone, do

1 you drop the call, you know. The thing is he pretty much
2 discovered what our map already shows, and that is that by
3 in large, green means in your vehicle, you're going to have
4 coverage. White doesn't mean always you're going to drop a
5 call. There's a number of other considerations that, as a
6 laymen with a phone that's not equipped as a test mode, you
7 can't assess network quality, you can't assess actual
8 signal levels.

9 And as to the actual buildings he went into,
10 you can look at a couple of anecdotal examples. I don't
11 know exactly where those buildings are on the map, I can't
12 speak to those exactly, but I think I'm confident that me
13 and my professional staff of RF engineers can demonstrate
14 if this is not convincing enough, can demonstrate
15 completely, beyond the shadow of a doubt the need for a
16 tower. If there wasn't, we wouldn't be spending the money
17 to put it there to begin with. I'm not saying that you
18 just take our word for it over theirs, I'm saying that take
19 his data with some caution. So --

20 MAYOR BISHOP: Thank you.

21 MS. HAUSER: Thank you very much.

22 MAYOR BISHOP: Mr. Wingerson, would you care to
23 exercise your opportunity for a final --

24 MR. WINGERSON: Thank you Mayor, members of
25 Council. The staff position can be summarized in

1 approximately five points. One, that the request is
2 clearly to improve service, that's an item that's contained
3 in the original application. B, or two, that the applicant
4 currently provides service to Gladstone as do other
5 providers. From Craig's information provided to you
6 tonight, which is a similar process that the RF engineers
7 use in bringing this case forward to you as explained
8 tonight, gaps in service do not exist in these areas. Four,
9 the request is not compatible with the community, as
10 evidenced by the comprehensive plan, the streetscape plan,
11 North Oak corridor study that's about to be undertaken, as
12 well as information provided from the residents of the area
13 to you here tonight. And finally, the applicant has not
14 provided any alternative technology or construction.
15 They've told you tonight that it's possible, but they have
16 not provided any steps forward to implement any of those.

17 Ms. Hauser as well as City Attorney Thompson
18 have explained to the Council and Planning Commission on
19 numerous occasions that a written finding is required by
20 the City Council. I'd like to provide with you tonight a
21 draft that supports staff's position, incorporates previous
22 testimony, and the staff's position. I'd like to present
23 that to you for your review and inception. That concludes
24 the staff's presentation on this matter, and again, I'll be
25 available to answer any questions that the City Council may

1 have.

2 MAYOR BISHOP: Thank you Mr. Wingerson.

3 Mr. Neal, we're really kind of wrapping up, but do you have
4 one more thing you'd like to --

5 MR. NEAL: Just one. As a little rebuttal, I
6 would just like for you the view an opinion that was in the
7 Kansas City Star this morning. I'm not trying to be
8 facetious, but a neighbor that's pretty close to this
9 particular projection of this tower came forth to me this
10 evening and she brought me this that was in the Kansas City
11 Star this morning. I'd like to just give that to you.
12 Thank you.

13 MAYOR BISHOP: Thank you. What we can do is,
14 we can have a copy of this cartoon inserted as evidence.
15 Okay. At this point, what we will do is to close the public
16 hearing. And what I'd like to suggest is that in light of
17 all the new information we have here this evening, that we
18 recess for 15 minutes or so, so that counsel can have an
19 opportunity to review the documents that have been
20 presented here tonight.

21 MS. NEWSOM: I would concur. Do we need a
22 motion to that effect? I don't know about anybody else, but
23 I think it's high time that we move toward with this issue.
24 I hate to delay the decision any longer but I need some
25 time to read what's in front to have me.

1 MS. THOMPSON: Motion for recess for what
2 ten, fifteen minutes? It's whatever time you guys want,
3 whatever you need.

4 MAYOR BISHOP: Second. All those in favor,
5 please say Aye.

6 UNANIMOUS: Aye.

7 MAYOR BISHOP: Counsel stands in recess.

8 (Brief recess taken.)

9 MAYOR BISHOP: And that brings us to Item 9,
10 which is the first reading of Bill 20036, to grant a
11 special use permit, subject to certain conditions to
12 Voicestream Communications, Inc. to operate a tower
13 facility on property west of 5870 North Oak, File No. 1129.

14 MS. NEWSOM: Mr. Bishop, I move that we place
15 Bill 20036 on its first reading.

16 MR. CROSS: Second.

17 MAYOR BISHOP: It's been moved and seconded.
18 Is there any discussion?

19 MS. NEWSOM: Mr. Bishop, I'm going to go ahead
20 and enter some discussion at this point in time. After
21 sitting through the Planning Commission deliberations,
22 Council meetings, hearing evidence, reading and rereading
23 the information that had been brought forward, I find that
24 I will be unable to vote positively for this special use
25 permit. I feel that the alternatives for the technology,

1 there is technology available that are not being explored
2 or employed with this specific proposal. A tower such as
3 proposed is much too intrusive into the neighborhoods, and
4 the possibility of the redevelopment of that commercial
5 area. I think by being so close to the building, it
6 already has, to me, a shallow setback. Be that as it may, I
7 don't see a compelling case here that this is anything but
8 an increase in the capacity for the network, as stated by
9 the applicant that either application was to provide
10 adequate coverage, and it appears that adequate covers
11 exists Mr. Cross' very careful experiment. Several of the
12 other issues and the draft that staff has provided I think
13 support my negative vote on this, therefore I will be
14 voting no.

15 MAYOR BISHOP: Any other discussion?

16 MR. NODLER: I would concur. I think that
17 right now, Gladstone has made a very intense effort to
18 develop and improve the looks of that main artery to our
19 city, and I don't think this proposal is in line with the
20 ideas and concepts of what the Council wants to do with
21 North Oak, I'll be voting no.

22 MAYOR BISHOP: Thank you

23 MS. NEWSOM: Another issue, Mr. Bishop, that
24 seemed to be a blatant lack of researching alternatives
25 sites in providing this coverage, and I think there are

1 many other methods and sites that would be available to
2 provide increased coverage, if deemed necessary for their
3 services.

4 MAYOR BISHOP: I want to jump on that and say
5 that I also heard it said several times during the public
6 hearing that alternative locations or multiple towers would
7 be more economically costly. And I didn't see what appeared
8 to me to be an adequate exploration of alternatives that
9 would be less intrusive than the proposed tower. We heard
10 some testimony that criticized some of the research we were
11 provided concerning alternative technology, but I believe
12 there are some probably that could be used along North Oak
13 and I'd be open to seeing something like that brought
14 forward at a later time. I'm not going to be able to
15 support this. You know, if Mr. Cox is able to drive around
16 and go into those office buildings which I've got to think
17 are probably constructed of for durable material than the
18 average single-family house and he was able to maintain
19 coverage driving around with these hour long conversations,
20 it seems to me that indicates there is, you know, current
21 coverage and I've got to draw the conclusion that this are
22 proposal is primarily to enhance the current level of
23 coverage. And again, I think it is inconsistent with the
24 comprehensive plan, I think that we've got this corridor
25 study going on right now, we're spending some big bucks on

1 that, and I just am not comfortable going with something
2 like this. I think much more attention could have been
3 given to alternative proposals. I can't support it.

4 MS. NEWSOM: Not to close the door on anything,
5 I would welcome a proposal that would maybe incorporate
6 some of the stealth-type of technology that were brought
7 forward, whether it be flagpoles, using church towers. As
8 I look at the area on Mr. Cox's map here, some of the areas
9 that were white dots on the others are very close to some
10 tall-steepled churches on West Englewood that very possibly
11 might be viable sites and even better than that initial
12 one, especially right in that area where there seems to be
13 a void of service or reported dropped call area.

14 Like I said, I'm not opposed to a company being
15 able to increase their service, but I think that there are
16 better ways of providing, alternative means of doing it,
17 and I would like to see those explored.

18 MAYOR BISHOP: Any other discussion? Hearing
19 then, all those in favor of putting Bill No. 0036 on its
20 first reading please say aye -- those opposed:

21 UNANIMOUS: Nay.

22 MAYOR BISHOP: And Bill No. 0036 is defeated. I
23 had an opportunity to review the proposed draft findings of
24 fact that were presented by counsel. I think we heard some
25 things on the record tonight that could possibly supplement

1 or would cause these to be in some minor ways modified, and
2 I would -- I understand we have to present written findings
3 of fact. I would propose postponing those for another two
4 weeks to give staff the opportunity to modify this draft as
5 needed.

6 MS. THOMPSON: Staff can put those in final
7 form in two weeks for the Council.

8 MAYOR BISHOP: Is there a consensus on that?

9 MS. NEWSOM: Sounds fine with me.

10 MAYOR BISHOP: Thank you.

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C E R T I F I C A T E

I, ANDREA J. WEINFURT, Court Reporter in and for the State of Missouri, hereby certify that I was present at the hearing as set forth in the caption sheet hereof, that I then and there took down in shorthand the proceedings had thereat, and the following pages constitute a true and correct transcript of such notes made at said time and place.

IN WITNESS WHEREOF, I have hereunto set my hand this day of September, 2000.

ANDREA J. WEINFURT
Court Reporter

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 25, 2000**

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 11, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** designating September 25, 2000 as **ATAXIA AWARENESS DAY** in the City of Gladstone, Missouri. Sponsor: National Ataxia Foundation.
- 4b. **PROCLAMATION** designating the month of September, 2000 as **NATIONAL ALCOHOL and DRUG RECOVERY MONTH** in the City of Gladstone, Missouri.
Sponsor: U. S. Department of Health & Human Services
- 4c. **PROCLAMATION** recognizing **ANNETTE LUYBEN, Oak Park High School Pom Pon Coach & THE OAK PARK HIGH SCHOOL POM PON SQUAD.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-82, accepting Temporary & Permanent Easements for the 64th & Walrond Drainage Improvement Projects (Project #0121).

RESOLUTION NO. R-00-83, accepting a Permanent Drainage Easement and Temporary Grading Easement required in connection with the 2000 Arterial Sidewalk Program (Project # 0011)

RESOLUTION NO. R-00-84, adopting a revised "Official Travel Policy" setting out procedures for travel advances, expenses, and reimbursements for elected and appointed officials and employees of the City of Gladstone, Missouri.

RESOLUTION NO. R-00-85, authorizing execution of a contract with GC Construction for the 64th & N Walrond Drainage Improvement Project in the amount of \$733,566.40 from the Storm Water Improvement Fund. Project (#0121).

APPROVAL OF NEW LIQUOR LICENSE for Tropical Mexican Restaurant, 5941 N Antioch Road, Class A & B liquor by drink license. Managing Officer: Eva E. Pither (former Peso's location)

APPROVAL OF FINANCIAL REPORTS for August, 2000.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **DECISION WITH FINDINGS OF FACT** on Application of Voicestream Communications, Inc. for Special Use Permit to construct, operate and maintain a telecommunications tower on property located at 5870 N Oak Trafficway.
10. Other Business
11. Questions from the News Media.
12. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, SEPTEMBER 25, 2000

Mayor Dan Bishop called the **Regular September 25, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 #260, sponsored by North Cross United Methodist Church led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Newsom moved to approve the **Regular Monday, September 11, 2000 City Council Meeting Minutes** as submitted. Councilman Cross seconded. The vote: all "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** designating **September 25, 2000** as **ATAXIA AWARENESS DAY** in the City of Gladstone, Missouri as requested by the National Ataxia Foundation and designed to support individuals with this often fatal degenerative disorder. Gladstone resident Jim Clark was present to represent this organization and accepted the proclamation from the Mayor.

Item 4b. on the Agenda. Mayor Dan Bishop also read a **PROCLAMATION** designating the month of **September, 2000** as **NATIONAL ALCOHOL and DRUG RECOVERY MONTH** in the City of Gladstone, Missouri as sponsored by the U. S. Department of Health & Human Services and calling upon all citizens to support this year's theme: **Recovering Our Future: One Youth at a Time.**

Katie Steel, Regional Director of the Department of HHS accepted the proclamation and thanked Mayor Bishop stressing that this proclamation will draw attention to this issue, and as we talk about the war on drugs, we know that it is not appropriate that we just view it as a national problem. It is indeed a problem that every individual household has to take care of -- one person, one family, one block, one community, one city, at a time. Ms. Steel again expressed the department's appreciation to the City of Gladstone.

Item 4c. on the Agenda. PROCLAMATION recognizing Annette Luyben, Pom Pon Coach and the Oak Park High School Pom Pon Squad.

Mayor Bishop said one of his most vivid memories of starting high school at Oak Park was the first pep assembly that he attended in the big gym. When the pom pon girls took the floor there was excitement in the air that everybody could feel. These girls were so poised and polished it would have been no less exciting if they had been the Radio City Rockettes. Throughout his time at Oak Park he heard about numerous awards and recognitions the pom pon squad received, and when he became a senior he had friends on the squad and he heard about the squad advisor, Miss Annette Luyben and the high standard that she set for the girls.

The Mayor said in his *Cambia Year Book* the Captain of the Pom Pon Squad was quoted as saying that to be a member of the squad it takes hard work and dedication because members arrived at school at 7:00 AM to practice, but that Ms. Luyben knows what it takes to be good and worked the squad hard.

Mayor Bishop said Ms. Luyben certainly does know what it takes to be good and she has been teaching those things to pom pon girls for thirty years. He said he read in the paper that last year's squad placed 5th in the nation and that was what prompted him to issue this proclamation.

The Mayor read the Proclamation recognizing Annette Luyben and the Oak Park High School Pom Pon Squad which highlighted Ms. Luyben's thirty-six year coaching career and the recognitions and awards the Oak Park High School Pom Pon Squad has received under her leadership, which include being honored as the outstanding squad during the NCA Summer Evaluations for twenty-four of the last thirty-two years.

Ms. Luyben thanked Mayor Bishop for the Proclamation and pointed out that last year due to increasing responsibilities at her home and business she was given some wonderful assistance and introduced Heather Watts and Michelle Benjamin who now provide their coaching expertise to the squad.

The Oak Park Pom Pon Squad was joined by squad alumni in performing the *Oak Park Fight Song* for the enjoyment of the audience. Mayor Bishop recognized the squad members: Nina Anselmo, Melissa Armstrong, Erica Ash, Catilin Baker, Jennifer Barker, Angela Batres, Rachel Einerson, Sarah Frawley, Jessi Jones, Kristen Landes, Becky Mauton, Jenna Soligo, Markesia Turner, Tara Wells, and thanked them all for attending.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Anita Newsom moved to accept the Consent Agenda as read. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop.

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-82**, accepting Temporary & Permanent Easements for the 64th & Walrond Drainage Improvement Projects (Project #0121). Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-83**, accepting a Permanent Drainage Easement and Temporary Grading Easement required in connection with the 2000 Arterial Sidewalk Program (Project # 0011). Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-84**, adopting a revised "Official Travel Policy" setting out procedures for travel advances, expenses, and reimbursements for elected and appointed officials and employees of the City of Gladstone, Missouri. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-85**, authorizing execution of a contract with GC Construction for the 64th & N Walrond Drainage Improvement Project in the amount of \$733,566.40 from the Storm Water Improvement Fund (Project (#0121). Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF NEW LIQUOR LICENSE** for Tropical Mexican Restaurant, 5941 N Antioch Road, Class A & B liquor by drink license. Managing Officer: Eva E. Pither Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS for August, 2000**. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (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 Shirley Smith said she was privileged to participate in the Economic Development Summit meetings which were both interesting and fruitful. She believes we will see some results which will be very beneficial to the city. She also attended a very nice ceremony conducted by Gladstone VFW Post 10906 honoring POW/MIA's and said fortunately there are groups like the VFW which help us all remember many things that need to be remembered.

Councilman George Nodler reminded of the upcoming three day GladFest event and encouraged everyone to attend. He asked if we would be closing city hall at noon on Friday in connection with setup of this event, and the City Manager said that was correct.

Mr. Nodler also complimented the Oak Park Pom Pon Squad and said having been a member of the first graduating class of Oak Park in 1966, it has been a long time since he attended a pep rally.

Councilman Anita Newsom commenting on the recent rainy weekend said in the past after the kind of dry spell we have had, at times she would arrive home and find her phone ringing off the hook or numerous phone messages about storm water problems. The projects reviewed by Mr. Wingerson tonight in the study session show us the great strides we have made in addressing these needs. We have come a long way in the past ten years she has been on the City Council.

Councilman Bill Cross also commented how nice it was to see the Oak Park High School Pom Pon Squad and told Councilman Nodler that he could have shared with him some of the 45 years of pep assemblies he attended during his teaching career.

Mr. Cross also thanked the City Staff for their efforts and the thorough research provided to the Council on the Voice Stream application which certainly made the Council feel very confident.

Mayor Dan Bishop had no communications at this time.

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

City Manager Kirk Davis commented on the success of the Household Hazardous Waste Collection this past Saturday and said 183 customers took advantage of this program. He thanks our personnel for staffing this activity under difficult conditions and also thanks the members of the Solid Waste & Recycling Board who assisted because they were a tremendous asset.

Item 9. on the Agenda. DECISION WITH FINDINGS OF FACT on Application of Voicestream Communications, Inc. for Special Use Permit to construct, operate and maintain a telecommunications tower on property located at 5870 N Oak Trafficway.

Councilman Anita Newsom moved to adopt the "**Decision with Findings of Fact by the City Council of the City of Gladstone, Missouri**" attached to these minutes; Mayor Pro Tem Bill Cross seconded.

Discussion.

Councilman Anita Newsom said this document is very, very comprehensive and she appreciates that. Councilman George Nodler said he certainly concurs.

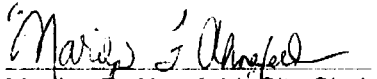
Mayor Dan Bishop said he appreciates the time that was taken to modify the draft Findings of Fact that was presented to Council last week. He has reviewed this final document and it appears to him that it does adequately set forth the facts that were presented to this Council in the course of the public hearing on the application and he will be voting to adopt these Findings of Fact as presented by the City Counselor.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)


The Mayor announced that the Findings of Fact stand adopted.

There were no communications from the News Media or further business to come before the September 25, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted:
Approved as corrected/amended:


Dan Bishop, Mayor

**DECISION WITH FINDINGS OF FACT BY THE CITY COUNCIL
OF THE CITY OF GLADSTONE, MISSOURI**

NOW on this 26th day of September, 2000, following its Public Hearing on the Application of Selective Site Consultants and VoiceStream Communications, Inc. ("Applicant") for a Special Use Permit to construct, operate and maintain a communications tower facility in the vicinity of 5870 N. Oak Trafficway, the City Council of the City of Gladstone, Missouri, meets for the purpose of reaching a decision on said Application relating to the following described property:

All that part of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 26, Township 51, Range 33, Clay County, Missouri, described as follows: Beginning at a point in the south line of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 26, Township 51, Range 33, that is 215 feet West of the Southeast corner of said quarter quarter quarter section; thence continuing West along said South line a distance of 346 feet; thence North and parallel to the East line of said quarter quarter quarter section a distance of 200 feet to its point of intersection with the South right of way line of 59th Street Terrace North; thence East in said right of way line and parallel to the South line of said quarter quarter quarter section a distance of 521 feet to its point of intersection with the West right of way line of North Oak Trafficway, (said point being 40 feet West of the East line of said quarter quarter quarter section), thence South along said right of way line and parallel to the East line of said quarter quarter quarter section, a distance of 125 feet; thence West and parallel to the South line of said quarter quarter quarter section a distance of 175 feet; thence South and parallel to the East line of said quarter quarter quarter a distance of 75 feet to the point of beginning

(hereinafter the "Property").

The City Council, having conducted a hearing in the manner required by the Gladstone City Code (hereinafter the "Code"), beginning at 7:30 p.m. on Monday, August 14, 2000 and continued for further proceedings to Monday, September 11, 2000 to determine whether or not the Applicant should be granted a Special Use Permit to construct, operate and maintain a communications tower facility on the Property, all pursuant to notice given to said Applicant and surrounding property owners in the manner prescribed by said Code;

NOW THEREFORE, after hearing all of the evidence and having fully considered the same and being fully advised in the premises, by a 5 to 0 vote of the members of the City Council of the City of Gladstone, Missouri, it is by said City Council found and determined as follows:

FINDINGS OF FACT

1. That each member of the City Council rendering a decision on this matter had an adequate opportunity to fully consider the issues of fact presented to it prior to making the Findings of Fact herein.

2. That the Public Hearing on the Application before the Planning Commission was scheduled to be held on Monday, June 19, 2000.

3. That the Applicant, in writing, requested and was granted a continuance of the Public Hearing before the Planning Commission until July 17, 2000.

4. That the Applicant provided additional information in support of the Application to the City on July 7, 2000, including, but not limited to certain propagation studies which showed the alleged increased service coverage of the proposed tower.

5. That staff requested and was granted a continuance of the Public Hearing before the Planning Commission from July 17, 2000, to August 7, 2000.

6. That the continued Public Hearing on the Application was held before the Planning Commission on August 7, 2000.

7. That following the Public Hearing, the Planning Commission voted to recommend to the City Council that the Applicant's request to construct the proposed communications tower be denied.

8. That a Public Hearing on the Application also before the City Council was scheduled to be held on Monday, July 10, 2000.

9. That the Public Hearing before the City Council was continued until August 14, 2000, in order for the City Council to receive the recommendation of the Planning Commission prior to proceeding with its Public Hearing on the Application.

10. That the Public Hearing on the Application was held before the City Council on August 14, 2000 and continued for further proceedings until September 11, 2000 on which date said Public Hearing was concluded.

11. That the Applicant and all property owners within 185 feet of the Property were served with a Notice of Hearing on the Application by mail and also by publication notice published in the *Press-Dispatch* informing them of the time, place and purpose of said Public Hearings conducted by the Planning Commission and the City Council.

12. That the procedures required by the Gladstone City Code and applicable State and Federal law with respect to this Application have been complied with.

13. That Eugene A. Steffen and Norma R. Steffen, husband and wife, are the owners of the Property and the structure and objects currently located thereon, all of said property situated in the City of Gladstone, Clay County, Missouri.

14. That Eugene Steffen granted consent to VoiceStream Communications, Inc. who is the Applicant for the Special Use Permit, to seek approval from the City of Gladstone ("City") to construct, operate and maintain an unmanned communications tower facility consisting of a 165 foot tall steel monopole tower and related ground radio equipment necessary to operate the communications tower.

15. That the zoning classification of the Property is designated as C-3, which under the Gladstone Zoning Code allows the following uses as a matter of right:

Article X. C-3 Commercial District.

Sec. 32-28. Use regulations.

No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except in compliance with one or more of the following sub-district uses:

- (a) C-3A. Any use permitted in district C-2.
- (b) C-3B. Shops, stores and yards for the sale, at retail or the rental of automobiles, trucks, boats, trailers, building supplies, and lawn accessories. Shops and stores for the retail or wholesale sale of automotive equipment, construction equipment and farm equipment.
- (c) C-3C. Services such as automobile repair and washing, farm machinery repair, general repair and fix-it shops, frozen foods, including lockers.
- (d) C-3D. Drive-in theaters, swimming pools, businesses where outside waitress (car hop) service is provided.
- (e) C-3E. Nurseries and greenhouses.
- (f) C-3F. Bakeries and pop bottling.
- (g) C-3G. Manufacture or assembly of products to be sold only at retail on the premises.

In addition to the uses listed above, each of the above sub-districts shall be permitted accessory uses incident to the uses listed.

Sec. 32-29. Performance Standards.

- (a) Sales and consumption of alcoholic beverages and nonintoxicating beer shall be allowed in Zone C-3, subject to all applicable regulations and such permits as may be required by law or ordinance.
- (b) Any manufacturing or assembly of products as permitted above shall be entirely within a totally enclosed building.
- (c) Coin-operated vending establishments of all products and services shall be permitted provided all lights be shielded from or directed away from adjoining residential property.

(d) No noise, smoke, radiation, vibration, concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash, gas or other substances that are toxic, caustic or injurious to humans or property shall be produced.

(e) All uses providing goods for display or sale outside of the primary building shall:

- (i) Comply with required setback lines for all goods being displayed or sold in accordance with Section 32-30;
- (ii) Provide customer and handicap parking in accordance with Chapter 32, Article XVII;
- (iii) Provide customer parking for all outdoor display at a ratio of one (1) space per every 1,000 square feet of display area;
- (iv) Provide internal traffic flow patterns and unobstructed fire lanes in accordance with Chapter 32, Article XVII and the adopted Uniform Fire Code;
- (v) Ensure that all vehicular entrances are entirely unobstructed or permanently closed in accordance with City specifications; and
- (vi) Not display any banners, balloons, flags, streamers or other attention getting devices.

Sec. 32-30. Height and area regulations.

The height of buildings and the minimum dimensions of yards, except as provided in Article XVI of this chapter, shall be as follows:

(a) Height. There shall be no limit on the height of buildings if they are set back from all property lines and street or highway lines a distance equal to or greater than the maximum height of the buildings.

(b) Front yards. A front yard of not less than thirty feet shall be provided in this district.

(c) Side yards. No side yard is required except where a buffer zone is required; provided, that there shall be a side yard of not less than fifteen feet on the street side of a corner lot.

(d) Rear yards. A rear yard of not less than fifteen feet is required.

(e) Buffer zone. Every tract zoned C-3 which in any way adjoins, abuts, or is adjacent to a lot or tract in a district R-1 to R-4 or R-P-1 to R-P-4, inclusive, shall have a buffer zone, as defined herein, along the boundary line between the two districts or, if such boundary line is the center of a street, along the edge of the street right-of-way abutting the C-3 district.

16. That according to the drawings provided by Applicant, the Property is currently occupied by a structure containing a gross floor space of approximately 6000 sq. ft. that is being utilized by a business operating a John Deere lawnmower dealership.

17. That other uses are allowed on property zoned C-3 within the City pursuant to the issuance of a Special Use Permit under Chapter 32, Article XIV of the Gladstone Zoning Code, which provides as follows:

Article XIV. Special Use Permits

Sec. 32-39. Specific uses requiring permits; compliance generally with regulations.

Any of the following uses may be located in any district, if after public hearing and after consideration and recommendation by the planning commission, such use is approved by the city council and a special use permit issued by it, under such conditions as to operation, site development, parking, signs and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of this chapter. Procedure and fees shall be as established by section 32-6 of this Code. Such uses shall comply with the height and area regulations of the district in which they may be located, except that radio, television and microwave towers and drive-in theater screens may exceed such height regulation:

(a) Cemeteries, mausoleums and crematoriums for disposal of the human dead.

...

(l) Buildings, structures and premises for public utility services, or public service corporations, which buildings or uses the council, after report to the planning commission, deems reasonably necessary for public convenience or welfare.

...

(p) Any other use whether or not specifically assigned to a particular district and generally required to be located in a district higher than that which is deemed appropriate by the city council may be located in a lower use district under the same guidelines, restrictions and procedures as the above uses.

18. That the communications tower would be an additional use of the property.

19. That the Gladstone Zoning Code provides for additional height requirements and regulations in Chapter 32, Article XVI which provides as follows:

**Article XVI. Height, Yard and Area Exceptions
and Additional Requirements.**

Section 32-46. Generally.

The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards and rear yards, and other

regulations and requirements in the foregoing sections of this chapter, shall be subject to the exceptions and additional regulations set forth in this article.

Sec. 32-47. Height.

(a) In any district, public or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five feet; provided, that such buildings shall have yards, the depth or width of which shall be increased one foot on all sites for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

(b) Dwellings in district R-1 or R-2 may be increased in height not exceeding ten feet in addition to the limitation of two and one-half stories, or thirty-five feet, as prescribed in such districts, provided that two side yards of not less than fifteen feet in width, each are provided. However, in no case shall such dwelling exceed three stories in height.

(c) Parapet walls and false mansards shall not extend more than six feet above the height limit. Flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes spires, standpipes and necessary mechanical appurtenances may be erected as to height, in accordance with existing or hereafter adopted ordinances of the city council; provided, that written approval for such construction is given by the Federal Aviation Agency, if required.

20. That according to the site plan submitted by Applicant, the proposed 165 foot tall communications tower would be setback from the property line of the Property abutting North Oak approximately 90 feet.

21. That the Applicant's supporting letter stated the following regarding the proposed use:

"The primary communication objective in placing a tower at this location is to provide adequate coverage to the residents and businesses in this portion of Gladstone. A current gap exists in the desired level of service in the area. This geographic location is thus highly susceptible to signal fade, with the end result that a call might be 'dropped.' After placement of the tower, coverage will be substantially increased, resulting in better coverage to current and future VoiceStream subscribers in the area."

22. That the Applicant testified that the proposed antenna would assist in bettering service to existing coverage areas.

23. That the primary purpose of the proposed tower is to improve existing service, rather than establish new service.

24. That the tallest existing structure within the search ring identified by Applicant is approximately 30 feet tall.

25. That the tallest trees within the search ring area identified by Applicant are approximately 40-50 feet tall.

26. That the height and scale of the proposed tower are out of character and proportion with the surrounding commercial development.

27. That the Applicant testified that the site in question was one of many sites they considered for the proposed communications facility.

28. That the Applicant did not disclose the identity of any other specific locations it considered for placement of the proposed communications tower.

29. That alternative locations on which lower towers could be placed while still achieving Applicant's stated objectives were not proposed.

30. That less intrusive technology exists to provide PCS service.

31. That the Applicant did not propose alternative technologies that would allow the Applicant to achieve its desired coverage in a less intrusive manner.

32. That alternative construction designs exist to allow Applicant to achieve its desired coverage in a less intrusive manner.

33. That other alternative construction designs available for Applicant to use include clock tower designs, bell tower designs, flagpole designs, light pole designs, and church steeple designs.

34. That the Applicant did not propose alternative designs that would allow the Applicant to achieve its desired coverage in a less intrusive manner.

35. That Applicant testified that it could combine two or three lower antennas to get the same effect as one high location.

36. That the Applicant did not present an alternative proposal including multiple lower towers even though such a proposal is technologically feasible and would allow Applicant to achieve its stated objective.

37. That the Applicant has not presented in its Application the least restrictive means by which to achieve its desired increase to existing coverage.

38. That the area immediately surrounding the premises in question is an area in transition, at the very threshold of a significant amount of the motor vehicle traffic into the City and vulnerable to inappropriate development.

39. That the City's Comprehensive Plan provides a guide to determining land use decisions within the City. The Comprehensive Plan incorporated a study of the North Oak corridor conducted in 1992 that identified a need to stabilize Gladstone's commercial corridors and to provide for new development opportunities supportive of and compatible with Gladstone's corridors and surrounding areas.

40. That on April 11, 2000 City entered into a contract with HNTB Corporation to study the North Oak corridor from Englewood Road to NE 76th Street.

41. That the 2000 North Oak Corridor Study has four goals: (1) to improve the overall esthetic quality of the corridor; (2) to identify the corridor's market strengths and opportunities to attract additional business to the corridor; (3) to identify potential locations along the corridor for redevelopment; and (4) to improve vehicular and pedestrian accessibility along the corridor.

42. That one of the methods identified to improve the overall esthetic quality of the corridor is to reduce the visual clutter along the corridor.

43. That the proposed tower will be highly visible along a large portion of the North Oak corridor.

44. That quality redevelopment of the North Oak corridor is occurring to the north of the proposed site. New businesses locating along the corridor include Worth Harley Davidson, Bank Midwest, Eckerd, Volkswagen, Old Town Shopping Center, and Rod's Hallmark.

45. That approval of an application for a use that is not consistent with the Comprehensive Plan, the Streetscape Plan, and the North Oak Corridor Study in this area could have a permanent adverse effect on the municipal planning for this area.

46. That the erection of the proposed communications tower would detract and deter future development of the area in question.

47. That the proposed communications tower will negatively impact aesthetics in the area surrounding the Property and would deter redevelopment of the area in accordance with the goals of the Comprehensive Plan, the Streetscape Plan and the North Oak Corridor Study.

48. That adjacent property owners provided testimony that the location, height and design of the proposed tower would detract from the residential character of their property and would decrease the market value of their property.

49. That a petition containing 200 signatures opposing construction of the tower was presented to the City Council by adjacent property owners.

50. That the communications tower proposed by applicant is not compatible with the surrounding uses.

51. That the request is not compliant with good land use and planning principles.

52. That the Applicant currently has antennas located within the City on the Linden Water Tank located at the intersection of NE 70th Street and Linden Street and also at the Water Treatment Plant located at 913 NW 44th Terrace.

53. That other companies currently provide PCS service within the City. These companies include Sprint PCS, Southwestern Bell Wireless, Verizon (Cellular One), and Nextel.

54. That the antenna sites within the City for these companies are located at the Linden Water Tank (NE 70th Street and Linden Street), the Antioch Water Tank (NE 68th Terrace and N. Antioch Road) and the Water Treatment Plant (913 NW 44th Terrace).

55. That none of these other companies have filed an application with the City for an additional antenna site location in order to provide coverage to areas of inadequate service.

56. That the computer-generated model submitted by the Applicant identified areas of alleged inadequate service.

57. That Kreg Cox purchased a VoiceStream wireless PCS phone and phone service plan and tested current service offered by VoiceStream in the areas identified by the Applicant's computer generated model as having weak and/or no coverage.

58. That during the test, which lasted over three hours on September 7, 2000, Kreg Cox received good reception on the VoiceStream wireless PCS phone and did not have a dropped call.

59. That in an area identified on the computer generated propagation study submitted by VoiceStream as having no coverage, Kreg Cox exited his vehicle and went inside two separate office buildings constructed out of brick and steel, traveled up and down the elevators inside the buildings to the top floors and the basement levels, and did not experience a dropped call.

60. That the day on which Kreg Cox performed the test was a day with high humidity and heavy foliage on the trees.

61. That the physical survey of the area located within the search ring designated by the Applicant conducted by Kreg Cox showed that there was no actual interruption of Applicant's communications service.

62. That no gap in VoiceStream's service exists.

63. That the Applicant currently has adequate coverage for its customers at all locations within the City and surrounding areas designated in the search ring described in Applicant's computer generated model.

64. The majority of the service improvement indicated by the Applicant's propagation study occurs in areas that are not within the City's corporate boundaries.

65. That the drawings provided by the Applicant show that the applicant intends to construct a 40 foot by 32 foot fenced compound out of chain link fencing material topped with razor wire to surround the base of the proposed communications tower at the southwest corner of the existing building located on the property.

66. That the fenced compound will be located less than two feet from the property line of the adjoining tract located to the southeast of the proposed site of the communications tower.

67. That the base of the proposed communications tower would be located approximately 50 feet from the existing structure on the property and would be located approximately 40 feet from the existing structure on the adjoining property which lies to the southeast of the proposed site of the communications tower.

68. That the setbacks of the proposed tower from the adjoining property line and the setbacks from existing structures, as proposed, are not an appropriate distance.

69. That an adequate "safe zone" from falling debris or collapse does not exist under this proposal.

70. That the City Council concludes that the Applicant has not met the criteria regarding the issuance of special use permits. Specifically, this City Council, after 1) considering all of the evidence and testimony presented, 2) evaluating the credibility of each person presenting such evidence or testimony, 3) determining the relative weight to be given to the evidence or testimony, and 4) drawing reasonable inferences, finds that it is in the best interest of the citizens of the City of Gladstone to deny the Special Use Permit requested by the Applicant in that the site is inappropriate for the proposed use based on the following reasons:

a. the proposed tower is too close to existing structures and property lines.

b. that the area to be served by the proposed tower is currently being adequately served by two existing antenna sites both within the City as well as other sites adjacent to the City.

- c. the addition of the proposed tower combined with the other structure on the Property results in too intense of a use of the Property.
- d. the Application does not adequately minimize the adverse visual impacts the proposed tower otherwise creates on the Property and the surrounding area.
- e. the Applicant has failed to demonstrate that its objectives can be accomplished without substantial detriment to the intent and purpose of the Zoning Ordinance and Comprehensive Plan, and is not a deterrent to the permitted use development and redevelopment of the area in question.
- f. the Applicant has failed to demonstrate that the Application can be approved without substantial detriment to the public good, and is not an aesthetic detriment to North Oak Trafficway which is a main corridor within the City.
- g. the detriment to the public good, the Comprehensive Plan and the Zoning Ordinance outweighs the public interest of the proposed use of the Property.
- h. the desired goal to improve service can be accomplished in other ways which would not adversely impact upon public good or the intent and purpose of the Zoning Ordinance or Comprehensive Plan.
- i. the proposed use on the site in question would have a substantially adverse impact on the zoning and planning of the City.
- j. the customers of Applicant in the area to be served by the proposed communications tower are currently being served without excessive dropped calls or significant gaps in coverage.
- k. the proposed use does not provide public benefit in that service is currently being provided to the customers of Applicant within the City and in the designated search ring and the construction of a new tower is not necessary to accomplish Applicant's stated objectives.
- l. the inherent beneficial characteristic of the proposed use is significantly less compelling than other types of inherently beneficial uses such as churches, schools, hospitals, low and moderate income housing, day care center, etc.
- m. the increase in service that Applicant alleges will result from the proposed use could be accomplished by other less intrusive means such as micro-cells, multiple lower towers, using existing towers or structures, using 'stealth' technology, and enhanced digital technology, which would not so adversely affect legitimate policy objectives of the zoning ordinance, Comprehensive Plan and the City's current planning efforts.

n. due to the nature of the structure proposed, no conditions can be imposed that would reduce its detrimental impact, and on balance the negative considerations outweigh any benefits it might confer.

o. the significant detriment to the City outweighs the minimal benefit that approval of the Application would provide.

71. That viewing the evidence as a whole, the City Council finds it is of insufficient persuasive value to warrant approval of the Application.

72. That the Telecommunications Act of 1996 ("Act") preserves the authority of the City to regulate the placement, construction and modification of towers and antenna support structures and to protect the health, safety and welfare of the public.

73. That, a denial to allow the construction of a communications tower on the Property will not have the effect of prohibiting personal wireless services nor does it unreasonably discriminate among a functionally equivalent provider of such service.

74. That the City acted on the application for a special use permit filed by the applicant within a reasonable time, in a manner consistent with other similar types of applications and without unnecessary delay.

DECISION

WHEREFORE, it is by the City Council of the City of Gladstone, Missouri by a favorable vote of 5 to 0, DETERMINED that the Applicant's request for a Special Use Permit to construct a 165' tall steel monopole is hereby DENIED.

IT IS FURTHER ORDERED that a copy of the foregoing Decision and Findings of Fact shall be provided to the Applicant by and through their attorney of record, Kathleen Hauser, Esq., of the law firm of Lathrop & Gage.

Mayor

Attest:

City Clerk

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 9, 2000**

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion, 610.021(1) for Privileged Communications, and 610.021 (2) 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 September 25, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-86, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC for the City Parking Lot Seal Coat Project and authorizing final payment in the amount of \$5,666.72 from the Capital Improvement Sales Tax Fund.

APPROVAL OF TEMPORARY/LIMITED ONE-DAY BEER and WINE LICENSE for St. Charles Borromeo Parish for Saturday, November 4, 2000. 6:00 PM - Midnight. Managing Officer: Paul G. Danaher.

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 continue operation of a hair care business at 2223 NE 73rd Street. Applicant: Grace Bale. Owner: Grace and Robert Bale (File #1136).
- 9a. **FIRST READING BILL 00-41**, granting a Three Year Special Use Permit subject to certain conditions to Grace Bale for operation of a Hair Salon on residential property at 2223 NE 73rd Street. (File #1136)
10. Other Business
11. Questions from the News Media.
12. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, October 9, 2000

Mayor Dan Bishop called the **Regular October 9, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular Monday, September 25, 2000 City Council Meeting Minutes** as submitted. Councilman Cross seconded. The vote: all "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Newsom moved to accept the Consent Agenda as read. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop.

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-86**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC for the City Parking Lot Seal Coat Project and authorizing final payment in the amount of \$5,666.72 from the Capital Improvement Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF TEMPORARY/LIMITED ONE-DAY BEER and WINE LICENSE** for St. Charles Borromeo Parish for Saturday, November 4, 2000. 6:00 PM - Midnight. Managing Officer: Paul G. Danaher. Councilman Bill Cross seconded. The vote: All "aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Cindy Hadley, President of the Gladstone Area Chamber of Commerce, said she would be brief but wanted to thank the City of Gladstone and City employees for their help with one of the most successful GladFest events ever. We had more people, more sales, fewer complaints, and everything went well. She extended a special thanks to Scott Wingerson for his help as the official City advisor this year and said he did an outstanding job. She presented the Mayor and members of the City Council, City Manager Kirk Davis, and Assistant City Manager for Development Scott Wingerson with a decorative tile commemorating the 21st annual GladFest celebration.

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

Councilman Shirley Smith said she was privileged to attend the 66th Annual Missouri Municipal League Conference in Springfield October 1st, 2nd, and 3rd. She found the conference both informative and enjoyable. There were topics in the sessions that were pertinent to things we are working on in Gladstone and she appreciated the opportunity to attend.

Councilman George Nodler commended the Gladstone Chamber of Commerce on the success of GladFest this year and all the volunteers who help to make it successful including volunteers from the City.

Councilman Anita Newsom also agreed that GladFest was great and one of first times in a long time where we had three days of very good weather. It was great to see everyone in the community out together and working together.

Ms. Newsom commented about the background music on our City cable channel. She noted that normally station KUDL which has been used is pretty innocuous, but during this season of political campaigns, there were some strong political ads on the station and other ads for businesses as well. It is nice to have the sound on when scrolling through the listings but perhaps we could look into a taped music to play with the cable news instead of relying on the radio stations with ads.

City Manager Kirk Davis agreed to look into it and asked if the preference was something like Muzak or just another radio station.

Councilman Newsom said we need something that does not look like we are making endorsements on our cable broadcast. Maybe something without a lot of ads would be in our best interest and put us in a more neutral position.

Councilman Bill Cross said he regretted missing GladFest, but he had a commitment at Westminster College. He thanked Cindy Hadley and everyone for the tremendous amount of work that was done.

Councilman Cross mentioned that he too attended the MML Conference in Springfield and thought it was very worthwhile and felt he learned so much from the sessions about city and state government.

Mayor Dan Bishop said last week, three Council members attended the Clay County Investigative Squad Annual Dinner at Finnegan's Hall. The Investigative Squad is celebrating their thirtieth year, and Councilman Smith mentioned that this was worthy of a Proclamation. He said staff efficiently drew up a proclamation and Sheriff Bob Boydston was invited to tonight's meeting to accept it.

Mayor Bishop read and presented the **Proclamation** recognizing the **Clay County Investigative Squad** to Sheriff Bob Boydston.

Sheriff Boydston who serves as President of the Clay County Investigative Squad, thanked the City Council for their continued support of the organization. He also thanked Gladstone Public Safety Director Bill Adamo, former President of the organization for his support as well as the great support from Department of Public Safety.

Mayor Bishop also commented on how much he enjoyed GladFest with the good weather, big crowds and a good event all the way around and said he appreciated everyone's hard work on that festival.

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

City Manager Kirk Davis added his congratulations to the Chamber and staff and complimented how well they worked together for a successful GladFest.

Mr. Davis also mentioned that we are gearing up for the upcoming Fall Brush Disposal Event scheduled for the first weekend in November.

Item 9. on the Agenda. PUBLIC HEARING on a request for a Special Use Permit to continue operation of a hair care business at 2223 NE 73rd Street. Applicant: Grace Bale. Owner: Grace and Robert Bale (File #1136).

Mayor Bishop opened the Public Hearing and explained the hearing process.

Applicant, Grace Bale, 2223 NE 73rd Street, stated that she has operated her beauty shop at that location for three years under a special use permit and is asking for an extension for three more years.

Assistant City Manager for Development, Scott Wingerson stated that this is a renewal of a special use permit granted in 1997. The only change from then till now is the hours of operation on Friday to 7:00 AM to 3:00 PM (currently 8:00 AM to 4:00 PM). Ms. Bale has a total of 15 customers, and the Planning Commission unanimously recommend approval for three more years.

Councilman Nodler asked if there had been any complaints on this operation. Mr. Wingerson said no.

There were no others desiring to speak for or against this application and Mayor Bishop closed the Public Hearing.

Item 9a. on the Agenda. FIRST READING BILL 00-41, granting a Three Year Special Use Permit subject to certain conditions to Grace Bale for operation of a Hair Salon on residential property at 2223 NE 73rd Street. (File #1136)

Councilman Newsom moved to place Bill 00-41 on First Reading; Councilman Cross seconded.

Discussion.

Councilman Newsom said as we heard in the public hearing, there have been no complaints about this operation so it is apparent that Ms. Bale has been a good neighbor. Mayor Bishop agreed and said he will support renewal of this special use permit.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-41, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.


Councilman Newsom moved to accept the Second Reading of Bill 00-41 and enact the Bill as **Ordinance 3.772**; Mr. Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

...

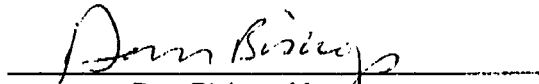
There were no communications from the News Media or further business to come before the October 9, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Motion to Adjourn to Closed Executive Session. Following the Regular Meeting, Councilman Cross moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion, 610.021(1) for Privileged Communications, and 610.021 (2) for Real Estate Discussion. Councilman Newsom seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 23, 2000**

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
610.021 (2) for 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 October 9, 2000 City Council Meeting Minutes.**
5. **CONSENT AGENDA -- No consent items.**

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF FINANCIAL REPORTS** for September, 2000.
10. **PUBLIC HEARING:** on a request to rezone from R-1 (Residential District) to CP-O (Commercial District-Planned), property at the SE Corner of Old Pike Road & Englewood Ct. and legally described as Lots 10 & 11 Brady Hills. Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)
- 10a. **FIRST READING BILL 00-42,** rezoning property at the SE Corner of Old Pike Road & Englewood Ct. from R-1 (Residential District) to CP-O (Commercial District-Planned). Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)
- 10b. **FIRST READING BILL 00-43,** approving a Site Plan in conjunction with a rezoning at 305 NW Englewood Court subject to certain conditions. Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)

11. **PUBLIC HEARING:** on a request for a Special Use Permit to continue operation of a child care business from residential property at 7406 N Main. Applicant: Trudy Taylor. Owner: Keith and Trudy Taylor (File #1140)
- 11a. **FIRST READING BILL 00-44,** granting a Special Use Permit to Trudy Taylor for operation of a child care business from residential property at 7406 N Main for a ten year period subject to certain conditions. Owner: Keith and Trudy Taylor (File #1140)
12. **FIRST READING BILL 00-45,** approving the Replat of Lot 1, "Sullivan Place", 7615/7617 N Woodland. Applicant/owner: Leonard and Kathryn Bronec (File #1141)
13. **BUILDING PERMIT APPROVAL** for 900 sq. ft. tenant finish at 4770 N Bellevue, Suite 101 for American Family Insurance. Applicant/General Contractor: Luke Draily (BP#00-0830)
14. **RESOLUTION NO. R-00-87,** amending Section 1500.3 of the Gladstone Personnel Manual relating to the Employment of Relatives.
15. Other Business
16. Questions from the News Media.
17. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI OCTOBER 23, 2000

Mayor Dan Bishop called the **Regular October 23, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Dan Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular October 9, 2000 City Council Meeting Minutes** as submitted. Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 5. on the Agenda. Consent Agenda -- No consent items.

REGULAR AGENDA

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

Terri Hoppenthaler, 2706 NE 57th Terrace, said she has concerns about Resolution R-00-87 (Item 14 on the Agenda) and asks if the current employees that this concerns are going to be "grandfathered". The way she understands this resolution as she reads it today is that it does not "grandfather" the current couples that we do have.

Mayor Bishop noted this item will be discussed when we get to it on the agenda and told Ms. Hoppenthaler that she is certainly welcome to stay and listen to the Council discussion at that time.

Ms. Hoppenthaler asked if citizens will have a chance to speak in regards to the resolution because they certainly have in the past. Mayor Bishop agreed that Ms. Hoppenthaler could speak to the issue now.

Ms. Hoppenthaler said the Gladstone Department of Public Safety has certainly not been free of its problems but to terminate current employees because they are married is extremely unfair. These couples did not hire each other, nor do they supervisor each other, so nepotism cannot be the issue. A resolution regarding future employees would be acceptable and in fact probably a good idea, however to eliminate current employees is not. These people have been with the City for many years and hundreds probably thousands of tax dollars have been spent on their training. She said she questions that this is even the real reason for this resolution. Public rumor has it that a disgruntled employee is behind this and that there are other issues involved. If one or all of these people affected by this resolution are guilty of some misconduct, they need to be terminated for those reasons, not because they are married. It is her opinion that the City employee who rumor has it is the one who is calling the Tapes, criticizing the Public Safety Department and his or her superior officer with the encouragement of a Councilperson, be terminated for insubordination. If he or she is unhappy with their job they are unsafe as back up to officers on the street protecting the city. Please let our supervisors supervise, and our City Manager manage, that is what we pay them for.

Melanie Clark, 417 NW 80th Terrace, Kansas City, Missouri, 64118. stated she has been employed with the City since 1984. She said she actually had a letter to read but will just turn it in for Council to read because the previous speaker said everything too well.

Larry Whitton, 3308 NE 70th Street. said he would concur with comments made by Ms. Hoppenthaler for the first time in his life. He said he agrees wholeheartedly and he thinks you would be making a great mistake if you carry this out.

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

Councilman Shirley Smith said the State of Missouri suffered a stunning blow with the loss of our Governor. He did a lot for this state while he was here and will have an impact on this state for many decades to come. All we can do is just support the families and make sure the fire does not go out.

Councilman George Nodler, Councilman Bill Cross and Mayor Dan Bishop had no communications at this time.

Councilman Anita Newsom asked City Counselor Thompson if the solicitation ordinance includes door to door visits by individuals espousing their religious beliefs, distributing literature and requesting donations. She had been approached by a visitor at her residence after dark and when she referred to her **No Solicitation** sign, the individual indicated it did not apply to them.

City Counselor Nancy Thompson responded that the solicitation ordinance governs the door to door **sale of goods and services**. If someone is going door to door to try to persuade you to

change your religious affiliation or requesting donations that is not solicitation under our ordinance and is permissible.

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

City Manager Kirk Davis reminded that November 3rd, 4th and 5th are the annual Fall Brush Disposal Days at the Public Works facility from 8:00 AM to 5:00 PM each day.

He also reminded that Halloween is coming and cautioned everyone to watch out for the kids while driving.

Item 9. on the Agenda. **APPROVAL OF FINANCIAL REPORTS** for September, 2000.

Councilman Anita Newsom moved to approve the Financial Reports as submitted; Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) .

Item 10. on the Agenda. **PUBLIC HEARING:** on a request to rezone from R-1 (Residential District) to CP-O (Commercial District-Planned), property at the SE Corner of Old Pike Road & Englewood Court, and legally described as Lots 10 & 11 Brady Hills. Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)

Mayor Bishop opened the Public Hearing and explained the hearing process.

Art Hammen, 7001 N Benton Court, Gladstone, Missouri introduced himself as a representative of Eagle River Investment, LLC. He said the request is for rezoning and site plan approval for an office building on the southwest corner of Englewood Court and Old Pike Rod. An established residential area adjoins the property on two sides with commercial property on the other two. About four weeks ago they held a neighborhood meeting to give the residents of the area an opportunity to review their proposal, ask questions and make suggestions. Those in attendance were supportive of their plan, and a least one of the homeowners is in attendance tonight and may wish to address the Council. As a result of that meeting they made a change to the site plan to accommodate the neighbor's wishes. He referred Council to the revised plan and noted the change that was made on the south side of the property. They had originally proposed over-planting trees along the side. At the request of the homeowners they have agreed to include a privacy fence along the side and in doing so they would be reducing the trees to a number that is still in compliance with City requirements..

A second minor change they made to the site plan addresses the entrance point on the south side of Englewood Court. There is a fairly severe grade going from east to west. The original plan showed a straight drive coming in and to accommodate that would have meant an unusually steep entrance and egress from the area, therefore they have shifted this slightly to the east to make this a more level drive and something that is more navigable for people coming in and out.

Mr. Hammen distributed a picture of the site as it currently exists. From the picture it can be seen that presently the site is not even somewhere where the rats want to continue to live. They propose an office building with two faces, one to the east and one to the west. To the east

they face a residential area. Their proposed building would be similar in design to a picture he presented. It would be very residential in nature with both a brick and lap siding facade with gables and bird houses across the top with additional windows giving it very much a residential feel. To the west is an existing two story brick office building and they are looking at a facade on that side which is complimentary to the existing building. He understands there are eleven conditions contained in the staff report and they are in agreement with all of them.

Mr. Hammen noted that City Staff has recommended approval of the request and the Planning Commission also unanimously recommended approval. He requested that Council approve both the rezoning and the site plan, and invited questions.

Councilman Newsom asked about the drive into their property from Englewood Court and how it aligns with the Federal Credit Union directly across the street. Mr. Hammen said the farther to the west they go or closer to their entrance, the steeper the grade would be. The last thing they want to occur is for someone to slide into the street and cause traffic problems. Ms. Newsom said so the line of site is appropriate. Mr. Hammen said what is proposed is the recommendation of their engineers and is seen as satisfactory.

In Favor

Jack McDonald, 308 NW 55th Terrace, Gladstone, Missouri, said this property adjoins his to the south on the back side. He is in favor of this application because it will get that eyesore of a house torn down. It is rat infested and is nothing but a mess. and what is proposed will be a heck of an improvement.

Councilman Cross asked Mr. McDonald how long he has had to view that eyesore. Mr. McDonald said although he has not always lived next door he was born and raised out here and it has been an eye sore for 45 years. Councilman Cross said he has been aware of it for 35 years and he certainly sympathizes with Mr. McDonald for putting up with it that long.

Community Development Director Scott Wingerson said Mr. Hammen did a good job explaining the project, so he will just highlight some of the conditions in the site plan ordinance. Condition #4 requires that trash pickup be limited to 8AM - 6PM. Condition #7 requires that the property be allowed one free standing sign which shall be monument style and compliant with the Sign Code. #9 requires the storm water study concerning detention and drainage of the property, and requires that it be conducted and the results of that implemented by the developer. He noted the Planning Commission in their unanimous recommendation to the Council added a 12th condition which requires privacy fence along the east and south property lines to be installed and perpetually maintained. So there are actually 12 conditions in the Site Plan Ordinance rather than 11 as referenced by Mr. Hammen.

There were no additional persons to speak for or against the application and Mayor Bishop closed the Public Hearing.

Item 10a. on the Agenda. **FIRST READING BILL 00-42**, rezoning property at the SE Corner of Old Pike Road & Englewood Ct. from R-1 (Residential District) to CP-O (Commercial

District Planned). Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)

Councilman Anita Newsom moved to place Bill 00-42 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Newsom said it looks like an excellent improvement to that corner. Councilman Nodler and Bishop also agreed that it was a major improvement and a very nice looking building.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-42, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-42 and enact the Bill as Ordinance 3.773; Mr. Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10b. on the Agenda. **FIRST READING BILL 00-43,** approving a Site Plan in conjunction with a rezoning at 305 NW Englewood Court subject to certain conditions. Applicant: Eagle River Investment, LLC. Owner: Sylvia Gould Trust (File #1137)

Councilman Anita Newsom moved to place Bill 00-43 on First Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-43, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-42 and enact the Bill as Ordinance 3.774; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Bishop congratulated Mr. Hammen on approval of the project and wished him good luck.

Item 11. on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit to continue operation of a child care business from residential property at 7406 N Main. Applicant: Trudy Taylor. Owner: Keith and Trudy Taylor (File #1140)

Mayor Dan Bishop opened the Public Hearing and explained the process that first we will hear from the Applicant, followed by those in favor and opposed, and lastly the City Staff.

Applicant Trudy Taylor, 7406 N Main, said she resides at that address with her husband and two children. She has operated this home day care for over eight years. Prior to starting this business she taught pre-school for three years and frequently takes assorted classes through the Metropolitan Council on Child Care, the Northland Early Education Council and Heart of America Family Services. She is trained in both First Aid and CPR and is licensed for 10 children and currently has 9 children enrolled.

Councilman Newsom asked if this was not her 3rd application. Ms. Taylor agreed it was and said her first application was in 1992 for three years, and in 1995 she was granted a permit for five years.

Jim Groves, 9 NW 74th Terrace, advised that Ms. Taylor is kind of in his backyard and he has no objection to her child care business in fact you don't hardly know it is there.

Community Development Director Scott Wingerson advised that the ordinance before the Council for consideration is the same as the 1995 ordinance. He will highlight two conditions which are the maximum of ten children, and the hours of operation of 6:30 AM - 5:30 PM. He noted that the Planning Commission unanimously recommends approval.

Councilman Newsom said she understands from the Planning Commission Minutes that there have been no violations of the special use permit and no complaints.

There were no other persons desiring to speak, and Mayor Bishop closed the Public Hearing.

Item 11a. on the Agenda. **FIRST READING BILL 00-44,** granting a Special Use Permit to Trudy Taylor for operation of a child care business from residential property at 7406 N Main for a ten year period subject to certain conditions. Owner: Keith and Trudy Taylor (File #1140)

Councilman Anita Newsom moved to place Bill 00-44 on First Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-44, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-44 and enact the Bill as Ordinance 3.775; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 12. on the Agenda. **FIRST READING BILL 00-45,** approving the Replat of Lot 1, "Sullivan Place", 7615, 7617 N Woodland. Applicant/owner: Leonard and Kathryn Bronce (File #1141)

Councilman Anita Newsom moved to place Bill 00-45 on First Reading; Councilman Cross seconded.

Discussion.

Councilman Newsom said she understands this is a division of an existing lot. Director Scott Wingerson explained that in 1998, Council approved a final plat that took unplatted ground and created two lots. Mr. Bronick bought one of the two lots and is now requesting to subdivide the one lot into two. Ms. Newsom asked if the lots meet City Code as far as size. Mr. Wingerson said yes they do.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-45, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-45 and enact the Bill as Ordinance 3.775; Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 13, on the Agenda. **BUILDING PERMIT APPROVAL** for 900 sq. ft. tenant finish at 4770 N Belleview, Suite 101 for American Family Insurance. Applicant/General Contractor: Luke Draily (BP#00-0830)

Councilman Anita Newsom moved to approve the Building Permit for Suite 101, 4770 N Belleview as submitted; Mr. Cross seconded. Staff confirmed that everything is in order with reference the plans for this building permit. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 14, on the Agenda. **RESOLUTION NO. R-00-87**, amending Section 1500.3 of the Gladstone Personnel Manual relating to the Employment of Relatives.

Councilman Shirley Smith moved to adopt Resolution R-00-87; Councilman Cross seconded.

Discussion.

Councilman Smith moved to amend Resolution 00-87 by the addition of the following language:

"For purposes of this policy only, the Fire/EMS Bureau will be considered a separate department".

Councilman Cross said he would second the amendment for purposes of discussion.

Discussion on the Amendment:

Councilman Anita Newsom said she would like to know why the amendment was proposed.

Councilman Smith responded that it is kind of a long story. Councilman Newsom said there are a lot of people here who would like to hear the story.

Councilman Smith said she would do this as truthfully as she can. There have been disturbances in the Public Safety Department which came to our attention and we have tried for a long time to try to get staff to take care of them and they don't seem to be able to do that, so this is our attempt to try to update our Personnel Manual which is 1992, and sadly in need of updating. The grandfather clause was mentioned and there is one as it stands now. Most grandfather clauses by attrition take care of themselves, but this has been eight years so I suppose you can say we are artificially enforcing the termination of the grandfather. There has been some discussion about relative positions being not desirable, and frankly this is the only way the Council could see to try to do something about it.

Councilman Cross said he seconded on the grounds that he did not like the wording to begin with. He thinks the amendment changed it a little bit where it would not affect anybody employed at the present time to the fact that by creating a separate department everybody would be still be employed in their same job and there would not be that change, but it would take care of things in the future. Mr. Cross said he is still not sure what the answer is to that yet, he does not know. He merely seconded it and is curious what his colleagues think.

Councilman Newsom said she sees this as being a punitive action and she cannot support the amendment and then if we want to go ahead and talk about the other resolution as proposed she has a whole list of questions for her fellow Councilmembers and staff.

Mayor Bishop said he is not able to support the policy draft that is submitted with the resolution, because it is so absolute in not being able to work for the same department, his concern is that it would cause at least one City employee to have to terminate his or her employment with the City, and he is not desirous of that happening at all. Public Safety is the largest department within the City. There are three bureaus in it and it seems to him that the amendment proposed by Councilman Smith, which for definitional purposes would construe the Fire/EMS Bureau as a separate department, creates an opportunity to move one of a married couple who are currently in the Public Safety Department to the Fire side instead of terminating that employment.

The Mayor said to him, the thrust of the policy is desirable and he thinks the reasons for it are stated clearly in the whereas sections of the resolution which says: "*Whereas, in order to avoid conflicts of interest and the appearance of favoritism or bias and to enhance supervision, security and morale, the City Council finds it is in the best interest to amend Section 1500.3*".

In asking staff to look into this issue the Mayor said they found that cities have a whole variety of responses to the situation where a relationship develops in the work place and marriage results. There are a number of municipalities that when that happens, they require one of the employees to leave at that very point, he presumes it is because of the perceived favoritism or the appearance of bias, this sort of issue. He thinks that Councilman Smith makes a good point, the grandfather clause has been there for eight years but he does not think we have to have our hands tied and not feel we can update and revise the personnel policies to bring them into line with the sentiment of the Council in that that is not a desirable situation to have

in the workplace. By making the Fire EMS Bureau a separate department only for definitional purposes which is the way he heard the amendment to the resolution, that opens up the opportunity to bring one of a married couple to fire and remain within the Public Safety Department and not have to separate from the employment of the city.

Councilman Newsom said she still sees this as a punitive action taken on one particular situation. If the situation has been in existence for eight years and was grandfathered in under the wisdom of our predecessors, she thinks we are taking specific punitive action and targeting people where that should not be our job.

Councilman Smith said she knows the atmosphere around here has been sometimes people taking punitive actions, but she is not that kind of person. She accepted this as something in the City that we were required to look at because it was brought up and we are just doing what we think might be a good way to do it. She said she is not trying to punish anybody, she does not even know these people, so she has no personal interest in it. From a standpoint of personnel manual and policies, it has just gone on for a long time and the whole manual is going to go under some scrutiny because of it. But she is not trying to punish anybody.

Mayor Bishop addressed Councilman Newsom and said if he can speak to that, he certainly is not either. In fact he thinks that the legs fall out from under that accusation you are making when you consider the fact that he thinks punitive would truly be trying to separate someone from their employment in the city, targeting one specific person. What we are talking about here is a uniform policy.

Ms. Newsom said you are still talking about an administrative transfer not employee initiated desired transfer. That is punitive, she said she has worked in a system where that has had to take place.

Councilman Smith said, sometimes things have to happen that people really don't like too much but if it is the thing that has to be done.

The Mayor said the current policy is clear that you cannot hire a family member of a city employee though persons may want to work here very badly and avail themselves of the benefits of our pay structure and compensation plan. He guesses the argument could be made that by not hiring them it is punitive to them, but it is a decision that is made in the best interests of the smooth functioning of the operation and this is clearly policy action within the purview of the Council. His only purpose is to try to enhance and better the Personnel Manual.

Councilman Newsom said she has some questions of staff. What is the number of employees this policy would affect in the draft ordinance and all the accompaniments that Mr. Bishop provided Ms. Thompson that he wanted it modeled after which was provided in Council's packet on Thursday. City Manager Davis answered four employees, two families.

Ms. Newsom asked if these employees were all employees of the City at the time that the current policy was put into place and as such were "grandfathered" eight years ago. Mr. Davis said yes. Ms. Newsom said and at that point in time they were not given a specific time range that within 2, 5, 7, 8 years you are going to need to be looking for other employment. Were they

functioning under the assumption that they were "grandfathered" in for the term of their employment with the City. City Manager Davis said he can't answer about what conversations they might have had in 1992, but he would assume that was the case. Ms. Newsom said we have nothing on record to show otherwise? Manager Davis said we do not.

Ms. Newsom said if one or more of these employees should choose to leave the City's employ or feel that they need to leave the City's employ because this resolution is forcing them to, what does that do with their retirement contribution to LAGERS. What happens should they leave under this policy.

City Manager Davis responded that obviously it does not impact LAGERS benefits accrued to date but if they would leave the City's employ it would cease to grow at that point. Ms. Newsom asked if they became employed with another LAGERS entity do their benefits continue to build. Mr. Davis said that is correct. How long have these employees we are talking about been in the LAGERS system, just a ballpark number. Mr. Davis said in excess of 13 years each but probably longer than that.

Manager Davis asked for clarification on the amendment. Does Council anticipate an amendment to the budget because those positions are not budgeted in the fire bureau. Would you anticipate a budget transfer or come back and amend the budget in that department and then fill the opening in law enforcement, otherwise you have a shift in resources.

Councilman Smith said it was never, ever, ever, our intent for anyone to lose their job, ever; or even their benefits. So if we impose this then it would be up to us make sure that everything available can be done for them.

Mr. Davis said he understands. His question is if we move one or two employees to the fire bureau will their positions in the law enforcement division be vacated, or should they be filled, and will it require a budget amendment in the fire bureau division.

Mayor Bishop told City Manager Davis that those are really specifics of implementation of the policy that fall to the City Manager and his staff to figure out how to implement the policy. There are all sorts of implications to the personnel policy as it currently exists and staff is able to conduct themselves and govern themselves accordingly to implement those policies, and he sees this as no different.

Councilman George Nodler asked if the intention of the amendment is to keep all four of these people employed in Public Safety.

Councilman Smith said, if we can yes. Our intention is to do that, we don't want anyone to lose their jobs, we never did, that was never a point, and there were no punitive actions.

Councilman Newsom said Ms. Smith uses the phrase "our and we". Ms. Smith said me then, it was theoretical. Ms. Newsom said Ms. Smith is not speaking for her so she wants to clarify that and have that on the record. Ms. Newsom said she does not want this policy but that is more issues down the line.

Councilman Cross said with what we are hearing and the discussion we are having, we might be better off giving this more time, thought, and study to see what the alternatives are and answer some questions that they (staff) may have on how this could possibly be worked out and what could be done at this time. Mr. Cross said even though he voted for the amendment and thought it was all right to begin with he sees the ramifications from it and that maybe we better table it, drop it, or do something at this time, because we are not reaching any type of an agreement among ourselves.

Mayor Bishop asked Mr. Cross if he is suggesting that we continue this until the next Council Meeting and let staff bring forth some sort of memo perhaps addressing the issues that City Manager Davis is raising and then we can consider those as part of the discussion.

Councilman Cross said he does think those things should be discussed and worked out and decided upon. He seconded because he wanted to find out more information. At this time he would probably say that he can't vote for that amendment even though he seconded. He said he would rather just keep it the way it is, rather than pass something that he feels might be okay but at this time it is not going to work the way we are doing it.

Motion to Continue: Mayor Bishop moved to continue Resolution R-00-87 until the November 13, 2000 City Council Meeting before which time City Staff will bring forth a memo discussing some of these ramifications that the City Manager is raising for Council consideration; Councilman Smith seconded.

Discussion of the continuance.

Councilman Newsom said there are some things that she would like to have answered as we go into continuing the discussion on this very upsetting issue. The current personnel policy (beige book) is a result of what kind of process. Wasn't COG WIT (Employees Committee) involved pretty intensively during that process when it came about. We have the history of the policy as to what has taken place. This specific policy is in the Personnel Policy book as a whole. It is not something you throw out and start over but you monitor and adjust and you make changes as needed, like when we put in a technology policy. It is ongoing, it is a fluid document that changes as things need to be changed. She said she would like the history, she would like to know the background of how this policy came about. The budgetary questions that Mr. Davis brought up are valid and make good sense.

Ms. Newsom told Mayor Bishop that she thinks it is interesting that he would throw the ball back into Mr. Davis' court to manage the budget at this point in time when he is constantly trying to manage other issues, such as this, which is personnel, which in her interpretation should be up to the professional staff to do. When a time comes in our city when a few chosen employees manage to get the ear of a Councilmember and arbitrary policies are enacted or proposed as a result of a personal agenda, our city's employees become political subjects, their jobs become political. The interference of politics does not need to take place in the jobs of our employees. They need to be able to work at will and do their jobs without having to deal with the politics that may occur in the city without dealing with their performance criteria of their jobs. She thinks we are doing a major, major disservice to our employees that policies are brought forth because of one personal, political agenda and here we are possibly blanketing all

the employees with a policy that comes from one personal agenda. She thinks it is a sad, sad day in Gladstone when we manage our valued employees that provide valuable services for our citizens in such a way. Changes such as this do not maybe affect us one on one because we are sitting at home in our homes expecting to dial 911 and have the police show up, expecting to turn on the faucet and have the water come out. It impacts our employees, their morale, their team building and their productivity. Working for years, hiring and dealing with employees and evaluating them, arbitrary and administrative transfers are very detrimental to the chemistry of an organization. She thinks moving forward on policies that have been brought forth tonight is detrimental to our city and our employees, and she will continue to fight making such arbitrary changes whether she is successful or not.

Mayor Bishop told Councilman Newsom that as far as her reference to personal agenda, the only personal agenda that he is pursuing at this Council table is to have the best set of personnel guidelines we can that are professional and fair. To say that to adopt a personnel policy is in furtherance of a personal agenda, he would point out that the 1992 personnel handbook was adopted by the then City Council, and was signed by the then Mayor Anita Newsom, so apparently each of those policies was in the arena of discussion for the Council. Those are policies that are not specific personnel decisions as to who is going to work where, who is going to be in what department, but general policies that govern every city employee. So his only objective is fairness and to have professional policies and you will see in the analysis that Nancy Thompson did that this would not be unusual. In fact this policy as amended would be somewhere in the middle of the opportunity of ranges. Attached to the information is a copy of the Liberty, Missouri Personnel Policy which absolutely has no grandfather clause and it doesn't allow anyone to work in the same department if they get married. There is no opportunity, if there is no other opening they have to leave the employ of the city.

Ms. Newsom asked if there were any married couples working in the city when the Liberty Policy was enacted. Mayor Bishop said he does not know that. He thinks there are a number of assumptions here and maybe we need to give this more deliberation but he thinks there are impacts to morale. In referencing the impact on the morale of administratively moving someone from one position to another, that needs to be weighed against the impact on the morale of having a husband and wife situation within an office together. Mr. Bishop said he thinks there are ramifications of that as well, so that needs to be weighed against the ramifications of ending that situation. He thinks that when an employee decides to become married to a co-worker, that changes your status in the workplace. You're no longer just a person who works there who is either unmarried or has a spouse who works somewhere else. Then the dynamic is that there is a husband and wife team and that changes the dynamic. That is why it is not allowed to hire someone if there is a current City employee. You cannot hire a relative of that person. So there are dynamics that develop and there is potential appearance of favoritism or bias and it can affect security and morale.

The Mayor said he thinks it is small picture to think that just because you move someone that automatically the ramifications of that are going to be worse than the ramifications of the current situation. Because he thinks there is a downside to the current situation and it is clearly Council prerogative to decide whether we want to maintain a policy where that sort of thing is allowed.

Ms. Newsom said she thinks where we have lost our Council view on our big picture view is when we start dealing with a specific situation. We have a great professional management team in place and if it was their perception and understanding in working with our valued employees on a day in day out basis that there was some sort of a problem, they would work with it and bring something to the Council that they would need to deal with that would remedy a situation like that. That has not been evidenced or brought forward in her estimation.

Mayor Bishop said if we continue this matter we will have the opportunity to look at it in some more detail.

Councilman Nodler said when the City Manager comes forward with the report at the next meeting he would like to have him give us some information on the four employees who are affected as far as their tenure with the City and possibly their own personal opinions and what hardships might affect them if this policy implemented.

Mayor Bishop said he is wondering if this does not raise some issues if we start talking about specific City employees that these are not some issues that are better dealt with in terms of a closed executive session for personnel matters.

Councilman Nodler said it was specific city employees that prompted you to come forward with this proposal that we are looking at tonight. From his understanding when you proposed this initially you talked about specific employees that you wanted to be affected by this, as he recalls the discussion. Mayor Bishop said there are not many married couples working for the City. Councilman Nodler said actually you mentioned one in particular that you wanted affected.

Councilman Smith said she thinks you are getting into matters you shouldn't. Mayor Bishop said he continues to think it is more appropriate for a closed session.

City Counselor Thompson said as it relates to individual personnel issues, the staff will not be able to bring information forward in an open public session as a public document, because those are confidential matters. Councilman Nodler said not even their tenure with the City. Ms. Thompson said we can provide to the Council a range of tenure for all affected employees but we will not assign any specific identifying information other than a range and some general information.

Councilman Newsom said we are talking about employees being grandfathered in under an ordinance and then eight years later we summarily decide to change it. The employees did not decide to become married after the ordinance came into effect is her understanding. They were married at the time the ordinance went into effect and were consciously grandfathered in at that point in time. She guesses we need some research on that, that is something she would like to have definite information on. She thoroughly understands that when policies are currently in place and it says if Joe marries Mary and they both work in the food service department at Winnetonka High School, they are going to have to leave. She understands that and when they develop that relationship and when they take those vows that that is in the cards that they are going to have to leave. But when someone has had a long term career with our city and their married situation when they do not directly supervise each other comes into play, they are not

hiring each other, they are not evaluating each other, she thinks we are looking at some problems and she would like some further research on grandfathered situations.

Councilman Nodler said he was surprised that this came forward as a resolution, when we amend this employment manual would it typically be by ordinance. Counselor Thompson said the personnel manual was adopted originally by resolution and all subsequent versions have been adopted by resolution as well as any amendments. Councilman Newsom said she trusts our management staff to do their job and do it professionally and she appreciates that.

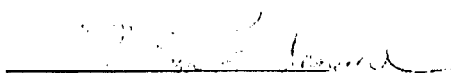
The vote on continuing this matter until the November 13, 2000 City Council Meeting. "Aye" - Councilman Smith, Councilman Nodler, Mayor Pro Tem Cross, Mayor Bishop. "Nay" - Councilman Newsom. (4-1)

* * *

There were no communications from the News Media or further business to come before the October 23, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

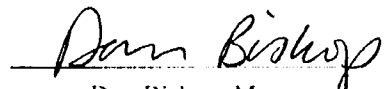
Councilman Anita Newsom moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021 (2) for Real Estate; and 610.021 (3) for Personnel Discussion as posted. Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____

Approved as corrected/amended: _____


Dan Bishop, Mayor

October 23, 2000

*Glad 10/23/2000
City Council Meeting
In Attendance*

To the Mayor and Members of the Gladstone City Council

My name is Melanie Clark, I reside at 417 NW 80th Terrace, Kansas City, MO 64118

I have been employed with the City of Gladstone since February 22, 1984

I have a letter I would like to read into the record regarding Item #14 on the October 23, 2000 City Council Meeting Agenda, which is Resolution No R-00-87, amending Section 1500.3 of the Gladstone Personnel Manual relating to the Employment of Relatives

The current 1500.3 "Employment of Relatives" section of the Gladstone Personnel Policy has been in effect since 1987. During this thirteen year period of time, I have not been approached by anyone regarding a perceived problem, nor has any grievance been filed under the City of Gladstone's Personnel Manual Article 900 "Handling of Employee Grievances", to my knowledge.

As revisions to the existing policy as proposed will personally affect my employment with the City of Gladstone, I feel I have the right to know why the revision is proposed after all this time. If the revision is passed, I will be forced to give up a seventeen-year career with the City of Gladstone and the Gladstone Department of Public Safety and I feel that this action is depriving me of my right to make a living.

This proposed amendment only affects ^{four} ~~two~~ individuals out of 154 City employees. Why is this action being taken against us now after all these years?"

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 13, 2000**

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 610.021(1) for Privileged Communications & Litigation Discussion; 610.021 (2) for 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: Scout Troop 357, sponsored by St. Luke's Presbyterian Church.
4. **Approval of Regular October 23, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** America Recycles Day, November 15, 2000. Sponsor: MARC Solid Waste Management District.
- 4b. **SPECIAL PRESENTATIONS**

KEY TO THE CITY PRESENTATIONS to former Gladstone Mayors **Bernie Jezak** (April 1975/76) and **Jack McCausland** (April 1974/75, 1976/77).

PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES

- **Mike Reinsch, Planning Commission**
October 1999 - October 2000
- **J.C. Sanders, Planning Commission**
January 1998 - October 2000
- **Mark Tankesley, Planning Commission**
October 1996 - October 2000

5. CONSENT AGENDA

RESOLUTION NO. R-00-88, adopting REVISED WATER AND SEWER UTILITY REGULATIONS for the City of Gladstone, Missouri.

RESOLUTION NO. R-00-90, accepting Temporary and Permanent Easements from property owners in conjunction with the Claymont Drainage Improvement Project. (Project #0020).

RESOLUTION NO. R-00-91, accepting Temporary and Permanent Easements from a property owner in conjunction with the Brooktree Circle Drainage Construction. (Project 9942).

RESOLUTION NO. R-00-92, authorizing execution of a contract with Reddi Services, Inc. in the amount of \$49,500.00 from the Combined Water & Sanitary Sewer Fund for the 2000 Sanitary Sewer Cleaning and Televising Project. (Project 0105).

REGULAR AGENDA

6. **RESOLUTION NO. R-00-87**, amending Section 1500.3 of the Gladstone Personnel Manual relating to the Employment of Relatives. (Continued from 10/23/00).
7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **RESOLUTION NO. R-00-89**, adopting a **MISSION STATEMENT AND GOALS** for the City of Gladstone, Missouri for 2000-2001.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI NOVEMBER 13, 2000

Mayor Dan Bishop called the Regular November 13, 2000 City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 Troop 357 from St. Luke's Presbyterian Church led the Pledge of Allegiance to the Flag in which all joined. Mayor Bishop also recognized Scouts from Troop 247, Cashland Presbyterian Church who were in attendance.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the Regular October 23, 2000 City Council Meeting Minutes as submitted. Councilman Nodler seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. Mayor Dan Bishop read a PROCLAMATION encouraging Gladstone residents to recycle as part of "America Recycles Day" on November 15, 2000. . Mr. Jim Groves accepted the Proclamation on behalf of the Gladstone Solid Waste and Recycling Committee.

Item 4b. on the Agenda. SPECIAL PRESENTATIONS.

Mayor Dan Bishop presented **KEYS TO THE CITY** to former Gladstone Mayors Bernie Jezak (April 1975/76) and Jack McCausland (April 1974/75, April 1976/77).

Mr. Bernie Jezak thanked the City Council and said that it had been a great honor to serve on the Council for nine years, and he felt there were quite a few things accomplished at that time. He commended the Council for their service to the City and its residents.

Mr. Jack McCausland thanked the Council for the Key to the City. He said he had served two terms on the City Council and was involved in other elections as well and it was a pleasure to be back this evening. Earlier he and the City Clerk were looking at an old photo in the Community Development Department of North Oak Trafficway and 72nd Street when they were both two lane roads and he was reminded that during his tenure on the Council, they spent many evenings making decisions on the widening of North Oak.

PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES

Mayor Bishop stated that in addition to those who have served on the Council, we have many civic minded citizens who serve without salary on the nine Boards and Commissions to which Council can make appointments. Those appointments are filled by people who are truly committed to this community and they spend many hours to make our City a better place to live. The Council recognizes those members who are leaving their position on a Board or Commission and this evening we will recognize three members.

Former Councilman Mr. Mike Reinsch has served on the Planning Commission from October 1999 2000. Mr. Reinsch is not present tonight, but we appreciate his service on the Planning Commission.

Mr. J.C. Sanders from the Planning Commission has relocated outside of Gladstone. He served from January 1998 to October 2000. Mr. Sanders thanked the Council for the plaque.

Mr. Mark Tankesley, also from the Planning Commission, served from October 1996 to October 2000.

Item 5. on the Agenda. Consent Agenda

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved for approval of **RESOLUTION NO. R-00-88, adopting REVISED WATER AND SEWER UTILITY REGULATIONS** for the City of Gladstone, Missouri. Councilman Anita Newsom seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-90, accepting Temporary and Permanent Easements from property owners in conjunction with the Claymont Drainage Improvement Project. (Project #0020).** Councilman Anita Newsom seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-91, accepting Temporary and Permanent Easements from a property owner in conjunction with the Brooktree Circle Drainage Construction. (Project 9942).** Councilman Anita Newsom seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-00-92, authorizing execution of a contract with Reddi Services, Inc. in the amount of \$49,500.00 from the Combined Water & Sanitary Sewer Fund for the 2000 Sanitary Sewer Cleaning and Televising Project. (Project 0105).** Councilman Anita Newsom seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **RESOLUTION NO. R-00-87, amending Section 1500.3 of the Gladstone Personnel Manual relating to the Employment of Relatives.** (Continued from 10/23/00)..

Councilman Shirley Smith stated that at the last meeting on October 23rd, when this resolution was discussed, Councilman Newsom brought up many questions that she felt needed to be answered. The City Manager was to research and supply Council with the answers to these questions. She said she believes the City Manager has indicated that more time is needed and therefore she moves that Council postpone this Resolution to an indefinite time until the City Manager finds time to provide us with these answers. Councilman Cross seconded the motion.

Discussion.

Mayor Pro Tem Cross stated that it is his impression that this will be dropped indefinitely and that everything stands just the way it is and it may at a later date be brought back up, one, two, five, ten years from now, but at this time it is closed. He asked if he can get verification on that from our City Attorney.

City Counselor Nancy Thompson stated that on a motion to postpone indefinitely, this specific Agenda Item labeled as R-00-87 would not be brought back before the Council. It does not mean that something identical cannot be brought back under a separate resolution number; but this specific item, if postponed indefinitely, would not be brought back up before the City Council.

Councilman Newsom said so in essence it kills the resolution. Ms. Thompson stated yes.

Ms. Newsom asked for clarification from Counselor Thompson of the benefit of postponing it indefinitely as opposed to just voting it down and killing it and getting it out of the way. To what benefit does that serve us.

Counselor Thompson stated that she does not know if it serves a benefit one way or the other, she is just explaining the end result of postponing it indefinitely. If it were to be reconsidered, it would have to be brought back in a separate form.

Ms. Newsom asked if it would have to be posted with all due notice on the Agenda as it was previously. It could not just be reentered into the Agenda at some point later in time without posting the notice?

Ms. Thompson agreed it would have to be posted with due notice and would come back up under a separate resolution number, it would be a separate item. It would be a new item of business, not as unfinished business or old business.

Councilman Newsom stated her concern is about the spirit of the resolution as it came forward before. She would hate for any of the staff members to perceive that this is still out there hanging over their heads and could be brought back up at another date in a stealth move.

Ms. Thompson pointed out that each session of the City Council is considered to be a separate session which means you can reconsider any particular item, whether it is voted favorably, voted against, or postponed. She does not believe that postponing indefinitely versus voting it down will have any different effect on Council's ability to do that.

Councilman Newsom clarified that this would not be brought forward again without posting it on the Agenda 48 hours before the Council Meeting.

Ms. Thompson replied that was correct. Any item that comes before the City Council, unless it is an emergency action, has to be posted at least 48 hours before the meeting.

Ms. Newsom stated that she just wanted that on the record.

Mayor Bishop commented that there were a number of questions raised specifically. Councilman Newsom raised some questions and he too raised some questions. It is his understanding that more time is needed to address those questions and sift through some of the issues that came forth at the last meeting. It is therefore impossible to make a determination on this issue tonight since we do not have that information, and he does not think we have any choice but to continue this until such time as we do have the answers to the questions that were raised at the last meeting, and then evaluate the issue on its merits. So, he will vote in favor of the motion.

Councilman Nodler said it seems to him that he has heard something different from some of the Council members. Mayor Bishop is talking as though we might have some information that would bring this back in a few weeks, Mr. Cross is talking about a few years. He is not sure that he understands the discrepancy in the time frame that we are talking about.

Mayor Bishop stated that there are questions on the record that were raised at the last Council meeting and he has not heard anything different. He still wants answers to the questions and cannot make a determination on how to proceed until he has information and assumes it would be some kind of a reasonable time frame.

Councilman Newsom asked Mayor Bishop what his interpretation is of a "reasonable" time frame. He replied that he did not know.

Ms. Newsom asked if this is a few weeks, few months, how long. The Mayor said he really does not know. Ms. Newsom said as has been stated, she was on board when the current Personnel Manual was approved. That was a long, couple year process of pulling information together, working together with the committees, staff, then legal review. So it was a lengthy process.

Mayor Bishop stated that he would think that in the next six months he would like to see some answers to the questions that he and Councilman Newsom raised at the last Council meeting.

Councilman Cross told Councilman Nodler that the way he interprets it, as far as the Resolution is concerned it is over now and there will not be any more discussion on it unless someone would bring it back up again. At this time, he does not foresee that at all.

The vote on the motion to indefinitely table Resolution R-00-87: All "Aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Councilman Cross, Mayor Bishop.

Item 7. on the Agenda. Communications from the Audience.

Linda Wilson, 4925 N. Washington, stated that she is here tonight with a neighbor, Deborah Doss because they heard about the Council's consideration to amend the Personnel Manual section that relates to the employment of relatives that you just voted on. One husband and wife who are both police officers in the Gladstone Public Safety Department were "grandfathered" many years ago and allowed to both continue working as police officers in Gladstone. We are here to speak with first-hand experience of the importance of this couple in Gladstone's law enforcement. Corporal David Smith and D.A.R.E. Officer LeAnn Smith.

Corporal Smith's seventeen years of experience on the Gladstone force impressed our Neighborhood Watch when we gathered together to learn more from Corporal Smith about the program. In subsequent monthly meetings with our Neighborhood Watch Program, he helped provide training on a number of different subjects in this very room. Officer LeAnn Smith has helped come to different individual homes to help them turn areas that need special attention to protect against burglaries. Many children in the neighborhood know LeAnn Smith from her visits in the schools on behalf of the DARE program. These two police officers have represented well the caring, concerned, community that we know as Gladstone.

This past August, when the hostage situation along Old Pike Road made our neighborhood feel as if we were under siege, the preliminary work already done by these two particular officers in working with our neighborhoods, helped our homeowners remain calm and to be trusting of the police efforts.

When adults and children alike recognize police officers as friends, every situation requiring law enforcement is enhanced to its best possible solution. The trust and caring that these two officers have brought into Gladstone cannot be measured. To lose even one or both of these officers would be a tremendous loss to Gladstone. How could we replace the experience they have in knowing and understanding our community. Their wisdom of how to act quickly and resolutely based on this knowledge. She presented a letter to the Council from their neighborhood with 29 signatures. They are asking to consider any future action to be ill-advised that would affect these

two wonderful people to be able to continue their work here in Gladstone. Mayor Bishop thanked Ms. Wilson for her comments.

Lee Bussinger, 3031 NE 73rd Terrace, asked the City Council to hold a Public Hearing should Item 6 on the Agenda, (Resolution 00-87, dealing with amendment to the Gladstone Personnel Manual) be brought up again. As a Councilmember for fifteen years, he never dealt with personnel issues from the Council table, that was to be handled by the City Manager and he wanted to make that point. He told the Council they are running it, but he does think it is unwise to deal with personnel, that's what you hire the City Manager to do.

Anne Alexander, 6767 N. Askew Circle, advised that she had been privileged to serve on a couple of different committee groups in Gladstone and wanted to complement the Gladstone City staff. She has never seen a City Staff that gave so much of their time on weekends, evenings, etc. She told the Council they are doing a great job, but so is the Staff.

Item 8, on the Agenda. Communications from the City Council.

Councilman Shirley Smith welcomed Master Benjamin Paul Bishop into the world. Benjamin is the newborn son of Mayor Dan Bishop and his wife Leslie and was born on Thursday, November 9, 2000.

Councilman George Nodler thanked the former Gladstone Mayors present tonight for their past service as well as the former Planning Commission members we recognized this evening.

Councilman Newsom echoed Councilman Nodler's comments. We have had a very prestigious group of people who have preceded us at this table. Each time she meets a former Mayor/Councilmember and hears more about the history of the city, it makes her even prouder to be a part of it. She thanks them for their time and service.

Ms. Newsom asked Mayor Bishop if he had been notified of the nine-month rule and explained that the first nine months his wife Leslie has looked after their baby, and the next nine months are his. The middle of the night crying, whatever it is, the next nine months are his.

Councilman Newsom advised that it has now become public knowledge that City Counselor Nancy Thompson has made the decision to leave our employ and stay at home with her family. Family is important to all of us, and she compliments Nancy in making a tough decision to put her career on pause to spend time with her family. She wants to thank her publicly for her service to the City, not only as City Counselor, but also a strong community member, and as a leadership member on any committee or staff situation on which she has served. In her work with the Chamber Nancy pitches in and will do whatever it takes and we truly appreciate it. Ms. Newsom told Counselor Thompson that she and her husband Randall and their boys have been a great addition to our community. She told Ms. Thompson that she knows of some real good volunteer causes when she has some extra time. There will be a process to fill the vacancy because the City Counselor plays an important part in our City. Ms. Newsom told City Counselor Nancy Thompson that she will definitely be missed.

Councilman Bill Cross said he concurs with Councilman Newsom's comments and told Counselor Thompson that as an educator he can assure her that the schools would certainly welcome her as a volunteer.

Mr. Cross referred to the road projects former Mayor Jack McCausland's recalled during his tenure on the City Council, and said that we certainly have a lot of projects underway at this time in Gladstone but we need good weather to see them to completion.

Mayor Dan Bishop had no communications at this time.

Item 9. on the Agenda. Communications from the City Manager.

City Manager Kirk announced that the City is closed Thanksgiving Day and the day after. He also congratulated Mayor Bishop on the new addition to his family.

Mr. Davis also advised that former Gladstone Management Assistant Bryan Richison who accepted a position in the Denver, Colorado area this past summer has announced his engagement and we congratulate him. The Manager also reported that we had approximately 1500 customers at the brush disposal last weekend, and announced that the Mayor's Holiday Tree Lighting Ceremony will be held at Bank Midwest at 65th & N Oak on Wednesday, November 30th.

Mayor Dan Bishop thanked the City Manager for his mention of the Mayor's Holiday Lighting Ceremony which will be held at 6:00 PM on November 30th. It is being moved to a North Oak location this year and will have good visibility at the entrance to Gladstone Plaza by Bank Midwest. Antioch Middle School Choir will perform and Bryan Busby will emcee this event which will include a special appearance by Santa and Mrs. Claus. . In the tradition established by Mayor Art Hammen last year, the proceeds will be split between the Northland Christmas Store and the Gladstone Neighbors Helping Neighbors organization. Every living former Mayor of the City of Gladstone is acting as an honorary co-chair of this year's event which is a first, and will be a lot of fun. Mayor Bishop encouraged everyone to attend this event.

Item 10. on the Agenda. RESOLUTION NO. R-00-89, adopting a MISSION STATEMENT AND GOALS for the City of Gladstone, Missouri for 2000-2001.

Councilman Anita Newsom moved to adopt the 2000-2001 Mission Statement and Goals for the City of Gladstone. Councilman Bill Cross seconded.

Discussion.

Councilman Newsom said we have gone through this goal setting process for a number of years and she does think it is a good process. Some times it is more difficult but it is one of those contemplative times that we don't always take the time to do in our busy day to day lives where we get too look at where we need to go as a city and where our goals are in the future. It gives us a focus on the big issues like the millions of dollars of capital improvements we work through, and it gives us a chance to hear from department heads one on one, and it is an excellent process for the Council and she hopes it will continue after she has left the Council.

Mayor Bishop said it was a rather long day but was very productive and harmonious, and there really was no disagreement about the objectives that we talked about and we will be reaffirming the goals twice established. So it was a good day and a worthwhile process and we have some pretty significant objectives underlying these goals and a lot of work cut out for us over the next twelve month period, so he will be voting in favor of adopting this mission statement and goals.

Mayor ProTem Cross asked the two former Mayors present if they spent a whole day twenty five years ago trying to decide what to accomplish and whether we had the money to do it. Jack McCausland agreed that many days and nights were spent on such decision making.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop.

Item 11. On the Agenda. Other Business.

Referencing Agenda Item 6, (Resolution 00-87), Ms. Newsom said she was contemplating when the voice vote was called for and said nothing aloud, but understands it will be recorded as "aye". She said she still would feel more comfortable if we had just voted the resolution down and cleared it off the books, but does support postponing it indefinitely, like forever, until the whole policy is reviewed and worked through the proper process.

Ms. Newsom also wished everyone a happy and blessed Thanksgiving with their families and friends. It is one of her favorite holidays and she encourages all to take time to do something besides eat and watch football, like hug your family.

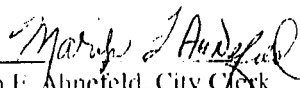
City Manager Kirk Davis said he was remiss in not introducing our new Human Resources Administrator, Charlene Leslie, who is present in the audience. The Mayor and Council welcomed Ms. Leslie to the city.


* * *

There were no communications from the News Media or further business to come before the November 13, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

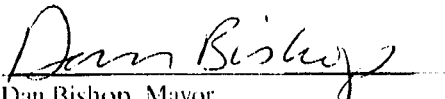
Councilman Anita Newsom moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021 for Privileged Communications & Litigation Discussion; 610.021(2) for Real Estate; and 610.021 (3) for Personnel Discussion as posted. Councilman Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Respectfully submitted:


Marilyn E. Ahnefeld, City Clerk

Approved as submitted: 

Approved as corrected/amended:


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 27, 2000**

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: Scout Troop #288, Northminster Presbyterian Church.
4. **Approval of Regular November 13, 2000 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION of KEY TO THE CITY to City Counselor Nancy J. Thompson.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-93, accepting the proposal of KCR International for purchase of one (1) 2001 2-1/2 ton dump truck with snow equipment for the net purchase amount of \$70,150.00 from the General Fund. (Includes \$5,750.00 trade-in allowance for a 1992 Chevrolet Dump Truck).

RESOLUTION NO. R-00-94, authorizing acceptance of the proposal of Robert's Auto Plaza, Platte City, Missouri, for the purchase of (4) four 2001 Chevrolet Impala patrol vehicles at a unit price of \$18,967.00 for a grand total purchase amount of \$75,868.00 from the General Fund.

RESOLUTION NO. R-00-95, accepting work under contract with G.C. Construction for the 2000 Curb and Sidewalk Program and authorizing final payment in the amount of \$19,493.23 from the Transportation Sales Tax Fund.

APPROVAL OF LIQUOR LICENSE for Mel's Bar & Grill, 6946 N Oak, 6 day Liquor by the Drink License. Owner/Managing Officer: Melissa A. Fry. (Change in ownership of Fire House Restaurant).

APPROVAL OF FINANCIAL REPORTS FOR MONTH OF OCTOBER, 2000.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 00-46,** imposing a City Sales Tax at a rate of one-fourth of one percent for a period of five years for operation of municipal fire protection services, subject to the approval by voters of the City at a special election to be held on Tuesday, February 6, 2001; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.
10. **FIRST READING BILL 00-47,** prohibiting operation of a truck with a licensed gross weight of less than 12,000 pounds when any person under eighteen years of age is riding in the unenclosed bed of such truck within the city and providing penalties for violation.
11. **CITY COUNCIL ENDORSEMENT** of the designation of Gladstone Central Park and Old Pike Road as historical locations by the *Native Sons of Kansas City*.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, NOVEMBER 27, 2000

Mayor Dan Bishop called the **Regular November 27, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

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 #288 sponsored by Northminster Presbyterian Church led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Bill Cross moved to approve the **Regular Monday, November 13, 2000 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded. The vote: all "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. SPECIAL PRESENTATION OF KEY TO THE CITY to City Counselor Nancy J. Thompson.

Mayor Dan Bishop advised that the Council was informed about four weeks ago that our City Attorney, Nancy Thompson, would be leaving her position with the City on December 1st to pursue other opportunities in her life. That seemed like a long time off at that time and now it is upon us. Ms. Thompson has been with the City for seven years and on behalf of the City Council, Mayor Bishop said he thanks her for her service to the City and wishes her the very best in her future endeavors and presents her with a Key to the City.

Counselor Nancy Thompson told the Mayor and Council that she certainly appreciates the support given her the past seven years because it has been special. She

particularly thanks Councilman Nodler and Councilman Newsom for giving her the opportunity to serve Gladstone and the opportunity to relocate to a city which has embraced them with open arms and has made them a true part of the community. It is difficult when you have a job that you truly enjoy with employees that you love to come to work with, but she feels fortunate to have the opportunity to go home and spend time with her family. When she starts weighing her job and feeling the responsibility, that family comes out on top. They are trying to re-prioritize their lives to the point where they can make a difference not just in the city of Gladstone but also in their own family. She thanked the City Council and told them she appreciates the opportunities she was given.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Anita Newsom requested removal of Resolution 00-94, accepting the proposal of Robert's Auto Plaza for the purchase of four patrol vehicles from the Consent Agenda for discussion under the Regular Agenda. Mayor Bishop designated the resolution as Agenda Item 5a.

Councilman Anita Newsom moved to approve the Consent Agenda as amended; Councilman Nodler seconded. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL:

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-93**, accepting the proposal of KCR International for purchase of one (1) 2001 2-1/2 ton dump truck with snow equipment for the net purchase amount of \$70,150.00 from the General Fund. (Includes \$5,750.00 trade-in allowance for a 1992 Chevrolet Dump Truck). Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-95**, accepting work under contract with G.C. Construction for the 2000 Curb and Sidewalk Program and authorizing final payment in the amount of \$19,493.23 from the Transportation Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF LIQUOR LICENSE** for Mel's Bar & Grill, 6946 N Oak, 6 day Liquor by the Drink License. Owner/Managing Officer: Melissa A. Fry. (Change in ownership of Fire House Restaurant). Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS FOR MONTH OF OCTOBER, 2000.**) Councilman Bill Cross seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. **RESOLUTION NO. R-00-94**, authorizing acceptance of the proposal of Robert's Auto Plaza, Platte City, Missouri, for the purchase of (4) four 2001 Chevrolet Impala patrol vehicles at a unit price of \$18,967.00 for a grand total purchase amount of \$75,868.00 from the General Fund.

Councilman Anita Newsom moved to adopt Resolution R-00-94; Councilman George Nodler seconded.

Discussion.

Councilman Newsom noted we have been purchasing nothing but Ford Crown Victoria model patrol vehicles for years and she recalls discussion that they proved to be superior vehicles, and now we are looking at the purchase of a Chevrolet which was the low bid. The difference between the low bid and the Ford bid is \$1268 per vehicle, and the conversion cost per vehicle is \$60/each which is \$240 for all four. She asks if the conversion is going to create any problems when the city mechanic does maintenance.

Director Adamo said we have had good success with the Crown Victoria and so it is a matter of economics. Ford has been creeping up their prices the last few years to the point that we have been over our budget \$800- \$900.00. Frankly, Ford has had the market cornered on police packages because Chevrolet was not making a police package for about 5-6 years. The Director said the change over costs are minimal compared with what they can save and the mechanic has no problem with it. Ms. Newsom said the difference is \$5,000 but looking at the total picture if it were to cause more problems down the line she would be in favor of the extra funds to get what we really want and need.

Director Adamo said if they felt there would be a problem they would certainly have come forward with a different recommendation. They had a Chevrolet delivered and drove it for a couple of weeks, and agree it is a fine vehicle and are happy with it.

Ms. Newsom thanked Director Adamo for his comments and said she just did not want us to be penny wise and pound foolish.

The vote on the Resolution: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0).

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

Terri Hoppenthaler, 2706 NE 57th Terrace, presented a bouquet of roses to departing City Counselor Nancy Thompson and told her the flowers were a small thank you from her and her father, Dean Gromer, for all that Nancy has done for their City, for the Chamber of Commerce, and for Antioch Road.

Mr. R.E. Carver, 3400 NE 68th Terrace, said he is here on a problem involving Kansas City Power and Light and explained that his mower ran over rivets that held a

cable guard on KCPL equipment. He displayed the piece that flew 85' ft. and cut his lawnmower blade in two. It fell inside his yard which is out of the easement or right of way. Kansas City Power & Light provided him with a form to replace his \$24.99 mulching blade, but they have not made their own repairs yet and he would like to see something done about it. KCP&L told him their equipment is in place and he needed to go to the City Council to get any safety features fixed, he said he does not want to run into this again and asks the City to look into it. Mr. Carver said he was told that no poles could be placed in Northaven Gardens but from his view the pole would not be in the subdivision but rather in the right of way or easement. Mr. Carver said this is a safety issue that needs to be looked into.

Councilman Anita Newsom said she could relate because when she had cable TV equipment installed, the company clipped some tags and let them lay in the yard rather than pick them up. She advised that the Mid America Regional Council is working with different municipalities on utility cuts in the street to see if we can tie in any kind of extra maintenance standards as far as the city with utility companies. To her, this is a maintenance issue.

Mayor Bishop thanked Mr. Carver for bringing this to our attention and told him we will certainly look into it and respond back.

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

Councilman Shirley Smith said this is Thanksgiving Week and hopes everyone had a nice time with their families as she did. This is a time we think about how much we have to be thankful for and she is thankful for Gladstone because we are a real neat little city with great people and we don't have nearly the problems that many other municipalities have.

Councilman George Nodler said he thanks City Counselor Nancy Thompson for being such an excellent city attorney these past seven years. She has also been a very special person and an excellent member of our community. Mr. Nodler said he is proud to have been a part of the City Council that hired Nancy Thompson.

Councilman Anita Newsom said she certainly echoes Councilman Nodler's comments about Counselor Thompson. She was a part of the hiring process that brought Nancy on board and she thinks we made an excellent decision and as an educator she has to endorse Nancy's Thompson's decision to stay at home and spend more time with her family. Not everybody has this choice to make and when you can make that choice, it takes a lot of willpower to do it and she admires her ability to do that and wishes her well.

Ms. Newsom said she noted on the Board and Commission interview sheet that almost half of the candidates are women which we have not had previously, and there are also names of people she has not met before. She is looking forward to the interviews because it is an enjoyable process finding new volunteers and people who are interested in serving the city.

Ms. Newsom noted that she witnessed an ambulance pull out of Fire Station #2 and the traffic light in front of the station on M-1 stayed green for the north-south traffic the entire time and never did turn. She asked if the light is working right so they can activate it to stop traffic and get out. She mentions it because there was an awful lot of traffic at 4:00 PM today. City Manager Davis told Councilman Newsom that he is not aware of any problems and advised we will certainly check the functioning of the light.

Councilman Bill Cross also echoed his fellow Council's comments about Counselor Thompson. He certainly appreciates all she has done during their association and said as an educator he too agrees it is extremely important with two middle school young men for Mom to be there as much as possible. He told Ms. Thompson to stay home for another 5-10 years and then come back and look us up, we would love to have you again.

Mayor Dan Bishop announced the Mayors Holiday Lighting Ceremony will be held this Thursday evening, the 30th of November at the entrance to Gladstone Plaza, bank Midwest, starting at 6:00 PM. Bryan Busby will be the emcee and there will be a special performance by the Antioch Middle School Choir. Also, Santa and Mrs. Claus will make a special appearance to listen to requests for presents. All proceeds raised through this fundraising effort will be split evenly between the Northland Christmas Store and Gladstone Neighbors Helping Neighbors. The money is already coming in and people have an opportunity make a contribution at the lighting ceremony Thursday night or send it in to City Hall before or after the event. The City Council will be arriving by sleigh and he hopes to see everyone there.

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

City Manager Kirk Davis announced that there will be a farewell reception honoring Counselor Nancy Thompson on Tuesday, November 28th, 4:30 - 6:00 and everyone is invited to attend to help us recognize Nancy.

Item 9. On the Agenda. FIRST READING BILL 00-46, imposing a City Sales Tax at a rate of one-fourth of one percent for a period of five years for operation of municipal fire protection services, subject to the approval by voters of the City at a special election to be held on Tuesday, February 6, 2001; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Councilman Anita Newsom moved to place Bill 00-46 on first Reading; Councilman George Nodler seconded.

Discussion.

Councilman Newsom said as mentioned in study session this evening, this has been a long, detailed process and she believes the Council has definitely done their

homework, and feels they have great support from their staff. The professional design staff and Public Safety have recommended this and we have the support of all our advisory boards and commissions. Ms. Newsom said she feels we have a great deal of support already for this and when our citizens are fully educated on the benefits they will vote positively and this will be a prudent move for the City of Gladstone. She intends to vote yes on this Bill.

Councilman Nodler said he certainly agrees that it is a very important issue and he is very supportive of it and hopes Gladstone voters agree with us.

Councilman Smith said it is a very exciting time and although we deal with a number of routine and important matters, once in a while something like this comes along that is really special.

Mayor Dan Bishop said there are a number of things that struck him during this process. Fire Station #1 is located below us here in the lower level of city hall and over the years a couple of things have happened. Obviously the city's population has grown but we have also seen law enforcement become more sophisticated, more specialized, more technological. We have seen firefighting become more specialized and more technical. Tonight during the open study session we saw a demonstration of the thermo imaging camera and that technology was not available 25 years ago. The city has grown, public safety has become more advanced and it requires more personnel, equipment and space.

The Mayor said when you go down into station #1 it is obvious that they have done the best they can with what they have but they have inadequate space. When the WRS Company came in and did the space analysis they were able to quantify that and look at it in terms of the national average of square footage per personnel member in a public safety department and realize that we are far below the natural average. Further, when our patrol officers are out in the city they are going to respond from their current location, but the fire fighting vehicles will most often remain in the station. It has always struck him that this location is kind of a strange place for a fire station because at 70th & N Holmes we are three blocks from N Oak and two long blocks off of 72nd Street. So before a firefighter vehicle can even get out to a main artery they have to go from station #1. WRS recommends a complete overhaul of station #1 and building a new fire station on the N Oak corridor and the package includes buying a new fire truck and implementing the CAD (Computer Aided Dispatch) System and what these recommendations are going to do is improve public safety service throughout the entire city. The question is how do you pay for it and staff wrestled with it and the city's financial advisor provided us a lot of information and it was determined that the best option was a one-quarter percent sales tax. But the Council wanted to know if there was community support for implementing the space needs recommendation and how to pay for them, so we directed staff to take them to the Parks and Recreation Board, the Planning Commission, the Special Road District and the Capital Improvements Program Committee Board and we got a unanimous endorsement with minor changes. He believes what is being presented here tonight is a better proposal and he fully intends to work for it and Councilman Newsom is right that we have a lot of work to do in getting together a committee of citizen community

leaders to tell the public what this package includes. The need for these improvements and facilities will be apparent and it is a very doable proposition and he intends to vote for this bill tonight.

Councilman Cross said he is amazed at the number of board members who are present tonight and he knows that they could all give testimony as to the need and they have worked hard on this along with the city administration to come up with something very very worthwhile that started before he even came onboard. He hopes that the news media will back us with this because we need the assistance of all 30,000 residents pulling together on something that is extremely worthwhile for this city.

The vote: All "aye" - Nodler, Smith, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-46 and place the Bill on Second and Final Reading. Mr. Nodler seconded. The vote: All "aye" - Nodler, Smith, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-46 and enact the Bill as **Ordinance No. 3.777**; Mr. Nodler seconded. The vote: All "aye" - Nodler, Smith, Newsom, Cross, Bishop.

Item 10. On the Agenda. FIRST READING BILL 00-47, prohibiting operation of a truck with a licensed gross weight of less than 12,000 pounds when any person under eighteen years of age is riding in the un-enclosed bed of such truck within the city and providing penalties for violation.

Councilman Newsom moved to place Bill 00-47 on First Reading; Councilman Cross seconded.

Discussion.

Ms. Newsom said she was not aware this Bill was coming forward nor was she aware that we did not already have this in place.

City Counselor Thompson explained that this is currently a provision that is in state law but not all of our municipal ordinances mirror state law because we are not nearly as restrictive as state law. Although our officers may write a ticket for a state law violations, that ticket has to be prosecuted in Clay County and may not be prosecuted in our municipal court. This bill allows our officers to prosecute this type of violation in our own municipal court rather than forwarding that ticket on to the Clay County Prosecutor for prosecution in Clay County Circuit Court. Ms. Thompson said earlier we brought forward a seat belt ordinance which mirrored state law and we also brought forward an ordinance on motor vehicle financial responsibility within the last year which is another step to make sure that our ordinances relative to motor vehicle safety and traffic regulations are up to date to ensure that we do not jeopardize any kind of traffic grants we have.

Ms. Thompson said at least one more will come forward on consumption of alcoholic while driving a vehicle and explained that currently that is a violation of state law but we desire to make it a municipal ordinance violation as well.

Councilman Cross asked the amount of the fine and if it takes points from your license. Ms. Thompson advised this ordinance provides for a fine of \$25.00 plus court costs.

The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 00-47 and place the Bill on Second and Final Reading. Mr. Cross seconded. The vote: All "aye" - Nodler, Smith, Newsom, Cross, Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 00-47 and enact the Bill as **Ordinance No. 3.778**; Mr. Cross seconded. The vote: All "aye" - Nodler, Smith, Newsom, Cross, Bishop.

Item 11. On the Agenda. CITY COUNCIL ENDORSEMENT of the designation of Gladstone Central Park and Old Pike Road as historical locations by the Native Sons of Kansas City.

Councilman Anita Newsom moved to endorse this designation; Councilman Bill Cross seconded.

Discussion.


Councilman Cross said he is a member of the board of the Native Sons and this group is very proud to be working with Gladstone in erecting these signs and if other historical places are identified, they will be glad to take them under consideration. There is a strong faction of Native Sons north of the river and they are doing their best to publicize this area, so this will definitely be something worthwhile.

Mayor Bishop commented that we are often referred to as a bedroom community and it conjures up images of suburban sprawl which really sells Gladstone short in that we have some very interesting and significant history right here in our community. When you read the narratives concerning Old Pike Road and concerning Old Historic Linden and the history of Central Park it puts our community into historical context. One of the things we hear so much about in terms of the need for a community center is that we need something to pull us together as a community and emphasize our community. He thinks by putting up these historical markers we can all relate to the history and share it as citizens. We have a great opportunity with this offer from the Native Sons organization for historic markers for Old Pike Road and Central Park which are two significant historic locations and he will be voting in favor of this endorsement.

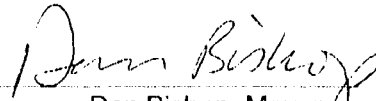
The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

There were no communications from the News Media or further business to come before the November 27, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, DECEMBER 11, 2000**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 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 November 27, 2000 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing **MR. DICK DAVIS**, retiring General Manager of Kansas City Area Transportation Authority.
- 4b. **PROCLAMATION:** recognizing **MS. JAN KAUK**, retiring Executive Director of Synergy Services, Inc.
5. **CONSENT AGENDA**

RESOLUTION NO. R-00-96, authorizing execution of a contract with Linaweaver Construction for the 58th & Broadway Drainage Improvements for a total amount not to exceed \$219,741.90 from the Capital Improvements Sales Tax Fund. (Project 9809)

RESOLUTION NO. R-00-97, authorizing acceptance of a contract with Weidenmann & Godfrey Construction for the Claymont Drainage Improvements for a total amount not to exceed \$110,175.00 from the Capital Improvements Sales Tax Fund. (Project 0020)

REGULAR AGENDA

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

9. **PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE CITY OF GLADSTONE FOR THE YEAR ENDED JUNE 30, 2000** by Independent Certified Public Accountants Cochran, Head & Co.
- 9a. **CITY COUNCIL ACCEPTANCE OF 1999-2000 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**
10. **APPROVAL OF BUILDING PERMIT** for interior tenant finish of 900 sq. ft. building space at 4770 N Belleview, Suite 207 in the Belleview Office Building. Applicant: Luke Draily Construction Co., Inc. Owner: Belleview Properties, LLC. (BP# 00-0916)
11. **APPROVAL OF BUILDING PERMIT** for construction of new 2,500 sq. ft. building for KFC/A&W Combo Restaurant at 5813 N Antioch Road. Owner/Applicant: Kendallwood Investors. (BP# 00-0917)
12. Other Business
13. Questions from the News Media.
14. Adjournment.

MEMORANDUM

TO: Kirk L. Davis; City Manager

THRU: Scott Wingerson; Assistant City Manager For Development *Scott*
Hamid Hashemizadeh; Director of Community Services

FROM: Lou Oesterle; Construction Contracts Coordinator

DATE: December 1, 2000

RE: Project No. 0020
Claymont Drainage Improvements

Seven bids were received for the referenced project. The bids received ranged in cost from a low bid of \$110,175.00, by Wiedenmann & Godfrey Construction, Inc., to a high of \$308,068.15. The engineer's estimate, prepared by Cook Platt & Strobel, was \$221,710.00.

Wiedenmann & Godfrey is a company based in Belton, Missouri, that has been in business for a total of 5 years. They have completed a few drainage projects for the City over the past few years. Their work has always been found to have been completed satisfactorily and in a timely manner.

Based on all available information staff is recommending that this project be awarded to Wiedenmann & Godfrey at the bid price of \$110,175.00 at the next regularly scheduled city council meeting.

If you have any questions or require additional information please contact me at your convenience.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, DECEMBER 11, 2000

Mayor Dan Bishop called the **Regular December 11, 2000** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Bill Cross moved to approve the **Regular Monday, November 27, 2000 City Council Meeting Minutes**. Councilman Anita Newsom seconded and noted need for correction on Page 3, Paragraph 2 to correctly reflect Councilman George Nodler as seconding the motion for adoption of Resolution R-00-94 for purchase of police patrol vehicles.

The vote on approval of the November 27, 2000 City Council Meeting Minutes as corrected; All "aye": Smith, Nodler, Newsom, Cross, Bishop. (5-0)

* * *

Special Performance: The Oak Park High School ***Oak Street Singers***, under the able direction of Mr. Eric Foley, delighted the audience with a medley of traditional favorite Christmas songs. Mayor Bishop thanked the group for their wonderful performance and expressed his appreciation that they were able to get here this evening given the bad weather conditions.

The Mayor noted **The Oak Street Singers** have been invited to perform in Carnegie Hall in New York City in April, 2001. A silent auction followed by a performance will

be held on Thursday, December 14th to raise funds for their trip and the Mayor encouraged everyone to attend and support their fundraising efforts.

* * *

Item 4a. on the Agenda. Mayor Dan Bishop read a **PROCLAMATION** recognizing **MR. DICK DAVIS**, retiring General Manager of the Kansas City Area Transportation Authority.

Mr. Davis thanked the Mayor and Council and said it had been a great pleasure to work for KCATA for the past twenty-three years and one of the things that made his job rewarding was the fact that Gladstone was the second city to join Kansas City in the partnership that provided transit service in Kansas City. During his twenty three years, Gladstone was one of the five cities that remained a participant during that entire period. He said transit is not terribly important in Gladstone because there are only 200 people a day who ride the metro buses, but the City of Gladstone proudly steps forward every year and says we are going to be a part of that. What that says is that Gladstone, where he has lived for the past thirty-four years, is a city that is a regional leader and proud to do its part. Mr. Davis said he is proud to live here and again expressed appreciation for this honor.

Item 4b. on the Agenda. Mayor Dan Bishop also read a **PROCLAMATION** recognizing **MS. JAN KAUK**, retiring Executive Director of Synergy Services, Inc.

Ms. Kauk thanked the Mayor and members of the City Council for their tribute and said it has always been her greatest pleasure to live in Gladstone and noted that she has enjoyed being a part of the Neighborhood Preservation Task Force this past year. She said she looks forward to working with Gladstone and continuing her passion to work with children and families.

Ms. Kauk also congratulated fellow recipient Dick Davis and said it had been a pleasure to work with him and she wishes him well in his retirement.

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

Following the Clerk's reading, Councilman Anita Newsom moved to approve the Consent Agenda as listed. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-96**, authorizing execution of a contract with Linaweaver Construction for the 58th & Broadway Drainage Improvements for a total amount not to exceed \$219,741.90 from the Capital Improvements Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-00-97**, authorizing acceptance of a contract with Weidenmann & Godfrey Construction for Claymont Drainage Improvements for a total amount not to exceed \$110,175.00 from the Capital Improvements Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Don McLaughlin, 6313 N Bales, Gladstone, Missouri, said listening to the study session presentation earlier on economic development activity he was intrigued in looking at Mr. Wingerson's report that five chambers of commerce on the list contribute to their City for economic development activity. He said if you are worried about the economic status of GEBC and the Gladstone Area Chamber of Commerce, it is a documented fact that we have been making payments on their mortgage and interest on the vacant lot on 72nd Street which was also purchased partially with a State Economic Development Tax Incentive Grant of \$50,000. The State is now changing their rules to make sure that if an organization does not follow through, as in our case and build a Chamber/GEBC office building, that the money must be returned to the State of Missouri. This Chamber and this GEBC are one of the reasons the State is changing the rules in how they operate. We have paid that money, and if you read the GEBC quarterly reports over the last year they have been telling the City Manager frequently that that lot is about sold and we are talking about a real pocket full of money that the Chamber is going to have which basically was paid for by the State of Missouri and the City of Gladstone. Mr. McLaughlin said he does not think we need to worry about their economic health.

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

Councilman Shirley Smith said she attended the National League of Cities Conference in Boston last week and displayed her badge, conference bag, and the commemorative hat she received. These are just the superficial things from the conference, and stressed that she attended some wonderful sessions and exhibits and hopes she learned some things that will make her a better Councilman. This is the last Council Meeting before Christmas and she wishes all a Merry Christmas and a happy holiday.

Councilman George Nodler had no communications at this time, and said he too wishes all a happy holiday.

Councilman Anita Newsom noted that the Gladstone Public Safety Department has received notice of their accreditation and she congratulated Director Adamo and his department.

Ms. Newsom also commented on the National League of Cities Conference and told Director Adamo she had brought back a model cat ordinance for his review. She noted there was a lot of focus on technology at this year's conference and said it was interesting to see the changes just since she has been on the City Council because the first year she attended, the focus was recycling. Our focus and the things we deal with in our community are shared by other communities across the United States, and it is great experience to share problems and ideas, and obtain solutions.

Ms. Newsom also wished everyone a happy holiday.

Councilman Bill Cross said he also gained a great deal from attendance at NLC sessions. Through discussions with attendees he did learn that our City Council receives the least salary at \$100.00/year, which speaks of our dedication. It was enjoyable to compare notes with attendees from cities of a comparable size. Our administrators are probably the finest people of any city of comparable size, our people are good to work with and congenial, and their compensation is just about average for like sized cities. Mr. Cross said as Ms. Newsom remarked, you learn that other cities have some of the same problems we do.

Councilman Cross also thanked Mr. Don McLaughlin for providing valuable information under communications from the audience relating to GEBC and the Chamber of Commerce that he was not aware of. It does not feel quite so bad if there is that kind of moneys available and he does wish both groups great success in making a profit off of the property.

Mr. Cross also wished all a Merry Christmas and a Happy Holiday.

Mayor Dan Bishop also congratulated the Department of Public Safety on their national accreditation and indicated we will have an official recognition of that at a future council meeting.

The Mayor also reported that the Mayor's Holiday Lighting Ceremony two weeks ago was a great success. There were 200-300 persons in attendance, the Antioch Middle School Choir performed and did a great job, and fifteen former Gladstone Mayor's served as co-chairs for this year's effort, and the holiday tree looked great at Bank Midwest at the entrance to the Gladstone Plaza Shopping Center. He said contributions will still be accepted here at city hall and proceeds will be split between Gladstone Neighbors Helping Neighbors and the Northland Christmas Tree Store.

Mayor Bishop also extended his wishes for a very happy holiday and said he looks forward to the new year.

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

City Manager Kirk Davis had the following announcements:

- Christmas Trees will be accepted at the Public Works facility, 76th & Antioch Road from December 30th through January 7th, from 8:00 AM - 3:00 PM during that period.

- City Hall will be closed on Christmas Day, December 25th and News Year's Day, January 1st.
- The Gladstone Area Chamber of Commerce Annual Dinner is Friday evening; the Gladstone Employees Annual Recognition Dinner is Saturday evening, and he too wishes all a Happy Holiday Season.
- With no Council Meeting on December 25th, the next meeting date is Monday, January 11, 2001.
- City Manager Davis said he also congratulates the Department of Public Safety and Director Bill Adamo on all of their efforts to receive the accreditation which speaks well for the City as well as the department. He appreciates the tremendous effort on the part of the Director's staff.

Mayor Bishop advised that this Thursday, December 14, 2000, at 5:30 PM is the organizational meeting for the Public Safety Sales Tax Committee. Anyone who desires to become involved or find out more about this effort is encouraged to attend that evening.

Item 9 on the Agenda. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE CITY OF GLADSTONE FOR THE YEAR ENDED JUNE 30, 2000 by Independent Certified Public Accountants Cochran, Head & Co.

Director of Finance Cash Sweiven advised that representatives of Cochran, Head & Company who performed the audit have been delayed due to the weather so he will provide an overview of the results of the audit.

Director Sweiven noted the audit contains a Management Letter which is a required document that is produced from an annual audit. The audit was conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* and basically those standards require them to perform procedures to obtain a reasonable assurance that the financial statements are free of material misstatement, so that was the objective of their audit to make sure the numbers are accurate and correct.

In the firm's Management Letter they state that there were no changes in significant accounting policies or applications, they found no accounting estimates that were incorrect, there were no disagreements with management during the performance of the audit, there were no difficulties encountered during the performance of the audit. There were certain accounting adjusting entries made as a result of their auditing testing, and that is very common.

Director Sweiven said during the firm's audit there were a few items recommended that they thought from an accounting perspective might be a good thing for us to implement, or at least consider. The first two items are year end cut-off procedures

and computerization of our Municipal Court. Those items were in the prior year's management letter so they are bringing these items back and asking what the city did about these items.

On the first one, year end cut off procedures, basically they said that we need to review our close out procedures at the end of the year and make sure we have a proper cut off, and we have done that. Our new accounting system has helped us achieve a better cut off at the end of the year, so that recommendation has been implemented.

Computerization of the municipal court is under contract and we will start training in approximately one month, so that suggestion from the prior year is being implemented.

Mr. Sweiven said this year's Management Letter comments dealt with Public Safety funds and he explained that Public Safety receives a minimal amount of money (under \$2,000) from Clay County for Public Safety investigations and it has been suggested that we include that in the General Financial Statement. We have already done that.

The next item on their Management Letter is the Bond collections. Obviously Public Safety receives jail bonds and those moneys are collected and deposited currently by the same person. We have changed those procedures to see that all moneys are deposited by our City Collector who does not receive them directly so there is a segregation of duties. It was also mentioned that we consider having two signatures on the check for the bond account. Mr. Sweiven said he agrees but unfortunately it is not practical because at court sessions there is typically one court clerk available, therefore we would not be able to write checks.

On EMS (ambulance billing collections), during their audit they noted the checks and remittance advises were being received by the ambulance clerk and then given to our City Collector. We have modified our procedures and the checks are now going immediately to the City Collector and being deposited and the EMS billing clerk does not have to have handle those checks.

Finally, because of the implementation of the financial system there are obviously some priorities. One item that fell to the end of the priority list was the review at year end of account balances, so we have modified our procedures to ensure that account balances are as accurate as possible.

Mr. Sweiven introduced Low Herman and Tim Fitzgerald from Cochran and Head who have arrived to give a summary of the audit and review their ten point audit test.

Mr. Tim Herman, Cochran, Head & Co., P.C. introduced himself and said they have performed the City's audit for the past three years. He explained with reference to items in last year's Management Letter, all issues have been dealt with and the only two remaining are the cut-off procedures and the computerization of the Municipal Court which Mr. Sweiven discussed.

Mr. Herman said when they do an audit they try to answer three basic questions. When they go through and do an audit they try to make sure the financial statements

are not materially misstated, that is one of their responsibilities to the city. The second part of the responsibility is to make sure that internal controls are in place and that they work properly and that all transactions are recorded correctly and finally, did the City of Gladstone comply in all material respects with finance related laws and regulations, both federal, state and local ordinances. He can tell us that their report issued indicates an unqualified opinion which means that the financial statements are free of material mis-statement.

Secondly, it also means that the internal controls are in place and that yes they do work and that the City did substantially comply with all finance related laws and regulations both from a federal and local level. Those are the three issues that they try to make sure they cover when they come out and do an audit. In addition, he wants to make sure that it is understood that in the management letter they went over certain issues dealing with significant accounting estimates. There were no differences of opinion with management or with anything associated with the financial statements, and they had full cooperation with all of the staff in the City which they greatly appreciate.

Mr. Hermann referred to his handout which is a ten point test of audit condition. The financial condition is really a glimpse of some characteristics that a professor out of Southwest State University developed that is intended to give some understanding of how our city compares with other cities. This year's comparison is different from the past. In the past they were able to compare Gladstone of 27,000 plus population to other cities of an approximate size. This year, they have had to use statistics of all the reporting cities, regardless of size.

Slides were shown depicting tables comparing Gladstone to the cities responding in the following areas:

- Total revenues/population
- Total general fund revenues from own sources compared to total general fund revenues
- General fund sources from other funds compared to total general fund sources
- Operating expenditures/total expenditures
- Total revenues/total expenditures
- Unreserved general fund balance/ total general fund revenues
- Total general fund cash and investments/total general fund liabilities
- Total general fund liabilities/total general fund revenues
- Direct long term debt/population
- Debt service/total revenues
- General fund unreserved fund balance/ General fund expenditures
- General and special revenue unreserved fund balance compared to general and special Revenue Expenditures
- City of Gladstone, Missouri financial ranking to comparable cities

Mr. Herman said the City has more than enough unreserved fund balance for the City Council to designate certain amounts to meet our expenditures for the future years.

The slide displays where our city is in financial ranking as it relates to all 1,570 cities who responded. How does our city relate. Gladstone ranks in the 83rd percentile. Last year, we were at 93rd percentile, that is a big drop but the difference is when you look at the cities involved. When you take the 1, 570 cities and compare it to the number of cities involved the year before of our size, there is a significant difference, the revenues all rise because of the number of people in the cities and the locales.

Mr. Herman said so that is the financial condition, and it is just one measure of what we might look like in comparing our selves to other cities in the United States.

Mayor Bishop thanked them for their report

Item 9a. on the Agenda. CITY COUNCIL ACCEPTANCE OF 1999-2000 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.

Councilman Bill Cross moved to accept the 1999-2000 City of Gladstone Annual Financial Report as presented; Councilman Shirley Smith seconded. The vote: All "aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10 on the Agenda. APPROVAL OF BUILDING PERMIT for interior tenant finish of 900 sq. ft. building space at **4770 N Belleview, Suite 207** in the Belleview Office Building. Applicant: Luke Draily Construction Co., Inc. Owner: Belleview Properties, LLC. (BP# 00-0916)

Councilman Nodler moved to approve Building Permit #00-0916 for 4770 N Belleview, Suite 207 as presented; Councilman Bill Cross seconded.

Discussion:

Staff confirmed that everything is in order.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Councilman Bill Cross, Mayor Dan Bishop. (5-0)

Item 11 on the Agenda. APPROVAL OF BUILDING PERMIT for construction of new 2,500 sq. ft. building for KFC/A&W Combo Restaurant at 5813 N Antioch Road. Owner/Applicant: Kendallwood Investors. (BP# 00-0917)

Councilman Bill Cross moved to approve Building Permit #00-0917 for 5813 N Antioch Road; Councilman George Nodler seconded.

Discussion.

Councilman Newsom asked if there was a colored rendering and said she had not recalled the A&W part of this application. Mayor Bishop asked if A&W was on the initial site plan.

Community Development Director Scott Wingerson advised that A&W was an addition to the plan and they will comply with all conditions of the site plan. They hope to begin construction as soon as weather allows.

Pete Hall, representing Kendallwood Investors, advised the Council that A&W Root Beer and KFC are two separate entities, and there is a trend afoot for companies to join in a project. This Gladstone location will be one of the first in the United States and they feel proud to have Mr. Phil Jackson who is the owner with us this evening. This trend has come about mainly because of the cost of property and equipment.

Mr. Phil Jackson was present in the audience and told the Council this proposed facility will be one of the first in the KC area as a ground up building and he apologized that all the renderings were not available.


The vote on approval of the building permit: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

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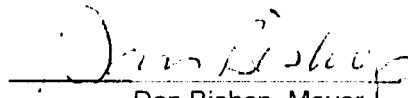
There were no communications from the News Media or further business to come before the December 11, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Councilman Anita Newsom moved to adjourn to closed Executive Session as previously posted to the Missouri Open Meeting Act Exemption 610.021 (3) for Personnel Discussion; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended:


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 22, 2001**

6:30 PM, Board & Commission Interviews, City Manager's Office

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 Exemptions
610.021(1) for Privileged Communications & Litigation,
610.021(2) for Real Estate, and 610.021(3) for Personnel Discussion**

**Following Closed Executive Session: Council discussion
of Board & Commission appointments will be held in the City Manager's Office**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular December 11, 2000 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATIONS**

Proclamation: recognizing former 33rd District State Representative Scott Lakin.

Presentation of 2000 Mayor's Holiday Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors, Mr. Art Hammen, Executive Director; Northland Christmas Store, Mrs. Ikey Harris, Chair.

Presentation of the Gladstone Department of Public Safety's Award of Accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. Accepting for the Department, Public Safety Director William P. Adamo.

5. **CONSENT AGENDA**
RESOLUTION NO. R-01-1, authorizing execution of an Agreement with Missouri Gas Energy to provide access to and use of the City of Gladstone's Data Base and Information Systems by MGE; and authorizing the City's access and use of MGE's Utility Mapping Data.

RESOLUTION NO. R-01-2, accepting work under contract with Superior Bowen Asphalt Co., LLC for the 2000 Street Overlay Program and authorizing final payment in the amount of \$8,296.53. (Project #0101)

RESOLUTION NO. R-01-3, accepting work under contract with Metro Asphalt, Inc. for the 2000 Full Depth Asphalt Replacement Program and authorizing final payment in the amount of \$6,083.29. (Project # 0002)

RESOLUTION NO. R-01-4, authorizing a Bill of Sale from Oakhill Day School and Powers Trenching & Excavating, Inc. conveying water lines to the City built in conjunction with the construction of a gymnasium and modular building at 7019 N Cherry Street.

RESOLUTION NO. R-01-5, authorizing issuance of a Massage Therapist Permit to Laura Risker, for a one year period pursuant to Chapter 17.1 of the City Code regulating massage. Business location: Ultra Shears, 6045 N Antioch Road.

RESOLUTION NO. R-01-6, authorizing execution of a contract with Jeffrey Bruce & Company for the design of Happy Rock West for a total amount not to exceed \$92,500.00 from the Capital Improvements Sales Tax Fund. (Project #9925)

APPROVAL OF FINANCIAL REPORT for the month of December, 2000.

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 existing 2,083 sq. ft. building at 7507 N Oak for Enterprise Rent -A-Car. Applicant: McHenry Architecture. Owner: Tom Sims/David & Joyce Ryan. (BP#00-943)
10. **APPROVAL OF BUILDING PERMIT** for construction of a 192 sq. ft. decorative tower in Prospect Plaza Shopping Center, 6469 N Prospect. Applicant: Feingold Associates Architecture and Design. Owner: Heritage Realty. (BP#00-0946)
11. **RESOLUTION NO. R-01-7**, authorizing the City Manager to implement a plan to provide Economic Development Services within the City of Gladstone.
12. **FIRST READING BILL 01-1**, amending Schedule VIII of the Model Traffic Ordinance (Code Section 18-12) to designate additional STOP sign locations at the Southwest and Northeast Corners of 60th & North Mersington.
13. **FIRST READING BILL 01-2**, authorizing the City Manager to execute a Cooperative Agreement with Claymont Pointe Homes Association, Inc. relating to the conversion of private streets and storm sewer facilities within Claymont Pointe Subdivision to public facilities.
14. **FIRST READING BILL 01-3**, authorizing the City Manager to execute an Intergovernmental Agreement with the Mid-America Regional Council Solid Waste Management District to provide opportunity for Gladstone residents to safely dispose of household hazardous waste. Contract amount: Not to exceed \$17,667.09 from the General Fund.
15. Other Business 16. Questions from the News Media. 17. Adjournment

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JANUARY 22, 2001

Mayor Dan Bishop called the **Regular January 22, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
Interim City Counselor Chris Williams
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular Monday, December 11, 2000 City Council Meeting Minutes**; Councilman Cross seconded. The vote: All "Aye": Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. SPECIAL PRESENTATIONS

Mayor Dan Bishop read a **PROCLAMATION recognizing former 33rd District Missouri State Representative Scott Lakin for his eight years of service.**

The Mayor said this Proclamation is read with a certain amount of sadness because it is to a good friend of his who has served this community and the State of Missouri admirably and well the last eight years. As he did not seek reelection, he is no longer serving in the legislature this year and it is for that reason that he has been asked to come at this time to received this proclamation acknowledging his contributions and dedicated public service during his four terms from 1992-2000 as 33rd District State Representative.

Mr. Lakin accepted the Proclamation and told the Mayor and Council he appreciated it very much. He said he ran in 1992 for his seat because he did not want his kids to have to share text books any longer and because he wanted to give something back to

the community which gave so much to him. He grew up about four blocks from city hall and played little league ball on the diamond in the park across the street. He said there is a well guarded newspaper picture of him when he was 12 years old dressed in a Northland Suburban Little League Football uniform picketing in front of city hall because they wanted more ball diamonds and play fields. He also recalls in 1993 getting a call from then City Manager Jim Norris asking him to call the Missouri Department of Transportation to keep the road to Happy Rock Park open, and he thought it was ironic at the time that he had gone from picketing out front of city hall to stopping construction with the Department of Transportation so that the access road would not be cut off.

Scott Lakin said he has enjoyed every minute of his service in the state legislature and does miss it because it is the first time in eight years that he has not been preparing a budget or preparing legislation. He has always tried to keep in mind the reason he ran in the first place is to serve those people that have such an impact on his life and he knows the Council feels the same way. He said he intends to still be around and thanked the Mayor and Council again for their tribute. He introduced his wife Cindy Lakin and stressed that you make sacrifices when you run for public office but it is nothing compared to the sacrifices of the spouses of elected officials.

* * *

PRESENTATION of 2000 Mayor's Holiday Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors Executive Chair, Art Hammen; and Northland Christmas Store Chair, Mrs. Ikey Harris.

The Mayor explained that every year by tradition, the Council member who is acting as Mayor has the opportunity to coordinate and organize the Mayor's Holiday Lighting Ceremony in conjunction with the Mayor's Holiday Lighting Fund Drive. It is a lot of work and is made easier by the great support of staff. He thanked Steve Buschor, Sheila Lillis, City Manager Kirk Davis and other staff members who worked on their own time along with volunteer Bud Ahnefeld and others for their efforts in coordinating this activity and erecting the great looking tree at Bank Midwest on N Oak. That's the kind of staff and community we have. When you tell them what the need is, they pull together to meet it. This year for the first time, we had fifteen former Gladstone Mayors acting as honorary co-chairs of this event. It was a great location hosted by Jason Faust of Bank Midwest and over \$9,000 was raised this year which will be split between two exceptionally worthwhile organizations.

The first large check facsimile in the amount of \$2,648 was presented to Gladstone Neighbors Helping Neighbors and accepted by Mr. Art Hammen, Executive Director who thanked the Mayor, Council, business community and residents for making this possible. Mr. Hammen said these funds will be used to help deserving residents in Gladstone maintain their property in the coming year.

The next check presented by Mayor Bishop was to Mrs. Ikey Harris, Chair of Northland Christmas Store in the amount of \$5,948.00 which included \$3,300 from the annual Scarecrow 5-K Run sponsored by Gladstone Rotary and Gladstone Parks &

Recreation.. Mrs. Harris advised that this year the Northland Christmas Store served 1,110 families and lots and lots of little children were made happy by all of the money donated. She thanked the Mayor and Council and all who made this possible. She said she also appreciated those who come and work at the store because that is no easy job.

* * *

PRESENTATION of the Gladstone Department of Public Safety Award of Accreditation from the Commission on Accreditation for Law Enforcement Agencies.

Mayor Bishop said this presentation is especially timely when we are asking the voters of Gladstone to approve a quarter cent sales tax for fire protection on the February ballot. When you go to someone and ask them to give money whether in the form of taxation or whatever, you want to be sure that the organization is worthwhile and is being run on a sound basis with good policies and procedures and they are doing the job they have to do to the very best of their ability at this time. When you can assure them of that, they often will feel much better about digging a little deeper in their pockets and helping out more and that is exactly the situation we have right now in Public Safety.

We have a tremendous Public Safety Department that has served this community very well for many, many years and they need some help right now in terms of the space they have available to them. They need some help at Station #1, a new fire station at 62nd & N Oak, they need to get a CAD (Computer Aided Dispatch System), and they need to replace a very old and antiquated fire truck. So that is why we are asking the citizens to approve a quarter cent sales tax in February. The Mayor assured that this Public Safety department deserves it and it is a worthwhile organization. Tonight he has the privilege of making a presentation that affirms everything we know about our Public Safety Department.

The Mayor explained that four years ago the department began the process of seeking accreditation and there are very few law enforcement departments percentage wise that have achieved this accreditation. Policies were drafted, reviewed, revised and modified and in the end a team of accreditors came to Gladstone to look at Public Safety.

Mayor Bishop recalled that the team of accreditors happened to be here at the same time as the hostage situation on N Broadway and that particular night one of the members of the accreditation team went on a ride-a-long with one of the officers. It started out as a quiet summer night when all of a sudden he found himself in the situation where shots were fired at the very public safety car he was in and the Mayor said at that point he is sure the accreditation team member wished he was back in his room.

The Mayor said the accreditation team was very impressed with what they saw during their visit and it is with great pride that he announces that we have received the award

of Accreditation from the Commission on Accreditation for Law Enforcement Agencies. He then read the award dated December 2, 2000 and presented it to Public Safety Director William P. Adamo on behalf of the Department.

Director Bill Adamo thanked the present City Council as well as former City Council members for their support of the Gladstone Public Safety Department during this four year process. He said the department received the support of so many individuals including City Manager Kirk Davis who was on board with this from the beginning and everyone on the staff and department directors who provided assistance on financial issues, demographics, ADA requirements, personnel and legal issues and the men and women in public safety who did such an outstanding job. He stressed it took not just one person, but rather a lot of people to accomplish this. He particularly thanked and introduced Sgt. Richard King who was our Accreditation Manager and accepted the major responsibility for the process. Director Adamo said he is confident that we will be awarded a re-certification in three years and thanked everyone again for all the support given the department.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Anita Newsom moved to approve the Consent Agenda as listed. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-1**, authorizing execution of an Agreement with Missouri Gas Energy to provide access to and use of the City of Gladstone's Data Base and Information Systems by MGE, and authorizing the City's access and use of MGE's Utility Mapping Data. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-01-2**, accepting work under contract with Superior Bowen Asphalt Co., LLC for the 2000 Street Overlay Program and authorizing final payment in the amount of \$8,296.53. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-01-3**, accepting work under contract with Metro Asphalt, Inc. for the 2000 full Depth Asphalt Replacement Program and authorizing final payment in the amount of \$6,083.29. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-01-4**, authorizing a Bill of Sale from Okahill Day School and Powers Trenching & Excavating, Inc. conveying water lines to the city built in conjunction with the construction of a gymnasium and modular building at 7019 N Cherry Street. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-01-5**, authorizing issuance of a Massage Therapist Permit to Laura Risker for a one year period pursuant to Chapter 17.1 of the City Code regulating massage for business location of Ultra Shears, 6045 N Antioch Road. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION R-01-6**, authorizing execution of a contract with Jeffrey Bruce & Company for the design of Happy Rock West for a total amount not to exceed \$92,500.00 from the Capital Improvements Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS** for the month of December, 2000. Councilman Bill Cross seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Pete Hall, 5621 Clinton Place, Gladstone, Missouri, said he is here on several matters this evening.

As a Co-Chair of the **Citizens Committee for Fire Protection** he advises that he has yard signs available to anyone who needs them and he can report that the campaign is going very well. There has been a lot of support and good comments from groups they have spoken with and they are excited about the upcoming election on Tuesday, February 6th.

As the Chairman of the **Gladstone Economic Betterment Council (GEBC)** he commends the Council for its comments and direction in taking GEBC to a different staffing level and feel that is an excellent move on the part of the Council, and GEBC's Board is enthusiastic about that as well.

Mr. Hall said he also commends the Council for its consideration and good stewardship of the taxpayers money and he thinks that is a sincere effort. In funding a portion of the Chamber of Commerce, there were some comments made by the Council that maybe that was not necessary at all. He would state that the members of the business community are also taxpayers and very substantially so and that should be considered. As a matter of fact, the business community in one way or another generates close to 70% of the income for this city, so please keep that in mind in considering support for this business community.

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

Councilman Shirley Smith commended the staff on the excellent special edition of the Gladstone Reporter which very well described the fire service needs for our city to be voted on at the February 6th election.

Councilman George Nodler said he would echo Councilman Smith's comments and also encourage all Gladstone residents to be sure and vote in the Tuesday, February 6th election.

Councilman Anita Newsom noted that we have not met for a while and she hopes everyone is having a good start into the new year. She also publicly commends former City Counselor Nancy Thompson on her selection to the Clay County Charter Committee. Ms. Newsom said she believes Nancy Thompson will represent the Gladstone area and our citizens very well in this task.

Ms. Newsom commented on the impressive **Certificate of Accreditation** Gladstone Public Safety has earned which represents the fruits of their long and hard labors. She is hopeful that the award could be replicated in some manner so that citizens who visit City Hall can see it. She is so proud of the department and the City for attaining the accreditation and would hope some facsimile of the award could be obtained so that our citizens can see and remember what a great group of people and department we have.

Councilman Bill Cross said he would also express his appreciation and pride to Director Adamo and Sgt. King for all the efforts of the department to earn this accreditation.

With the Public Safety re-accreditation coming up in three years we definitely cannot sit on the laurels of the department but have to look to the future and get the quarter-cent sales tax for fire services approved at the Tuesday, February 6, 2001 election.

Councilman Cross also commented on the pleasant experience he had attending the Inauguration festivities in Jefferson City despite the cold. He thanks Mr. Lakin and Representatives Skaggs, Willoughby and Senator Quick for their hospitality and making them feel so welcome as citizens of this state.

Mayor Dan Bishop had no further communications at this time.

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

City Manager Kirk Davis introduced **Mr. Chris Williams** with the Stinson, Mag and Fizzell law firm who is serving as **Interim City Counselor** while we go through the recruitment process for this vacant position.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for remodeling of existing 2,083 sq. ft. building at 7507 N Oak for Enterprise Rent-a-Car. Applicant McHenry Architecture. Owner: Tom Sims/David & Joyce Ryan. (BP#00-943)

Councilman Cross moved to approve the Building Permit as presented; Councilman Newsom seconded.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Councilman Bill Cross, Mayor Dan Bishop. (5-0)

Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for construction of 192 sq. ft. decorative tower in Prospect Plaza Shopping Center, 6469 N Prospect. Applicant: Feingold Associates Architecture and Design. Owner: Heritage Realty BP#00-0946)

Councilman Bill Cross moved to approve Building Permit as presented; Councilman Anita Newsom seconded.

Discussion.

Councilman Newsom asked if the future signage blank that is shown on the plans was figured in the overall signage originally approved. Assistant City Manager for Development Scott Wingerson noted that Mr. Arnie Wolker from Feingold Associates is present and can address that, but his interpretation is that Council granted a center wide variance and it will be in compliance with that.

Councilman Cross asked if there is artist rendering that can better depict what is being constructed. Mr. Wolker displayed a rendering that was done last year for this center which does show the tower we are discussing.

Mr. Arnie Wolker, 6526 Charlotte, Kansas City, Missouri, representing Feingold & Associates said as far as signage, we will be well under the square footage.

The vote on approval of the building permit: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 11. on the Agenda. RESOLUTION NO. R-01-7, authorizing the City Manager to implement a plan to provide Economic Development Services within the City of Gladstone.

Councilman Newsom moved to adopt Resolution R-01-7; Councilman Nodler seconded.

Discussion.

Councilman Newsom said this item was well discussed at a previous study session. Mayor Bishop said the attachment to the resolution incorporates the amendments to the proposal that was suggested at the last study session meeting.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 12. On the Agenda. **FIRST READING BILL 01-1**, amending Schedule VIII of the Model Traffic Ordinance (Code Section 18-12) to designate additional STOP Sign Locations at the Southwest and Northeast Corners of 60th & North Mersington.

Councilman Cross moved to place Bill 01-1 on First Reading; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 01-1, Waive the Rule and place Bill 01-1 on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 01-1 and enact the Bill as **Ordinance No. 3.779**; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0)

Item 13. on the Agenda. **FIRST READING BILL 01-2**, authorizing the City Manager to execute a Cooperative Agreement with Claymont Pointe Homes Association, Inc. relating to the conversion of private streets and storm sewer facilities within Claymont Pointe Subdivision to public facilities. Councilman Newsom moved to place Bill 01-2 on First Reading; Councilman Nodler seconded.

Discussion.

Councilman Newsom said she understands this is similar to the Woodlands Subdivision as far as conversion of private facilities to public facilities. City Manager Davis confirmed that was correct.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 01-2, Waive the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-2 and enact the Bill as **Ordinance No. 3.780**; Councilman Nodler seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0)

Item 14 on the Agenda. FIRST READING BILL 01-3, authorizing the City Manager to execute an Intergovernmental Agreement with Mid-America Regional Council Solid Waste Management District to provide opportunity for Gladstone residents to safely dispose of household hazardous waste for an annual contract amount not to exceed \$17,667.09 from the General Fund.

Councilman Newsom moved to place Bill 01-3 on First Reading; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 01-3, Waive the Rule and place Bill 01-3 on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-3 and enact the Bill as **Ordinance No. 3.781**; Councilman Cross seconded.

Discussion.

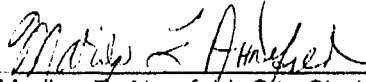
Mayor Pro Tem Cross asked how MARC arrived at Gladstone's contract amount of \$17,667.09; Assistant City Manager Laura Gay advised that the calculation is based on the census figures at .63 cents per capita.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0)

There were no communications from the News Media or further business to come before the December 11, 2000 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Councilman Anita Newsom moved to adjourn to closed Executive Session as previously posted pursuant to the Missouri Open Meeting Act Exemption 610.021 (1) for Privileged Communications & Litigation; 610.021(2) for Real Estate Discussion; and 610.021(3) for Personnel Discussion; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
THURSDAY, FEBRUARY 1, 2001

SPECIAL CITY COUNCIL MEETING

6:00 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

4. **RESOLUTION 01-8**, authorizing the City Manager to allocate funds in the amount of **\$10,000 for a Gas Utility Assistance Program** for qualified Gladstone residents to be administered by Northland Neighborhoods, Inc.; and funds in the amount of **\$5,000 for a Weatherization Program** through Gladstone Neighbors Helping Neighbors; and authorizing execution of Agreements with the respective agencies for such purposes.

5. Other Business.
6. Questions from the News Media.
7. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI SPECIAL MEETING

THURSDAY, FEBRUARY 1, 2001

Mayor Dan Bishop called the **Special February 1, 2001** City Council Meeting to order in the City Council Chambers at 6:00 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Interim City Counselor Chris Williams
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda **RESOLUTION 01-8,** authorizing the City Manager to allocate funds in the amount of \$10,000 for a Gas Utility Assistance Program for qualified Gladstone residents to be administered by Northland Neighborhoods, Inc.; and funds in the amount of \$5,000 for a Weatherization Program through Gladstone Neighbors Helping Neighbors; and authorizing execution of Agreements with the respective agencies for such purposes.

Mayor Dan Bishop asked City Manager Kirk Davis to introduce the resolution and present background information.

City Manager Kirk Davis stated that this resolution is the only agenda item before the City Council this evening and, if passed, would appropriate \$10,000 to assist needy Gladstone families with their gas heating bills, and appropriate \$5,000 to assist families with weatherization improvements to their homes. This is a new program for us and the utility assistance appropriation (\$10,000) would be distributed through Northland Neighborhoods, Inc., and the weatherization appropriation (\$5,000) would be utilized by Neighbors Helping Neighbors to benefit qualified Gladstone families. The resolution before the Council would authorize the city manager to enter into an agreement with these agencies to distribute monies for those purposes.

It is also recommended that a five-member citizen panel be appointed to oversee the appropriation to Northland Neighborhoods, including development of distribution and

benefit guidelines. Northland Neighborhoods currently assists the public with several other grants for neighborhood improvements and utilizes distribution standards and guidelines to administer those grants. They would use consistent and similar guidelines for the administration of this particular grant. Carolyn Vellar, Director for Northland Neighborhoods is in the audience and may be able to answer questions relative to the guidelines. The five member panel would help Northland Neighborhoods by answering questions, providing guidance to help review the applications and disbursement of monies and certainly to review reports once the funds have been expended to ensure they are expended the way Council deems necessary. This is intended to be a one-time only grant due to the large and unexpected natural gas price increases that have occurred this winter.

The second part is the weatherization program which the City would enter into an agreement with Neighbors Helping Neighbors to assist in funding a program to augment their existing home improvement program. It only makes sense that if we are going to assist with high gas bills for needy families at this time, then providing funding to assist in reducing future energy usage by making weatherization improvements to Gladstone homes is also appropriate. Neighbors Helping Neighbors also has guidelines for the work that they do and we should use consistent guidelines for the disbursement of this money.

Guideline details have not been worked out to date, but would be included as a reference or exhibit to the agreement that he is suggesting that the Council authorize the city manager to enter into tonight.

Application flyers are being put together at this point in time and subject to Council approval of the appropriations, can be made available at several locations such as City Hall, Chamber of Commerce, library, Northland Neighborhoods and other places where folks can pick up the applications and submit to Northland Neighborhoods or to Neighbors Helping Neighbors.

City Manager Davis commented that it is a pretty straight-forward proposal and he would be open for any comments from Council.

Councilman Anita Newsom asked what kind of time frame we are talking about. Due to standard policies, gas service will not be shut off while the temperatures are below 32 degrees or whatever the criteria is, but bills are going to continue to pile up for people that do have needs.

Mr. Davis stated that they had discussed an April 15th deadline, figuring that February bills get to people in March.

Councilman Newsom asked about the implementation of the program and getting it off the ground and running. City Manager Davis confirmed with Northland Neighborhoods representative Carolyn Vellar that on February 7th they would begin taking applications.

Mayor Bishop then asked if taking applications could be done prior to that date.

fund for 50% of the total amount due up to \$300 on gas bills dated December 2000, January and February 2001. He asked where it says "and", maybe this should be "or".

Ms. Vellar stated that if the bill is not paid in December, it is added in January and becomes an accumulated bill. They only do it once, and if they are smart they will bring in their largest bill.

Councilman Newsom reiterated that it was a maximum \$300 benefit to anyone who qualifies.

Councilman Cross asked if it has been determined where the forms can be picked up so that the press or TV could give this information. The City Manager mentioned four possibilities, but others could be considered. Carolyn Vellar suggested that maybe Public Safety could have applications on hand.

Mayor Bishop stated that it is impossible to know how many could ask for assistance for both gas bills and weatherization. He then asked if some of the \$10,000 allocated is not used, what is the plan for that money.

Mr. Davis stated that if funds were not appropriated by May 1st, they would be returned to the City for other municipal purposes and this would be specified in the contract.

Ms. Newsom asked Mr. Art Hammen about the minor home grant repair. How will we find out about the people who need just minor weatherization.

Mr. Art Hammen, Director of Neighbors Helping Neighbors, thanked the Council and City Manager for being able to answer questions. He stated that it was brought to his attention a week ago that weatherization might be beneficial to the citizens of Gladstone who are struggling with gas bills. Neighbors Helping Neighbors has been working on that and trying to refine that idea. The grant this evening becomes the catalyst for that program. They have in place a basic review form that is used with folks who contact them in need of help. This non-profit organization is in existence to help Gladstone homeowners who are physically or financially unable to maintain their properties. The weatherization idea to assist them with the gas bill goes along with the saying, "give a man a fish and you feed him for a day, teach a man to fish and you feed him for a life-time."

The hope is that working with the City and Northland Neighborhoods, we can help people reduce their gas bills in the future. There are volunteers in the wings who are ready to help when the materials are available through the grant, to help weatherize these homes.

Neighbors Helping Neighbors has taken it one step further, in that they have been in touch with Gladstone Public Safety and with their cooperation, in addition to weatherization, we are going to be looking at the need for smoke detectors. Public Safety Department has agreed to work with Neighbors Helping Neighbors to provide smoke detectors, which are donated to them. Public Safety has even offered the

manpower to install them when the volunteers cannot. The combination of this would be very beneficial to Gladstone residents.

Neighbors Helping Neighbors should be ready in about one week to begin accepting applications, reviewing them, lining up volunteers and going out to do the weatherization.

Mayor Bishop asked Mr. Davis if there was anything else to discuss. Mr. Davis stated that the five-member oversight panel members needs to be recommended by the Council.

Councilman Newsom commented that they should each put a name to the list and move on. Mayor Bishop agreed, stating that then the committee could meet before Saturday and have information ready for Representative Willoughby's forum.

Mayor Bishop suggested making the motion, before proceeding any further with name suggestions.

Councilman Shirley Smith moved to adopt Resolution R-01-8; Councilman Anita Newsom seconded.

Discussion.

Councilman Newsom stated that they had discussed this quite a bit. It is a good program, and as challenge, she and Mr. Hammen had discussed last week the weatherization plan and he twisted her arm for getting volunteers. The gentleman to her right has volunteered and she sees several here who will probably help at some time too.

Mayor Bishop stated that the cost of gas is not usually an issue that comes before the Council, but this winter has brought together an extraordinary set of circumstances that has caused hardship to some Gladstone families. We have had a bitterly cold winter, combined with significant increase in the cost of natural gas. Together, these factors have made for extremely high gas bills. It came to his attention last week that other communities in the metro area are taking measures to help their citizens pay the high cost of heating in their homes. In talking with the City Manager about this issue, he stated that from a budgetary standpoint, the City could afford to provide a grant to help people.

The challenge was who would administer the appropriations of this money to Gladstone citizens who need it. We are so grateful to have two organizations like Northland Neighborhoods and Neighbors Helping neighbors who are willing to step up and say they will do it. This has all happened since Monday, four days ago. We can see a great deal of thought, hard work, and effort has gone into this for tonight. We knew the importance of working quickly, because the January gas bills are arriving in mailboxes now.

We have the opportunity to provide assistance to Gladstone residents in paying their gas bills and winterizing their homes. This is a unique and innovative arrangement with Neighbors Helping Neighbors and Northland Neighborhoods and he will be pleased to vote in favor of it.

The vote: All "aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0).

Item 5. on the Agenda. Other Business.

Councilman Newsom wanted to remind everyone to go vote.


Mayor Bishop also encouraged everyone to go vote for the fire protection sales tax.

Mr. Bishop also mentioned that if residents have come here tonight to receive assistance, there are sign-up sheets in the lobby for gas bill assistance or for help in weatherizing your home. This is the first step in getting help on these issues.

* * *

There were no communications from the News Media or further business to come before the Special February 1, 2001 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, February 12, 2001**

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 January 22, 2001 and Special February 1, 2001 City Council Meeting Minutes**

4a. **PRESENTATIONS**

MISSOURI MUNICIPAL LEAGUE PUBLIC SERVICE AWARDS to City of Gladstone Employees.

20 Years Service

Sgt. Tony Marrali, Public Safety
Sgt. Steve Jackson, Public Safety

10 Years Service

Bryan Maddux, Community Services
PSO Brad Myers, Public Safety
Duane Sederburg, Parks & Recreation
Mary Shineman, Finance

5. **CONSENT AGENDA**

RESOLUTION NO. R-01-9, accepting Temporary Easements from property owners in conjunction with the 58th & N Broadway Drainage Improvement Project. (#9809)

RESOLUTION NO. R-01-10, accepting work under contract with Fleshman Excavating for the 2000 Arterial Sidewalk Program and authorizing final payment in the amount of \$10,317.84 from the Transportation Sales Tax Fund. (Project #0011)

RESOLUTION NO. R-01-11, authorizing the City Manager to execute a contract with Utility Service Co., Inc. in the amount of \$88,432.00 from the Combined Water & Sewerage Services 2000 Revenue Bond Fund for Cleaning and Painting of the Linden Elevated Water Tank at 71st & N Locust.

RESOLUTION NO. R-10-12, authorizing the City Manager of the City of Gladstone, Missouri to execute an Agreement with Smart Solutions & Services for Water Meter Reading Services.

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. **APPROVAL OF BUILDING PERMIT** for 11,780 sq. ft. tenant finish at 6469 N Prospect for Big Bob's Carpet. Owner: Feingold Associates. (BP#01-0016)
- 10. **RESOLUTION NO, R-01-13**, amending the 2001 Annual Budgets for the General Fund, Combined Water & Sewerage System Fund, and Municipal Pool Fund; and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$12,329,626; Expenditures \$12,240,668); **Revised CWSS Fund Budget** (Revenue \$5,432,483; Expenses \$5,429,269); **Revised Municipal Pool Fund Budget** (Revenue \$208,491; Expenses \$207,310).
- 11. **FIRST READING BILL 01-4**, declaring the results of the **Tuesday, February 6, 2001, Gladstone Special Election on Ballot Proposition A** imposing a sales tax of one-fourth of one percent for the purpose of providing revenue for the operation of the municipal fire department, provided that said tax shall terminate five years after the first date on which said tax is first imposed; 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 2083; No 421)**
- 12. **FIRST READING BILL 01-5**, declaring the results of the Tuesday, February 6, 2001 **Gladstone Primary Election**, and that the names of Les Smith and Ken Winkler shall appear on the Tuesday, April 3, 2001 General Election Ballot as candidates for one three year position on the Gladstone City Council. **Certified Results: Larry Whitton, 493; Ken Winkler, 543, Les Smith, 1087, James Bone, 329).**
- 13. Other Business.
- 14. Questions from the News Media.
- 15. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 12, 2001

Mayor Dan Bishop called the **Regular February 12, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
Interim City Counselor Chris Williams
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular January 22, 2001 and Special February 1, 2001 City Council Meeting Minutes** as presented; Councilman Cross seconded. The vote: All "Aye": Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. PRESENTATIONS

Mayor Bishop explained that the City of Gladstone is a member of the Missouri Municipal League and annually the League recognizes municipal employees with ten or more years of service throughout the state with a Municipal Service Award in respect for their work for the betterment of municipal government and their communities.

The Mayor presented **Missouri Municipal League Service Awards** to the following City of Gladstone Employees:.

10 Years Service: Mary Shineman, Finance Department; Duane Sederburg, Parks & Recreation; PSO Brad Myers, Public Safety; Bryan Maddux Community Services Department.

20 Years of Service: Battalion Chief Tony Marrali, and Sgt. Steve Jackson.

Employees Duane Sederburg, Brad Myers, Bryan Maddux and Steve Jackson were unable to attend the meeting and their awards were accepted in their behalf by their respective department Directors.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "Aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-01-9**, accepting Temporary Easements from property owners in conjunction with the 58th & N. Broadway Drainage Improvement Project. Councilman Anita Newsom seconded. The vote: All "Aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION NO. R-01-10**, accepting work under contract with Fleshman Excavating for the 2000 Arterial Sidewalk Program and authorizing final payment in the amount of \$10,317.84 from the Transportation Sales Tax Fund. Councilman Anita Newsom seconded. The vote: All "Aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION NO. R-01-11**, authorizing the City Manager to execute a contract with Utility Service Co., Inc. in the amount of \$88,432.00 from the Combined Water & Sewerage Services 2000 Revenue Bond Fund for Cleaning and Painting of the Linden Elevated Water Tank at 71st & N Locust. Councilman Anita Newsom seconded. The vote: All "Aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION NO. R-10-12**, authorizing the City Manager of the City of Gladstone, Missouri to execute an Agreement with Smart Solutions & Services for Water Meter Reading Services. Councilman Anita Newsom seconded. The vote: All "Aye" -- Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

None.

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

Councilman Shirley Smith commented on the good attendance at the Boards & Commission Recognition Dinner held last Friday which gave us the opportunity to express our appreciation to the great number of citizens who step forward and volunteer their time and energy to be members of the various boards. We do appreciate them.

Councilman George Nodler commended Gladstone voters for their overwhelming support last Tuesday of the ¼ cent sales tax for a new public safety facility on the west side of the city. He also appreciates the efforts of all those people involved in the successful campaign.

Councilman Anita Newsom said she certainly concurs with the comments made about our dedicated board and commission members and she also thanks the volunteers who worked for the fire protection sales tax because their efforts were outstanding. Our voters again used their good judgment. This has been a real positive way of dealing with things in our city, we inform the voters and produce the product as promised. We have high integrity with our citizens and she hopes it can always be kept, and she again thanks our voters.

Councilman Bill Cross said he too was pleased at the 83% voter approval of the fire protection sales tax and the attendance at the board and commission banquet. He thanks all who assist the City Council as members of boards and commissions.

Mayor Dan Bishop expressed his great joy on the passage of the sales tax issue last week. We knew when it was placed on the February ballot last November that we had a challenge before us because you remove two weeks over the holidays and that left a very short period of time to get the word out on the package of improvements and information on the ¼ cent sales tax which would end in five years. With the backing and support of the numerous boards and commissions who endorsed the package, the City Council felt comfortable proceeding.

He said the Committee was organized in December and it was rewarding to see so many people who came to a meeting so close to the holidays in support of this worthy project. Under the able leadership of Chairman Pete Hall and Vice Chairs, Mike Steffens and Lee Laramore we got the word out and it was great to see the number of yard signs that were popping up all over the city supporting the sales tax election.

The Mayor said there was some fear the gas utility increases would have an impact on voter approval but Gladstone citizens showed again overwhelmingly that when they understand the need and you put together a reasonable well-balanced package they are going to support it. It was disappointing that we only had 2,500 people come out to vote last Tuesday on a day when there was good weather. That is a sense of apathy in our society that you hate to see, and he hopes there will be a higher turn out in the April election.

Mayor Bishop announced that Councilman Anita Newsom will be receiving an extremely prestigious and well deserved award from the Missouri State Association of Parks and Recreation at their annual conference in St. Louis later this month. She has been selected the **Elected Official of the Year**. He said this award is such a feather in the cap not only for Anita Newsom personally but for the City of Gladstone. It recognizes the hard work and dedication that she has shown to the Parks and Recreation Committee and he congratulates her.

Councilman Newsom responded that it truly is a pleasure to work with the Parks and Recreation Board as she has done for the past eleven years. Everyone brings their own set of skills and our Parks and Recreation employees are an outstanding group to work with. She said it is not the work she did but rather the recommendations that were written for the award, so it was a lot of staff and Parks and Recreation people who are responsible.

Ms. Newsom said she volunteered at the National Parks and Recreation Conference held here in Kansas City and she does not know of a more enthusiastic group of people who come together. When parks and recreation people gather there is a lot of excitement in the room, it's like every day is the "big game". They are a great group to work with and she looks forward to attending their meeting and is truly honored to receive this award.

Item 7(a) on the Agenda. Board and Commission Appointment/Reappointments

Mayor Dan Bishop said, as alluded to several times this evening, the City benefits greatly from the dedicated efforts and work of many citizens who serve on our nine volunteer boards and commissions. He announced that appointments/reappointments are being made to eight boards this evening and read the appointments and introduced some appointees who were present in the audience. (See attached listing made a part of these minutes).

Councilman Shirley Smith moved to approve the appointments as listed; Councilman Cross seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

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

City Manager Kirk Davis announced that City Hall will be closed on Monday, February 19th in observance of President's Day.

Item 9. On the Agenda. APPROVAL OF BUILDING PERMIT for 11,780 sq. ft. tenant finish at 6469 North Prospect for Big Bob's Carpet. Owner: Feingold Associates. (BP#01-0016)

Councilman Newsom moved to approve the building permit at 6469 N Prospect as presented; Councilman Cross seconded.

Discussion.

Councilman Newsom asked if the outside storage will be monitored because she has observed a problem at their present location on Barry Road. Assistant City Manager for Development Scott Wingerson said there have been discussions with owners of Prospect Plaza regarding outside storage so he does not foresee a problem. A representative of the Prospect Plaza Shopping Center who was in the audience said that is something she will monitor and keep a very close eye on.

The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 10. On the Agenda. RESOLUTION NO, R-01-13, amending the 2001 Annual Budgets for the General Fund, Combined Water & Sewerage System Fund, and Municipal Pool Fund; and authorizing expenditure of funds. **Revised General Fund Budget** (Revenue \$12,329,626; Expenditures \$12,240,668); **Revised CWSS Fund Budget** (Revenue \$5,432,483; Expenses \$5,429,269); **Revised Municipal Pool Fund Budget** (Revenue \$208,491; Expenses \$207,310).

Mayor Pro Tem Cross moved to adopt Resolution R-01-13; Councilman Newsom seconded.

Item 11. On the Agenda. FIRST READING BILL 01-4, declaring the results of the **Tuesday, February 6, 2001, Gladstone Special Election on Ballot Proposition A** imposing a sales tax of one-fourth of one percent for the purpose of providing revenue for the operation of the municipal fire department, provided that said tax shall terminate five years after the first date on which said tax is first imposed; 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 2083; No 421)**

Councilman Newsom moved to place Bill 01-4 on First Reading; Councilman Cross seconded.

Discussion.

Ms. Newsom noted that residents are already asking "what happens next", so she suggests a press release letting the citizens know. City Manager Davis said he has spoken with members of the press on that very matter. He said the first thing we have to do is close on our property.

Mayor Bishop said once we close on that property he would like to see signage that gives indication that it is the future site of our new fire station. The City Manager assured that is in the works.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 01-4, Waive the Rule and place Bill 01-4 on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-4 and enact the Bill as **Ordinance No. 3.782**; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0)

Item 12. On the Agenda. FIRST READING BILL 01-5, declaring the results of the Tuesday, February 6, 2001 **Gladstone Primary Election**, and that the names of Les Smith and Ken Winkler shall appear on the Tuesday, April 3, 2001 General Election Ballot as candidates for one three year position on the Gladstone City Council. **Certified Results: Larry Whitton, 493; Ken Winkler, 543, Les Smith, 1087, James Bone, 329).**

Councilman Newsom moved to place Bill 01-5 on First Reading; Councilman Cross seconded.

Discussion.

Councilman Nodler congratulated the winners and commented that it was a very active campaign this year. Councilman Cross asked the percent of voters voting in this primary election. Staff confirmed that 12% of the registered voters voted,

The vote: Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 01-5, Waive the Rule and place Bill 01-5 on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-5 and enact the Bill as **Ordinance No. 3.783**; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (5-0)

Item 13. on the Agenda. Other Business.

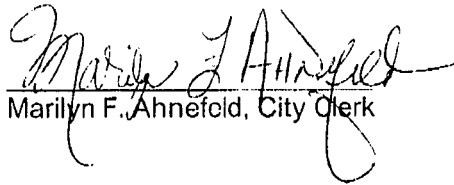
Mayor Bishop asked members of the City Council if there was interest in Gladstone adopting a sister city. He referred to a memorandum sent to the Council recently that included information that sister city relations can be organized in one of two ways, joining and paying dues to a national organization which could provide assistance in pairing municipalities; or, finding your own sister city and entering into an agreement with them. The City of Belton chose to do the latter and they have provided a sample of their resolution which was provided to the Council.

It had been suggested that if there was interest it could be tied into Gladstone's 50th Anniversary in November 2002. Councilman Newsom agreed that was a great idea and could include an official signing between the municipalities at that time. She said her preference would be Gladstone, England. Councilman Cross suggested there are Gladstone cities in other countries also. Council recalled that a visitor to Gladstone, Australia had provided us with Mayoral greetings and information about that city several years ago.

The Mayor suggested a Sister City Committee could be a sub-committee of the 50th Anniversary Committee and it was agreed additional research would be done to look at the pros and cons of participation in the national organization and research on other Gladstone cities. The City Manager agreed to provide this information at a March City Council Study Session.

There was no further business to come before the February 12, 2001 City Council Meeting, and Mayor Bishop adjourned the meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Dan Bishop, Mayor

**BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS
FOR CITY COUNCIL ACTION FEBRUARY 12, 2001**

PLANNING COMMISSION**TERM EXPIRATION**

Reappointment	Brian Hill	December 2004
	Wendell Kiser	December 2004
New Appointment	Joe Evans	December 2002
	Allen Dillingham	December 2004
	Joyce Wild	December 2001
	Anne Alexander	December 2001

PARKS AND RECREATION ADVISORY BOARD

Reappointment	John Houlihan	December 2003
Reappointment	Freddie Nichols	December 2003
New Appointment	Freshman Student Member	October 2003
	Josh Wilkerson	
	Oak Park High School	

BOARD OF ZONING ADJUSTMENT**TERM EXPIRATION**

New Appointment	Jim Groves	June 2001
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UNIFORM CODES BOARD OF APPEALS

Reappointment	Ken Christenson	December 2003
Chair	Charles Logan	

CABLE TV ADVISORY BOARD

Reappointment	Benny Bachand	December 2003
	James P. Collier	December 2003

GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE

Reappointment	Lori LeMunyon	December 2003
Reappointment	Walt Patterson	December 2003
New Appointment	Mary Abbott	December 2001
	John Nord	December 2001
	Dave Wheeler	December 2002
	Karen Waters	December 2003
Chair	Walt Patterson	

TAX INCREMENT FINANCING (TIF)

New Appointment	Dan Davis	January 2005
New Appointment	John Stueve	January 2005

GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY

Gene Williams	December 2006
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UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF CLAY COUNTY

Dr. Steven A. McCray	March 2003
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**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, February 26, 2001**

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions
(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 12, 2001 City Council Meeting Minutes**

4a. **PRESENTATIONS**

Proclamation: Recognizing Gladstone resident **Dave Wheeler**, author of **Had Fun and Didn't Know It.**

Presentation of Statement of Support for The National Guard and Reserve and recognition of **Gladstone Firefighter Paramedic Wayne Hakes** who is scheduled to report to active duty.

Presentation of Board and Commission Appreciation Plaques

Kelli Clayton	TIF Commission	November 1997 - January 2001
Joe Evans	Board of Zoning Adjustment	January 1997 - January 2001
Jim Groves	Recycling & Solid Waste	January 1997 - January 2001
Terry O'Hara	TIF Commission	November 1997 - October 2000
Pete Hall	Industrial Development Authority	December 1994- January 2001

Presentation to Citizens Committee for Fire Protection Chairman Pete Hall, and Vice Chairs, Lee Laramore and Mike Steffens.

5. **CONSENT AGENDA**

RESOLUTION NO. R-01-14, authorizing a Change Order for the 58th & N Broadway Drainage Improvement Project (#9809), and authorizing additional funds in the amount of \$40,421.00 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-01-15, authorizing the City Manager to execute a contract with Layne Western Co. for the Raw Water Supply and Well #6 in an amount not to exceed \$206,434.00 from the Combined Water and Sanitary Sewer Revenue Bonds. (Project #0136)

RESOLUTION NO. R-01-16, authorizing execution of a contract with The Foley Co. in the amount of \$392,100.00 from the Combined Water & Sanitary Sewer Revenue Bonds for the Water Treatment Plant Improvements. (Project #0137)

RESOLUTION NO. R-01-17, authorizing acceptance of a Quit Claim Deed from Commercial Not Lease conveying right of way required for development of property at 7107 N Oak.

RESOLUTION NO. R-01-18, authorizing execution of a contract with A.W. Schultz Co. for installation of the Scada System and Plant Controls at the Gladstone Water Treatment Plant in the amount of \$34,850.00 from the Combined Water and Sanitary Sewer Revenue Bonds.

APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF JANUARY, 2001.

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 RP-3 to RP-4, property north of Englewood Road between N. Broadway and N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (#1143)
Audience Note: This Public Hearing will be opened and immediately continued to the March 12, 2001 City Council Meeting.
10. **RESOLUTION NO. 01-19**, authorizing the Mayor of the City of Gladstone to execute an Employment Agreement on behalf of the City of Gladstone, Missouri with David Ramsay for the position of City Counselor.
11. **APPROVAL OF BUILDING PERMIT** for interior and exterior remodel (installation of movable partitions) at Antioch Bible Baptist Church, 800 NE 72nd Street. Applicant/Owner: Antioch Bible Baptist Church. (BP#01-0039)
12. **APPROVAL OF BUILDING PERMIT** for tenant finish of 9,240 sq. ft. at Prospect Plaza, 6465 N. Prospect. Applicant: Feingold Associates and Design. Owner: Heritage Realty. (BP#01-0041)
13. **APPROVAL OF BUILDING PERMIT** for an addition and remodel of 8,400 sq. ft. at the Oak Plaza Building, 6504 N. Oak Trafficway. Applicant/Owner: John Hagen. (BP#01-0048)
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, FEBRUARY 26, 2001

Mayor Dan Bishop called the **Regular February 26, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
Interim City Counselor Paul Campo
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. Approval of Minutes.

Mayor Pro Tem Bill Cross moved to approve the **Regular February 12, 2001 City Council Meeting Minutes** as written; Councilman Anita Newsom seconded. The vote: All "Aye": Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. PRESENTATIONS

- Mayor Dan Bishop read a **Proclamation** recognizing Gladstone resident **Dave Wheeler**, author of the book ***Had Fun and Didn't Know It***, which vividly recounts the people and experiences impacting his life growing up in Kansas City and for the last twenty years in Gladstone. Mr. Wheeler accepted the Proclamation from the Mayor and expressed his appreciation for the Council's recognition.
- **Presentation of "Statement Of Support For The National Guard And Reserve".**

Mayor Bishop read the framed statement and presented it to **Gladstone Firefighter/Paramedic Wayne Hakes** who is scheduled to report to active duty. Mr. Hakes received a standing ovation from the audience which included a number of his fellow fire bureau officers.

Mr. Hakes thanked the Mayor and Council for the presentation of support and advised that his tour of duty will extend through November 2001 when he will return to his wife and new born child and his position with the City.

Mayor Bishop introduced Major General William True, United States Air Force Retired who was representing Stuart Symington, Jr., Chair of the Missouri Committee for Employer Support of the Guard and Reserve.

Major General True said it is his pleasure to thank the City for making this commitment of support to the members of the National Guard and Reserve who work for the City and particularly Wayne Hakes who will be going off to active duty.

He explained that with the downsizing of the active duty forces at the same time our overseas commitments and deployments have increased, there has been an ever-increasing reliance on the National Guard and Reserves in order to make our system of national defense work. He said without the support of employers like Gladstone to support young men like Mr. Hakes to go off to duty, our system simply would not work as we see it today. Not only does this display of support alleviate many of the concerns the employee has about serving in active duty by assuring him of his job status when he gets back, but it also sends an important message and sets a fine example for other employers throughout the community to follow in their dealings with their employees who belong to the National Guard and the Reserve. Major General True thanked the Mayor and Council for inviting him to be present this evening.

- **Presentation of Board and Commission Appreciation Plaques**

Mayor Dan Bishop advised that at the last City Council Meeting we announced appointments to the Citizen Boards and Commissions who ably and selflessly serve our community. It has been the City's tradition to recognize outgoing Board and Commission members with an appreciation plaque and the Mayor made presentations to the following:

Kelli Clayton	TIF Commission	November 1997 - January 2001
Joe Evans	Board of Zoning Adjustment	January 1997 - January 2001
Jim Groves	Recycling & Solid Waste	January 1997 - January 2001
Terry O'Hara	TIF Commission	November 1997 - October 2000
Pete Hall	Industrial Development Authority	December 1994- January 2001

- **Presentations to Chairman Pete Hall, and Vice Chairs, Lee Laramore and Mike Steffens of the Citizens Committee For Fire Protection.**

Mayor Bishop advised that recently we had a very successful quarter cent sales tax election for fire protection and 83% of the persons voting supported this issue on election day. He said this means we get a new fire station, totally overhauled Fire Station #1 beneath us here in City Hall, new computer aided dispatch system, and a new fire truck which are all very much needed.

The Mayor stressed that the big challenge in November when we decided to put this item on the February ballot was how to get the word out to the people in Gladstone as to the need for these improvements and what it was going to take. The Mayor said we needed someone with boundless energy and superb organizational abilities and someone with credibility in the community, so Mr. Pete Hall was elected as chairman of this campaign committee. The Mayor acknowledged Mr. Hall did a great job which resulted in signage popping up like dandelions in the spring, phenomenal television coverage, great media coverage of the campaign, and he was ably assisted by two vice chairs, Mr. Mike Steffens and Mr. Lee Laramore.

In presenting the plaques to Pete Hall, Mike Steffens and Lee Laramore, the Mayor expressed the City of Gladstone's appreciation for their leadership and commitment to the success of the February 6, 2001 Sales Tax Election.

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

Following the Clerk's reading, Councilman Anita Newsom moved to approve the Consent Agenda as listed. Councilman George Nodler seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-14**, authorizing a Change Order for the 58th & N Broadway Drainage Improvement Project (#9809), and authorizing additional funds in the amount of \$40,421.00 from the Capital Improvements Sales Tax Fund. Councilman George Nodler seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-15**, authorizing the City Manager to execute a contract with Layne Western Co. for the Raw Water Supply and Well #6 in an amount not to exceed \$206,434.00 from the Combined Water and Sanitary Sewer Revenue Bonds. Councilman George Nodler seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-16**, authorizing execution of a contract with The Foley Co. in the amount of \$392,100.00 from the Combined Water & Sanitary Sewer Revenue Bonds for the Water Treatment Plant Improvements. Councilman George Nodler seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-17**, authorizing acceptance of a Quit Claim Deed from Commercial Net Lease conveying right of way required for development of property at 7107 N Oak. Councilman George Nodler seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved to adopt **RESOLUTION NO. R-01-18**, authorizing execution of a contract with A.W. Schultz Co. for installation of the Scada System and Plant Controls at the Gladstone Water Treatment Plant in the amount of \$34,850.00 from the

Combined Water and Sanitary Sewer Revenue Bonds. Councilman George Nodler seconded. The vote: All "Aye" Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Anita Newsom moved for **APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF JANUARY, 2001**. Councilman George Nodler seconded. The vote: All "Aye" – Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

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

Mr. Wayne Beer, 7413 N Wabash, expressed his thanks to the City for its **Statement of Support for the Guard and Reserve** and said he personally has enjoyed good employer support for his service in the guard and reserve although it was not by formal statement. He served 26 years and attained the rank of First Sergeant in an army assault helicopter company and this included some active duty support for Desert Storm. It takes more time than just the advertised one weekend a month and two weekends out of the summer. Employer support is vitally important. It requires a great sacrifice on the part of the employee because except for the two weeks of annual training, it is personal time away from family. He again commends the City for their formal support and he knows that all guardsman and reservists thank the City also.

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

Councilman Shirley Smith expressed her appreciation to the **Northland Neighborhood and Neighbors Helping Neighbors** organizations and the oversight committee for the fantastic job they did in helping us with our gas bill and housing weatherization relief project. They did an outstanding job. Everything was done very quickly and it is certainly a star for us in the community and she thanks them for a great job.

Councilman George Nodler had no communications at this time.

Councilman Anita Newsom thanked all City Staff who had any role in the awards presentation at the Missouri Parks and Recreation Association Annual Conference last week in St. Louis where she was the recipient of the Elected Official of the Year Award. She said she was honored by the group of staff members who traveled to show their support as well as the presence of Councilman Cross and his wife, Mary. It was a very very nice event and she was awed and felt unworthy in the company of the award recipients, Kit Bond and the late Mel Carnahan. She said it was one of those situations where you think I don't belong here, I did not do this. It is great that our city has achieved the status and done the things we have and she thanks everyone who was involved in any way because it was a very great honor and speaks so well of our city.

Referring to the just published, Parks and Recreation Brochure for 2001, Ms. Newsom commented that every year it gets better. It is the cleanest, sharpest and easiest to read publication yet. It is an outstanding brochure that describes our popular programs.

Councilman Newsom also noted that the Sunday edition of the **Kansas City Star** included coverage of Gladstone in the real estate section which described our diversity in housing from very affordable starter homes to upscale homes. It was a very positive article about Gladstone as a community and it is nice to have that recognition.

Councilman Newsom asked Mayor Bishop when we will come forward with Capital Improvements Committee nominations, because they were not included when the other committee appointments were made at the last Council Meeting.

Mayor Pro Tem Cross expressed his appreciation for the privilege of attending the Missouri Municipal League Legislative Conference last week which allowed the Council and Staff the opportunity to visit with legislators and discuss the City's views on proposed legislation. It also provided him the opportunity to visit with Councils from other municipalities and hear their issues, and it made him feel good knowing that we have the best City Manager and staff in the state.

Mayor Pro Tem Cross said he was proud to have been a part of the fourteen city representatives who were in attendance at the MPRA Conference when Anita Newsom was honored with the Elected Official of the Year Award. We had the largest group in attendance and he felt very proud at hearing the recitation of accomplishments which Anita was involved with, because it reflects so positively on our city.

Mayor Dan Bishop referred to the report received last week from the five member citizen oversight committee responsible for supervising the disbursement of the grant money that the City of Gladstone made available for the Gas Utility Bill Assistance Program. He is grateful to hear how smoothly the process went. There were 51 applicants and everyone who demonstrated a need was able to receive some assistance, and the money supply was apparently adequate to get quite a few of our residents through a difficult time due to the harsh winter conditions and the increase in natural gas rates. Gladstone really showed some leadership in the metropolitan area in this utility assistance program. He has yet to hear a report from Gladstone Neighbors Helping Neighbors on how the Weatherization Program was received but he is sure it is also advancing nicely and will help some residents make some long term improvements to their homes to be more energy efficient.

The Mayor also congratulated Councilman Newsom again on her outstanding award from Missouri Parks and Recreation Association.

Mayor Dan Bishop noted that Councilman Newsom had mentioned the fact that at our last Council Meeting when appointments were made to boards and commissions, he did not include the Capital Improvements Committee appointments. He explained that was because the Capital Improvement Program Committee is somewhat unique as it is made up of representatives from the Special Road District, Planning Commission and Parks & Recreation Board in addition to its citizen members. He felt that it was appropriate to wait until the other Board and Commission appointments were finalized so we knew who the pool of potential appointees would be before announcing appointments to the Capital Improvements Program Committee. That work was concluded at the last Council Meeting, so tonight he will announce the CIP Committee.

There are two (3 year citizen member terms) that have expired. One is held by **Mr. Daniel Prego** who will be **reappointed**, and a new member, **Mr. Don McLaughlin**, will be **appointed** to the other position. **Mr. Pete Hall** will remain as **Chairman** of the Capital Improvements Program Committee.

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

City Manager Kirk Davis also congratulated Anita Newsom on her honor and complimented Parks & Recreation Director Steve Buschor on a well arranged program. Mr. Davis said he too wishes employee Wayne Hakes best of luck in his military tour of duty.

Item 9. on the Agenda. **PUBLIC HEARING** on a request to rezone from RP-3 to RP-4, property north of Englewood Road between N. Broadway and N. Main. Applicant: Nolte & Associates. Owner: Herman Scharlag. (#1143)

Mayor Bishop opened the Public Hearing and announced that it was continued to the March 12, 2001 City Council Meeting at the request of the applicant.

Item 10. on the Agenda. **RESOLUTION NO. 01-19, authorizing the Mayor of the City of Gladstone to execute an Employment Agreement on behalf of the City of Gladstone, Missouri with David Ramsay for the position of City Counselor.**

Councilman Anita Newsom moved to adopt Resolution 01-19; Councilman Bill Cross seconded the motion.

Discussion. Councilman Newsom welcomed Mr. Ramsay who was present in the audience and said he will make a great staff team member. Mayor Pro Tem Cross introduced Mr. Ramsay noting Wednesday, March 7th will be his first day with the City.

Item 11. on the Agenda. **APPROVAL OF BUILDING PERMIT** for interior and exterior remodel (installation of movable partitions) at Antioch Bible Baptist Church, 800 NE 72nd Street. Applicant/Owner: Antioch Bible Baptist Church. (BP#01-0039)

Councilman Anita Newsom moved to approve the Building Permit for 800 NE 72nd Street as requested; Councilman Bill Cross seconded. The vote: All "Aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Item 12. on the Agenda. **APPROVAL OF BUILDING PERMIT** for tenant finish of 9,240 sq. ft. at Prospect Plaza, 6465 N. Prospect. Applicant: Feingold Associates and Design. Owner: Heritage Realty. (BP#01-0041)

Councilman Bill Cross moved to approve the Building Permit for 6465 N Prospect as requested; Councilman Anita Newsom seconded. The vote: All "Aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Council asked what type of business Deals was.

Architect Ernie Wolker, Feingold Architects, 3535 Broadway, Kansas City, Missouri, responded that **Deals**, is a store where all items are under \$1.00 and it is the first one in the area and they look to have another five stores by next year.

Mayor Pro Tem Cross asked how soon they would open. Mr. Wolker advised that this project is being done in tandem with two others back in the corner. With the completion of those projects, Prospect Plaza will be filled except for one lot that has not been leased.

The vote: All "Aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Item 13. on the Agenda. **APPROVAL OF BUILDING PERMIT** for an addition and remodel of 8,400 sq. ft. at the Oak Plaza Building, 6504 N. Oak Trafficway. Applicant/Owner: John Hagen. (BP#01-0048)

Councilman Bill Cross moved to approve the Building Permit for 6504 N Oak as submitted; Councilman Anita Newsom seconded. The vote: All "Aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Councilman Newsom commented that this looks like a very nice face lift for that building.

Item 14. on the Agenda. **Other Business.**

Councilman George Nodler said he has served on the City Council for almost nine years and this is the first time in that period that the Mayor has taken it upon himself to arbitrarily not reappoint somebody to a committee and appoint somebody else without the concurrence of the rest of the Council, or at least a majority of the Council. He just states that for the record.

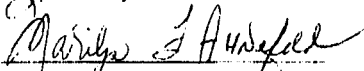
Item 15. on the Agenda. **Sun Newspaper** Reporter Kelli Houx asked whose term expired on the Capital Improvements Committee and if that individual will be honored just as other outgoing Board and Commission members were honored tonight.

Mayor Dan Bishop responded that the committee member was Bev Johnson, and yes it is his intention to invite her to the next Council Meeting to receive her plaque for service on the Capital Improvements Program Committee.

There was no further business to come before the February 26, 2001 City Council Meeting, and Mayor Bishop adjourned the meeting.

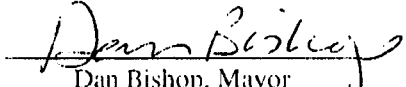
Councilman Anita Newsom moved to adjourn to Closed Executive Session as previously posted pursuant to Missouri Open Meeting Act Exemptions (610.021(2) for Real Estate acquisition. Councilman George Nodler seconded. The Roll Call Vote: All "Aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐


Dan Bishop, Mayor

GLADSTONE CITY COUNCIL
OPEN STUDY SESSION MEETING

MONDAY, MARCH 12, 2001

TIME: 6:45 PM

A G E N D A

1. Presentation of Long Term Fiscal Analysis.
2. Discussion of Sister City Program.

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, March 12, 2001**

REGULAR MEETING: 7:30 PM

OPEN STUDY SESSION TIME 6:45 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions
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 26, 2001 City Council Meeting Minutes**
- 4a. **PRESENTATIONS/RECOGNITIONS**

Presentation of Appreciation Plaque to Beverly Johnson for service on the Capital Improvements Program Committee, January 1998 - February, 2001.

Proclamation: Recognizing Clay County Circuit Clerk Rita Fuller.

Recognition of area High School Student Body Presidents:

- **Thao Nguyen, North Kansas City**
- **Nelson Muller, Oak Park**
- **Shea Swoboda, Winnetonka**

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-01-20, authorizing execution of a contract with Commercial Waterproofing, Inc. for the 2001 Gladstone Municipal Swimming Pool Painting Project in an amount not to exceed \$44,280.00 from the Municipal Pool Fund.**
10. **CONTINUED PUBLIC HEARING on a request to rezone from RP-3 to RP-4, property north of Englewood Road between N. Broadway and N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (#1143)**
(Audience Note: This public hearing will be opened and immediately continued to the March 26 , 2001 City Council Meeting at the request of the Applicant and the City.

11. **PUBLIC HEARING** on a request to rezone property at 5800 N Oak from **C-2, General Business District to CP-3, Commercial District-Planned**. Applicant/Owner: Auto Trend, Inc. (#1148)
(Audience Note: This public hearing will be opened and immediately continued to the April 9, 2001 City Council Meeting at the request of the Applicant.
12. **PUBLIC HEARING** on a request to rezone property at the southwest corner of NE 64th Street and N. Prospect from **R-1, Single Family Dwelling District to CP-2, General Business District-Planned**. Applicant: Jantsch Slagie Architects. Owners: Laura Reinschmidt and William G. Reinschmidt. (File #1146)
- 12a. **FIRST READING: BILL 01-09**, rezoning property at the southwest corner of NE 64th Street & N Prospect from **R-1, Single Family Dwelling District to CP-2, General Business District-Planned**. Applicant: Jantsch Slagie Architects. Owners: Laura Reinschmidt and William G. Reinschmidt. (File #1146)
- 12b. **FIRST READING: BILL 01-10**, approving a Site Plan Revision in conjunction with rezoning of property at 6308/6310 N Prospect. Owners: Laura Reinschmidt and William G. Reinschmidt (File #1146)
13. **FIRST READING BILL 01-11**, approving the "**REPLAT OF LOTS 25, 36, 37 & 38 FIRST REPLAT OF STONEBROOK ESTATES**". (File #1150)
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

PUBLIC NOTICE

Please be advised that the Regular Gladstone City Council Meeting Agenda of March 12, 2001 listed a Closed Executive Session for Personnel Discussion under 610.021(3). **The Closed Session will also include Privileged Communications with Legal Counsel under 610.021(1)** concerning a legal matter of which the City received notice earlier today.

Dated this 12th day of March, 2001, 3:26 PM.

Marilyn F. Ahnefeld
City Clerk

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 12, 2001

Mayor Dan Bishop called the **Regular March 12, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman Shirley Smith

City Manager Kirk Davis
City Counselor David Ramsay
Assistant City Manager Laura Gay
City Clerk Marilyn Ahnefeld

ABSENT: Councilman George Nodler

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Bishop led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF MINUTES.

Councilman Anita Newsom moved to approve the **Regular February 26, 2001 City Council Meeting Minutes** as written; Councilman Bill Cross seconded. The vote: All "Aye": Smith, Newsom, Cross, Bishop. (4-0)

Item 4a. on the Agenda. PRESENTATIONS/RECOGNITIONS

Mayor Bishop presented an **Appreciation Plaque** to **Beverly Johnson** for service on the **Capital Improvements Program Committee** from January 1998 - February 2001.

Beverly Johnson thanked the members of the City Council who appointed her to this committee which included Anita Newsom, George Nodler, Art Hammen, Dave Fricke and Roger Norris, and she also thanked the City Staff for answering all of her questions.

Proclamation: Mayor Dan Bishop read proclamation recognizing **Clay County Circuit Clerk Rita Fuller** who has ably served the Clay County Judicial System and residents of Clay County in various capacities for over twenty-three years.

Mrs. Fuller thanked Mayor Bishop and told the City Council that she was honored to receive this recognition and has always been proud to be a resident of our city.

**Recognition of area High School Student Body Presidents: Thao Nguyen, North Kansas City
Nelson Muller, Oak Park, Shea Swoboda, Winnetonka.**

Mayor Bishop said he has wanted to recognize High School Student Body Presidents for some time and noted that when he was at Oak Park High School he was the Student Body President his senior year. He thinks the involvement in student government is such an important activity and such good training for later in life. In STUCCO one learns how to interact with other people, how to organize a meeting, and how to be a leader. We are fortunate to have the Student Body President from one of the three area high schools that serve the Gladstone area here with us tonight.

Nelson Muller, Student Body President at Oak Park High School for 2000-2001 is here and Mayor Bishop said he takes this opportunity to recognize Nelson and commend him for his good work this year in that capacity. The Mayor presented him with a Gladstone City Key Pin and City Logo Coaster and invited him to discuss some of the activities the Student Council had been involved in this year at Oak Park.

Mr. Muller said their activities focus on serving the community and recognizing teachers and students. He noted a great success this year was the canned food drive which yielded 13,000 cans of food for the Northland Christmas Store.

Item 5. on the Agenda. **CONSENT AGENDA -- No Items.**

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Mr. Don McLaughlin, 6313 North Bales, Gladstone, Missouri, said the Council will be familiar with the subject matter of his comments because they were provided with the same information he requested of the City during the last week or two.

Mr. McLaughlin said he had a couple of calls from people in his old neighborhood where he lived prior to a year ago in the 2600-2700 block of NE 69th Terrace. They had been promised for years that their street would be resurfaced. That street hasn't had a single coat of oil on it in over 28 years. He had a couple of calls from the west side of the city asking the same type of questions and they related it to the property at the southeast corner of Englewood Court and Old Pike and wondered why the City would be investing money in curb, gutter, and widening the street in front of a vacant house and a vacant lot when we have other streets in urgent need of repair. So he asked for quite a bit of information from the City and Assistant City Manager for Development Scott Wingerson who is not present this evening, but he thanks him for providing everything he asked for without fail.

Mr. McLaughlin said he thinks it would be informative so he will review the history of that property, and then he has a couple of questions. Back in October of 1996, the Federal Employees Credit Union came before the City asking for permission to build their building on the corner of Englewood & Old Pike Road. Why he does not know, but we asked them to not only make a cut and entry way into their property off of Old Englewood Road, and we demanded that they put curb and gutter the full length of their property on Englewood Court on the north side adjacent to their property, and we asked them to put curb and gutter on the south side where they had no interest whatsoever. They didn't do that but there was an agreement reached with the City a year later that we would ask them to escrow \$5,000 toward the improvement of the south side of Englewood Court. They escrowed the money and the escrow says that if the City did not do that work within twelve years then they would get their money back. That relates to the fact that in early 1998 we got detailed plans from a professional engineering company on the 55th Terrace & Old Pike Road improvement. That improvement is from just south of 55th Terrace to the intersection of Englewood Court.

Then in June of 1999, for reasons that seem strange to him, Mr. McLaughlin said the City staff prepared detailed engineering plans in-house to widen and install curb and gutter on the south side of Englewood Court. The rationale given him by Mr. Wingerson was that we wanted to use that \$5,000 from the Federal Employees Credit Union. Mr. McLaughlin said why that would become a priority before all the other street needs, he does not know. Then we progress to June 12, 2000, when the City Council approved a bid award on the 55th Terrace & Old Pike Road project, and on July 10th we told the Contractor to go to work.

Mr. McLaughlin said interestingly enough, six weeks later Art Hammen and the Eagle River Investment Company requested commercial zoning to build a two level office building on property then owned by the Gould Family Trust on that southeast corner of Englewood Court and Old Pike. It is interesting that curb and gutter was already contracted for. On October 3rd the Planning Commission had a meeting on the Eagle River Investment Company application on the staff recommendations and there were no staff recommendations on public improvements. We did not ask the Eagle River Investment Company to contribute to the widening project on the south side of Englewood Court, even though that project was bid in not at \$5,000 but \$21,077. There was a \$15,000 deficit that came out of City funds and again could have been used on 69th Terrace or some of these other streets that are in terrible condition.

Mr. McLaughlin said so he has questions. Why did the south side of Englewood Court have such priority when we had 12-15 years to spend those escrowed funds. The property had commercial real estate signs listing it for sale and the potential for developer contributions to that road widening and curb and gutter work was obviously there for some later date. Why was Eagle River Investment Company not asked to participate in the cost of the Englewood Court street improvements which was in front of their property and was not actually a part of the 55th Terrace & Old Pike project. Again, we spent \$21,077 to widen the street in front of those two lots and some of the neighboring lots and build retaining walls but that company was never asked to participate. He asked some folks who work for the city and some elected officials who the Eagle River Investment Company was. Mr. Hammen quoted himself as a representative. He went to

the Secretary of State and found that company is a limited liability corporation with two general partners, former Mayor Art Hammen and the Chairman of the Planning Commission Les Smith.

Mr. McLaughlin said we may have missed this in some presentations of the Planning Commission and Mr. Smith was not at the meeting when the zoning on this piece of property was discussed. However, our Handbook for Board and Commission members covering conflicts of interest says that a member of the Commission/Board who is slated to vote on an issue involving a business owned in whole or in part by himself must do three things: he must abstain from any discussion, he must abstain from voting on the matter, and he must disclose his ownership interest to the rest of the Commission. There is nothing in the minutes of that meeting indicating that there was disclosure that Mr. Smith was a partner in that business. He may have done that at some other point. Mr. McLaughlin said he is just telling us that at the point where it was discussed, the members were not told that.

Mr. McLaughlin said so his real question is why was that project a priority, why was it not even suggested to Eagle River Investment Company that they contribute to those street improvements in front of their property. These are two "why" questions that he would like to have the answers to.

Les Smith, 6813 North Jason Smith Court, Gladstone, Missouri, said for a minute there he thought Mr. McLaughlin was going to continue the smokescreen and not call this a political issue. He said he is sorry you have to deal with this on this evening. The facts of the matter are, as Mr. McLaughlin stated them, that everything was in place prior to their applying for rezoning of the property and prior to their closing on that property. There is one factual misstatement made by Mr. McLaughlin and that is on the \$21,000 figure; the fact of the matter is that had the developers come along prior to this project being planned and approved by the City, at most they would have been required to install curb, gutter and a new concrete approach along the frontage of their property. The concrete portion of that \$21,000 was only \$5,000 and that far extended beyond the boundaries of their property. He understands what Mr. McLaughlin is insinuating and he understands that Mr. McLaughlin is on the campaign committee for his opponent and he is really sorry that we have to deal with this in a public forum. We have wonderful things going on in the city like the Luzika/Reinschmidt dance studio at 64th & N. Antioch on the agenda tonight. Those are wonderful kinds of things going on in our city.

Mr. Smith said he has never been contacted by Mr. McLaughlin, never been contacted at all about the facts, how they might stand on that property. He is more than willing to discuss it, it is all a matter of record, and basically the person Mr. McLaughlin is really pointing at in this is Mr. Scott Wingerson, and he thinks we would all agree that Mr. Wingerson acts far above and beyond reproach in everything he does with the City.

Mr. Smith said insinuations are fine, innuendoes are fine, but the facts of the matter are that they are not there. Mr. Smith addressed Mayor Bishop and said he believes he was sitting on the Capital Improvements Program Committee when this project was approved to be done way back in 1997-1998, and also as Mayor he approved their project and commended them on what a nice addition to that neighborhood it would be. The neighbors down there are ecstatic, there is an old

dilapidated house that will be demolished and they will be putting up a really nice office building, and the neighbors came out in support of the project. So there is nothing hidden here, it has all been out on the table. There were three other commercial developers who knew that the City was going to make the improvements and also that the project was available to be purchased. They are three names you would recognize but he does not feel at liberty to discuss those, they passed on the property, Mr. Smith said we did not. It is all above board and on the table and he will be happy to answer any questions about it.

Terri Hoppenthaler, 2706 NE 57th Terrace, Gladstone, Missouri, said she is a little confused as to why people are suddenly calling Mr. McLaughlin about street improvements instead of the City. So she wonders why he is even doing this. She said she was told by Mayor Bishop when she interviewed for the Planning Commission in December that he only wanted to appoint people who had good communications with the Mayor, Council and other Boards. Being a newly appointed Capital Improvements Committee member she thinks Mr. McLaughlin has gotten off to a very poor start. He should also know as a newly appointed Capital Improvements Board Member that all Board and Commissions members are encouraged to be very careful about any impropriety, there are so many positive things going on in the City. She encourages Mr. McLaughlin to focus his negativity on something positive for a change, this is no place for his politics, or yours.

Art Hammen, 7117 N Norton, Gladstone, Missouri, said isn't the First Amendment a wonderful thing. The First Amendment allows anyone to write anonymous letters to the newspapers, to twist and distort the facts, to say just about anything they want to stir up the public. The First Amendment allows anyone to come before a public forum and twist and distort the facts and stir folks up, cast dispersions and do just about anything they want to.

Mr. Hammen said he has been in service to this City for more than thirteen years, and when Mr. McLaughlin besmirches his good name and that of Les Smith, he draws the line. There is absolutely no truth to the accusations being made tonight. Each of the Council sat there the night in October when there was a public forum and a public hearing on this project and he can't believe that Mr. McLaughlin would think so little of the Council as to believe that if they had any concerns at all about any impropriety that they would not have raised it during that public forum, which Council did not.

Mr. Hammen quoted two things from the minutes of that meeting. During the first reading for the rezoning of that property, Councilman Newsom said "it looks like an excellent improvement to that corner. Councilman Nodler and Mr. Bishop also agreed that it was a major improvement and a very nice looking building". Following the approval for the site plan, "Mayor Bishop congratulated Mr. Hammen on approval of the project and wished him good luck". Mr. Hammen asked if that sounds like any impropriety, he does not think so. He can't believe that Mr. McLaughlin would think so little of the Council to think that they would pass on an opportunity to raise an issue, if in fact there was a real issue. He is very disappointed tonight. He and Mr. Smith have been business partners for more than a decade and he can tell us with absolute certainty that during that time they have never engaged in anything that wasn't above board and

straight arrow. He thinks the First Amendment is a wonderful thing for folks like Mr. McLaughlin, and you can see why tonight. He thanked the Council for their time.

Bonnie Mitchem, 6300 North Antioch Road said she has lived at that location since 1959 and is the original owner of that house. She would like to see the City zone the whole block instead of just spot zoning as has been done. There were six houses involved, three are now commercial. Of the other three, two are rental properties where we have had problems with a drug house, police visits for domestic problems and problems with teenagers, and an arrest was made there. She said she has come before the City two or three times trying to get them to take a look at this. She even got everyone's name on a petition here about 10-15 years ago all the way around the block, everyone was for it. Every time she came before the City they always said they would think about it and when we do it (rezone) we are going to do the whole block. Mrs. Mitchem said she is not against the dance studio, not at all, she is just suggesting we rezone it all, and stop the spot zoning.

Mayor Bishop said he had spoken with Mrs. Mitchem on Saturday evening and did talk with the City Manager today about the concerns she raised. He is sure the City Manager will have someone he in contact to talk about some different options that might be available to her. Ms. Mitchem said the City would be getting more tax money if that was commercial than residential and she is sure willing to sell. The Mayor thanked Mrs. Mitchem for her comments.

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

Councilman Shirley Smith said Rita Fuller, Clay County Circuit Clerk, who was honored tonight is a long time friend of hers and a great representative of our County as an elected official. She also worked for her for eight years and found her to be a great boss. Rita Fuller, her husband Tom and their family and home represent what Gladstone is all about, and Councilman Smith said she is happy that we recognized her this evening.

Councilman Anita Newsom said she was thrilled to see the idea of the Youth Academy at Antioch Middle School. She does not know if the idea started with our School Resource Officer Ronn Shatswell or not, but it is a great idea and she hopes it is very successful. If there is anything she can do to help out as a retired educator, she is happy to do so.

Mayor Pro Tem Bill Cross said he certainly concurs with the compliments paid Rita Fuller on her thirty-two years of service to the County. He also thanked Beverly Johnson for her service and told her to keep asking questions because we appreciate it when people ask questions because that means they are interested. He also agrees that the Youth Academy is a wonderful program and offers his assistance as well.

Mayor Dan Bishop welcomed newly appointed City Counselor Dave Ramsay to his first Council Meeting and invited anyone who has not met him to stop by and say hello. He said Mr. Ramsay will be here in City Hall full time and we are glad to have him on board.

Mayor Bishop said he would also touch on some things that were talked about earlier during the Comments from the Audience.

He said Mr. Smith made reference to the fact that he (Mr. Bishop) sat on the Capital Improvements Program Committee at the time the 55th & Old Pike project was approved by the Capital Improvements Committee, and that's true. As Mr. McLaughlin made reference to, the Council was provided with the majority of the information in their packet last week that Mr. McLaughlin was provided and referenced in his presentation tonight.

The Mayor said when he went back and looked at the minutes of that Capital Improvement Program Committee Meeting, true enough he voted for the 55th & Old Pike project but at that time, the 55th & Old Pike project was just that, it was limited to Old Pike south of 55th Street and did not include Englewood Court improvements. That was added at a later date as he understands it, and he did not vote for that. That did not come back for a vote before the CIP Committee as he understands it. And yes, he as well as the other Council members did vote for the change in zoning last October.

The Mayor said he thinks that Mr. McLaughlin raises some questions. They are very serious in nature and need to be answered. He told City Manager Kirk Davis that if he would pursue answering these questions and have some responses in the next week, he would appreciate it.

Q. When was the decision made to do the Englewood Court project, that is to say when was the 55th & Old Pike Project expanded to include the Englewood Road Court improvements.

Q. Who decided to expand the 55th & Old Pike project, who made that decision. And why was that decision made.

Q. Why did this project have priority, it is true there are many areas in our city that don't even have curbs and guttering. He knows the Neighborhood Preservation Task Force has looked at Old Linden and some of our older parts of the City where residents have wanted curbs and gutters for 50 years and they don't have them.

Q. Why was this Englewood Court Project given the priority to be widened and get the infrastructure improvements.

Q. Why not wait until a developer came along who could be tapped to contribute to those improvements on the south side of Englewood Court. Once we completed the 55th & Old Pike project and leveled that hill and expanded it, that site was more prime than ever for commercial development as is evidenced by the fact that that is exactly what is happening there now.

Q. Why did we not wait until a developer came along who could be asked to contribute to those improvements on the south side of Englewood Court.

Q. I know there was \$5,000 escrowed from the Mazuma Credit Union. Where did the other \$16,000 come from that paid for the improvements and is there any chance of recouping any of

that money from the developers. He said Mr. Smith points out that they would have been required to contribute about \$5,000. Clearly those improvements were already contracted for, but is there any opportunity to recoup some of that taxpayer money.

Mayor Bishop said he knows that is a lot but he thinks those are good questions to a serious issue and it would be appropriate to answer them.

City Manager Davis responded that we will appropriately research those questions and provide the City Council with all of the information requested.

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

The City Manager had no communications at this time.

Item 9. on the Agenda. RESOLUTION NO. R-01-20, authorizing execution of a contract with Commercial Waterproofing, Inc. for the 2001 Gladstone Municipal Swimming Pool Painting Project in an amount not to exceed \$44,280.00 from the Municipal Pool Fund.

Mayor Pro Tem Bill Cross moved to adopt Resolution R-01-20 and commented that the pool needs painting badly; Councilman Newsom seconded. The vote: All "aye" - Councilman Smith, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (4-0)

Item 10. on the Agenda. CONTINUED PUBLIC HEARING on a request to rezone from RP-3 to RP-4, property north of Englewood Road between N. Broadway and N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (#1143)

Mayor Dan Bishop opened the public hearing and announced that at the request of the Applicant and the City this **hearing is continued to the March 26, 2001 City Council Meeting.**

Item 11. on the Agenda. PUBLIC HEARING on a request to rezone property at 5800 N Oak from **C-2, General Business District to CP-3, Commercial District-Planned.** Applicant/Owner: Auto Trend, Inc. (#1148)

Mayor Dan Bishop opened the public hearing and announced that at the request of the Applicant this **hearing is continued to the April 9, 2001 City Council Meeting.**

Item 12. on the Agenda. PUBLIC HEARING on a request to rezone property at the southwest corner of NE 64th Street and N. Prospect from **R-1, Single Family Dwelling District to CP-2, General Business District-Planned.** Applicant: Jantsch Slaggie Architects. Owners: Laura Reinschmidt and William G. Reinschmidt. (File #1146)

Mayor Bishop opened the Public Hearing and explained the hearing process that the Applicants will make their presentation, followed comments from those in Favor and those Opposed, and lastly, the City Staff will make their presentation.

The Applicant's representative, Scott Slaggie, Jantsch Slaggie Architects, 208 Delaware, Kansas City, Missouri thanked the City Council for the opportunity to visit with them this evening about a very exciting project at a very important intersection in Gladstone. He is excited to be associated with the Classical Ballet School and Ballet School North. As you may be aware they have been in operation for quite a few years. In 1993 they were incorporated as a ballet school and a non-profit operation called Ballet North which is promoting performing arts in this region. It is wonderful to note that all three students from their summer program this year have been placed in very prestigious schools around the nation including the Boston Ballet and the American Ballet Theater in New York City. This has been an exciting project for them because they believe this will be a welcome sight to a very important intersection for Gladstone and he will be walking us through the three phases of his presentation: the site plan, the elevations and images, and thirdly the materials they hope to use which, in their opinion, will add a lot of consistency and harmony to a very important intersection with the improvements that were done to the Hen House, and the Commerce Bank renovation being done at this time.

Tonight they ask for consideration of rezoning of property located at 64th & N Prospect, from R-1 to CP-2, Planned Commercial and approval of the Site Plan and the images they will display. He pointed out the existing building and indicated they are adding a building directly to the north comprised of four studios which are 40 x 40 foot with a communicating hallway or great hall which in essence is a spacer between the existing building and the new building. They also want to be very cognizant of the terrain, because there is a significant terrain change from south to north. So they created the same elevation with the existing building for the first level of studios and therefore also carving into existing landscape to mitigate the impact of the new building as it attaches to the existing building.

It is their intent that the new and old mesh together so it looks as if it is all one building. One thing that has been important to the Reinschmidt's and important to the City Council has been the traffic flow for this development. They have solicited the help of civil engineers, Cook, Flatt and Strobel to do a very at length traffic study for this development and they are proud to say that it came back with no impact to this location. After working very closely with staff we want to make the traffic flow as easy as possible so that when folks first come to the facility, they are able to readily find their way. So upon the City's recommendation the entrance at North Prospect will be a right-in only, and on 64th Street it is right-out only. By doing so, as folks come to the facility if they are new, will have signs located at two locations that will help them know where they can come in and where they can't. Secondly, by doing so, we will have one-way traffic that runs through the facility.

The way they designed the building they wanted to try and route parking at the most important locations around the building therefore, they provided five parking stalls for the employees. When they are in full operation with all four studios they anticipate five full-time employees working at the facility. They also have a major entrance at the lower level at the same elevation as the existing studio where they have grouped about 19 parking stalls and it also becomes easy for dropping off and picking up students. As the grades move up there is a second bank of parking at the upper level for those same reasons. It operates as a low impact school because most of the students who participate in the program are underage and can't drive so they are

dependent on their parents to bring them to the school and it is typically a drop off and pick up scenario. Many of the parents drop their children off and do some shopping because in that hour and a half time period they have time to get some things done before they come back to pick up the students.

The school discourages parents from watching the students during their practice sessions therefore there is not a whole lot for the parents to do, except when they are dropping off or picking up their children. With that in mind we find that there are parents who drive as far as Lathrop to come to school so this school has the kind of draw right now where parents come from as far as 50 miles away and that allows time for those parents to get some things done while their students are in school. So in terms of parking they felt they had maximized the parking without providing ten pounds in a five pound sack. They wanted to make sure there was enough parking for the school to operate properly but also being cognizant and sensitive to the existing residential neighborhood that is around it.

They will improve the existing site plan, as suggested by City Staff and the Planning Commission, by adding a 6' fence which is in addition to the landscaping they are showing now, coniferous or year-round trees, and there is also a 6' wood fence to separate this property from the existing residential. There is a significant grade change up to the existing residential which, in their estimation, is a good thing because during night-time use when it becomes dusk or at night, car lights won't shine into the back yards of those houses. They have augmented that by providing some keystone type retaining walls in that location and also providing some landscaping opportunities there.

On the landscaping, they propose to go beyond their property line which is different than the Reinschmidt's thought it was but MODOT had taken the right of way to make improvements along 64th Street. The Reinschmidt's are committed to improving that right-of-way which is a pretty significant drop right there and providing some landscaping opportunities to beautify that corner along with the other corners of this intersection. They are in the process of getting a letter of approval from MODOT for that to occur. The only thing the site plan does not show which was a staff recommendation and the owners have consented to do, is to place a sidewalk along both N. Prospect and 64th Street which is also part of the plan for whatever will be developed directly to the north. He said he thinks Commerce Bank is also putting in a new sidewalk so that will tie in for pedestrian access at this intersection.

They want to be very sensitive to the screening elements around the site so that they are good corporate neighbors and he believes the Reinschmidt's have been exemplary in terms of their interaction with the existing residents around them and they want to continue in good faith that kind of relationship. They ask for Council's guidance in suggesting if there is something more that Council would like to see. In addition, they will have some pole lighting for safety reasons to provide ample lighting. They are discouraging anything like wall packs on the building that could create unnecessary glare. Their approach from a design standpoint is to have cut off light fixtures, where the photo-metrics of those poles would be such that anything past the property line would be akin to moonlight with a full moon. The change in grade and the fences will also help to cut off that light from spraying into the existing neighborhood. As mentioned, there will

be way-finding signs proposed at two locations and they will have the Classical Ballet logo on them as well as providing entry and exit communication.

Mr. Slaggie displayed the elevations and described the orientation. The existing building which is outlined on the plans would be re-clad with a staccato, stucco-type finish that will match the proposed cladding for the new addition and Mr. Slaggie displayed the proposed finishes for Council's viewing. Because other buildings at this intersection are using predominantly stucco, they felt that using that same type of materials would create harmony and consistency with this entire intersection. It is their hope and intent to create elements that set this building apart from the other buildings. The owners wanted a little bit of frivolity and interest in the building and wanted to create a focal point with a tower which is somewhat reminiscent of a French Normandy theme and they decided to put in a permanent pole with a metal flag that tends to provide that folly they are looking for.

They also wanted to do something that speaks to what they do inside because a Classical Ballet School has a romantic theme and they have embellished that by creating lattice work along the top edge of the roof line which carries all the way around on the mass of the building. They tried to locate the parking around the building instead of in front of the building so that the building is really the focal point not the parking. They provided a big wall sign on the east elevation and their intent to back illuminate using reverse channel letter, so it is not something that glares but has a nice glow to it. It also provides the icon logo which is quite nice. He displayed the elevation of the tower facing directly north. They think the great hall is going to be a great feature. There is a staircase that goes to the upper level with a balcony that overlooks the hall. They will utilize existing stained glass that the owners have on the westerly location that will allow some nice refractive light to come into the space.

The landscaping will hug around the building. The Reinschmidts are quite proud of their green thumb and are going to embellish the landscaping even more from what you are seeing today.

The line detailing shown on the draft will go all the way around the roof line of the building and will tie the architecture together to make it a common theme on all four sides of the architecture.

Mr. Slaggie continued to discuss the elevation. The way-finding sign proposed is a 3 x 3 foot sign, pretty low to the ground, but easily seen from vehicles. The icon set for the tower element will include the same icon they use for the Cinderella performance each year. It is Cinderella's carriage and will be on display inside the tower and illuminated at night so everyone can see it. It is an important program for them and creates some focus not only on the east elevation, but also the north elevation.

Mr. Slaggie stated that he appreciates the help that was provided by Mr. Wingerson and his staff to this point. The owners are very happy about the prospects of this project.

Mayor Bishop asked if there were any questions for Mr. Slaggie.

Councilman Newsom asked a question that carries over from the Planning Commission. There was some discussion about the size of the building in ratio to the parking space. After working all these years with kids, she understands the drop-off concept, but thinks that the annual one-time per year mass rehearsal may cause traffic or parking concern at that time. There was some discussion at that time about a developer's agreement to secure parking permission from Antioch Middle School or some other business concern around there. Has there been any movement on this. Are we moving forward on that.

Mr. Slaggie stated that Mr. Wingerson was going to draft that development agreement in advance of tonight's meeting, but was not able to get it done before he went out of town. The agreement will more or less say that an annual review of the parking would take place to make sure it was still within reason or would need to provide additional parking. They have talked with the school and they have consented to help, but only if the City would find at some point that there were some problems with parking. His understanding is that Mr. Wingerson would make that available to Council for their review and before issuing a permit, the owners would have to sign off on that concept.

Mr. Cross asked how many students attend the dance studio.

Mr. Slaggie commented that per studio there are only 15, they stagger classes every 15 minutes so there is not a great impact on the parking at any given time. If all five studios were in operation at the same time, there would be 75 students.

There were no others who desired to speak in Favor or in Opposition to this proposal.

Staff Comments. City Manager Kirk Davis stated that all the conditions have been agreed to, the ordinances have been met with the exception of the parking as Councilman Newsom suggested. The development agreement is forthcoming prior to the building permit. He said we look forward to having this addition to our community.

Mayor Pro Tem Cross asked Ms. Mitchem, who spoke earlier, how many houses there were between her home and the studio. She replied that her home is at the end of the block; four houses from hers.

Mr. Cross asked if these three were all rental properties. Ms. Mitchem advised the property next to the studio is an accounting firm, the others are rental property, then her house.

Mr. Cross asked if the people in the accounting firm lived in the house. She stated no, it is a business and they park in back of the building.

Her concern is that the lights that come on at night will not shine into her bedroom. The lights from the bank on the other side of her shone into her house and she talked with them about the problem. It lit up two bedrooms and the living room.

Mr. Cross stated that there should not be extra light coming from the dance studio.

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

Item 12a. on the Agenda. **FIRST READING BILL 01-09**, rezoning property at the southwest corner of NE 64th Street & N Prospect from **R-1, Single Family Dwelling District to CP-2, General Business District-Planned** Applicant: Jantsch Slaggie Architects. Owners: Laura Reinschmidt and William G. Reinschmidt. (File #1146)

Councilman Newsom moved to place Bill 01-09 on First Reading; Councilman Cross seconded.

Discussion.

Councilman Newsom stated that she was on the Council when Laura Luzicka came to get her first special use permit. The studio has come a long way and every time she has come back she hears the story of commercial development taking more than one parcel. The applicant has really gone to school on this and has put together a great package.

Mayor Bishop agreed with Councilman Newsom and said he thought it would be a real asset to that corner.

The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading and place Bill 01-09 on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-09 and enact the Bill as **Ordinance No. 3.784**; Councilman Cross seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0)

Item 12b. on the Agenda. **FIRST READING: BILL 01-10**, approving a Site Plan Revision in conjunction with rezoning of property at 6308/6310 N Prospect. Owners: Laura Reinschmidt and William G. Reinschmidt (File #1146)

Councilman Cross moved to place Bill 01-10 on First Reading; Councilman Newsom seconded.

No Discussion.

The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 01-10, Waive the Rule and place Bill 01-10 on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" -

Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 01-10 and enact the Bill as **Ordinance No. 3.785**; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0)

Final Discussion.

Councilman Newsom and Mayor Bishop both wished the Reinschmidts good luck on their project.

Mayor Pro Tem Cross asked how soon they would be finished. The response from the Reinschmidts was September 1st, with construction starting this month.

Item 13. on the Agenda. **FIRST READING BILL 01-11**, approving the **"REPLAT OF LOTS 25, 36, 37 & 38 FIRST REPLAT OF STONEBROOK ESTATES"**. (File #1150)

Councilman Cross moved to place Bill 01-11 on First Reading; Councilman Newsom seconded.

Discussion: None

The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the First Reading of Bill 01-11, Waive the Rule and place Bill 01-11 on Second and Final Reading; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0) The Clerk read the Bill.

Councilman Cross moved to accept the Second and Final Reading of Bill 01-11 and enact the Bill as **Ordinance No. 3.786**; Councilman Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Cross, Mayor Dan Bishop. (4-0)

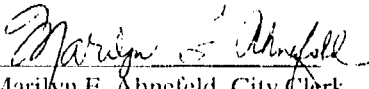
* * *

There were no communications from the News Media or further business to come before the March 12, 2001 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

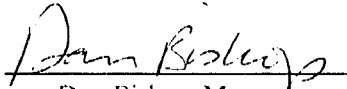
MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION. Councilman Newsom moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion as posted on March 8, 2001; and pursuant to Exemption 610.021(1) for Privileged Communications with Legal Counsel as posted on March 12, 2001, concerning a legal matter the City received notice of on March 12, 2001.

Councilman Bill Cross seconded. Roll Call Vote: All "aye" - Councilman Shirley Smith, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (4-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ✓
Approved as corrected/amended: _____


Dan Bishop, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 26, 2001**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions
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 12, 2001 City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating the month of April, 2001 as **GLADSTONE SAFE SCHOOLS MONTH.**

PROCLAMATION: designating Thursday, April 5th, 2001 as **ARBOR DAY** in the City of Gladstone.

PROCLAMATION: designating April 8th - 14th as **INTERNATIONAL BUILDING SAFETY WEEK** in Gladstone, Missouri.

PRESENTATION of APPRECIATION AWARDS to members of the **NEIGHBORHOOD PRESERVATION TASK FORCE.**

Carol Rothwell, Chair
Anne Alexander
Wayne Beer
Barbara Bowers
Dick Davis
Andrew Dominguez

Terry Hoppenhaler
Jan Kauk
Ralph Maddox
David Ramsay
Carol Rudi
Al Westphal

5. CONSENT AGENDA

RESOLUTION NO. R-01-21 - ratifying the actions of the City Manager relating to the purchase of certain real estate property at 6118 N. Oak; and accepting the deed transferring such property to the City.

RESOLUTION NO. R-01-22 - authorizing the execution of a contract with Greater Kansas City Umpires Association for services in the amount of \$18.75 per League game and \$18.75 per Tournament game. Funds are authorized from the General Fund.

RESOLUTION NO. R-01-23 - authorizing execution of a contract with William White & Sons for the 2001 Curb and Sidewalk Program in an amount not to exceed \$205,781.25 from the Transportation Sales Tax Fund. Project #0107.

APPROVAL OF FEBRUARY 2001 FINANCIAL REPORTS

LIQUOR LICENSE APPROVAL for Class A&B Restaurant Bar Liquor by the Drink License. Applicant: El Patio LLC, dba Senor Tequila, 6502 N Oak. Managing Officer: Florencio Sanchez J. Reyes.

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 RP-3 to RP-4, property north of Englewood Road between N Broadway and N Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1143)
- 9a. **FIRST READING BILL 01-12,** rezoning from RP-3 to RP-4, property north of Englewood Road between N Broadway and N Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1143)
- 9b. **FIRST READING BILL 01-13,** approving a Site Plan in conjunction with a rezoning of property in the 5700 Block of N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1143)
- 9c. **FIRST READING BILL 01-14,** approving the Final Plat of Gladstone Senior Apartments located in the 5700 Block of N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1144)
- 9d. **RESOLUTION R-01-24,** authorizing execution of a Land Development Agreement with AHM Development, Inc. relating to the development of a Senior Housing Independent Living facility and the construction of deferred parking in the 5700 block of N. Main.
10. **PUBLIC HEARING:** on a request to amend the Gladstone Zoning Ordinance, dealing with setbacks for decks. Applicant: City of Gladstone. (File #1142)
- 10a. **FIRST READING BILL 01-15,** amending Section 32-1 and 32-10 (D) of the Gladstone Zoning Ordinance dealing with setbacks for decks. (File #1142)
11. **APPROVAL OF BUILDING PERMIT** for Paris II Education Center, 6840 N. Oak Trafficway, for a 1,380 sq. ft. addition to the existing building. Applicant: Ken McCall & Associates Architect. Owner: Garold Fingler. (BP #01-0087)
12. **APPROVAL OF BUILDING PERMIT** for the interior and exterior remodel of Long John Silvers/A&W, 7017 N. Oak Trafficway. Applicant: Arc Vision, Inc. Owner: Yorkshire Global Restaurants, Inc. (BP#01-0097)
13. **RESOLUTION R-01-25,** expressing the opposition of the City Council to the passage of House Bill 472 and Senate Bill 369, pending before the Missouri General Assembly that, if adopted, would adversely affect the authority of the City of Gladstone to regulate the use of public rights-of-way for the benefit of the residents of the City.
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MARCH 26, 2001

Mayor Dan Bishop called the **Regular March 26, 2001 City Council Meeting** to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

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

Mayor Bishop welcomed a group of Antioch Middle School students who led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. **APPROVAL OF MINUTES.**

Councilman Anita Newsom moved to approve the **Regular March 12, 2001 City Council Meeting Minutes** as written; Councilman Bill Cross seconded. The vote: All "Aye": Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Item 4a. on the Agenda. **PRESENTATIONS/RECOGNITIONS**

* Mayor Dan Bishop read a **PROCLAMATION** designating the month of April, 2001 as **SAFE SCHOOLS MONTH** in Gladstone. Public Safety Officer Ronn Shatswell, who serves as the School Resource Officer at Antioch Middle School introduced members of the National Junior Honor Society who accepted the Proclamation on behalf of the school and thanked the Mayor and City Council for their support.

Officer Shatswell told the City Council they have a special gift for them and students distributed a **Ribbon of Promise** stating that the students do not want violence in their schools and want to remain safe. The **Ribbon of Promise** also honors all the victims of school violence.

Mayor Bishop said it was very impressive to see so many students here tonight in support of safe schools. Officer Ronn Shatswell introduced Antioch Middle School Principal Bob Russell and

Phyllis Hopper, a teacher who is involved in programs in the school to help prevent school violence. He also recognized teacher Cindy Nave who is responsible for bringing the students here tonight.

* Mayor Dan Bishop also read a **PROCLAMATION** designating Thursday, April 5th, 2001 as **ARBOR DAY** in the City of Gladstone. Director of Parks and Recreation Steve Buschor accepted the Proclamation.

The Mayor announced that we will have our own Gladstone Arbor Day celebration at Oak Grove Park on Thursday, April 5th at 10:00 AM. There will be students attending from St. Charles Elementary School who will receive their own sapling trees to take home to plant. The Mayor invited everyone to attend and help plant a tree. He said in recent years we have lost some of our beautiful trees during storms, so please stop by to observe this day.

* Lastly, Mayor Bishop read a **PROCLAMATION** designating April 8th-14th 2001, as **INTERNATIONAL BUILDING SAFETY WEEK** in Gladstone, Missouri. Gladstone Codes Supervisor Alan Napoli accepted the proclamation on behalf of the City.

* **APPRECIATION AWARDS** were presented by Mayor Dan Bishop to each of the members of the **NEIGHBORHOOD PRESERVATION TASK FORCE** as follows: Chairman Carol Rothwell, Anne Alexander, Wayne Beer, Barbara Bowers, Dick Davis, Andrew Dominguez, Terry Hoppenthaler, Jan Kauk, Ralph Maddox, David Ramsay, Carol Rudi, and Al Westphal.

Mayor Bishop stated that back in July of 2000, the Council appointed the Neighborhood Preservation Task Force. At that time we presented them with a pretty broad mission statement which is found in the front of the booklet (NPTF Report) on Page 3. It contains statements most people can agree with and then it gives some sample topics that might be investigated by the task force but it throws in that famous phrase in legalese which says that "topics may include but not be limited to" which opens up the entire can of worms. He remembers after the appointment of the NPTF and giving them the mission statement and telling them to go forth and do your good work, Chairman Carol Rothwell came to him and asked if he had any preconceived ideas where he wanted this to go. The Mayor said it seemed she was almost hoping he would say yes to sort of narrow the scope of the mission statement a bit.

He told Ms. Rothwell that he did not have any preconceived notions and he said they were to do as they saw fit. In just short of eight months, the task force of fourteen members which is now twelve individuals, took that mission statement and gathered together a vast amount of information. When you see the three-ring binder which Anne Alexander brought to show us tonight, it is unbelievable. He commented before the meeting tonight that no wonder the City's paper budget is totally blown this year because there are so many photo copies there.

The Mayor said after the information was gathered then the tough part came which was what to do with it and what recommendations to make based on the information. This booklet received last Thursday, is frankly more than he could ever have wished for when we started the project last July. It is a little bit scary now. The question now is what will the Council do with this set of recommendations. He told the Task Force their job is done, ours is only now just beginning. It is challenging because we have to figure out how to implement the recommendations given to

us. The price tag frankly, is scary. It is not certain at first glance how the City will come up with the money.

We were so confident that the recommendations from the Task Force would be worthwhile, that when the Council met last October for the goal-setting session, one of the Council goals which we gave the City Manager and City staff was implementation of the Task Force recommendations. The Mayor said he really likes their recommendation for an on-going board or commission with the exclusive responsibility of overseeing neighborhood preservation. That group can provide continuity into the future to make sure the City stays on task and does not forget the importance of the recommendations and the work that has been done on neighborhood preservation in the report they provided. He would like to see establishment of that board or commission, and told the members of the present task force that he is looking at about eleven great prospective people to serve on such a committee.

Mayor Bishop thanked Assistant City Manager for Development Scott Wingerson and Secretary Kelli Behr for their hard work and support of the Task Force. He appreciates it and knows it could not have been done without tremendous staff support.

Councilman Shirley Smith commented that she is not an avid reader but found she could not put the report down until the end, it was stimulating and concise. She said not only did the Task Force provide information on what is wrong, but also some guidelines on where to start and how to go about making improvements. It was an incredible report and she thanks the Task Force for it.

Ms. Anne Alexander commented that they could not have done this without Carol Rothwell pulling it all together for us.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as listed. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-01-21** - ratifying the actions of the City Manager relating to the purchase of certain real estate property at 6118 N. Oak; and accepting the deed transferring such property to the City. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Newsom commented that this is the deed purchasing the land for the new fire station. We are moving ahead with all due diligence and giving progress as promised to our voters for passage of the fire protection sales tax.

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-01-22** - authorizing the execution of a contract with Greater Kansas City Umpires Association for services in the amount of \$18.75 per League game and \$18.75 per Tournament game. Funds are authorized from the

General Fund. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-01-23** - authorizing execution of a contract with William White & Sons for the 2001 Curb and Sidewalk Program in an amount not to exceed \$205,781.25 from the Transportation Sales Tax Fund. Project #0107. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve the **FEBRUARY 2001 FINANCIAL REPORTS**. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

Councilman Bill Cross moved to approve the **LIQUOR LICENSE** for Class A&B Restaurant Bar Liquor by the Drink License. Applicant: El Patio LLC, dba Senor Tequila, 6502 N Oak. Managing Officer: Florencio Sanchez J. Reyes. Councilman Anita Newsom seconded. The vote: All "Aye" - Smith, Nodler, Newsom, Cross, Bishop. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Don McLaughlin, 6313 N. Bales, stated that Council may recall that two weeks ago he had asked three questions and the Mayor had asked the City Manager to elaborate on some parts of that. The first question was why did the addition of Englewood Court to the 55th and Old Pike project become a priority. He said Scott Wingerson has provided detailed explanation of his rationale for that. Mr. McLaughlin said his question is more in terms of priorities. He said perhaps in his future endeavors on the Capital Improvements Committee we may need to think about changing those priorities because although we had a five-year plan and resurfaced a lot of streets, there are still many, many streets that are deteriorating rapidly and need something done about them. He thinks they need to become a priority, the priority perhaps.

The second question he asked was why the developers were not asked to participate in the cost of that project that the City provided as part of the 55th and Old Pike project. The addendum to that by City staff provided curbs and gutters around that whole property, sidewalks on one side and even though the contract had been let and work started a few weeks before that request came in for rezoning, he thinks the City would have every right to ask them to participate in the public improvements. We spent something like \$16,000 or \$22,000 depending on which set of figures you look at rebuilding Englewood Court. He thinks it would be reasonable and obviously City staff disagrees with him and we can have those disagreements, but he thinks they (developer) should have participated.

Mr. McLaughlin said the third issue, even though there were those who tried to beat him around the head and shoulders for exercising his right to speak at the last meeting, was that no one answered the question of why in the Planning Commission meeting Mr. Smith entered after this area was discussed. The conflict of interest rules say he should not participate, he should not vote, and he should notify every member of the Commission that he has an ownership interest in that property. He does not believe that was done, and it certainly is not part of the record of the

Planning Commission meeting. If it was an oversight, future Planning Commission meeting minutes should very clearly show when a member of that Commission, and in this case, the Chairman of that Commission, has an ownership interest in the property being considered. He thinks it might have raised an issue with some members of the Planning Commission as to whether or not there should be some involvement in the public improvements to that property.

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

Councilman Shirley Smith stated that she attended the Clay County Coordinating Committee dinner last week. Each city gives their report and a slide presentation was given by a young lady on preservation and architecture in Liberty. It was extremely interesting and the Liberty representatives were very proud of what they have in their city. She would like to see someone or some group research some of the places in our own city. We do have some historic places in our city and it would be nice to put that together into as nice a presentation as the one she saw Thursday night.

Councilman George Nodler had no communications at this time.

Councilman Anita Newsom asked about weekend code enforcement. Does it start with daylight savings time. She has noticed the flowers are springing up and the junk cars are starting to spring up. Scott Wingerson answered it should start next weekend.

Councilman Newsom also reminded everyone to be informed on the candidates and get out to vote on April 3rd. It is our right and our duty.

Mayor Pro Tem Bill Cross wanted to express one thing more to the Neighborhood Preservation Task Force. One statistic that stuck in his mind is that there are 833 rentals in Gladstone and limited funds for repairs. He said with the dynamic duo of City Manager Davis and past Mayor Dick Davis, they can put their heads together to find a good solution in the next six months to a year.

Mayor Dan Bishop said he wanted to pick up on a matter that was dealt with at the last Council meeting. Mr. Don McLaughlin also spoke at that meeting and raised some questions and provided quite a bit of information. It had to do with a capital improvement project at Englewood Court. Based on those inquiries, he presented a number of questions to staff regarding Englewood Court and capital improvements.

In response to those questions, staff generated a rather lengthy memo of reply which Council was provided last Tuesday evening. He thanked staff, particularly Assistant City Manager for Development Scott Wingerson for the time and obvious energy that went into producing this memo of reply. Upon reviewing it, it appears as if staff did not act improperly in terms of bringing forth this capital improvement project. Unfortunately, however, because of who the developers are and the timing of the events involved in this capital improvements project, it allowed a question to be raised about special treatment. That is too bad, because any time a question is raised about public officials using their positions for private gain, that is exactly the sort of thing that causes citizens to be cynical and distrustful of government. Mayor Bishop said that the entire incident is unfortunate and sad.

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

City Manager Kirk Davis had no communications.

Item 9. on the Agenda. CONTINUED PUBLIC HEARING on a request to rezone from RP-3 to RP-4, property north of Englewood Road between N. Broadway and N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (#1143)

Mayor Bishop opened the public hearing and explained the hearing process.

Mr. Thomas Nolte, Nolte and Associates, Architects and Planners, 7611 State Line Road, Kansas City, Missouri, the applicant for the Gladstone Senior Housing project said he has stood before the Council on other occasions on this project. He said this project has come a long way from its early inception and hopefully they are in the final chapter in organizing the information they have for Council this evening.

With him this evening is the development team consisting of Mr. Alan Michaels who will be handling the engineering presentation. He is with LHE Engineers. Also present is Mr. Chris Record who is the developer, and Mr. Herman Scharhag who is the owner of the property in question. They have been working with Mr. Scharhag for a year and a half now.

There are five items on the agenda this evening, 9, 9a, 9b, 9c, and 9d and they include three actions. There is a rezoning request, a site plan approval request and a development agreement to be executed between the developer and the City for infrastructure and improvements.

Mr. Nolte stated that although Council received a packet, he will briefly discuss some of the issues associated with the project that will not only bring the Council and Mayor to the current project status so as not to get confused with some of the other issues we had talked about earlier, but also maybe help some of the other members of the audience to identify with some of the newer items on the plan.

There have been some changes and those changes begin with the removal of the retail portion on the westerly part of the site. It is now referred to as undeveloped area. We have also reduced the size of the footprint for the elderly apartment structure. We have increased the parking from 156 to 178. That does include 85 additional parking spots that are referred to as deferred. The reason it is deferred is because very few of the residents own a car, but if it is needed they can provide the parking, but prefer to keep it in green space now.

Other issues include a comprehensive traffic impact analysis. It is a very interesting analysis in that it says there would be negligible impact on North Englewood Road and on North Broadway. In fact, the street system in Gladstone is adequate and provides acceptable levels of service. That is good news. Usually when there is rezoning, traffic impact studies are requested and modifications might be needed, but it is nothing but good news and came out in favor of the fact that streets are already well designed and engineered.

The other issue that we are going to discuss is the improvements to the storm water collection and detention systems and that they have gone above and beyond code requirements. Mr. Alan Michaels will come forward to discuss engineering issues, then he (Mr. Nolte) will summarize.

Mr. Alan Michaels, LHE, P.A. 13000 West 87th Parkway, Suite 108, Lenexa, Kansas, said he will discuss the engineering issues associated with the storm water and traffic issues. Stormwater is a very significant part of this project due to current flooding in an area that is a tributary on North Broadway to a culvert that passes under the street. There is currently a 24 inch corrugated reinforced concrete pipe that passes under the street. The site is divided into three basins. The area of concern is approximately 11-12 acres and the basin of concern that is currently flooding. Another area drains to the Leimkuhler pond to the north. The area to the south is draining into an existing storm system that ultimately goes to the west of the intersection of North Broadway and Englewood.

They were asked to look at ways to not only minimize, but eliminate the flooding that is currently happening on the northwest corner of the site. The results indicate the pipe underneath the street as it stands has approximately a 30 cfs capacity maximum. That is if water ponds up and goes over the road to the current allowable depth of 7 inches over the roadway, that pipe can carry a maximum of about 30 cfs. The hundred year storm right now is producing about 47 cfs of runoff. It was no surprise that there is runoff over the street. It is in excess of what is allowed by the City design standards. They have proposed to utilize an existing pond to collect the storm drainage and modify the pond outlet structure to better control the flow out of the large area. The pond was designed, not based on the current APWA criteria, which is the City's criteria for detention design, but based on the capacity of the pipe under the road. That pipe capacity governs the release from the pond. The pond has been sized to have a 100,000 cubic feet of storage available to detain the 100 year storm. Equating to gallons, that is approximately 748,000 gallons of water. The runoff from the entire tributary basin would not flood the road but stay within the pipe without increasing the size of the pipe.

One topic that came up was increasing the size of the pipe, but they did not want to move the problem down stream. It would benefit this area, but would create another problem downstream. With the design of the pond as it stands, and their proposal, the 50 year storm would flow underneath the road and there would be very minimal flooding if any, it would definitely be under the 7 inches. Our calculations indicate it would pass under the road but we are allowed to flow over with a depth of 7 inches. We have maintained a conservative design with our release rate to try to get it to pass under the road if at all possible. Our release rate from this site equates to 1.0 cfs per acre of tributary area. What is currently allowed under your criteria is 1.8 cfs per acre, so our design exceeds the current criteria that we are required to design to primarily again in an interest to be a good neighbor. We do not want flooding down there any more than the neighbors do and he does understand that it has been a huge area of concern for the adjacent residents. So, hopefully with this development, we will solve the problem. He added that with this development they are reducing the runoff and noted the proposed runoff from that pond from this entire basin is less than what is existing. So, hopefully we are solving a problem we have been asked to solve.

Councilman Newsom asked if the calculations includes the impervious area that would be created by the deferred parking to be implemented. Mr. Michaels said that is a very good

question. What these calculations include is the ultimate development of the entire property. So they have looked at the entire property at its ultimate development as currently master planned including the parcel not only as deferred parking but as if it was completely developed. So they have taken that scenario into account.

Councilman Cross said so your facts and figures are based upon the 24inch pipe that is already in place. Mr. Michaels said yes.

Mayor Bishop said there has been some concern expressed about the stability of the ponds on the property. There is the one Mr. Michaels is referring to and there is the one referred to as the Leimkuhler pond. He seems to recall that last time we had these discussions in a Council setting there was some indication that the State of Missouri would be coming to do an assessment evaluation of the stability of those ponds to hold not only their current capacity but perhaps increased capacity due to the development. He asked if there is any information about that and the stability of those ponds.

Mr. Michaels said they do not have any geo-technical testing or any testing otherwise regarding the pond's stability, he can tell us that the proposed design includes modifying what is currently the dam of the pond and almost relocating it. It would include some stabilization of that dam to build the outlet structure and to gain the additional capacity and area that we need to capture as much runoff as we can. That dam would almost be reconstructed with this development from the standpoint that we must put in an outlet structure and we must raise the dam to get this design to work. There will be geo-technical testing that will need to accompany that design to again determine what type of measures we need to include in our design to make sure that the dam is stable and not going to erode away and not going to break.

Mr. Wingerson clarified that the area shaded in blue on the exhibit is on the northern part of Mr. Sharhag's property. It's an existing pond referred to in different ways as the catfish pond or the frog pond. On the Sharhag property there is also a smaller pond that is just a low lying swampy area referred to as the mosquito pond sometimes. The Leimkuhler Pond is the kidney or pork chop shaped dark spot on the map. About a year ago, we asked Missouri DNR what the requirements were and they suggested that they would come out and inspect it and at that time we also notified the property owner, Frank Cucchiara, of the need for that to occur. We would be glad to check sometime in the next week to see if DNR has done it or if Mr. Cucchiara has heard anything about the results of an inspection.

Mayor Bishop asked what is the anticipated impact on that pond by the development.

Mr. Michaels answered that the portion of the site that drains to this pond is an area that was also included in a study that was done previously by Lutjen & Associates in January 2000. The recommendations of that study which I believe were considered by staff stated that the developed runoff from that area could pass through that pond with no adverse impacts. As part of this development our commitment to staff is to reevaluate their calculations, their solutions, do our own calculations to verify their findings and that if indeed detention would be required to allow that pond to operate adequately, we would provide that detention in accordance with the current APWA standards.

Mayor Bishop asked for clarification from Mr. Michaels on what he just told us.

Mr. Michaels said he was explaining that if we find the development of this property exceeds the capacity of the downstream system which in this case includes the Leimkuhler Pond per Code we will provide detention per current APWA requirements. We will basically reanalyze the portion of the study that was done by Lutjen & Associates. We will do our own analysis separate and independent of theirs. Their analysis in January of 2000 indicated that this area could drain developed without any impacts and no additional detention is required. We have committed to verify that.

The Mayor said he assumes that the studies as to the capacity of the Leimkuhler Pond assume a structurally sound pond.

Mr. Michaels said yes. There was no mention in the study about the stability or structural stability of the pond.

Mr. Michaels said one other thing he would like to mention in association with the detention issues that we are providing currently is that the inlet that is located on North Broadway is an inlet that is basically functioning as an area or grate inlet that looks like its been run over a few times. It's broken and there's a rusted grate on top of it which is part of the cause of the system not working as it was intended to. Part of our design would also include upgrading that inlet to be a standard area inlet that could be modified in the future with any improvements to the roadway if that does ever happen to a curb inlet which will function much better and much safer than what is currently out there. We can answer any questions you might have in addition to that on storm drainage. I would like to move on to traffic issues associated with this project.

We completed a traffic study and looked at the peak hour counts in this area and concluded based on our level of service analysis that the existing intersection operates fine as it is under existing conditions with an adequate level of service. The traffic generated by this development can be determined from the trip generation manual by the Institute of Transportation Engineers. That traffic based on that accepted standard of trip generation analysis was determined to be insignificant to the amount of traffic on the road. I believe there is anywhere between 10 and 30 vehicles during the peak hour AM and PM peak hour which would be 15 vehicles in, 15 vehicles out, max peak hour trip generation. Again the analysis concluded that the intersections operated at an acceptable level of service and did not need any further improvements, did not need any additional signal improvements because they did not meet the warrants outlined in the Manual of Uniform Traffic Control Devices and those warrants are primarily based on volume, and the traffic generated by this development didn't even come close to meeting those warrants. Referring to the plans, there was an issue brought up regarding turning movements traffic that would be exiting and coming down to make a U-turn at this intersection where we would agree with staff that it is unsafe traffic movement at that location and have agreed to place a "No U Turn Sign" directly across from the left-turn lane at that intersection to at best discourage U-turns. The traffic associated with flow through the site was not a problem in the traffic study they had done. It functioned fine, both entry drives operated with an acceptable level of service because there is not that much traffic generated. One of the items that had come up with discussion was the flow of traffic through the site primarily from one side to the other which would enable someone to make a left-hand turn. We point out that this drive through the

front of the site is a two-way drive and there is access through and in and around the site and we have no problem with traffic issues associated with the development.

Mr. Michaels invited questions.

Councilman Newsom referring to the flow of traffic in the area of the portico or canopy which she assumes is a drop off area, asked if the by-pass lane is a one or two lane by pass. Staff and the developer noted it was two lane. Ms. Newsom said she thinks this is very important to the flow.

Thomas Nolte said he would just reiterate that there have been some improvements made to the plan per the direction of staff on their internal circulation. They have modified the parking and they have added additional parking and different circulation. They are using Main Street as their main entry, and it is also the street that has the ability to make full movement turns when you are down on Englewood Road. Their monument sign is off Main Street and they wish to bring people in at that spot because they can bring people around to the rear of the building, the drop off zone, or to circulate through the by-pass line to the west side of the structure.

Mr. Nolte said as far as issues that dealt with flooding, he thinks a wise decision was made, he wants to approach it from a different perspective. Yes, they could solve all these problems by adding a larger pipe but it would cause problems down stream. It is much better to hold the water and control it on the site. Another issue that Alan Michaels mentioned was about the dam. They will be modifying the existing water on Mr. Scharhag's property. They will be taking out the muck that is in the bottom, they will be deepening it, and will also be adding additional height to that structure, so therefore, since they are the ones touching the structure last and they will be touching it with engineering, it will be correctly engineered and it will be stable. He does not think that was said outright but if they touch it and they modify it and they engineer it, they are responsible for it.

Mayor Bishop said in his mind one of the most significant aspects of the changes in the plan from last time to this plan is the removal of the retail aspect of it on Broadway. He asked Mr. Nolte to discuss how that has changed the plan as far as run-off and traffic flow.

Mr. Nolte said it is one of the main issues for this hearing tonight is the rezoning and how we are handling the density on the site, but also how we are handling this as a master plan. There was a lot of previous discussion on the retail that was aligned with Broadway. They feel the retail is not a necessary component of this plan at this time. It had been suggested that that was good use along Broadway and were happy to accommodate it but it was not necessary for their plan to be developed. They are in the housing business and they feel it is a much better plan now. They have better circulation, adequate size, deferred parking, and they are showing an expanded walkway and trail system throughout the westerly side of the site and are still keeping their garden areas, their gazebos and their outside activity areas. Mr. Nolte said that concludes his comments and he will respond to any questions raised at the appropriate time.

Mayor Bishop invited persons to speak in favor of the application.

IN FAVOR

Herman Scharhag introduced himself as the current owner of the property and said he has owned it since 1965. It is a nice piece of property but he has reached a point where the property needs to be developed. The property is zoned for apartments and cluster housing. In 1986 the land was zoned for 154 apartments that were scattered over the entire site and had nine buildings and two cars per unit which would be over 300 cars. There could have been a major problem with water but the new plan has one building with a minimum amount of parking. Mr. Scharhag said he understands the problem with flooding and noted that part of the flooding in the past is partly due to the fact that the majority of the land is in Kansas City and the people in Kansas City, Missouri have not been cooperative with the City of Gladstone. At the present time we have done everything possible to satisfy the requirements that Gladstone will insist on and he has made an agreement with the developers to use the lake on the remaining property which he still owns to satisfy and provide the protection that is necessary for the control of any water run-off. He feels that this is a far better solution with one building providing senior citizen housing in an attractive site with all of the requirements that are needed. As a retired architect himself he thinks that this is a far better solution than the previously plan for 54 units with nine buildings. He said we should not overlook the benefits of this project to Gladstone and he urges the Council to approve the project and get it underway because it has been on the agenda for over a year and a half.

Galen Neill, 6010 NorthWyandotte, speaking for some area residents, said they want to speak in favor of this proposal but there are a couple of items they would like to have addressed.

Mr. Neill said one question is in regard to the detention basin. They just heard that it would be cleaned out and know there is a lot of debris in that basin and also know there is some erosion that is adjacent to the basin itself. They feel that should be addressed where there has been water runoff over the basin.

Secondly, in regard to the vertical pipe that comes up within the basin itself and will ultimately flow all the way out to the street and connect to the pipe on N Broadway. They ask for clarification on how this pipe is going to be maintained. They have never heard who will maintain it and if there is a problem how it will be addressed.

Thirdly, because they have heard there is going to be 2' of water there at the maximum height, they feel that from the standpoint of children playing in the area that this should be fenced and they would like to hear what the developer and staff think about that. They think the children must be protected.

Mr. Neill said those are the items they want to see addressed before they make their presentation.

Assistant City Manager for Development Scott Wingerson said he can partially address the first two questions and leave the fence question to the developer. In terms of the basin itself, we are in an unusual circumstance. We have more information on the drainage plan for this particular request than we normally would which is due to the focus on the Council, Planning Commission,

Staff, the residents who have attended faithfully the numerous meetings on this as well as a sincere part on the part of the developer to address the concerns.

Mr. Wingerson said unfortunately we do not have final engineering so he is not sure we can answer as it relates to the basin itself. In terms of maintenance, he believes he is on the record in front of the Planning Commission to talk about that just a little bit. All of the details of the maintenance of the pond, the maintenance of the structures leaving the pond, and then going to City right of way have not been finally determined. However, the City will maintain those parts of the structure that are within the right of way, and the developer's representatives are on record as being willing to negotiate a maintenance agreement between the property where the basin is (Mr. Scharhag's) and the developers to work out those details and provide those to city staff prior to its final execution so that we have an opportunity to review it and ensure that the basin and structures are maintained and taken care of. He said Mr. Michaels will be able to address in much more technical detail the actual structure itself and the design of the structure to allow the pond water out into the storm system which ultimately, the conclusion is that it is an extremely low maintenance and obstacle free solution. Mr. Wingerson said many of these ideas were raised by the residents surrounding this development and have been implemented.

The outlet structure is what we call a multi-stage weir which is a box that is literally out in the water away from access by children or anybody who would be in that area. It would act in such a way that at various storm levels it would control the discharge for not only a one hundred year storm which is what is typical in an orpheus type control outflow, but this would control the runoff for a 10 year, 25 year, and 50 year storm, so that we are decreasing runoff for more frequent storm events than would typically be required. The box is a square shaped weir. Water would pond up to a certain elevation spill over the weir and then would expand out to cover the next storm event. He passed a drawing of a similar weir to the City Council.

Mr. Michaels noted the detail they have also included along the top of it a safety rail in the event someone decided to go swimming which they would hope would not occur in the vicinity of the outlet structure. The design helps eliminate problems of clogging and debris getting in there which would typically clog a small orpheus that is typically used to control the outflow from the pond. This is a much more maintenance free approach and again it allows us to control more frequent storms so that if you get a typical rainfall in Gladstone we are having an impact and utilizing the capacity of the pond to its fullest.

Thomas Nolte said on the first question which was on the clean out and the erosion, of course they would be handling that as he stated earlier along with the construction and mucking-out of the pond and also the development of the new dam. He said as Alan indicated the vertical pipe structures that are engineered which tend to be typical for these types of structures allow them to function well.

Mr. Nolte said the third question dealt with the fence and the fence issue is Mr. Scharhag's decision. This is a pond that is still on private property. They have an easement to use this pond because Mr. Scharhag is the seller of part of this property. In fact a little less than half of his property is involved in this sale and he has had two ponds there for quite some time and he does not want to have a fence on this pond and neither do they. They feel it functions quite well as it is. It is in a wooded area and it is protected, and it is on private property. Therefore they

cannot accommodate the request if it was a request. If it is a question they can answer the question in the affirmative - no there is not a fence proposed on this particular water structure.

Mary Abbott, 5905 N Broadway, thanked the Mayor and City Council for the opportunity to express her opinion regarding the proposed Senior Apartment complex on the property east of Broadway and north of Englewood Road and distributed copies of her remarks as follows:

This parcel of land is one of the prime sites in Gladstone. Her daughter played there when the Catlins lived there a long time ago and she used to come home and tell them how pretty it was up there. In all this time it has not changed, it is still pretty up there.

They have been aware of Mr. Scharhag's obsession with building apartments on that prime piece of real estate since approximately 1964. The last time was in April 2000. There were senior apartments and a strip mall. They all said it was a done deal and you can't fight city hall, but Galen Neill and she got a petition and with help in five days we got over 200 signatures. They had an open meeting at Fairview Christian Church and over 150 people came. They did a traffic count on Broadway that indicated there were 7,512 cars in a 12 hour time slot at the entrance to the strip mall. They felt they had to go the extra mile to stop the development of property that they felt would be a detriment to their neighborhood. They felt it imperative that it blend with the surrounding area and not be a source of multiple problems for the neighbors. Mr. Bishop told them that the developer had withdrawn his application for the strip mall. Ms. Abbott told Mr. Bishop that they do appreciate his concern and assistance. When they received the notice from Scott Wingerson in January 2001 that there was a new plat and application for new zoning from Mr. Scharhag's developers they were distressed to say the least. Mr. Wingerson met with Les Smith, Galen Neil, and her any number of times to get input on what they felt would be acceptable and the community could live with. They have come up with a plan that they personally feel is as good as it is going to get. She and Galen still do not want apartments, they would rather it be turned into a big beautiful park but that is out of the question so she will not oppose the proposed plan as it is right now. The Plan which is being considered tonight bears absolutely no resemblance to the plan the developers presented a year ago.

She would like to say in closing that she cannot find words to express the appreciation, admiration, and respect that she has for Scott Wingerson. He has done everything that he can possibly do to get the most from this developer in order to satisfy their requests and he got all but one or two and they are so trivial that do not amount to a hill of beans as her mother used to say.

Ms. Abbott thanked Scott Wingerson and Les Smith who also helped a great deal and was at all the meetings and his input was invaluable. In closing she will say thank you gentlemen for a job well done. You are an asset to the City of Gladstone.

Galen Neill, 6010 North Wyandotte, said he will speak in favor of this but does wish that Mr. Scharhag would reconsider as far as the fence. Reading from his prepared remarks, Mr. Neill said please be advised that he concurs with Mary Abbott's report here this evening. They are very pleased with the continued cooperation received from City staff and Les Smith, Planning Commission, Chairman. As you know we have worked tirelessly to get this development fine tuned. They believe the senior development has been fine tuned and will be a program which the City will be proud of and certainly in demand. Also, they believe the senior

housing residents will enjoy the beautiful walking trails that will be on the west side of the housing development. The trails lead to a natural wooded area with green grass and detention basin. This of course is good for the wild life too. They believe that this will be a peaceful area for walking and jogging for senior citizens. Now, as a community, they believe it is time to move on and let this development begin. As a community, they thank Mr. and Mrs. Scharhag and the Developer Chris Rucker for their cooperation and they know they will be good neighbors.

OPPOSED

Barbara Heimsch, 434 NW 58th Street, Kansas City, Missouri 64118. said she is thankful that the developer removed the shopping center and she is thankful that this is being designed for a one hundred year storm because they are in the path of all the runoff, eventually a 100% of it is going to get to them one way or another depending on how many one hundred year storms they have every year. She said she wants to believe that this detention system is going to work. She wants to believe it with all of her heart because she is here to preserve her neighborhood. She has lived there for 33 years and there are people who have been there longer. They were horribly flooded in 1974, came close to a loss of life down there had it not been for a brave young college student named Mark Bower who literally swam down and pulled a woman out of her house and saved her life for which he got the Andrew Carnegie Award, and they are very proud of him. That just leaves you with this feeling that experts are not always right, they can design and intend to do the right thing but it does not always work out.

So they are left down there on their block right there praying that we have a good engineer here, with all due respect. She sincerely hopes that this works. But if it doesn't work, they will pay a terrible price for it because she does not want her neighborhood to end up like some neighborhoods where all of a sudden you have so much runoff that homes have to be removed and FEMA has to come in and literally remove homes. They do not want to see that happen and they want to keep their neighborhood in tact. She knows that during those first heavy rains they will all be worried down at their end of the block. She told the Council they are depending on them to make sure that these figures are all checked by people that know what they are talking about, that have the expertise to look at this and say whether it is really going to work.

Ms. Heimsch said she has to differ a little bit with Mr. Scharhag on who causes their flooding problems. Kansas City certainly contributes a lot to it but they have come in and made some improvements which have helped them but there is still a limit to how much water their creek can hold. They take a lot of drainage from Gladstone, as far as N. Oak Trafficway and probably beyond that goes into East Creek. She concluded by saying that she hopes it all works out and it is certainly a better plan than it was and she would like to thank the Gladstone Planning & Zoning Commission for listening to them and letting them get up and talk, and for the City Council tonight for listening to what she has to say.

Staff Presentation.

Assistant City Manager for Development Scott Wingerson, referred Council to the proposed site plan ordinance which contains some fourteen conditions and noted the developer has agreed to implement each of those conditions. In terms of the storm water, it is better. The criteria

from day one when this was first heard by the Planning Commission has not changed, what has changed is the implementation of that criteria which has resulted in a much better plan.

Mr. Wingerson said the final plat contained in Council's packet is a little bit different than the one submitted last Friday. The differences are twofold. First, in the northwest corner of the development property on lot 2 in your packet shows a storm water easement that was designed for the previous detention basin. That is all changed so that is no longer reflected as well as a slight change in the North Main right of way which was made to allow the improvements to line up adequately on the east side of the property with the improvements constructed by Realty Executives when that property was constructed. So those are the only differences there. In terms of the development agreement in your packet, Mr. Wingerson said he marked up a copy based on conversation with the developer. Mr. Rucker is here tonight and was a little bit hesitant to execute the agreement prior to the Council approving the development because the project does have some history but he is here and he believes he would state to you unequivocally that he will sign the Developer's Agreement subject to Council's approval of the development request. Mr. Wingerson said finally, he will summarize that the Planning Commission recommends approval of this request by a vote of 10 in favor, 0 in opposition, 1 abstain. Mr. Wingerson said he would be glad to answer any questions Council may have.

Councilman Newsom said she may be hesitant to vote for this proposal unless the Developer's Agreement is signed because she thinks we hold the trump card.

Chris Rucker, 8411 Preston Road, Dallas, Texas, 75225, (AHM Development, Inc.) came forward with pen in hand and signed the Developer's Agreement.

Councilman Newsom said for the record she understands that Public Safety has reviewed the site plan and is comfortable with ingress/egress and access for emergency services be it fire, ambulance, etc. Mr. Wingerson said that is correct, Public Safety has been a part of all the group development on all of the site plan. In addition, the architects and engineers have sat down with the Code Compliance people in the last week and a half and gone over preliminarily what the requirements of the building and fire code will be for the structure for permit review and Council approval.

Ms. Newsom said looking at a very large structure like that with older citizens there will probably be more calls for ambulance, and medical assistance. It is important that there be easy access and ready accessibility and she would hate for someone to lose a life because we were running up and down the halls with a gurney and couldn't get in some other way.

Mr. Wingerson responded that this type of facility has some of the tightest on building construction codes of any use there is and certainly Building Codes Supervisor Alan Napoli will be looking at those issues very, very closely in conjunction with Fire Inspector Chuck Duddy.

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

Item 9a. on the Agenda. FIRST READING BILL 01-12, rezoning from RP-3 to RP-4, property north of Englewood Road between N Broadway and N Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1143)

Councilman Anita Newsom moved to place Bill 01-12 on First Reading; Councilman Shirley Smith seconded.

Discussion.

Mayor Bishop commented that there is no doubt in his mind that this is the best zoning change that we have seen for this property. It is certainly better than what existed with the apartment opportunities there. It is better being all residential without the retail component and he will be supportive of the rezoning.

Mayor Pro Tem Cross said he also concurs with Ms. Abbott's comment that the plan under consideration tonight has no resemblance to the previous plan a year ago. The plan has changed and he really is happy that the neighborhood got together and pulled together and stayed with their thoughts and ideas to make this something worthwhile. He appreciates neighborhood representatives showing up tonight.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 01-12, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 01-12 and enact the Bill as **Ordinance 3.787**; Councilman George Nodler seconded. Roll Call Vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) .

Item 9b. on the Agenda. **FIRST READING BILL 01-13**, approving a Site Plan in conjunction with a rezoning of property in the 5700 Block of N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1143)

Mayor Pro Tem Bill Cross moved to place Bill 01-13 on First Reading; Councilman Anita Newsom seconded.

Discussion.

Mayor Bishop commented that he would echo what has been said that this site plan is so much better than what we have seen. He is grateful the retail is gone and he thinks that the walking trails and the whole site plan is very attractive. He is glad to be able to support this because he thinks that obviously we have an aging population in Gladstone and there is a need for this type of senior housing.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 01-13, Waive the Rule, and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 01-13 and enact the Bill as **Ordinance 3.788**; Councilman Shirley Smith seconded. Roll Call Vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 9c. on the Agenda. **FIRST READING BILL 01-14**, approving the Final Plat of Gladstone Senior Apartments located in the 5700 Block of N. Main. Applicant: Nolte & Associates. Owner: Herman Scharhag (File #1144)

Councilman Anita Newsom moved to place Bill 01-14 on First Reading; Councilman George Nodler seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the First Reading of Bill 01-14, Waive the Rule, and place the Bill on Second and Final Reading; Councilman George Nodler seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Councilman Anita Newsom moved to accept the Second and Final Reading of Bill 01-14 and enact the Bill as **Ordinance 3.789**; Councilman George Nodler seconded. Roll Call Vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 9d. on the Agenda. **RESOLUTION R-01-24**, authorizing execution of a Land Development Agreement with AHM Development, Inc. relating to the development of a Senior Housing Independent Living facility and the construction of deferred parking in the 5700 block of N. Main.

Councilman Anita Newsom moved to adopt Resolution R-01-24; Councilman George Nodler seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Mayor Bishop congratulated the applicants and thanked them for their persistence, patience, flexibility, and willingness to work with neighbors, the Planning Commission, and the City Council. Councilman Bill Cross asked how long it will be before we see the finished product. Mr. Nolte said we are on a fast track schedule now.

Mr. Nolte said he does think it is a wonderful example of community involvement and getting a product that everyone is satisfied with.

Item 10. On the Agenda. PUBLIC HEARING: on a request to amend the Gladstone Zoning Ordinance, dealing with setbacks for decks. Applicant: City of Gladstone. (File #1142)

Mayor Dan Bishop opened the public hearing and explained the hearing process.

Assistant City Manager for Development Scott Wingerson, speaking on behalf of the City as Applicant, said this is an important proposed amendment to our Zoning Ordinance. It is an issue that has been raised by the Council for many many years, and an issue that has been raised by the Planning Commission for several years, and an issue raised by the Board of Zoning Adjustment basically forever. What is proposed is that for single family homes a typical open deck be allowed to encroach into what is now a 35' setback. The Board of Zoning Adjustment is seeing many more variances of this type than they have in the past due mostly for two reasons. One being the value of the land. As it becomes more valuable the homes on that land become more valuable and it usually translates to a larger home and it makes it difficult to install a deck and maintain the 35' setback. The other reason is that in the established and developed parts of town people over the years have converted and changed their properties and at some point in time they always want to have another deck, a larger deck, a better deck. So those are the two main reasons.

Mr. Wingerson said specifically the amendment would allow an open deck to encroach into the 35' setback a distance of ten feet. So the setback for a deck would be 25' and the house itself or primary structure would remain 35'. The Board of Zoning Adjustment has not taken official action on this but he can promise that they are extremely supportive of this request and the Planning Commission voted 9-0 to recommend approval of the amendment.

Councilman Newsom said to clarify, this pertains not only to new homes construction but also to existing homes should someone want to increase the size of their deck to that 25' build line. Councilman Cross said this amendment pertains to open decks not enclosed. Mr. Wingerson said that is correct, this amendment adds a definition of "**deck**" to the list of definitions in the Zoning Ordinance and defines it as "**A flat floored, roofless area that is greater than 18" in height and adjoins a house or built as a structural part of it, being open on one or more sides and containing hand and/or safety railing**". He said the hand or safety rails differentiates it from a platform or a patio for building code purposes.

Ms. Newsom asked about building a deck that included a gazebo on the end of it with a roof. Mr. Wingerson said under the present definition it would be allowed because it would be open on one or more sides. He clarified as long as it is attached to and made a part of the deck, and not a separate gazebo.

There were no persons desiring to speak for or against this Zoning Ordinance Amendment and Mayor Bishop closed the Public Hearing.

Item 10a. on the Agenda. FIRST READING BILL 01-15, amending Section 32-1 and 32-10 (D) of the Gladstone Zoning Ordinance dealing with setbacks for decks. (File #1142)

Mayor Pro Tem Cross moved to place Bill 01-15 on First Reading; Councilman Anita Newsom seconded. the vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Mayor Pro Tem Cross moved to accept the First Reading of Bill 01-15, Waive the Rule and place the Bill on Second and Final Reading; Councilman Anita Newsom seconded. The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0) The Clerk read the Bill.

Mayor Pro Tem Cross moved to accept the Second and Final Reading of Bill 01-15 and enact the Bill as **Ordinance 3.790**; Councilman Anita Newsom seconded. Roll Call Vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 11. on the Agenda. APPROVAL OF BUILDING PERMIT for Paris II Education Center, 6840 N. Oak Trafficway, for a 1,380 sq. ft. addition to the existing building. Applicant: Ken McCall & Associates, Architect Owner: Garold Tingler. (BP #01-0087)

Mayor Pro Tem Bill Cross moved for approval of the Building Permit for 6840 N Oak Trafficway; Councilman George Nodler seconded.

Discussion.

Councilman Newsom asked if this building addition will be under the present canopy area. Mr. Scott Wingerson advised there is an existing canopy on the building as part of the school and some of the offices within the building will move to the front in that canopied area, and the building will have a face lift on the front as well as certain distance on the south side.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 12. on the Agenda. APPROVAL OF BUILDING PERMIT for the interior and exterior remodel of Long John Silvers/A&W, 7017 N. Oak Trafficway. Applicant: Arc Vision, Inc. Owner: Yorkshire Global Restaurants, Inc. (BP#01-0097)

Councilman Shirley Smith moved to approve the Building Permit for 7017 N. Oak Trafficway Councilman Bill Cross seconded.

Mr. Wingerson advised this is a partnership between Long John Silver and A&W Root Beer, similar to the Kentucky Fried Chicken and A&W partnership at Kendallwood & Antioch Road. The colors will be consistent with Long John Silvers which has blue tones and A&W which uses orange and black and fits together the same way as the Kentucky Fried Chicken/A&W Root Beer facility being built on Antioch Road.

Discussion.

Councilman Cross asked if this measure is to improve their business in Gladstone. Director Wingerson said yes that is their hope.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

Item 13. on the Agenda. **RESOLUTION R-01-25**, expressing the opposition of the City Council to the passage of House Bill 472 and Senate Bill 369, pending before the Missouri General Assembly that, if adopted, would adversely affect the authority of the City of Gladstone to regulate the use of public rights-of-way for the benefit of the residents of the City.

Mayor Pro Tem Bill Cross moved to adopt Resolution 01-25; Councilman Shirley Smith seconded.

Discussion.

City Counselor David A. Ramsay explained that this is a Bill pending before the Missouri Legislature that is of concern to local government attorneys. He found out about it last week when he attended a local government committee meeting. Of most concern are the restrictions on the ability of the city to properly plan for use of the rights of way. As those rights of way become more crowded with telecommunications and other utilities it is going to be even more important for us to have local control over how those are designed and the manner and pace and timing of those designs.

One of the concepts that the telecommunications industry seems to be fighting is what's called "street degradation fees", which means in addition to repairing a street cut with a patch, they also contribute to a fund that will allow for the earlier resurfacing of that particular street. Anyone who holds a State Drivers License knows that once you make a street cut, the integrity of that street is impacted and the life of that street cover is shortened. This is a fee that the telecommunications people do not want to pay. One of their positions is that it will increase utility bills, however, primarily they are talking about dsl lines and cable television hookups which are optional utilities for residents. As we have traditionally taxed the use of the rights of way and allocated permit fees to the people who actually use the service, if they can't charge those fees then we are relegated to a property tax which taxes all of the citizens.

The Missouri Municipal League has been working in two ways. One, in direct opposition to these two bills and secondly, in efforts to gain some reasonable amendments that will protect the interests of the cities, and I suggest that Council should be on record as opposing those Bills in recognition of their possible detrimental affect on the city.

Councilman Anita Newsom asked how soon the Legislature expects to move forward on these Bills. Counselor Ramsay said two or three weeks.

Councilman Shirley Smith asked Mr. Ramsay if he has spoken to any of our State Representatives on this issue. Mr. Ramsay said he did have extensive conversation last week on this issue with State Representative Phil Willoughby and his frustration was that all of the information being provided to the legislature is from the communication lobbyists. The Kansas

City Assistant City Attorney and others are trying to impart contrary information in opposition through Missouri Municipal League and that is starting to have some effect.

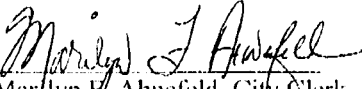
The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

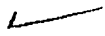
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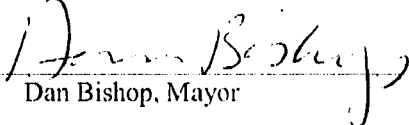
There were no communications from the News Media or further business to come before the March 26, 2001 Gladstone City Council Meeting, and Mayor Dan Bishop adjourned the Regular Meeting.

MOTION TO ADJOURN TO CLOSED EXECUTIVE SESSION. Councilman Newsom moved to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded. **Roll Call Vote:** All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Davis. (5-0)

Respectfully submitted:


Marilyn H. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____


Dan Bishop, Mayor

3/24/01

My name is Mary Abbott and I live at 5905 N. Broadway, Gladstone, Mo. I would like to thank the mayor and the city council for the opportunity to express my opinion regarding the proposed Senior Apartment complex on the property East of Broadway and North of Englewood Road.

This parcel of land is one of the prime sites in the City of Gladstone. My daughter played there when the Catlins lived there a long time ago and she would come home and tell her daddy and me how pretty it was up there. In all this time it has not changed. It is still pretty up there.

We have been aware of Mr. Sharhags' obsession with building apartments on that prime piece of real estate since approximately 1964. The last time was in April 2000. There were senior apartments, and a strip mall. They all said it is a done deal and you can't fight city hall but Galen Neill and I got a petition. With help in five days we got over 200 signatures. We had an open meeting at Fairview Christian Church and over 150 people came. We did a traffic count on Broadway that indicated there were 7,500 cars in a twelve hour time slot passed the entrance to the strip mall. We felt we had to go the extra mile to stop the development of property that we felt would be a detriment to the neighborhood. We felt it imperative that it blend with the surrounding area and not be a source of multiple problems for the neighbors. Mr. Bishop told us that the developer had withdrawn his application for the strip mall. We do appreciate Mr. Bishop's concern and assistance.

When we received the notice from Scott Wingerson in January 2001 that there was a new plot and application for new zoning from Mr. Sharhags' developers, we were distressed, to say the least.

Scott met with Les Smith, Galen Neill and myself any number of times to get input on what we felt would be acceptable and the community could live with. We have come up with a plan that I personally feel is as good as it is going to get. Galen and I still don't want apartments. We would rather that be turned into a big beautiful park but that is out of the question and so I will not oppose the proposed plan as it is right now. I might add, the plan which you are considering tonight bears absolutely no resemblance to the plan the developers presented a year ago.

I would like to say in closing that I cannot find words to express the appreciation, admiration and respect that I have for Scott. He has done everything he could possibly do to get the very most from this developer in order to satisfy our requests, and he got all but one or two and they are so trivial they don't amount, as my mom used to say, a hill of beans. Thank you Scott. I would also like to thank Les Smith. He helped a great deal also and was at all the meetings and his input was invaluable.

In closing, let me say, Thank You Gentlemen for a job well done. You are an asset to the City of Gladstone.

Updated 4/9/01

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 9, 2001**

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 26, 2001 City Council Meeting Minutes.**
5. **FIRST READING BILL 01-16**, declaring the results of the Tuesday, April 3, 2001 Gladstone General Election as certified by the Clay County Board of Election Commissioners that **Candidate Les Smith** has been elected to a Three Year Term on the Gladstone City Council.
6. **SPECIAL PRESENTATION** to outgoing **Councilman George Nodler** recognizing his service as Councilman (April 1992 - April 2001); and Mayor (April 1994/1995, April 1998/1999).
7. **CITY COUNCIL OATH OF OFFICE: LES SMITH**
8. **ELECTION OF MAYOR AND OATH OF OFFICE**
9. **ELECTION OF MAYOR PRO-TEM**
10. **CONSENT AGENDA**
RESOLUTION R-01-26, authorizing an emergency appropriation from the General Fund Balance in the amount of \$84,012.00 for the purchase of a radio console system and components from Commenco, Inc. for Gladstone Public Safety dispatching.

RESOLUTION R-01-27, declaring certain unused City-owned 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.

RESOLUTION R-01-28, authorizing execution of a contract with Lexeco for the 70th Street Reconstruction Project in an amount not to exceed \$454,137.22 from the Transportation Sales Tax Fund. (Project #0117)

LIQUOR LICENSE APPROVAL: Class "A", 6 day a week Liquor by Drink License for Uncle Nebo's, 7102 North Oak Trafficway, change of ownership. New Owner/Managing Officer: James Schneider

LIQUOR LICENSE APPROVAL: TEMPORARY 1 DAY BEER LICENSE to St. Charles Borromeo Parish, 804 Shady Lane for annual auction, April 21, 2001, 6:00 PM - Midnight. Managing Officer: Paul G. Danaher

REGULAR AGENDA

11. **Communications from the Audience.**
12. **Communications from the City Council.**
13. **Communications from the City Manager.**
14. **APPROVAL OF BUILDING PERMIT** for tenant finish of 1,412 sq. ft. office at 4770 North Bellevue, Suite 201. Applicant: Midwest Industries, General Contractor. Owner: Bellevue Properties LLC. (BP# 01-0134)
15. **CONTINUED PUBLIC HEARING:** on a request to rezone property at 5800 N Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (originally continued from 3/12/01 to 4/9/01)
Audience Note: this Public Hearing will be opened and immediately re-continued to the April 23, 2001 City Council Meeting at the request of the Applicant.
16. **PUBLIC HEARING:** on a request to rezone from CPO to CP-2, property at 6902 N Oak. Applicant: Dominic Cuccia (File #1152)
Audience Note: this Public Hearing will be opened and immediately continued to the April 23, 2001 City Council Meeting at the request of the Applicant.
17. **PUBLIC HEARING:** on a request for a Special Use Permit on property at 7508 N Oak for operation of a Garden Center. Applicant: Kenneth and Anna Ryan. Owner: "Tony" Anthony Scire. (File #1151)
- 17a. **FIRST READING BILL 01-17,** granting a Special Use Permit subject to certain conditions to Kenneth and Anna Ryan for operation of North Oak Garden Center on property at 7508 N Oak Trafficway. Permit expiration: January 1, 2002. (File #1151)
- 17b. **APPROVAL OF BUILDING PERMIT** for Temporary Garden Shed at 7508 N Oak. Applicant: North Oak Garden Center, Anna Ryan. Owner: Tony Scire. (BP#01-0109)
18. Other Business.
19. Questions from the News Media.
20. Adjournment.

Following the Adjournment of the Regular Council Meeting
You are cordially Invited to a 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 9, 2001

Mayor Dan Bishop called the **Regular April 9, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Dan Bishop
Mayor Pro Tem Bill Cross
Councilman Anita Newsom
Councilman George Nodler
Councilman Shirley Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. Pledge of Allegiance.

Scout Michael Martin from Troop #354 sponsored by Meadowbrook United Methodist Church led the Pledge of Allegiance to the Flag and was joined by his fellow scouts and the audience.

Item 4. on the Agenda. Approval of Minutes.

Councilman Anita Newsom moved to approve the **Regular March 26, 2001 City Council Meeting Minutes** as submitted; Councilman George Nodler seconded. The vote: All "aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Item 5. On the Agenda. **FIRST READING BILL 01-16**, declaring the results of the Tuesday, April 3, 2001 Gladstone General Election as certified by the Clay County Board of Election Commissioners that **Candidate Les Smith** has been elected to a Three Year Term on the Gladstone City Council. Final votes: Les Smith: 2,049; Ken Winkler: 1,536.

Councilman Newsom moved to place the Bill on First Reading; Councilman Nodler seconded.

Discussion.

Councilman George Nodler thanked the citizens of Gladstone for the honor of serving on the City Council and his fellow Councilmembers, both past and present. He especially thanks Councilman Anita Newsom who is truly dedicated to this city and is completely straightforward and honest. He said you always know where you stand with Anita. Mr. Nodler also thanked

former Councilman Roger Norris for encouraging him to believe in himself. He thanks City Manager Kirk Davis and all his staff and city employees because they do an excellent job and they make being a Councilman a very easy task, and City Clerk Marilyn Ahnefeld who is always there for the Council.

Councilman Nodler said there are a lot of accomplishments over the last nine years and he certainly does not take credit for them but was pleased to be a part of them. He named the transportation sales tax which allowed us to upgrade street improvements, the water bonds which allowed the improvement of fire hydrants and fire protection especially in our older neighborhoods, the improvements to Happy Rock Park that make it a northland gem, the amphitheater in Oak Grove Park, the new Hamilton Heights Park, and especially the recent approval of funding for a new public safety facility on North Oak.

Councilman Nodler said he has held this Council seat for nine years and his predecessor Bob Ashcroft held it even longer. He is very pleased to have Les Smith as his successor. He said Les Smith's civic accomplishments are far too many to list tonight but he knows Les is dedicated to the City of Gladstone and will do an excellent job and he wishes him and the rest of the City Council good luck.

The vote: All "aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the First Reading of Bill 01-16, Wave the Rule and place the Bill on Second and Final Reading; Councilman Nodler seconded. The vote: All "aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0) The Clerk read the Bill.

Councilman Newsom moved to accept the Second and Final Reading of Bill 01-16 and enact the Bill as **Ordinance No. 3.791**; Councilman Nodler seconded. The vote: All "aye" - Councilman Smith, Councilman Nodler, Councilman Newsom, Mayor Pro Tem Cross, Mayor Bishop. (5-0)

Item 6. on the Agenda. SPECIAL PRESENTATION to outgoing **Councilman George Nodler** recognizing his service as Councilman (April 1992 - April 2001); and Mayor (April 1994/1995, April 1998/1999).

Mayor Dan Bishop told Councilman Nodler that he has had the opportunity to serve two years with him and he does not think that people realize until they are on this side of the Council table how much time, energy, and dedication it takes to serve on the City Council, and George Nodler has done it for nine years. He said nine years represents a lot of meetings and a lot of Council packets and told Mr. Nodler that it truly speaks of his commitment to this community. He said you have to be selfless to serve and he thanks Mr. Nodler for serving this community as a Councilman and Mayor for nine years and he wishes him the very best in his future endeavors.

Mayor Bishop presented George Nodler with a **Certificate of Service** in recognition of his service and achievements in the betterment of our city and his outstanding contributions as Councilman and Mayor on behalf of former and present members of the City Council who were privileged to serve with him. The listing included Anita Newsom, Dan Bishop, Bill Cross, Shirley Smith, Bill Reynolds, Mike Reinsch, Art Hammen, Roger Norris, and Dave Fricke.

Mayor Bishop also noted that earlier this year every former Gladstone Mayor who had not received a Key to the City was presented one, and now as a former Mayor it is appropriate to also present Mr. Nodler with a framed **Key to the City of Gladstone**.

Councilman Anita Newsom begged the indulgence of the Council to say a few words about Mr. Nodler. She told George Nodler that she has had the privilege of serving with him the longest period of time on the City Council and she commends him on being a very valued team member. She said over the years they have become friends as they served and worked together on a number of issues. Ms. Newsom told Mr. Nodler that the things she truly admires about him are his intelligence, attention to detail, patience and calm demeanor, and most of all his personal integrity, which is to the core. If there is someone who embodies integrity, it is George Nodler. She said she was privileged to have served with him and she wishes him well in his endeavors beyond the Council.

Mr. Nodler thanked the Mayor and Council for their appreciation gifts and remarks. He received a standing ovation as he took his seat in the audience.

Item 7 on the Agenda. CITY COUNCIL OATH OF OFFICE: LES SMITH

City Clerk Marilyn Ahnefeld gave the Oath of Office to Les Smith for a three year term on the Gladstone City Council and Councilman Smith took his place at the Council table.

Item 8 on the Agenda. ELECTION OF MAYOR AND OATH OF OFFICE

Councilman Dan Bishop nominated **Anita Newsom** for the office of Mayor of the City of Gladstone. He said Anita is the longest serving member of this Council with 11 years, has served as Mayor before, and will do a fine job presiding over the Council this next year. Councilman Les Smith seconded the motion. There were no other nominations. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Anita Newsom. (5-0)

City Clerk Ahnefeld administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Councilman Anita Newsom.

Item 9. On the Agenda. ELECTION OF MAYOR PRO-TEM

Mayor Newsom announced that nominations are now in order for the office of Mayor Pro Tem. Councilman Les Smith nominated Councilman **Bill Cross** for the position of Mayor Pro Tem; Mayor Newsom seconded the motion and moved that the nominations cease and that Councilman Bill Cross be elected Mayor Pro Tem by acclamation; Councilman Les Smith seconded. The vote: "Aye" - Councilman Les Smith, Councilman Dan Bishop, Mayor Anita Newsom. "Nay" - Councilman Shirley Smith. Councilman Bill Cross did not vote. (3-1-0)

Item 10. On the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as read; Councilman Bishop seconded. The vote: All "aye" - Councilman Les Smith,

Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-01-26**, authorizing an emergency appropriation from the General Fund Balance in the amount of \$84,012.00 for the purchase of a radio console system and components from Commenco, Inc. for Gladstone Public Safety dispatching. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-01-27**, declaring certain unused City-owned 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 Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-01-28**, authorizing execution of a contract with Lexicon for the 70th Street Reconstruction Project in an amount not to exceed \$454,137.22 from the Transportation Sales Tax Fund. (Project #0117) Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved for the **LIQUOR LICENSE APPROVAL: Class "A"**, 6 day a week Liquor by Drink License for Uncle Nebo's, 7102 North Oak Trafficway, change of ownership. New Owner/Managing Officer: James Schneider. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved for approval of the **TEMPORARY ONE DAY LIQUOR LICENSE** for St. Charles Parish, 804 Shady Lane in connection with the annual auction, April 21, 2001, 6:00 PM - Midnight. Managing Officer: Paul G. Danaher. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 11. On the Agenda. Communications from the Audience.

Galen Neil, 6010 North Wyandotte, said with the closure of North Broadway he has noticed some repair work being done in filling up holes on the north side of 61st Street, but he asks why the south side of the street has not also been repaired because there are a lot of bad holes on that side. He would appreciate those being taken care of because there is an enormous amount of traffic that is cutting through from either North Oak going to Broadway or vice versa.

Item 12. On the Agenda. Communications from the City Council.

Councilman Les Smith introduced his mother, Carm Smith, his wife Rhonda and son and daughter Jason and Jennifer who were present in the audience, and thanked them for all their support.

Mr. Smith congratulated George Nodler on his nine years of service to Gladstone and as a resident and business owner he thanks him for all his efforts during that time. He told Mr. Nodler he is proud to take his seat and is proud to call him a friend. Speaking to campaign workers who were present in the audience, Mr. Smith stressed that this campaign was not about him, but was about a group of people who truly care about and believe in this city and want to continue to make this city a great place to live, work and raise a family. Because of time constraints and not wanting to miss anyone, Councilman Smith asked for those who really care about the City of Gladstone to raise their hands. He thanked his supporters and told them he would do his very best to serve them well.

Mr. Smith said he looks forward to working with this Council. We just came through a tough campaign and hopefully that ended last Tuesday. He commits to doing all he needs to do to be a member of the City Council. Mr. Smith asked City Manager Kirk Davis to please pass along to his staff how much he is looking forward to working with all of them, and he suggests we get down to business.

Councilman Shirley Smith said last Saturday morning she attended a breakfast of the bipartisan breakfast club and the subject discussed was forms of government. Kansas City, Missouri is contemplating a change in government form and Clay County is looking at a charter form of government change as voted by the people. It was a very interesting discussion and she thinks at some time in the future we should review what options we have for Gladstone's form of government, and perhaps discuss it and see if we are still right with the form that we have.

Councilman Dan Bishop congratulated Councilman Les Smith and told him he obviously worked very hard in the campaign and put a lot of time, effort and energy into it which paid off for him. He congratulates him and looks forward to working with him.

Mayor Pro Tem Bill Cross said he would reiterate Mr. Bishop's comments on welcoming Councilman Les Smith. We will miss Mr. Nodler, but know that Les will put forth just as much effort and hope that we can accomplish as much this year as we did the last.

Mayor Anita Newsom thanked her fellow Councilmembers for allowing her the opportunity to serve as Mayor during her last year on the City Council. She explained that in Gladstone, the Mayor is a titular title, you run the meetings and yes, you get the phone calls first when something is not going right. But it is also an honor to serve in this capacity which she appreciates. She certainly intends to do her very best by all of the city staff, and most importantly the citizens of Gladstone. She recognized her mother Lorene Newsom, her brother David Newsom and Cecile Davis who journeyed from Higginsville, Missouri to be with her this evening. She thanks them for their support.

Mayor Newsom also acknowledged receipt of the Annual Report of Services which the staff puts together. She said it amazed her at the amount of services given to our citizens with no

larger staff than we have. As far as the term "getting the biggest bang for your buck", the citizens of Gladstone certainly get that when you look at the data contained in the document. Not only is it a nice narrative document but it has some good hard statistics showing areas of change and improvements in the services provided to our citizens on an annual basis. This also gives us a good basis to work from as we start into our budget planning process and she thanks staff for putting it together.

Ms. Newsom asked if copies of the report are available to the public. City Manager Davis said they are and suggested individuals contact Diane Whitaker in the General Administration Department for a copy.

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

City Manager Kirk Davis announced two upcoming events:

- Spring Beautification: April 27, 28, 29 in Gladstone Central Park, 69th & N Holmes;
- Brush Disposal Weekend, May 4,5,6 at the Public Works Building, 76th & Antioch Road.

Mayor Newsom said she appreciated the green postcard recently sent to residents reminding of these two activities.

Item 14. On the Agenda. APPROVAL OF BUILDING PERMIT for tenant finish of 1,412 sq. ft. office at 4770 North Bellevue, Suite 201. Applicant: Midwest Industries, General Contractor. Owner: Bellevue Properties LLC. (BP# 01-0134)

Councilman Dan Bishop moved to approve the Building Permit for 4770 N Bellevue, Suite 201 as presented; Councilman Bill Cross seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Anita Newsom. (5-0)

Item 15. on the Agenda. CONTINUED PUBLIC HEARING: on a request to rezone property at 5800 N Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (Originally continued from 3/12/01 to 4/9/01)

Mayor Anita Newsom opened the Public Hearing and announced that it will be re-continued to the April 23, 2001 City Council Meeting at the request of the Applicant.

Item 16. on the Agenda. PUBLIC HEARING: on a request to rezone from COP to CP-2, property at 6902 N Oak. Applicant: Dominic Cocoa (File #1152)

Mayor Anita Newsom opened this Public Hearing and announced that it will be continued to the April 23, 2001 City Council Meeting at the request of the Applicant.

Item 17. On the Agenda. PUBLIC HEARING: on a request for a Special Use Permit on property at 7508 N Oak for operation of a Garden Center. Applicant: Kenneth and Anna Ryan. Owner: "Tony" Anthony Searc. (File #1151)

Mayor Anita Newsom opened the Public Hearing and explained the hearing procedure and invited the Applicant to make their presentation.

Anna Ryan, 509 SW 10th Street, Blues Springs, Missouri, introduced herself as the Applicant and advised that she and her husband, Kenneth Ryan are requesting this Special Use Permit until January 1, 2002. In the interim they will be operating a garden center at this location and applying for a rezoning and bring in an architect to the City with some plans for a permanent structure.

Gladstone Assistant City Manager for Development Scott Wingerson said as Mrs. Ryan explained this Special Use Permit would be scheduled to expire on January 1, 2002. He drew the Council's attention to Condition #9 in the proposed ordinance which refer to the hours of operation from 8:00 am to 9:00 pm. Condition #12 requires that all materials for sale be located 30' west of North Oak on the 30' setback, except those within the existing canopy. Condition #13 requires that in the event that a zoning change is not applied for and granted by the City Council for a permanent operation, that the site will be restored to its current condition prior to any development whatsoever.

Councilman Cross asked if staff has seen any architectural plans yet on what is proposed. Mr. Wingerson said there are no plans yet, but the applicant and staff have been working closely on their application to move forward expeditiously.

Mayor Newsom noted that Condition #15 specifies that the southern drive shall not be used. It is her understanding that there are posts in the ground that will prohibit ingress and egress from there. Scott Wingerson said the posts will be reduced in height but they will remain in place.

Mrs. Ryan clarified that the posts have been cut off and are at 36 inches and they will use railing to make a country style fence along the front that bends along the south side of the property.

Mr. Wingerson also noted that the Planning Commission unanimously recommended approval.

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

Item 17a. on the Agenda. FIRST READING BILL 01-17, granting a Special Use Permit subject to certain conditions to Kenneth and Anna Ryan for operation of North Oak Garden Center on property at 7508 N Oak Trafficway. Permit expiration: January 1, 2002. (File #1151)

Councilman Bishop moved to place Bill 01-17 on First Reading; Councilman Les Smith seconded. the vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bishop moved to accept the first Reading of Bill 01-17, Waive the rule and place the Bill on Second and Final Reading; Councilman Les Smith seconded. the vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) the Clerk read the Bill.

Councilman Bishop moved to accept the Second and Final Reading of Bill 01-17 and enact the Bill as **Ordinance No. 3.792**; Councilman Les Smith seconded.

Discussion.

Mayor Newsom commended the Ryan's on their decision to seek a special use permit to make the business operational with future plans for a new look for this business. It is a good idea and she will be voting in favor of the special use permit.

The vote: All "Aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom wishes the applicants good luck in their business plans.

Item 17b. on the Agenda. APPROVAL OF BUILDING PERMIT for Temporary Garden Shed at 7508 N Oak. Applicant: North Oak Garden Center, Anna Ryan. Owner: Tony Scare. (BP#01-0109)

Councilman Bill Cross moved to approve the Building Permit for 7508 N Oak; Councilman Dan Bishop seconded. The vote: All "Aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0)

Item 18. on the Agenda. OTHER BUSINESS.

Mayor Anita Newsom presented a flower bouquet to Mrs. Leslie Bishop on behalf of the City Council in appreciation of her understanding of the time required of Mayor Bishop in the performance of his mayoral responsibilities this past year. Referring to the birth of Mayor and Mrs. Bishop's son Benjamin, Ms. Newsom said Mrs. Bishop certainly had a busy year bringing a new citizen to Gladstone as well as being the first lady of Gladstone. Leslie Bishop thanked the Council for their gift.

City Manager Kirk Davis presented flowers to Mayor Anita Newsom and told her the City Staff certainly looks forward to working with her and Mayor Newsom expressed her thanks as well.


Councilman Les Smith said he would be remiss if we did not recognize the term that Dan Bishop served as Mayor. He would have to say that his was one of the most energetic terms of Mayor that he has seen. He told Mr. Bishop that he certainly did a lot of good things for the City this past year. He said they did not always agree, but he hopes they will always be able to agree to disagree when appropriate. He told Dan Bishop that he did do a phenomenal job as Mayor and should be commended for that.

Mr. Bishop thanked Mr. Smith for his comments.

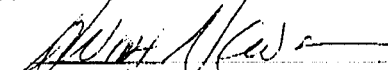
* * * *

There was no further business to come before the April 9, 2001 City Council Meeting and Mayor Anita Newsom adjourned the meeting. She cordially invited all to enjoy refreshments at the lobby reception honoring the City Council which is co-hosted by the Gladstone Chamber of Commerce and the City of Gladstone.

Respectfully submitted:


Marilyn Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 23, 2001**

OPEN STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance will be led by Scouts Jared and Jacob Gilliam, Boy Scout Troop #731.
4. **Approval of Regular April 9, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of May 2001 as "**Motorcycle Awareness Month**" in Gladstone, Missouri to promote motorcycle safety throughout the State of Missouri. Sponsor: Freedom of Road Riders, Inc.

5. **CONSENT AGENDA**

RESOLUTION NO. R-01-29, granting an easement on City owned property to Kansas City Power & Light Company in conjunction with the 70th Street reconstruction project.

RESOLUTION NO. R-01-30, accepting temporary easements from property owners in conjunction with the 70th Street reconstruction project. (#9915/0117)

RESOLUTION NO. R-01-31, authorizing execution of a contract with Green Mountain Joinery, Inc. for construction of the Oak Grove Park Storage Building for a total amount not to exceed \$63,490.00 from the Capital Improvements Sales Tax Fund with a contribution from the Amphitheater Fund.

APPROVAL OF MARCH 2001 FINANCIAL REPORTS

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 property at 5800 N Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (Originally continued from 3/12/01 to 4/9/01 and recontinued to 4/23/01)
- 9a. **FIRST READING BILL 01-18,** rezoning property at 5800 North Oak from C-2, General Business District to CP-3, Commercial District-Planned. Applicant/Owner: Auto Trend, Inc. (File #1148)
- 9b. **FIRST READING BILL 01-19,** approving a Site Plan Revision in conjunction with rezoning at 5800 North Oak Trafficway for Auto Trend, Inc. (File #1148)
10. **CONTINUED PUBLIC HEARING:** on a request to rezone from CPO to CP-2, property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from April 09, 2001 City Council Meeting).
- Audience note: at the request of the Applicant, this hearing will be opened and immediately recontinued to the May 14, 2001 City Council Meeting.**
11. **FIRST READING BILL 01-20,** repealing Ordinance No. 3.758 and enacting a new ordinance in lieu thereof levying new sewer billing and commodity charges for the City of Gladstone, Missouri.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, APRIL 23, 2001

Mayor Anita Newsom called the **Regular April 23, 2001 City Council Meeting** to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Anita Newsom welcomed and thanked scouts Jared and Jacob Gilliam from Troop #731 who led the Pledge of Allegiance in which all joined.

Mayor Newsom also acknowledged and welcomed another scout, Chris Williams, from Troop 388 who was attending the Council meeting to work on his Citizenship merit badge.

Item 4. on the Agenda. APPROVAL OF MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular April 9, 2001 City Council Meeting Minutes** as submitted; Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PROCLAMATION.

Mayor Anita Newsom read a Proclamation designating the month of May 2001 as "**Motorcycle Awareness Month**" in Gladstone, Missouri. A representative of Freedom of Road Riders, Inc. accepted the proclamation and advised that about 2,000 motorcycle riders were going to Jefferson City in May to present the proclamation to our state representatives.

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

Following the Clerks reading, Councilman Les Smith moved to approve the Consent Agenda as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-29**, granting an easement on City owned property to Kansas City Power & Light Company in conjunction with the 70th Street reconstruction project. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-30**, accepting temporary easements from property owners in conjunction with the 70th Street reconstruction project. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-31**, authorizing execution of a contract with Green Mountain Joinery, Inc. for construction of the Oak Grove Park Storage Building for a total amount not to exceed \$63,490.00 from the Capital Improvements Sales Tax Fund with a contribution from the Amphitheater Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved for **APPROVAL OF MARCH 2001 FINANCIAL REPORTS**. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Ralph Parkinson, 7005 N. Highland, stated he was a recipient of funds from the gas assistance utility program and thanks the Mayor, Council and City Manager for initiating this program. He said for someone on a fixed income, it came in very handy and he appreciates it very much.

Mayor Newsom thanked Mr. Parkinson and said it is not very often we receive thanks for the things we do.

Heather Brinkman, representing the American Cancer Society in the northland area, stated that they will be hosting the Relay for Life event this summer in Parkville and would like the City of Gladstone to be involved.

Ms. Brinkman is a staff representative and will be on hand after the meeting to answer questions about the event. There are 28,000 new cases of cancer in the state of Missouri, and 12,000 deaths will result this year. She invites everyone to participate in the Northland Relay for Life on August 10th and 11th at Park University. There is a planning committee meeting on April 25th and she invites those interested to attend.

Galen Neil, 6010 N. Wyandotte, expressed his appreciation to Mayor Newsom, the Council and staff members for the fast repair of the potholes on 61st Street.

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

Councilman Les Smith had no communications at this time.

Councilman Shirley Smith commented on what a beautiful spring we are having with all the flowering trees and shrubs which we can all enjoy while it is here.

Councilman Dan Bishop said it is hard to believe it is budget time again and we had our first study session this evening for the general fund budget.

Mr. Bishop said he will speak on an issue that has been discussed from the Council table before and that is the 72nd Street project. He has had occasion over the last two or three months to talk with a number of residents who reside in the northeast quadrant of the City, specifically in the Northaven Gardens subdivision. There is a great deal of frustration among folks in that area and he understands it. They have had to endure increased traffic on the usually pretty quiet residential streets because of the 72nd Street detours. Although it is a newer subdivision in our City, they are concerned that with the streets getting the additional wear and tear, they are not going to hold up. They are concerned about what will be done to incorporate their street in the crack-seal program. Also, the safety issue in the subdivision with people trying to get to Indiana or around Old Antioch, and just general inconvenience and frustration among those folks who are right on 72nd Street and have to go through the detour every day.

It is a frustrating project and a big project, no doubt about it, and big projects take time. He knows staff has worked very hard on this and has worked diligently to keep citizens in the area informed as to the progress of the project. But, it seems that it has been one delay after another after another. We thought the street was going to be open by the end of last summer, and here it is almost May and still not done. It was the gas company, then other utilities, then it was weather. He wants to know what, if anything, can be done in terms of recourse with the contractor. He does understand there is a penalty clause in the contract, but the belief was, because of the reasons for the delays, we would not be able to enforce any kind of penalty clause. He wants to know, and wants the City Counselor's input on this issue and analysis of the contract to determine if there is anything we can do because we, as a community, are facing a great cost in terms of inconvenience to our citizens, wear and tear on our streets, and the project should have been done a long time ago. That is his question, and he would appreciate appropriate follow-up on this.

City Manager Kirk Davis said that Assistant City Manager for Development Scott Wingerson would explain the situation, but stated that he also has been very frustrated with the project and it is probably the most frustrating project he has ever been witness to. Nine month delays caused by utility companies that knew about the project in 1993; when we had a great winter, we could not do anything, because the utilities, quite frankly, did not pay much attention to us. We had the better part of eight or nine meetings with one utility company and they made continual promises to us and we did not have the stick to deal with them. They continually did not meet deadlines and continually blew us off. We worked our way up that chain until finally we were able to get some response from them. They completed their project late last fall. That forced us to be almost nine months behind.

City Manager Davis apologized and said he lives in that neighborhood too, and has the same frustrations.

Mayor Newsom asked if this was the same utility company that raised their prices so much this past winter.

Mr. Davis said they had a lot of unhappy people this winter. He stated that numerous promises have not been kept. Contractors pulled off the site and dealt with other projects because they could not sit around and wait. That, combined with the weather was an issue, and the project was a very technical one with cutting a hill almost 30 feet, with several large retaining walls. Water lines were moved, sewer and other utility lines had to be moved and a storm sewer had to be built. Just about everything was involved in this project. It has been extremely frustrating and we even have a representative from Burns and McDonald on site as the project engineer. This is not City staff managing the project, it is Burns and McDonald who works all over the world.

It seems despite all of these frustrations, staff is taking a lot of heat for this project, and he believes it is extremely unfair. He know it is not the intent of Council and we need to respond to the citizens as much as possible. Yes, we are getting several complaints at City Hall as well and are working very hard to get the road opened.

Councilman Bishop stated that he knows the City Manager is personally very frustrated with this, but it seems unfair that Council is getting beat up about it, staff is getting beat up about it, and it is not our fault. The question is, can we put the feet to the fire of those whose fault it is. He knows it is late, and maybe needs some analysis, but what can be done.

Mr. Davis stated that it should be answered relatively quickly, because we have looked at frequently.

Assistant City Manager for Development Scott Wingerson stated that City Manager Davis has done a good job of articulating the frustration of staff, so he will hold his frustration and talk about some of the other questions Councilman Bishop has raised in terms of the impact on the adjacent street systems because of detours and cut-throughs. Actually, they anticipated some of that impact prior to the start of construction and have watched the adjacent streets very closely since the beginning of construction to see if streets were deteriorating at a faster rate than otherwise normally would have been expected. The goods news is in most cases, it is not occurring. In one case it is, and that is on 72nd Terrace, which is north of 72nd Street between

Indiana and Antioch Road. We are currently working to ensure that street segment can be treated either this summer or next summer to address those concerns.

On the south side of 72nd Street, the impact has not yet been fully realized, because the heavy traffic through that area was really last summer. The impacts of that may not have been completely realized yet, so we continue to evaluate that on an annual basis and as it moves forward it would be appropriately treated with intermediate maintenance such as crack sealing or potentially an overlay.

In terms of the cut-through traffic, through the Northaven neighborhood, Director Adamo and his traffic division have been extremely helpful and responsive to requests from residents and staff, requests from Burns and McDonald, requests from the contractor, and requests from everyone who could possibly request in terms of enforcing, monitoring, evaluating, patrolling that area, specifically as it relates to the speeding and heavy truck traffic in that area.

In terms of the work that was done over the winter, although it may not look like very much today, an extremely large amount of work was done over the winter. There was no efficiency gained by the contractor doing that, it was not in the contractor's best interest to work all winter, however the contractor's did do that at the request of Council and staff and residents to push the project forward and get it done. The end result is most of the things under ground or above ground, specifically the 22 foot retaining wall, have been completed except for some finishing touches. What that does is clear the way for grading of the road itself and paving. In the middle of winter, the contractor committed to us that we would be very close to first in line when the asphalt paving plant opened for base asphalt on 72nd Street. We are not ready for it yet, but he believes that by the end of this month, base asphalt will be down from Indiana to Bellefontaine. We are very excited at that potential and it is a result of the work done over the winter that cleared the way for the early part of the season of paving.

Mr. Wingerson stated that he certainly will discuss with Mr. Ramsay the impacts of damages and those sorts of things under the contract, and will let Council know. City Counselor Thompson and Stinson, Mag both looked at the contract and there was not at that point, an appropriate remedy that dealt with damages, but there may be now and in the future so we will continue to watch that.

Mayor Newsom stated that based on information you have, there will be asphalt a week from today. Mr. Wingerson said yes, but stressed that it depends on the weather. It would be the only thing that will hold us up now, but that is the case in all paving operations.

Mayor Newsom said that would be marvelous.

Mr. Wingerson said the next step after the base asphalt would be the curb and gutter; the second lift of base asphalt, then the discussion of opening up in the morning and evening hours for through traffic while they work during the day, finishing sidewalks and things like that.

Mayor Pro Tem Bill Cross thanked Mr. Parkinson for coming up to City Hall to thank Council for the utility assistance and said we can all empathize with him in experiencing the same thing, especially those of us who are retired. It is nice to have someone take the time and spend an evening to come express it verbally.

Councilman Cross also thanked Mr. Neil for his compliment on the quick action on the pot hole repairs.

Councilman Cross stated that he does agree with Mr. Bishop in that we do get calls on the 72nd Street project. We tell them what we know, then they come back and ask why it is not done, knowing that the City is doing everything they possibly can do, and that it is some other company that is creating those problems.

Mayor Anita Newsom stated that she had a whole list of comments this evening. Since we are talking about streets, we have talked about 76th Street before but the segment of 76th Street from Troost east to the improved section of 76th Street is horrible right now. There is a patch that has sunken in and could break an axle on a small car. There are big chunks of asphalt eroding at the edges making it hard for two cars to pass on that strip of road. What can we do in the interim until the whole project can be undertaken and done the right way. She said she does not like to throw band aids on it, but it is an embarrassment.

City Manager Davis stated that it is a difficult project to address. What can be done immediately is obviously temporarily patching or asphalt patching in basically a two-block area directly east of Oak Grove Park.

Mayor Newsom commented that directly south of Oak Grove park is not a prize by a long shot.

Mr. Davis stated that the whole road is tough and right now, given our revenue sources, it is about a three or four year phased project. We are looking at options to finance it. With the Public Works site discussed tonight, we are equally looking at options to finance those at 76th Street to do the whole project at one time by reprioritizing existing revenues. We are in that process now.

We must get out and patch that area east of the park. It will be a temporary patch, throwing good money after bad, but it is in really bad shape and is probably the worst street in town. It is a major reconstruction project with much of the redesign work already done. At this point in time, it is a three-year project unless we can find some financing alternatives.

Mayor Newsom stated again she does not like to band aid something that is major surgery. It is an embarrassment to our community with all the events we hold in the park during the course of the summer. She feels it is important.

Mr. Davis stated that he know Director Hashemizadeh is taking notes and will be looking at that area between Oak and Lydia to see what areas need to be patched and reinforced along the side where there is no curb and gutter.

Councilman Les Smith commented that we do have some design work done. Even in anticipation of a three-year plan, have we started any right-of-way acquisitions which seems to be a time-consuming process.

Mr. Wingerson stated that he could not completely answer Councilman Les Smith's question tonight, but certainly over the last three years initial acquisition efforts have begun as far as a

preliminary contact with adjacent property owners. Acquisition, especially from Oak east to Troost will be a difficult proposition. The roadways in that area and the homes are relatively close in terms of setback. It will be a long, time-consuming process, but certainly that effort is ongoing. With the proposed funding in 2003 and potential funding earlier than that, we are gearing up those efforts through Director Hashemizadeh's office.

Councilman Les Smith wholeheartedly concurred with that, stating that the roadbed will not last three years. Secondly, if there is a way to refinance and get that built, the Council will look at that very, very strongly. It is a horrible situation all the way out to and including the traffic signal at 76th and Oak, which, he understands, is part of that project.

Mayor Newsom stated that her second item is that at the last Park Board meeting they talked about issues that take place in the City. A brochure was passed out about adults, especially parents, buying liquor for underage people. Also, Mr. Harper brought up an article from The Kansas City Star about a keg registration. Mr. Harper said he brought this up at a Council meeting about a year ago and asked where we stood on keg registration and how that impacts Gladstone.

City Manager Davis stated that we did look into that a year ago. He asked Director Adamo to address the results of that research.

Director Adamo stated that yes, there was a report done about a year ago. At that time there were four establishments that dealt with and sold keg beer. One has since gone out of business which leaves three. Bubbles is the number one, doing about 15 per month, followed by Hy-Vee who sells one a month on average last year, and Hen House has sold one in a twelve month period. Obviously, the retail liquor establishments per se do the most business in that arena.

We have not had problems as far as minors in possession to his knowledge over the last 30 years, nor have we arrested a minor with a keg in their possession. Bubbles is going to sell them for weddings, receptions, graduations from colleges and universities, and family reunions, but fortunately we are not coming into contact with underage people.

Mayor Newsom asked if this could be put into some kind of written form so it can be passed on to the people on the Park Board. They were very concerned about young people getting into trouble with the help of adults, especially when they should know better.

Mayor Newsom's third item discussed at Park Board was a combining of a couple of events this year which is the Kids Fest and the EMS Fair on May 6th. She thinks it is a great blend of activities. Please mark your calendars for these events, which begin at 10:00 AM. Unfortunately, she will be out of town and cannot participate, but thinks it should draw a good crowd and be very good for the youth of the city. The event runs from 10:00 AM to 5:00 PM. There is a band performance at 3:00 PM.

Mayor Newsom mentioned the upcoming North Oak Corridor Study Public Meetings set up for Monday, April 30th at 7:30 AM and 5:30 PM as well as Tuesday, May 1st at Noon. The City has invited the public to join in to provide more input and look at the North Oak Corridor Study and the major elements. Notices have gone out to property owners and residents/business owners,

the Planning Commission and Capital Improvements Committee, Economic Development Summit participants, GEBC, and our local press. The more input we get, the better.

Ms. Newsom said she shouldn't stay home reading the paper so much. In a newspaper article, State Auditor Claire McCaskill talks about more stings in the Sunshine Law. One thing brought up was that 65% of agencies, boards and commissions did not have written policies on how to handle records requests. Governor Holden says there should also be written documentation that talks about copy charges. Do we currently have that in place.

City Manager Davis stated that City Clerk Marilyn Ahnefeld affirms yes to both. We are as advanced as any community in responding to Sunshine issues and protecting ourselves from violation. Yes, we do have policies in place and mirror the Sunshine Law which is pretty explicit in what you need to do.

We keep track of copies, but it is not our policy to charge for copies unless there are volumes of copies. We collect a fee only for large quantity, not if there are only two or three copies.

Ms. Newsom stated that the last item she has is relating to our new Council member and the appointment of City Council liaisons to boards and commissions. Mr. Les Smith has requested to basically hold the same places that Councilman Nodler had which is liaison to the CIP Committee and Uniform Codes Board of Appeals. Councilman Shirley Smith is remaining on the Planning Commission and IDA, and expressed a desire to work with the Recycling and Solid Waste Committee. Councilman Bishop has asked to retain his place as liaison to the Road District and TIF Commission. Mayor Pro Tem Cross will serve on the CIP, BZA and the Cable TV Advisory Board. The Mayor said she will continue to serve on the Planning Commission and the Parks Board.

As for input from the Council, we have Mr. Smith's vacancy on the Planning Commission that we need to fill in a timely fashion.

Councilman Bishop stated that he thinks that we have an outstanding candidate for the Planning Commission, someone who submitted a letter of interest last year prior to our deliberations and appointments for this calendar year. Because of the great interest in the Planning Commission, there was not a spot at that time and this individual was appointed to the Solid Waste and Recycling Committee, but indicated that her very strong preference was still to serve on the Planning Commission. This individual attends every Council meeting and she was instrumental with the citizen group that took part in the Scharhag property development project which we approved at the last Council meeting. Because of her active involvement in that, we came up with the very best possible plan for that piece of real estate. She showed herself to be a strong and fair advocate for the neighborhoods down by the Scharhag property. It is his pleasure to nominate his good friend Mary Abbott for the vacancy on the Planning Commission.

Mayor Newsom asked for questions or comments.

Councilman Les Smith stated that he concurs with Councilman Bishop on Ms. Abbott's appointment. He got to know her better working together on the Scharhag project and feels she will do well on the Planning Commission.

Mayor Newsom said she considers that a second. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Ms. Newsom told Ms. Abbott that it looks like she will be getting a Planning Commission packet very soon.

Ms. Newsom stated that we now have to deal with the vacancy on the Solid Waste and Recycling Committee. We need to look back at our applicants and see what we can come up with. We can look at the pool of applicants and move on that since we have some important issues coming up on Solid Waste and Recycling.

Councilman Les Smith commented that over the years there has been a place for a Council representative on GEBC. To his knowledge, the last time there was an appointment to the GEBC Board of Directors who attended, was Bill Reynolds, which is quite some years ago. We probably should discuss how we wish to handle that. He has been on that Board as a business person. If we want to appoint a separate Council person to continue in that role, it is not a decision we need to make this evening, but food for thought. There has been that position for a Councilperson on GEBC and they have not been there, and we have missed that over the years.

Mayor Newsom stated that yes, it something to think about and discuss in our next meeting.

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

City Manager Davis reminded everyone about the annual Beautification event at Central Park this weekend and the Brush Disposal event next weekend at the Community Services facility.

Also, this coming Friday, we will hold a reception at 9:30 AM for visitors from Turkey. It is sponsored by the Gladstone Rotary Club and all are welcome to come by and say hello to our guests.

Item 9. on the Agenda. CONTINUED PUBLIC HEARING: on a request to rezone property at 5800 N Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (Originally continued from 3/12/01 to 4/9/01 and recontinued to 4/23/01)

Mayor Newsom stated that at the Council's place is a letter from representatives from Auto Trend asking for a continuance of a month. Since this is a continued Public Hearing, she asked Mr. Ramsay what needs to be done to move this forward and continue it till May 29th.

Counselor David Ramsay stated that they could make an additional motion of continuance and if Council approves that motion, then it could be moved forward to the requested hearing date.

Ms. Newsom asked for a motion. Councilman Bishop moved to continue the Public Hearing to May 29th. Mayor Pro Tem Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom stated that due to the continuance of the public hearing, Item 9a (Bill 01-18 for rezoning) and 9b (Bill 01-19 for Site Plan revision) will not be introduced.

Item 10. on the Agenda. **CONTINUED PUBLIC HEARING:** on a request to rezone from CPO to CP 2, property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152)
(Continued from April 9, 2001 City Council Meeting).

Mayor Anita Newsom opened the Public Hearing and announced that it will be re-continued to the May 14, 2001 City Council Meeting at the request of the Applicant.

Item 11. on the Agenda. **FIRST READING BILL 01-20,** repealing Ordinance No. 3.758 and enacting a new ordinance in lieu thereof levying new sewer billing and commodity charges for the City of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 01-20 on First Reading; Mayor Pro Tem Bill Cross seconded.

Discussion.

Councilman Bishop commented that he understands that we really do not have any choice and it is not something we welcome. We know that as long as we depend on Kansas City for sewer treatment, we are subject to their rate increases. Unfortunately, it has been coming every year. The good news is that when you look at the chart, which is attached to the memorandum we are not out of line with other communities in the metro area, we are still very much in the middle of the pack. Even though he does not like it, he will vote in favor of this ordinance tonight.

Mayor Newsom stated that we do feel held hostage.

The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-20, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-20 and enact the Bill as **Ordinance No. 3.793**; Councilman Cross seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no other business from the Council at this time.

Item 13. on the Agenda **QUESTIONS FROM THE NEWS MEDIA**

Mr. Joe Rudzik, **Dispatch Newspaper** reporter asked about the sewer memo from the City of Kansas City, Missouri which states that water consumption is not available.

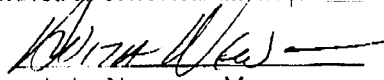
Director of Finance Cash Sweiven answered that it is a letter sent to all communities including Gladstone and Liberty. In Gladstone we provide our own water so that comment would be n/a because it does not apply to Gladstone.

There being no further business to come before the Regular Monday, April 23, 2001 City Council Meeting, Mayor Anita Newsom adjourned the meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MAY 14, 2001

OPEN STUDY SESSION: 6:00 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 April 23, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the week of May 20-26, 2001 as "**Emergency Medical Services Week**" in Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-32, authorizing acceptance of a proposal from Robert's Auto Plaza for the purchase of (1) 2001 Model Half-ton, 4 x 2, Regular Cab Pick-up Truck for the total purchase amount of \$15,131.00 from the General Fund.

RESOLUTION R-01-33, authorizing acceptance of work under the contract with Wornall Electronics for the City Hall Video Security project and authorizing final payment in the amount of \$8,946.99 from the Capital Improvements Sales Tax Fund. (Project #0015)

RESOLUTION R-01-34, authorizing execution of a contract with American Marking & Paving, Co in the amount of \$94,078.50 from the Capital Improvements Sales Tax Fund for the construction of parking lots at the Public Works Building. (Project #9709)

RESOLUTION R-01-35, authorizing acceptance of work under contract with Ace Pipe Cleaning for the Sanitary Sewer Cleaning & Televising Project, Phase II, for portions of Cave Creek, East Creek and Old Maid's Creek Basins, and authorizing final payment in the amount of \$27,324.23 from the Combined Water & Sanitary Sewer Fund. (Project #0005)

RESOLUTION R-01-36, authorizing execution of a contract in the amount of \$392,370.70 from the Transportation Sales Tax Fund with Superior/Bowen Asphalt Company for the 2001 Street Overlay Program. (Project #0201)

RESOLUTION R-01-37, authorizing the City Manager to enter into an Agreement with the Missouri Highways and Transportation Commission for Transportation Enhancement Program Funds in conjunction with the 70" Street Reconstruction Project. (Project #0117)

RESOLUTION 01-38, authorizing acceptance of work under contract with Reddi Services for the 2000 Sanitary Sewer Cleaning & Televising Project for portions of the Rock Creek Basin and authorizing final payment in the amount of \$28,260.32 from the Combined Water and Sanitary Sewer Fund.

RESOLUTION 01-39, authorizing Change Order #1 in the amount of \$124,310.00 to the Mill Creek Sanitary Sewer Improvements Contract with Black & Veatch for smoke testing of sanitary sewer basins from the Combined Water & Sanitary Sewer Fund.

APPROVAL OF PARK FESTIVAL USE PERMITS for the 5th Annual Gladstone Summertime Blues Fest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 15-16, 2001, and the 22nd Annual Gladfest Celebration on Friday, Saturday and Sunday, October 5-7, 2001 in Gladstone Central Park, 69th & 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 Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, (2-day license), June 15-16, 2001; and the **Gladfest Celebration** (3-day license), October 5-7, 2001 in Gladstone Central Park, 69th & N. Holmes. Managing Officer: Chad Nichols.

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 CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152)
(Continued from the April 23, 2001 City Council Meeting)

Audience Note: this hearing will be opened and immediately re-continued to the Tuesday, May 29, 2001 City Council Meeting at which time the Planning Commission's recommendation will be available.
10. **PUBLIC HEARING:** on a request to renew a Special Use Permit for operation of a day care from residential property at 7004 N Central. Applicant/owner: Sandra McKenzie. (File #1154)
- 10a. **FIRST READING BILL 01-22,** authorizing renewal of a Special Use Permit to Sandra McKenzie for operation of a child care center on residential property at 7004 N Central subject to certain conditions. (File #1154)
11. **FIRST READING BILL 01-23,** approving the Final Plat of "Lot 1, the Classical Ballet School", at NE 64th & N Prospect. Applicant: Jantsch & Slaggie Architects. (File #1157)
12. **APPROVAL OF BUILDING PERMIT** for 5,810 sq. ft. classroom addition and interior remodeling of St. Charles Borromeo School, 900 NE Shady Lane. Applicant: Shaughnessy, Fickel & Scott Architects. Owner: St. Charles Catholic School and Church (BP #01-0230)
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, MAY 14, 2001

Mayor Anita Newsom called the **Regular May 14, 2001 City Council Meeting** to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahmefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF MINUTES

Mayor Pro Tem Bill Cross moved to approve the **Regular April 23, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PROCLAMATION

Mayor Anita Newsom read a Proclamation designating the week of May 20-26, 2001 as "**Emergency Medical Services Week**" in Gladstone, Missouri. Division Chief Doug Scheffner, Paramedic/Firefighter Dave Cline, Paramedic/Firefighter Tracy Little, and Battalion Chief Ken Potter accepted the proclamation on behalf of the Public Safety Department.

Ms. Newsom thanked the recipients and stated that she appreciated them and that it is not something we think about on a daily basis, but when needed we are glad they are there and appreciate their integrity and high level of training.

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

Following the Clerks reading, Councilman Dan Bishop moved to approve the Consent Agenda as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-01-32**, authorizing acceptance of a proposal from Robert's Auto Plaza for the purchase of (1) 2001 Model Half-ton, 4 x 2, Regular Cab Pick-up Truck for the total purchase amount of \$15,131.00 from the General Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION R-01-33**, authorizing acceptance of work under the contract with Wornall Electronics for the City Hall Video Security project and authorizing final payment in the amount of \$8,946.99 from the Capital Improvements Sales Tax Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION R-01-34**, authorizing execution of a contract with American Marking & Paving, Co. in the amount of \$94,078.50 from the Capital Improvements Sales Tax Fund for the construction of parking lots at the Public Works Building. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION R-01-35**, authorizing acceptance of work under contract with Ace Pipe Cleaning for the Sanitary Sewer Cleaning & Televising Project, Phase II, for portions of Cave Creek, East Creek and Old Maid's Creek Basins, and authorizing final payment in the amount of \$27,324.23 from the Combined Water & Sanitary Sewer Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION R-01-36**, authorizing execution of a contract in the amount of \$392,370.70 from the Transportation Sales Tax Fund with Superior/Bowen Asphalt Company for the 2001 Street Overlay Program. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION R-01-37**, authorizing the City Manager to enter into an Agreement with the Missouri Highways and Transportation Commission for Transportation Enhancement Program Funds in conjunction with the 70th Street Reconstruction Project. Mayor Pro Tem Bill Cross seconded. The vote: All "aye"

Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION 01-38**, authorizing acceptance of work under contract with Reddi Services for the 2000 Sanitary Sewer Cleaning & Televising Project for portions of the Rock Creek Basin and authorizing final payment in the amount of \$28,260.32 from the Combined Water and Sanitary Sewer Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION 01-39**, authorizing Change Order #1 in the amount of \$124,310.00 to the Mill Creek Sanitary Sewer Improvements Contract with Black & Veatch for smoke testing of sanitary sewer basins from the Combined Water & Sanitary Sewer Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **PARK FESTIVAL USE PERMITS** for the 5th **Annual Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 15-16, 2001, and the 22nd **Annual Gladfest Celebration** on Friday, Saturday and Sunday, October 5-7, 2001 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve the **BEER LICENSE** for **GLADSTONE AREA CHAMBER OF COMMERCE Gladstone Summertime Blues Fest** in Oak Grove Park, 76th & North Troost, (2-day license), June 15-16, 2001; and the **Gladfest Celebration** (3-day license), October 5-7, 2001 in Gladstone Central Park, 69th & N. Holmes. Managing Officer: Chad Nichols. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Ralph Parkinson, 7005 N. Highland, thanked the City Council and Assistant City Manager for Development Scott Wingerson and Neighbors Helping Neighbors for the weatherization assistance for his home.

Leroy Homer, 3605 NE 76th Terrace, stated that he wants to address two things tonight. One is the City-owned property behind his residence and the problem with mowing. He said his wife has called Mayor Newsom and Mr. Bishop on this before and after the calls, it gets mowed. He asked if this can be added to the regular schedule of maintenance for mowing so they do not have to call and argue about it all the time.

Mayor Newsom stated that yes, it could be added to the schedule.

Mr. Homer stated his second issue to address is that he knows this property will become Happy Rock Park West. His property backs up to it and he wants to know what will be put in there and where the parking will be located, whether on Antioch Road or at the dead end street by 76th Terrace. His concern is that they may dump all the traffic for the parking lots down in residential areas and not Antioch Road.

Director of Parks and Recreation Steve Buschor stated that the road will not pass through into residential areas and the parking will be located more in the central part of the park, off of Antioch Road and not near residential areas. It will incorporate almost 100 feet of buffer.

Mr. Homer stated that was his only concern since there were so many children in the area and usually a pretty quiet neighborhood. When teams are finished playing ball and soccer there is a lot of traffic coming out.

Mayor Newsom commented that when we were acquiring the property, we wanted to make sure there was enough space to allow a buffer because of the residents and also find a way to funnel pedestrians across the street because there are many families who have several kids playing on more than one team and we want to find a safe way to do that.

Mayor Newsom said that hopefully this will be a very well-thought-out process. We learned with the original part of Happy Rock Park that when we think something through very carefully, we end up with a much better product. We are trying to do a very proactive plan with this.

Mr. Homer commented that he and his neighbors do not have a problem with the park at all, just a concern about the traffic. He stated that the park is great and his grandchildren play ball over there and it is really nice.

Mayor Newsom invited Mr. Homer to visit with Mr. Buschor to see the preliminary drawings for the park sometime at his convenience.

Mr. Buschor stated that they have just worked with the architects and have initiated preliminary plans and there will be a public element to this whole process, so it will be brought to everyone for their input through direct mailing to the neighbors.

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

Councilman Les Smith asked that City Manager Kirk Davis pass along to staff that he has had very rapid response to citizen inquiries and he appreciates that. For the record, he stated that he would like to visit with Mr. Wingerson in the next day or two regarding some issues concerning The Home Depot. We invited The Home Depot to come into our City and it is incumbent upon them to be good neighbors as well.

He noted there is a restaurant that is interested in locating in Gladstone, and he will pass that information along to Mr. Wingerson.

Mr. Smith wanted to note a couple of successes along North Oak. Some may have noticed the elimination of the old Tony's Market at 76th and Oak and the Walker Auto Sales at 72nd Terrace

and Oak. Those were definitely blighted properties and staff has managed, through our codes, to get those removed. That is definitely moving in the right direction.

Councilman Les Smith said he hung around at the Beautification Event held on April 27th through the 29th at Central Park. He stated that he did not get his hands dirty, but Parks Supervisor Matt Hoops and Assistant City Manager Laura Gay were primarily in charge of the event. They were there all weekend, not just carrying clipboards, but displaying real leadership and he commends them. They were there unloading trucks and trailers and getting their hands dirty and leading the way for the folks that were volunteering. They did a remarkable job and we should be very proud of this event in our City. It is one more program that makes Gladstone what it is.

Councilman Shirley Smith stated that she wanted to comment about tonight's Consent Agenda. This is a part of our regular meeting and she sometimes gets the feeling that people think that these are not very important items, but they are very important in taking care of the City's business and what we have been pledged to do.

Once in a while we have one item that is not only important, but has some significance. Tonight we had such an item, the 70th Street project (Oak to Holmes) which City Manager Kirk Davis and staff have dubbed the 70th Street Plaza Entryway which she thinks is fantastic. This is significant because it is one of the first steps for some very exciting things that will be going on in this area in the coming years and it is exciting to pass this tonight and get it on our way.

Councilman Dan Bishop had no communications at this time.

Mayor Pro Tem Bill Cross had no communications at this time.

Mayor Anita Newsom stated that she had just gotten back in town and had the privilege to attend the Youth Academy culminating activities at Antioch Middle School. She told the young people and parents that it was a great pilot program and should be repeated again and again. There seems to be quite a bit of interest with the students, parents, and teachers. Our staff put together a quality program and pulled it off with class. Officer Ronn Shatswell and those who worked with him should be commended and she appreciates that.

Mayor Newsom mentioned that the City was contacted about hosting an Eisenhower Tree Planting on May 21st, 11:00 AM at Central Park near the Teachers Memorial. This is the VFW in conjunction with Wal-Mart and Scott's who are planting the Eisenhower Green Ash trees across the city and country. There will be a press release and the public is invited to attend. There will be a color guard, three-gun volley, taps, and full honor for the tree planting and should prove to be a nice event.

Mayor Newsom stated that at the last Council meeting Councilman Les Smith brought up the issue of Council participation in the GEBC where we had been lacking Council representation. Mr. Smith currently represents the business interest in that. She would like Mr. Smith to continue to represent the business side and she would like to fill the void there during her term as Mayor to attend GEBC meetings as the Council liaison. She would like to be notified of these meetings. She stated that she has always had a strong interest in economic development and she would like to continue.

Mayor Newsom commented that it is great to be back in the United States. She had a wonderful trip (to Switzerland) and anyone who has had a chance to take a trip through our Parks and Recreation people knows they are excellent trips and very well planned. However, it is great to be back in our own community.

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

City Manager Kirk Davis stated that he has three announcements for tonight: the Household Hazardous Waste Event is scheduled for June 9th at Antioch Middle School; the Municipal Pool opens May 26th and the next Council meeting will be on Tuesday, May 29th due to the Memorial Day Holiday on Monday, the 28th.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING:** on a request to rezone from CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from the April 23, 2001 City Council Meeting)

Mayor Newsom stated that pending recommendation from the Planning Commission, the hearing will be opened and immediately re-continued to the Tuesday, May 29, 2001 City Council Meeting at which time the Planning Commission's recommendation will be available.

Item 10. on the Agenda. **PUBLIC HEARING:** on a request to renew a Special Use Permit for operation of a day care from residential property at 7004 N Central. Applicant/owner: Sandra McKenzie. (File #1154)

Mayor Newsom opened the public hearing and explained the hearing process.

Applicant Sandra McKenzie, 7004 N. Central, stated that she has lived here since 1968 and has had a pre-school and child care for five years and is asking for another permit. She has ten children, ranging from two years to five years of age. The children say the pledge of allegiance, have circle time, discuss what they will do that day, sing songs, do finger play and other structured educational activities. She also does a pre-school three days a week. She held a graduation last year for three pre-school children who had been with her for three years. She provides breakfast, lunch and snacks for the children as well as juices. The hours of operation are Monday through Friday, from 6:30 AM to 5:30 PM.

Mayor Newsom stated that the original hours of operation were from 6:00 AM to 6:00 PM. and asked if there were any other changes to the original permit.

Ms. McKenzie stated that eleven hours each day was enough and there were no other changes. She has not heard of any complaints during the past five years of her child care operation and won the most creative Gladfest float in 1999 of which she is very proud.

Assistant City Manager for Development Scott Wingerson stated that the Special Use Permit before Council tonight is essentially the same as the original permit in 1996 with the only change being the hours of operation at the applicant's request. The Planning Commission voted unanimously for approval of the special use permit.

Mayor Newsom invited persons to speak in favor of the application and those in opposition. There were none.

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

Item 10a. on the Agenda. FIRST READING BILL 01-22, authorizing renewal of a Special Use Permit to Sandra McKenzie for operation of a child care center on residential property at 7004 N Central subject to certain conditions. (File #1154)

Councilman Dan Bishop moved to place Bill 01-22 on First Reading; Councilman Les Smith seconded.

There was no discussion.

The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the first Reading of Bill 01-22, Waive the rule and place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 01-22 and enact the Bill as **Ordinance No. 3,794**; Councilman Les Smith seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom stated that it is so nice to see someone successful and come back after five years and go through the process for another five years. She wishes them well.

Item 11. on the Agenda. FIRST READING BILL 01-23, approving the Final Plat of "Lot 1, the Classical Ballet School", at NE 64th & N Prospect. Applicant: Jantsch & Slaggie Architects. (File #1157)

Councilman Les Smith moved to place Bill 01-23 on First Reading; Councilman Dan Bishop seconded.

There was no discussion.

The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-23, Waive the rule and place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Mayor Pro Tem Cross stated that he has seen some moving of dirt and starting on the building already.

Mayor Newsom commented that they are ready to move forward and take advantage of the construction season.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-23 and enact the Bill as **Ordinance No. 3.795**; Councilman Dan Bishop seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom stated that she is anxious to see the opening of the Classical Ballet School.

Item 12, on the Agenda. APPROVAL OF BUILDING PERMIT for 5,810 sq. ft. classroom addition and interior remodeling of St. Charles Borromeo School, 900 NE Shady Lane. Applicant: Shaughnessy, Fickel & Scott Architects. Owner: St. Charles Catholic School and Church (BP #01-0230)

Councilman Dan Bishop moved to approve the Building Permit for the addition and remodeling of St. Charles School. Mayor Pro Tem Bill Cross seconded.

Discussion.

Mayor Newsom asked if everything was in order. Mr. Wingerson replied yes.

Mayor Newsom commented that it is always nice to see our faith-based organizations come forward and continue to grow in our community. It must speak well of our community health.

The vote: All "aye" - Councilman Shirley Smith, Councilman George Nodler, Councilman Anita Newsom, Mayor Pro Tem Bill Cross, Mayor Dan Bishop. (5-0)

* * * * *

There were no communications from the News Media or further business to come before the March 26, 2001 Gladstone City Council Meeting, and Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
TUESDAY, MAY 29, 2001**

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 May 14, 2001 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-40, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2001 through June 30, 2002 for a total Gladstone Local Share not to exceed \$18,080.00 from the Transportation Sales Tax Fund.

APPROVAL OF PACKAGE LIQUOR LICENSE – for Eckerd Drugs #8176 at 7107 North Oak Trafficway for the sale of packaged beer and wine. Managing Officer: Michael Misener.

APPROVAL OF APRIL 2001 FINANCIAL REPORTS.

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 CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from 4/23/01 and recontinued from 5/14/01 City Council meeting.)
- 9a. **FIRST READING BILL 01-24**, rezoning property located at 6902 North Oak. Applicant: Dominic Cuccia (File #1152)
- 9b. **FIRST READING BILL 01-25**, approving a Site Plan in conjunction with a rezoning at 6902 North Oak. Applicant: Dominic Cuccia (File #1152)

10. **CONTINUED PUBLIC HEARING:** on a request to rezone property at 5800 N. Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (Originally continued from 3/12/01 to 4/9/01 to 4/23/01 to 5/29/01.)

(Audience note: at the request of the Applicant, this hearing will be opened and immediately reconvened to the June 11, 2001 City Council Meeting.)
11. **PUBLIC HEARING:** on a request to renew a Special Use Permit for operation of a child care center from residential property at 2005 NE 62nd Street. Applicant/Owner: Judy Cervantes. (File #1155)
- 11a. **FIRST READING BILL 01-26**, authorizing renewal of a Special Use Permit to Judy Cervantes for operation of a child care center on residential property at 2005 NE 62nd Street subject to certain conditions. (File #1155)
12. **PUBLIC HEARING:** on a request to operate an outdoor photography business from residential property at 6501 N. Park. Applicant/Owner: Deborah Rommel. (File #1156)
- 12a. **FIRST READING BILL 01-27**, authorizing a Special Use Permit to operate an outdoor photography business from residential property at 6501 N. Park. Applicant/Owner: Deborah Rommel. (File #1156)
13. **APPROVAL OF BUILDING PERMIT** for the new construction and remodel of The Classical Ballet School (Ballet North) 6308 N. Prospect. Applicant: Syler Contractors, Inc. Owner: Mathew and Laura Rhineschmidt. (BP# 01-0268)
- 13a. **RESOLUTION R-01-41**, authorizing execution of a Land Development Agreement with The North Prospect Development Company, LLC, relating to the development Classical Ballet School (Ballet North), 6308 N. Prospect.
14. **APPROVAL OF BUILDING PERMIT** for the remodel of Westlake Ace Hardware, 5945 N. Antioch Road. Applicant: Feingold Associates. Owner: Curry Investment Company. (BP# 01-0314)
15. **PUBLIC HEARING:** on proposed 2001-2002 Annual Operating Budget for the City of Gladstone, Missouri.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

TUESDAY, MAY 29, 2001

Mayor Anita Newsom called the **Regular May 29, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

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

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

Item 4. on the Agenda. **APPROVAL OF MINUTES**

Mayor Pro Tem Bill Cross moved to approve the **Regular May 14, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

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

Following the Clerks reading, Councilman Les Smith moved to approve the Consent Agenda as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-40**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2001 through June 30, 2002 for a total Gladstone Local Share not to exceed \$18,080.00 from the Transportation Sales Tax Fund.

Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve **PACKAGE LIQUOR LICENSE** for Eckerd Drugs #8176 at 7107 North Oak Trafficway for the sale of packaged beer and wine. Managing Officer: Michael Misener. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **APRIL 2001 FINANCIAL REPORTS**. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Leroy Gunselman, 6504 N. Walrond advised that the water box in his yard has been run over by utility contractors and he has been promised that it would be repaired but that has not happened. They are on the final phase now of laying sod and you cannot find the water meter because it is covered up and the City has trouble reading the meter. He wants to see the meter repaired before it is totally broken and service to his home is interrupted. He spoke to Mr. Tim Herrman and Mr. Scott Wingerson about this.

Mayor Newsom advised Mr. Gunselman that someone would get back with him shortly on this and told him she is sorry that he has this problem.

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

Councilman Les Smith had no communications at this time.

Councilman Shirley Smith noted that since she has been on the City Council we have addressed several large and lengthy projects and we are about to get another one resolved and that is the 72nd Street project. Once completed, she would like to see us keep it closed one extra day for music and dancing because she knows the citizens will be overjoyed when it is completed. She knows that City Staff will be also and she is glad to see it nearing completion.

Councilman Dan Bishop reported that on May 17th he had the opportunity to attend a meeting held by the Kansas City, Missouri Water Department, and Councilman Shirley Smith was also present. The purpose of the meeting was to announce a Stormwater Master Plan for Kansas City being done by Black & Veatch. Mr. Bishop said the presentations were reminiscent of the presentations he heard when Black & Veatch was doing Gladstone's Stormwater Master Plan a couple of years ago. They noted there were 30-40 stormwater basins in Kansas City and for repairs involving just one basin south of the river the cost estimate was approximately \$75 million. He thinks about our price tag of \$17 million for the entire city and it tells him that the geography of our city is probably not so different from anywhere in Kansas City, and it tells him that we have not done that shabby a job addressing stormwater problems and that we are really in pretty good shape. Mr. Bishop said the other thing that struck him was that a major emphasis of

our stormwater master planning process was the public hearings held at Antioch Bible Baptist Church. Those hearings were so important for a number of reasons. They let people come and voice their stormwater problems and it allowed them to hear their neighbor's problems which perhaps were worse than their own. It put some things in perspective and was also an opportunity for them to see the scope of the project and what it would take to fix it.

Mr. Bishop said the meeting was geared towards elected officials from municipalities in the metropolitan area north of the area and other opinion leaders and he commented at the meeting that he thought Kansas City needed to focus more on that public hearing process because it was such an important component. Gladstone can be very proud of the process we used during the Stormwater Master Plan process. It gave us a good project and as a City we can be proud of the progress we are making on meeting those top ranked stormwater project priorities. Mr. Bishop said that Kansas City has a tough road ahead and he wishes them the very best.

Councilman Bishop said he would also comment on the record tonight on the KFC/A&W Restaurant project on Antioch Road that is nearing completion. He voted for the project and the plans submitted which he has to believe look very much like the building now under construction. Plans came to Council with a staff recommendation for approval and he recalls that Councilman Newsom was the only member of the Council at the time who asked a question about the color scheme and the design. He does not recall who responded whether it was the developer or staff but we were assured it was fine. Councilman Bishop said he does not think it is fine. He thinks it is an eyesore over there, and he has had a good many citizens on the Antioch Road part of town complain to him about it and ask if anything can be done. He has responded that he does think it is too late because we have approved it and as far as he knows it is being built as submitted. In the future, he would appreciate staff working a little more with developers on color schemes and blending of patterns and designs because he did not realize exactly what it was going to look like and he is sorry.

Councilman Bishop said we have talked a lot about the Council objective of providing transportation for our older citizens in Gladstone, and Parks & Recreation Director Steve Buschor has been taking part in the Older Adults Partnership. The next meeting is Thursday, June 7th at 11:30 AM in the Northland Human Services Center and they will be finalizing the survey contents at that meeting. He suggests that someone from Gladstone attend with some specific questions that we want included in the survey from our population before we move forward in providing that transportation to our older citizens.

Councilman Bishop also asked the status of the codification of the City's Code of Ordinances. City Clerk Marilyn Ahnefeld advised that this project is underway by the Code Company, but it will still be additional months before completion of proofs for the City's review.

Mayor Pro Tem Bill Cross had no communications at this time.

Mayor Anita Newsom said the election of Les Smith to the City Council has left a vacancy as far as Planning Commission liaisons to the Capital Improvements Committee. The Mayor said she is pleased to appoint **Planning Commissioner Brian Hill** as one of the three Planning Commission Liaisons who are appointed annually to the **Capital Improvements Committee**.

The Mayor also complimented Parks & Recreation Director Steve Buschor and his staff on getting the flag banners erected on major streets prior to Memorial Day and acknowledged that with the opening of the swimming pool it was an additional task and is appreciated.

Mayor Newsom said she was pleased to read that Finance Director Cash Sweiven was elected First Vice President of the Governmental Finance Officers of Missouri. She also noted that Fire Division Chief Doug Scheffner was featured in an article in the Education section of *The Kansas City Star*. This certainly speaks well of our professional staff when they are recognized and called upon to contribute their talents.

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

City Manager Kirk Davis stated that he has one announcement for tonight to remind everyone about the Household Hazardous Waste Event on June 9th at Antioch Middle School which is scheduled from 9AM - 1:00PM. This event provides an opportunity to get rid of paint and other household hazardous waste. 240 vehicles can be accommodated and proof of Gladstone residency is required.

Item 9. on the Agenda. CONTINUED PUBLIC HEARING: on a request to rezone from CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from the April 23, 2001 City Council Meeting and recontinued from the May 14, 2001 City Council meeting)

Mayor Newsom stated that the applicant has requested in a letter placed at Council's table, that this public hearing be re-continued to June 25, 2001. Mayor Newsom opened the Public Hearing and announced it is **recontinued to the June 25, 2001** City Council Meeting.

Due to the continuance of the Public Hearing, Agenda Items 9a. and 9b. were not introduced.

Item 10. on the Agenda. CONTINUED PUBLIC HEARING: on a request to rezone property at 5800 N. Oak Trafficway from C-2 to CP-3 Auto Trend, Inc. (File #1148) (Originally continued from 3/12/01 to 4/9/01 to 4/23/01 to 5/29/01.)

Mayor Newsom stated that at the request of the applicant, this public hearing would be opened and immediately **recontinued to the June 11, 2001** City Council Meeting.

Item 11. on the Agenda. PUBLIC HEARING: on a request to renew a Special Use Permit for operation of a child care center from residential property at 2005 NE 62nd Street. Applicant/Owner: Judy Cervantes. (File #1155)

Mayor Newsom opened the Public Hearing and explained the hearing process.

Applicant Judy Cervantes, 2005 NE 62nd Street, advised she has operated her day care business from her residence for the last six years and been licensed for five years. She requests renewal of her special use permit for a 10 year period of time and noted that the only change from the prior permit was in the times of the operation. She now requests 5:00 AM - 6:00 PM and explained that generally the children are picked up by 5:00 PM but she is allowing ample leeway to accommodate inclement weather or other situations.

The Mayor called for persons who desired to speak in favor or in opposition to this application. No one came forward.

Staff presentation.

Assistant City Manager for Development Scott Wingerson advised that the Planning Commission unanimously recommended approval of the Special Use Permit. Mayor Newsom said it was her understanding there have been no complaints from neighbors or others about this operation. Mr. Wingerson said that is correct, there have been no complaints.

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

Item 11a. on the Agenda. **FIRST READING BILL 01-26**, authorizing renewal of a Special Use Permit to Judy Cervantes for operation of a child care center on residential property at 2005 NE 62nd Street subject to certain conditions. (File #1155)

Councilman Les Smith moved to place Bill 01-26 on First Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-26, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-26, and enact the Bill as **Ordinance No. 3.796**; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom congratulated Ms. Cervantes on her special use permit renewal and wished her a successful ten year operation.

Item 12. on the Agenda. **PUBLIC HEARING:** on a request to operate an outdoor photography business from residential property at 6501 N. Park. Applicant/Owner: Deborah Rommel. (File #1156)

Mayor Newsom opened the Public Hearing and explained the hearing process.

Applicant Deborah Rommel, 6501 North Park said she is applying for a special use permit to do outdoor photography in her backyard. Ms. Rommel said she photographs just one family at a time and often it might be a senior high school student, kids, or families and most of the time there will be only one car at any time. She does not do more than four sittings in one day and it averages out to about three sittings a week. Sometimes she is busy and sometimes not, depending on the weather. Her entire backyard is landscaped and if you walk it you just think it is a beautifully landscaped back yard, you can't tell she does photography there. Responding to a

question from Mayor Newsom, Ms. Rommel assured the City Council she does not do "natural" photography which was the question asked at the Planning Commission.

The Mayor noted that the weekend hours in the ordinance were modified to allow 9:00 AM - 1:00 PM to accommodate three sittings if Ms. Rommel had a client running behind.

IN FAVOR

Robert Settich, 6500 N Park, said he lives directly across the street from the Rommell property and the applicant's property is very nicely maintained. In fact, the reasonableness of the proposed business is very good and the success of it also depends upon the person maintaining their property in good order, so that bodes well for the future. The restrictions contained in the proposed ordinance are reasonable and protective of the interests of the neighbors and that is why he speaks in support of this special use permit application.

No one spoke in opposition and there were no further comments, whereupon Mayor Newsom closed the Public Hearing.

Item 12a. on the Agenda. **FIRST READING BILL 01-27**, authorizing a Special Use Permit to operate an outdoor photography business from residential property at 6501 N. Park for a five year period. Applicant/Owner: Deborah Rommel. (File #1156)

Councilman Dan Bishop moved to place Bill 01-27 on First Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-27, Waive the Rule and place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 01-27, and enact the Bill as **Ordinance No. 3.797**; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 13. on the Agenda. **APPROVAL OF BUILDING PERMIT** for the new construction and remodel of The Classical Ballet School (Ballet North) 6308 N. Prospect. Applicant: Syler Contractors, Inc. Owner: Mathew and Laura Rhineschmidt. (BP# 01-0268)

Councilman Les Smith moved to approve the Building Permit for The Classical Ballet School at 6308 North Prospect. Councilman Bill Cross seconded.

Discussion.

Mayor Newsom commented that this permit is a good follow through on what appears to be a great project. Councilman Cross also commented that he feels confident about this plan given

the presentations that were made at the recent Council Meeting on this project. Councilman Les Smith said he noticed over the weekend that a number of students were waiting to be picked up which over a year ago was a problem but cutting the gravel road way out to 64th Street has eliminated a traffic problem on Antioch Road.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 13a. on the Agenda. RESOLUTION R-01-41, authorizing execution of a Land Development Agreement with The North Prospect Development Company, LLC, relating to the development of Classical Ballet School (Ballet North), 6308 N. Prospect.

Councilman Dan Bishop moved to adopt Resolution R-01-41; Mayor Pro Tem Bill Cross seconded.

Discussion.

Mr. Wingerson advised that the Developer's Agreement provides a series of triggers for providing additional parking should that be necessary as determined by the Planning Commission and the City Council. Secondly, based on specific use of a ballet company and restricted access to the upper floor, it defers the requirement for an elevator or chair lift. Because of the use of this facility that is an appropriate exception from the Building Code and it is reflected here in the developer's agreement to allow that exception, but not to apply upon a change of use.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 14. on the Agenda. APPROVAL OF BUILDING PERMIT for the remodel of Westlake Ace Hardware, 5945 N. Antioch Road. Applicant: Feingold Associates. Owner: Curry Investment Company. (BP# 01-0314)

Mayor Anita Newsom said she understands this is an interior and exterior remodeling for the old Bob's IGA building and they will be vacating their current location in Prospect Plaza. The Mayor said economic development wise it certainly looks like a good deal.

Assistant City Manager for Development Scott Wingerson said Westlake is not proposing to take the entire Bob's IGA space but will leave the 5,000 sq. ft. space between them and Tropical Restaurant, so it does provide opportunity for another business.

Mr. Wingerson said through contacts with the property managers for Prospect Plaza he has been advised that there is a waiting list of businesses interested in the vacated Westlake space.

Mr. Walker, Feingold Architects said the north part of the shopping center will take on a little bit different appearance to reflect Westlake's corporate identity. The Bob's store is actually set back a little bit further from the rest of the shopping center so this will provide an indented feel and separation from the other businesses in the shopping center but at the same time remain consistent with the overall style of the center.

Mayor Newsom referred to Sheet #1 of the plans which shows a large shaded area for permanent outside sales and asked if it will go under the outdoor sales permits or is this something different.

Mr. Wingerson advised it will still fall under a special event permit which will be required from Westlake on an annual basis to help us identify their sales. This will provide a blueprint for approving that special event permit on an annual basis and this actually becomes a part of the permit issuance process and we will have the ability to go to a future manager of Westlake and suggest that this is what was approved by the City Council and indicates that these are the limits of the outdoor storage for this facility.

Mayor Newsom asked if it would not to exceed this. Mr. Wingerson said that was correct.

Councilman Cross commented that the color combinations look much better than those of the business to the south referred to earlier and he and Councilman Bishop can live with it much better. Mr. Cross asked if this move will have an affect on the Vivion Road & Brighton store in Kansas City. Mr. Doug Burton, Westlake ACE Hardware Executive Vice President replied there are no plans to vacate the Vivion Road Store. He noted the square footage for this new location on Antioch Road 30,800 versus 20,000 in Prospect Plaza.

Mayor Newsom said it appears to give the old Bob's IGA building a nice new face and gives Westlake a much larger face and presentation. This will be a great addition here because it is currently tucked in the corner at the Prospect Plaza location.

Councilman Shirley Smith asked when they will open. Mr. Burton replied mid to late September if all goes well. He noted this will be a show store for them because Ace Hardware is having their fall convention in Kansas City so they will make this a show store and will bus people up to view it so they have a project that everyone is interested in.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 15. on the Agenda. **PUBLIC HEARING:** on proposed 2001-2002 Annual Operating Budget for the City of Gladstone, Missouri.

City Manager Kirk Davis stated that he is pleased to present the 2001-2002 Budget for the City of Gladstone. This will be a tag-team presentation with other members of staff, Assistant City Manager Laura Gay and Assistant City Manager for Development Scott Wingerson. The budget represents the strategic, administrative and financial plan of the City for the next fiscal year. The Budget, in addition to representing the financial plan for the City, is also an operations guide and a communications tool that reflects service levels planned for the benefit of the citizens of Gladstone.

The proposed budget is a result of a lengthy and comprehensive process that involves dozens of City employees, each department, all directors, members of the Management Team, and the City Council. It is based upon several key principles including the maintenance of service levels, meeting our financial obligations, maintaining a competitive employee benefit package, adhering

to current financial policies, utilizing the Capital Equipment Replacement Schedule and recognizing the Council's goals and objectives.

This Public Hearing tonight follows the preparation of the budget document and two Study Sessions with the City Council. Subsequent to this evening, staff will prepare an ordinance for adoption for the June 11th Council Agenda.

Mr. Davis stated that he will present the overview of the General Fund and the Enterprise Funds; Assistant City Manager Laura Gay will present the Personnel package, and Assistant City Manager for Development Scott Wingerson will present the Capital Improvements Plan.

Last year the budget focused on capital improvements financing and design as well as the maintenance of infrastructure. It focused on the beginning implementation or utilization of the studies that were completed in the past two years. This year the budget continues that focus with the water system improvements that are under way, the continued design and construction of sewer system improvements, completion of the design and construction of major storm water management projects, and the commencement of design on the new Public Safety facilities.

In addition to these projects, the budget reflects the impact of the new financing package for public works improvements, expansion of Happy Rock Park, expediting improvements to 76th Street, and a new records center for the City. This financing package will be brought to Council later this fall.

The budget last year focused on Public Safety staffing, Human Resources staffing, and economic development staffing was adjusted at mid-year. This represented the hiring of three fire fighter/paramedics, a human resources administrator and economic developer and part-time firefighters. These are on-going expenses that accrue every subsequent year. The reason it is mentioned is that you have to maintain and have at least some ideas from budget to budget on what costs we incur that impact future budgets.

The economy is also an important factor when developing a budget. There are a lot of economic question marks in this economy. Interest rates have fallen in recent months. This provides the City an opportunity to refinance existing debt and take advantage of low interest rates from an infrastructure financing perspective. It also impacts our revenue projections for interest earned, which is down. Motor vehicle fuel and utility prices impact all of us, including the City. While interest rates are down, the City is taking a very conservative approach to projecting building and construction related revenues. In preparing a budget, staff analyzes past trends, economic conditions, and revenue comparisons. In addition, the long-term fiscal analysis that was presented to Council also impacts decision making.

Mr. Davis continued and stated that this budget also focuses on several communication issues, both internal and external. The academics, community oriented government, organizational health survey, web site, and all kinds of different opportunities to communicate are now beginning to be utilized to the fullest extent possible, and this budget allows us to do that.

While we have mixed economic signals, the City is still able to provide a balanced budget that does not compromise services. In the General Fund, budgeted revenues exceed expenditures in the amount of \$13,266. Budgeted revenues for FY02 total \$11,983,000 and expenditures total

\$11,969,000. The projected revenue is representative of the economic factors, conditions, and analysis previously mentioned. Projected revenues are 2.8% below FY2001 expected revenues. A stable local economy has allowed the City to project a moderate 3.5% increase in sales tax in the amount of \$122,500 per year above the mid-year adjustment. Property taxes are expected to increase \$53,000 due to growth in assessed valuations. Franchise tax revenue is projected to decrease \$72,935 in FY02 mainly due to three year revenue averaging of natural gas and electric receipts. Again, franchise taxes, sales tax, and property taxes are the three major revenue sources for the City, accounting for 63% of all revenue.

In summarizing the other revenues, licenses and permits are projected to decrease \$12,600 due mainly to a reduction in building permits and construction related inspections. The Charges for Services classification is expected to decrease \$80,000 due primarily to a projected decrease in large senior trips. Municipal Court fines are projected to increase \$17,300 resulting from more projected court cases. As previously mentioned, interest earnings are projected to decrease \$35,000.

Expenditures in the General Fund are expected to decrease \$270,839 or 2.2% below expected expenditures. Of the five expenditure classifications, only Personnel Services will experience an increase and Laura Gay will talk about that in a few minutes. Personnel services will increase by \$466,000 due to maintenance of the City's classification and compensation plan, the addition of one new full-time Public Safety officer, reclassification of two existing part-time positions to full time, increased benefit costs, higher insurance premiums, and an enhancement of the current retirement program.

Supplemental expenditures total \$36,000 in the Budget. Highlighting the supplemental expenditures is a \$20,000 increase in prisoner housing costs, and funding for 29 new residential and collector street lights.

City Manager Davis stated that budgeted capital requests total \$300,790. Highlighting the capital requests are funding for patrol cars, motorcycles, and replacement of an ambulance in Public Safety, a one-ton dump truck with plow and spreader and a fuel monitoring system in Public Works, and a large park mower in Parks and Recreation. These all represent fleet replacements.

Technology and Building requests totaling \$26,000 are mainly duct and window replacement, the replacement of eight computers, and the purchase of two software programs.

In summary, the General Fund is a maintenance budget. The Fund has seen growth in the past two years, the economy is sending mixed signals, and the focus of the budget is on designing and constructing necessary capital improvements, many of which are now under way and we begin the process of completing these projects.

City Manager Davis stated that he would like to move on to the Water and Sewer System Enterprise Fund. This fund will provide all operating costs, capital equipment purchases, bond requirements, and capital improvements. The proposed revenues are based upon the sale of 867 million gallons of water and are projected to be \$5,475,000. This represents a \$42,849 increase over expected revenues from this fiscal year.

Expenditures total approximately \$5,470,000 resulting in an estimated net income of \$5,135. This revenue includes the Kansas City pass-through for sewer treatment, but does not include a rate increase for the production of water. This puts the City in a very favorable position when comparing our rates to the rates of other metropolitan cities, and those rates are in your packet.

The proposed water and sewer system budget includes the continued funding of the sewer televising and cleaning program, the funding of \$100,000 into the water line replacement program, several water plant maintenance projects, completes the funding of the replacement of the North Oak water line between Englewood and 61st, and funds the replacement of the Garfield water line between Englewood and 57th on Garfield. Both of these lines have experienced a history of breaks and need replacement.

The Municipal Pool Fund is projected to have a net income of \$390 and is not budgeting any capital improvements at this time.

The Special Park Fund has a balance of \$16,200. The proposed budget includes the expenditures of \$10,000 for the HVAC system at the Community Building in Central Park, and \$5,000 to replenish playground mulch.

The Capital Equipment Replacement Fund is assisting in the purchase of the ambulance in the amount of \$50,000. The remaining balance is \$256,000. Both Capital Equipment Replacement Fund and Water Line Replacement Fund need to continue to be funded and built up so we can afford to maintain our fleet and help address replacement of two-inch water lines as well as water lines causing problems in residential areas.

Mr. Davis stated that he wished to turn the podium over to Assistant City Manager Laura Gay to discuss in more detail the Personnel package. Scott Wingerson will follow Ms. Gay and then he will finish with some discussion about Council goals and answer questions Council may have.

Assistant City Manager Laura Gay stated that she wanted to echo something that Councilman Bishop said earlier in the Study Session and that is the fact that she is pleased to present that portion of the budget that deals with the human resources and that is what we are really all about and which allows us to deliver the services to the citizens of this community as effectively as we do and look to do in the coming fiscal year.

Ms. Gay stated that she is actually pleased to say that her portion is the one that increases because it is a commitment of those resources to improving the service delivery for the citizens. Each year when we look at the Personnel package, we break it down into three areas: new positions or upgrade of existing positions, maintaining our classification and compensation plan, and we look at any benefit enhancements which might be appropriate for our employees.

New positions for FY02 include a recommendation to fund one full-time Public Safety officer. Of that cost, for the first three years, 80% will be funded by a grant that we have secured. This position will fill the patrol spot vacated by an officer who now serves at Antioch Middle School as a School Resource Officer.

The only other positions that were proposed in the fiscal year 2002 include an upgrade of two existing part-time positions. One is a Records Clerk in Public Safety and one secretary in Public

Works. Both will help our existing staff and the performance of their duties, but also will provide better service to the public in making records available in a more timely fashion and dealing with phone calls and providing better coverage in the Public Works Department.

Ms. Gay stated that in looking at the Classification and Compensation Plan, several years ago, Council authorized a study and analysis of our pay plan and looked at creating and maintaining a plan which would allow us to recruit and retain qualified employees. Each year we do a market analysis to ensure that our salary ranges and starting salaries are competitive for the positions that we are recruiting for. This has been done for the last five years and we look at a salary range table that will take effect in November that reflects those market adjustments.

As a part of that, we also moved to a pay for performance plan. We used to live under a more traditional merit plan where employees topped out after about seven years with us. The new plan gives us the opportunity and flexibility to tie merit increases to an employee's individual performance and we set individual performance goals for each member of our staff and typically set aside money to fund those merit increases each year.

The FY02 budget reflects an amount of \$240,000 to fund range adjustments and annual merit increases. This is consistent with what we have budgeted over the last several years.

Ms. Gay stated in looking at the benefit package, significant benefit enhancement this year which is to upgrade our participation in the LAGERS program. The number one priority that was identified based on information collected through the organizational health survey last winter, we are proposing to upgrade from the LT(5)-65 level to the LT(8)-65 level effective January 1, 2002.

The only other benefit change was actually something that Council asked us to look at last year when we experienced an increase in our health insurance premium costs. We had not increased the employees contributions since 1996 and we propose an increase this year. We have discussed this in our open enrollment meetings with employees and it has been well received and understood and accepted. It still keeps us well below the average costs in the metropolitan area and still remains affordable coverage for our employees and allows us to keep up with the rising cost of health coverage.

Ms. Gay stated that the last category in Personnel services is insurance that covers Errors and Omissions coverage for our public officials. It covers things like general liability, property and casualty of which we spend about \$500,000 in that category. Insurance costs are estimated to increase by approximately 10% for the coming fiscal year. We do participate in a Loss Control Program through MARCIT and allows us to receive a discount as a result of our loss control and risk management efforts.

Ms. Gay stated those are the highlights of the Personnel services category and stated that she would be happy to answer any questions from Council.

Councilman Bishop asked about the staffing in the Public Safety Department and perhaps City Manager Kirk Davis would address the issue. The staffing in Public Safety funded by the grant, there was some reference in the goals memo as to how that position would be classified.

City Manager Davis stated that the officer funded by the COPS Grant will be assigned to the traffic unit.

Assistant City Manager for Development Scott Wingerson stated that he would like to talk about the infrastructure of the community with a brief update of the projects that are completed or currently underway in order to lay the groundwork for the future.

In terms of the capital improvement sales tax, Council will recognize most of these projects. 61st and Olive storm drainage project is complete, Hamilton Heights Park is complete, Public Works parking lot for customers and employees is out to bid, Old Pike and 55th Terrace, except for punch list items, is completed, Oak Grove Park parking lot expansion to the west of the existing north parking lot is being designed, 58th & Broadway project is under construction. Public Works material storage facility to keep dirt, sand and mulch dry is under design.

The Public Safety facility study was completed and serves as the basis for much of the material provided to the public relating to the sales tax issue. 70th Street is under construction next to City Hall, Flora Park has a new backstop, the Brooktree Circle Drainage project is complete, the Happy Rock Park West is currently being engineered, Claymont Drainage project is nearly complete, Central Park ball field is complete, City Hall parking lot was resurfaced, City Hall video security has been installed, Station 2 is slated for parking lot and drive repair, the storage building at Oak Grove Park is under construction. Public Works site plan study has been presented to the City Council and is proposed for implementation in the coming year and City Hall has received an irrigation system.

The Transportation Sales Tax Fund Street program was successful in 2000. It resulted in completion of the 5-year commitment to the voters. It continued to propose life-cycle that is much reduced from before. In FY02 we will continue that program as well as 70th Street and finish 72nd Street. 76th Street will be a subject of a debt discussion in a few minutes.

Mr. Wingerson stated that we also have the Stormwater Fund as Councilman Bishop referred to earlier in the meeting. There are four main projects that are top-ranking from the Stormwater Master Plan. They include Meadowbrook Park Drainage improvements, which is under design. 64th & Walrond is nearing completion as Mr. Gunselman referenced. (and Mr. Gunselman will receive a new meter box.) Rock Creek at 68th Street Detention Basin is under design, and beginning the acquisition process. Rock Creek Channel improvements have been designed.

The Combined Water and Sewer 2000 Revenue Bond Projects Fund includes several projects including the Mill Creek Sanitary Sewer which is under design, the Water Plant improvements and design, Linden Tower painting is nearing completion, Well #6 Raw water line is being designed, Treatment Plant renovation is under way and being designed, the SCADA System/Plant control is in the works, and the Old Maid Creek Sanitary Sewer is being designed. All of that work is scheduled to begin during this fiscal year.

Finally, the Fire Protection Sales Tax Fund. Very recently, the Council was updated and provided a strategy on how to implement the projects in that fund.

Mr. Wingerson stated that a lot of work has been done this last year or two and really sets the stage for FY02. The primary part of FY02 is a proposal to come to the Council in October or

November to issue additional debt. The additional debt would implement priority one improvements of the Public Works Master Plan and implement the construction of Happy Rock West or the annex at Happy Rock Park on the west side of Antioch Road. It would also provide for the construction of a records retention and auxiliary public meeting room to replace the building that is in our parking lot now.

If that is done, it provides significant amount of savings in the two funds over the course of time and allows us to begin a new and exciting program which is the installation of new curb and gutter throughout the community. Over the proposed five year plan, about \$1.3 Million is allocated to that project. With the debt issue, it would speed the construction of 76th Street from North Oak to the east City limits, all parts that need curb and gutter or stormwater improvements or widening to appropriate width would be completed through that debt as well as supplementation from the Capital Improvements Sales Tax.

Mr. Wingerson stated that the Five-Year Plan also constitutes approximately 18 of the top 21 stormwater projects in the Master Plan. It is a very large piece of the 40 plus projects that are contained in that plan. In FY02 specifically, 67th at Forest, the number eight project, and 59th Terrace, which is the number nine project, will be designed and constructed with 02 funding. Again, the implementation of Happy Rock Park West through the debt, additional dugout and patio covers at Happy Rock Park which increases the ability to use that facility, replacement of a play structure at Meadowbrook Park, repair and replacement of the Central Park parking lot and a Happy Rock Park trail by-pass on the east side of the park provides for walker safety in the wooded area.

Also proposed is an improvement to the Community Building in Central Park. It was originally proposed with vinyl siding, but has been changed to something different and will be brought back to the Council for consideration.

The remainder of the plan continues to focus on the Stormwater projects and really provides for the implementation of those major projects for the future and the curb and gutter program.

In terms of the Transportation Sales Tax Fund, '02 provides for continuation of the street maintenance project. It does not provide in this fiscal year, the ability to install new curb and gutter. It is proposed that the money be forwarded to FY03 to allow staff time to put together a technically complete program for Council consideration and implementation.

Mayor Newsom asked if this was similar to the street replacement program gauged on need and how bad it is.

Mr. Wingerson stated that yes, it would be based on objective criteria. They are in the process of developing that now, based on need and location.

City Manager Davis stated that at the last City Council meeting, Council asked staff to provide a report as to how this budget achieves some of the Council objectives that were developed last fall. Mr. Davis said the memorandum before you highlights how each of those goals are being addressed and he will briefly discuss each goal.

The first is to ***implement a new economic development program*** within the City structure. At the mid-year budget we proposed and developed a new economic development program. The cost of the program is \$137,900 of which part will be implemented from this new budget.

The second part of this is the continued advancement of the North Oak Corridor Study which is nearing completion. The extent of the recommendations is not know yet, but most will probably be regulatory and planning in nature. There is the opportunity for financial incentives to come into play if you get into a downtown area or Gladstone Plaza. We are in pretty good shape to handle those requests, depending on what the quality of the proposed development.

Council also asked about restructuring the agreement with the Chamber of Commerce and GEBC which has been done. Basically, the existing agreement has lapsed and we restructured that funding to the Chamber. We also continue to fund the Chamber, MARC, Clay County Economic Development, the Northland Chamber in this budget in the amount of \$18,000.

Improved morale and internal communications is the next goal. A lot has been done and discussed including the Organizational Health Survey last winter and several projects we need to advance. Our new Human Resources administrator Charlene Leslie has been instrumental in moving forward through the process of the survey and details in regard to that. Highlighting some of the things included in the budget is the retirement benefit that was mentioned by employees, training budgets, and other activities and programs absorbed into the budget.

The implementation of the survey and morale and communication issues is a fluid process that will change and take on a different look as we accomplish many of the objectives that are mentioned. We want to continue that process and we anticipate this will be a focus for the City for a number of years as we try to improve communications and morale.

Implementation of Public Safety space needs. After the goal setting session, Council placed a sales tax initiative on the ballot to fund a new fire station, remodel Station 1, purchase a new fire truck, and purchase a computer aided dispatching system. A citizen campaign committee was formed and successfully passed the initiative. We are moving forward with this program and hopefully will accomplish this objective.

Continue to pursue improved water quality. The community successfully passed a water/sewer bond issue in April of 2000. That issue promised approximately \$1 Million in improvements to the Water Plant that were identified as part of the Water Plant Study reflected in your attachment. Other improvements in the amount of \$145,000 and operational adjustments are addressed and absorbed in the annual budget.

Continue to pursue initiatives that further communications with citizens. This is another big objective. Citizen newsletters, press releases, the information booth during Gladfest will all continue. The Website, government access channel, message and music will also continue. The restructuring of the Management Assistant position into a Public Information Coordinator shows our commitment to improving our communications, both internally and externally.

We also want to move forward with an automated citizen tracking system as quickly as possible. The cost may be approximately \$10,000 but that should be taken care of within the budget.

Public Safety has two new initiatives that have been successful, the Citizens Academy and the Youth Academy which we hope to continue. The costs for those programs are absorbed into the budget.

We have set aside \$15,000 for the 50th birthday celebration and sister cities program. The community oriented government which we talked about earlier, has about \$6,800 set aside for that program.

Reduce traffic violations throughout the City, especially in neighborhoods. Public Safety has completed a traffic enforcement analysis and made a recommendation that another officer be added to the Traffic Safety Unit through the COPS Grant. In addition, the Unit has recommended that a database be maintained relative to the number of accidents, tickets issued, and citizen complaints. Laura Gay addressed the funding of this position earlier. We will have three and one-half officers devoted to traffic plus one-half as available. We are please to make this a focus in the budget.

Continue infrastructure program. Scott Wingerson just mentioned to you the infrastructure maintenance and the focus of the City. The City has issued \$6 million in bonds for stormwater work, \$4 million in bonds for water and sewer work, and passed a quarter-cent sales tax that will generate \$4.2 million for public safety improvements and moving forward with a \$4.6 million for Public Works Master Plan. We are making great progress in implementing the studies and the initiatives promised to voters.

Preliminary evaluation of senior citizen and disabled citizens transportation needs. The Director of Parks and Recreation has been involved with a citizens advocacy group (COAP) that has the purpose of identifying the needs of Clay County senior citizens. Their ultimate strategy is to move forward with a potential tax supported program that will be utilized by seniors. The current budget does not have a specific appropriation for senior citizen transportation, and we certainly do not wish to duplicate or circumvent the efforts of COAP, however we will be monitoring the progress of this group. We will bring forward information as it becomes available.

Receive Neighborhood Preservation Task Force recommendations, evaluate the recommendations, and develop appropriate action plans. About six weeks ago, Council received the Task Force study recommendations which we are still in the process of evaluating at this time. We do have about \$1.3 million set aside for the Five Year Capital Improvement Program for curb and gutter work which is pretty significant and recommended by the Task Force.

We are committed to moving forward with our Property Maintenance Code and trash hauling services which will be dealt with this fall. The remaining seven recommendations have some pretty far-reaching operational impacts and we need to be very careful on how we handle those recommendations. Scott is analyzing some of those recommendations and we will move forward with any appropriations that we may have in regard to recommendations at the time the analysis is completed.

The budget has approximately \$2,500,000 that is recommended for appropriation and that is directly related to achieving the objectives mentioned. This figure includes approximately

\$1,990,000 in non-debt service capital improvement appropriations. In addition, another \$11,150,000 is identified and represents an effort to achieve the Council goals set for Public Safety, Water Quality, Infrastructure, and Neighborhood Preservation.

City Manager Davis stated that he appreciates the guidance and it was an interesting process in analyzing the detail on how the budget does impacts Council goals. He thinks it is fairly supportive. He said that concludes the budget discussion and offered to answer any questions from Council.

Councilman Bishop said he appreciated Kirk taking the time and obviously a great deal of thought and effort went into this memo. It was such a worthwhile process and he appreciates it spelled out in this detail what is being done specifically to meet the Council objectives we set out last October. There is so much going on and we are moving in so many of the right directions.

Councilman Bishop stated that his one concern with the budget memo originally submitted was that, he felt, it did not give enough attention to reallocation to traffic enforcement. He sensed there was a reluctance to characterize the new Public Safety Officer position as a traffic position. He is supportive of the fact that the officer will be a traffic officer. That is a good step toward showing a very serious commitment toward addressing that Council objective and is supportive of that and glad to see it. He thanked the City Manager for the effort and time put into the memo.

Mayor Pro Tem Bill Cross stated that he would like to concur with Mr. Bishop. When we sat down last fall and listed the nine objectives and spent the whole day on it, to him it is apparent that the City Manager and staff are doing their very best in meeting those needs, with some moving along further than others, but all have been addressed and something is being done about it. He appreciates it so much.

Mayor Anita Newsom also thanked staff for the time and effort put forth every year for the budget. She knows it is done from the ground up and everyone from each department has the opportunity to participate and give input because they are the people out there with the community doing the work that needs to be done. Hopefully, the Council goals and goals of government are addressed by the work that the employees do. They are doing the work and their direction on how to best implement these goals is wonderful and the collaborative process used is very sound and a workable document. She appreciates everything that is put together for the budget.

Ms. Newsom stated that she has one concern, or moment for pause, that bothers her. It is not a biggie but the word "complaint" in the Citizen Complaint Tracking System does not agree with her. A citizen should be able to voice a concern, ask a question, but it does not have to be a complaint. The word complaint has such a negative aura about it. We need to come up with another word. Inquiry might work, but something else is needed.

City Manager Davis stated that the most common words are complaint or request. Inquiry would work as well.

Mayor Newsom said the term complaint is tagging it, and the people who call in have concerns or questions and should not be called complainers.

Mr. Davis stated that we will change the title.

Councilman Les Smith stated that it is incredible going through the budget process and the first one he has gone through in fifteen years. We have so many things going on in the City and this Management Team is able to orchestrate and manage the projects that we have going on in the City. We also have the Organizational Health Survey, the benefit package and the list just goes on and on. It is quite impressive.

We have some folks that are doing a lot of good work. He stated to Mr. Davis that he should not be so hesitant to write a seven or eight page memo telling us you are doing the things the Council has asked to be done. Feel good about bragging on yourself and your Management Team because you deserve it. It also serves the purpose of keeping the Council and citizens informed.

Councilman Cross stated that it is great when you can take a \$12 million budget and Cash Sweiven can tell us we will come within \$13,000 of hitting it exactly perfect. He said we better get some tips from Cash on investing.

City Manager Davis stated that Mr. Sweiven allows us to project revenues, then starts subtracting. We do not start with expenditures first.

Councilman Les Smith stated that we would all like to have some discretionary money to do some neat things, but this is a very responsible budget. We are in the business of being responsible and everyone must tighten their belt a little bit and that is what we are doing. It is quite impressive.

Mayor Newsom agreed that she likes the term responsible. It is the best way to operate with the taxpayers' money.

City Manager Davis thanked Council and thanked the staff for a good job.

There were no communications for approval or opposition of the public hearing.

Mayor Newsom closed the Public Hearing.

Item 16. on the Agenda. OTHER BUSINESS:

Mayor Newsom stated to Ms. Gay that she understands we are one person short on the Solid Waste Committee with Ms. Mary Abbott moving to the Planning Commission.

Ms. Gay replied yes, and that we found out last week another member, Mr. Russell Hall, has been transferred out of state with his job, so that may leave two vacancies on the Solid Waste and Recycling Committee.

Ms. Newsom stated that came to mind when we were discussing the trash hauling contract for the City.

Ms. Gay stated that as we move into the RFP for residential trash hauling, we would like to have a full compliment of citizens.

Mayor Newsom said that gives her something to think about.

Mayor Newsom asked Mr. Buschor for clarification, after the recent unfortunate incident in Blue Springs, that we do not allow flotation devices in our pool.

Mayor Pro Tem Cross and Mr. Buschor both acknowledged there are not allowed in our city and indicated that was an issue that was cussed and discussed and made policy over twenty years ago.

Ms. Newsom commented that she has not had a chance to see the newly rehabbed pool and imagines it is in good shape.

Mr. Buschor replied that the pool is painted, full of water and a cool 68 degrees as of today.

Ms. Newsom asked Mr. Wingerson when architect's color renderings are brought forward, could they be more true to the actual color instead of colored pencil drawings which are quick and easy, and may have led us astray on the A & W/Kentucky Fried Chicken. They are done in a pastel rendering and the actual color is a full-blown, bright color. Maybe we can encourage them to bring a true color rendering.

Mr. Wingerson stated that tonight, actual material samples were brought in and that is the key. There have been some requests in the past, when brick or other materials have been brought in. We can ask for actual material samples. He commented that they will do a better job of providing samples for Council.

Mayor Newsom stated that this will help down the line.

Councilman Bishop stated that he made his comments to give directions to staff when working with applicants through the process to give them information on exactly what Council wants to see.

Mayor Newsom commented that when she was mentioning people earlier tonight, it seems like we forget family. City Clerk Marilyn Ahnefeld was involved in the International Institute of Municipal Clerks Conference in Kansas City this year and played a very active role in the Planning Committee. She brought some souvenir items for each Council member and thanks her for her dedication and said she appreciated staff taking an active role in professional organizations.

Item 17, on the Agenda. QUESTIONS FROM THE NEWS MEDIA:

Mayor Newsom commented that we have a new face from the media. She welcomed Tim Higgins from *The Kansas City Star*, then asked if there were any questions from the media.

Mr. Joe Rudzik from the *Dispatch* asked the location of the KFC/A&W restaurant.

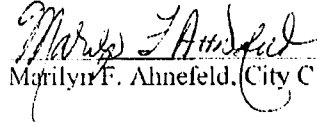
Mayor Newsom replied it is located at Antioch and Kendallwood Parkway.

Mr. Rudzik also asked if 72nd Street was finished. Councilman Shirley Smith stated that it is very close.

* * * * *

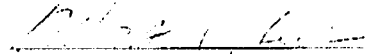
There was no further business to come before the May 29, 2001 Gladstone City Council Meeting, and Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____

Approved as corrected/amended: _____


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 11, 2001**

REGULAR MEETING: 7:30 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance: Scout Troop #447 sponsored by Nashua Baptist Church.
4. **Approval of Regular May 29, 2001 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF CERTIFICATES OF COMPLETION** to graduates of the first Gladstone Public Safety Citizens Academy.
- 4b. **PROCLAMATION:** recognizing the dedication of the ***African-American Legacy Memorial & Fountain*** on Friday, June 15th, 2001 in Liberty Square.
Sponsor: The Clay County African-American Legacy Consortium
- 4c. **PROCLAMATION:** recognizing the 2nd Anniversary of the ***Gladstone Neighbors Helping Neighbors*** organization.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-42, accepting Temporary Construction Easements and a Permanent Easement from property owners for the Prospect Plaza Improvement Project , Phase II. (Project 0280)

RESOLUTION NO. R-01-43, accepting a Bill of Sale from TUF Flight Inc. and Vaughan Mechanical, Inc. conveying water line and fire hydrant built to serve Caroline's House Day Care, 7260 NE Antioch Road to the City for maintenance.

RESOLUTION NO. R-01-44, authorizing execution of a contract with Metro Asphalt, Inc. in the amount of \$189,878.15 from the Transportation Sales Tax Fund for the 2001 Full Depth Asphalt Replacement Program. (Project #0102)

RESOLUTION NO. R-01-45, authorizing acceptance of work under the Wilson Plumbing Contract for Brooktree Circle Drainage Improvements and authorizing final payment in the amount of \$17,102.12 from the Capital Improvements Sales Tax Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Hen House Stores, 6475 N Prospect, Package Liquor License
- Quik Trip Corporation, 2590 NE 72nd Street, Package Liquor License

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION 01-46**, adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2001 and ending June 30, 2002, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.
10. **CONTINUED PUBLIC HEARING:** on a request to rezone property at 5800 N. Oak Trafficway from C-2 to CP-3. Applicant: Auto Trend, Inc. (File #1148). (Continued from 5/21/01).

AUDIENCE NOTE: This public hearing will be opened and immediately reconvened to the Monday, June 25, 2001 City Council Meeting at the request of City Staff.
11. **FIRST READING BILL 01-28**, amending Section 1. of Ordinance No. 3.138 to revise the fee for Water Bacteria Testing performed at the Gladstone Water Treatment Plant and amending the Schedule of Fees and Charges to incorporate such change.
12. **APPROVAL OF BUILDING PERMIT** for White Chapel Memorial Gardens for construction of 3,440 sq. ft. Mausoleum, 6600 N Antioch Road. Applicant: Jonathan O'Rear, Architect. Owner: S.E. Acquisition K.C. (BP #01-0386)
13. **APPROVAL OF BUILDING PERMIT** for tenant remodeling of 6,000 sq. ft. space for Central Western Buffet, 6000 N Antioch Road in Meadowbrook Shopping Center. Applicant: George Fiao. Owner: Clayco Properties, Inc. (BP# 01-0324)
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 11, 2001

Mayor Anita Newsom called the **Regular June 11, 2001 City Council Meeting** to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

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

Mayor Anita Newsom welcomed Scout Troop 447 from Nashua Baptist Church who presented the color guard and led the Pledge of Allegiance to the Flag in which all joined.

Mayor Newsom thanked the scouts and commented that it is always nice to have scouts here and see familiar faces from her former elementary school.

Item 4. on the Agenda **APPROVAL OF MINUTES**

Mayor Pro Tem Bill Cross moved to approve the **Regular May 29, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "aye"
Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda **PRESENTATION OF CERTIFICATES**

Mayor Anita Newsom stated that we have a very special presentation of certificates to the first group of graduates of the Gladstone Public Safety Citizens Academy. This academy is something that Public Safety has been trying to work through for almost a year. It is something that is very beneficial experience for Public Safety and especially our citizens. This is one of the first outreach efforts of our community oriented government and community oriented policing. She then asked Sgt. Richard King if he had any comments he would like to make about the Academy.

Sgt. King stated that it has been an educational experience not only for our citizens, but members of the department at the same time. We have gained a better understanding of our community, the place where we live and work every day, and the citizens we serve to the best of our ability.

To that extent, we have created partnerships that will go on for many years to come that will enhance our ability to serve and better understand the needs of the citizens of Gladstone. At the same time we conclude this wonderful experience for ourselves and the folks that have participated with us, we are preparing to embark on an even newer expansion with an alumni association where the folks that complete this program will be able to remain together in communication with members of the Public Safety Department and meet at least on an annual basis so that we can maintain an open line of communication with the residents that have been through this program and continue to field their concerns and have input from them to better guide and direct us every day as we perform our duties.

Sgt. King stated that he is very pleased that Director Bill Adamo gave him this opportunity to work with this program to meet these people and to move forward in this outreach effort of the department as it relates to what the City staff is doing with the community oriented government program at the same time.

Sgt. King thanked the citizens who participated and congratulated each of them and said he them friends and supporters of this City and the Public Safety Department.

Mayor Newsom, with the assistance of Director Bill Adamo and Sgt. King presented the certificates, a picture of the graduating class, and a City logo pin to each graduate and thanked them for participating in the Citizens Academy. She asked if any members of the academy wished to make any comments.

Mr. Don Harper thanked his classmates and stated that he has a deep appreciation of the entire Public Safety Department, especially Sgt. Richard King and all the fine people who came out on Monday nights, devoting their time, their dedication and pride in their job which was evident the entire time. He stated that they have learned a lot from it and hopes that we can take it out to the community and invite a lot more people with go through the classes.

**Item 4b. on the Agenda PROCLAMATION FOR THE AFRICAN-AMERICAN
LEGACY MEMORIAL**

Mayor Newsom read a proclamation recognizing the dedication of the African-American Legacy Memorial and Fountain on Friday, June 15th, 2001 in Liberty Square.

Mayor Newsom stated that she will be carrying this proclamation to the dedication ceremony on Friday, scheduled for 11:00 AM on the Liberty Square. The public is welcome to this event and Governor Holden will be the keynote speaker.

**Item 4c. on the Agenda PROCLAMATION FOR NEIGHBORS HELPING
NEIGHBORS**

Mayor Newsom read a Proclamation recognizing the second anniversary of the Gladstone Neighbors Helping Neighbors organization.

Ms. Newsom stated that Executive Director, Mr. Art Hammen is here this evening to present a report. She thanked Mr. Hammen for all he has done and the time and effort for our City.

Mr. Art Hammen thanked the Council, staff and citizens of Gladstone for their support of Neighbors Helping Neighbors on behalf of the Board of Directors and all volunteers, especially the people that they serve.

Mr. Hammen stated that he is here to report on the \$5,000 grant from the City that was issued to their organization for weatherization efforts that would help those in our community who can least afford the sky-rocketing utility prices.

He said they began by researching the needs of our community and found that 75% of winter heat loss and summer heat gain is through the attic. Because of that, they negotiated an agreement with a commercial insulator, Kansas Home Insulation Company, to add insulation to the attics as the first phase of the program. They have gone into 21 homes and have blown fiber glass insulation with an R-value of R-19. They have substantially reduced the cost of this effort through the negotiations with Kansas Home Insulation, in fact, saved about 53% over their regular price to do this work.

There were originally 26 applications for weatherization assistance, and they approved 22 of them based on current state income guidelines. One later withdrew after getting help from another source. Today they have completed 20 of the 21 attics that remain. The last home is expected to be completed this week.

A typical home that they have provided service to is 45 - 50 years old, and they determined that they have tripled the amount of insulation in the average home they have serviced. The attic area equals collectively approximately two-thirds of an acre or the same as three building lots. For all the football fans, if you stood on the 38 yard line at Arrowhead Stadium and looked to the opposite end, you would see insulation about 8 inches deep that is equal to what has been put into these 21 homes.

The total value of the insulation installed is \$13,471. They will begin phase two of the weatherization program whereby volunteers will be installing weather stripping, caulking and other energy-saving devices. The estimated cost of these supplies will be another \$2,000.

In addition, through the cooperation of Director Adamo and the Public Safety Department, while volunteers are in the homes, they will install new smoke detectors in any home without adequate working smoke detectors provided by the Public Safety Department.

The total value of weatherization improvements is expected to exceed \$15,000 to Gladstone residents, but all the work is being done at no cost to the recipients. In addition to the City's generous grant of \$5,000, Neighbors Helping Neighbors has drawn upon their own resources and

are currently seeking other funding to complete the weatherization project. They will continue to receive applications as long as funding is available.

Mr. Hammen thanked the City Council, City staff and all citizens of Gladstone who have helped pay for this project. You can all feel very proud of what we have accomplished together. We are providing long-term relief for reduced energy consumption, both winter and summer for Gladstone residents.

Mayor Newsom stated that there will be an anniversary celebration for Neighbors Helping neighbors on June 30th. It will be a picnic celebration for the volunteers and all Council members are invited. She thanked Mr. Hammen for all of his work.

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

Following the Clerks reading, Councilman Les Smith moved to approve the Consent Agenda as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-42**, accepting Temporary Construction Easements and a Permanent Easement from property owners for the Prospect Plaza Improvement Project , Phase II. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-43**, accepting a Bill of Sale from TUF Flight Inc. and Vaughan Mechanical, Inc. conveying water line and fire hydrant built to serve Caroline's House Day Care, 7260 NE Antioch Road to the City for maintenance. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-44**, authorizing execution of a contract with Metro Asphalt, Inc. in the amount of \$189,878.15 from the Transportation Sales Tax Fund for the 2001 Full Depth Asphalt Replacement Program. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-45**, authorizing acceptance of work under the Wilson Plumbing Contract for Brooktree Circle Drainage Improvements and authorizing final payment in the amount of \$17,102.12 from the Capital Improvements Sales Tax Fund. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Hen House Stores, 6475 N Prospect, for Package Liquor License and Quik Trip Corporation, 2590 NE 72nd Street, for Package Liquor License. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda COMMUNICATIONS FROM THE AUDIENCE.

Mary Abbott, 5905 N. Broadway, thanked the Council for the Household Hazardous Waste event held last Saturday. It was a job well done by the Solid Waste Committee.

She also wanted to thank the Council profusely for the money and support in getting the 59th Street project on Broadway almost completed. With all the bad rains during the last week, if the bridge had not been taken care of, they would have been flooded and there would have been water in the basements. Both of the culverts were roaring and almost full but the improvements worked.

Ms. Abbott said she knows everyone is impatient with the reopening of Broadway, but if people realized the problems in the past, they would be happy to know that it is a tremendous improvement to the City of Gladstone. She gave her thanks to the staff and Council, and stated that their neighborhood does appreciate it.

Barbara Bowers, 7257 N. Indiana, stated that she wished she could echo Ms. Abbott's appreciation. She wants to know the status of 72nd Street reconstruction project.

City Manager Kirk Davis stated that there is no one more ready to see this project completed than the Council and staff. Last week he met with City Counselor David Ramsay and Assistant City Manager for Development Scott Wingerson, who had met with the contractor that same week. Ultimately, one resident's retaining wall needed to be changed before the asphalt was completed. There is a domino effect here regarding some issues with the equipment to be used with the retaining walls that would tear up the asphalt if the walls were not finished first. The contractor would not warrant the asphalt if we switched the sidewalk and roadway completion schedules.

Last week, we asked if restoration could begin on the east side of the project. One of the retaining walls had been held up by a concern of a resident until last Friday. They finally gave an approval on how they wanted the retaining wall to look.

Meanwhile, we asked the contractor to mill the road and overlay it. They wanted to overlay all at one time, without seams, because that is where water collects and seamless makes the street last longer. To help speed up the process, we asked to mill, overlay, and bring equipment in at a slightly greater cost to the City, but it is equipment that will not tear up the road and allow those retaining walls to be built after the road is open.

We also said we would help work with them with the protection of their employees because the retaining walls are very close to the road. And we would work with them on street closings and things like that which would allow at least the two middle lanes of the road to be open.

The contractor indicated that they were as interested in getting this project done as we are. This is the route he will take and is in fact milling 72nd Street now. With a little bit of dry weather, we should have our sidewalks done in a couple of weeks and the asphalt completed. The retaining walls might take a bit longer since we flipped the priorities. Restoration should occur anytime now, beginning on the east side. Those are the four remaining issues: sidewalks, retaining walls, restoration and the mill and overlay.

Mayor Newsom asked if we could target a red-letter date on the calendar. Mr. Davis replied that he has marked many already, but hopes to have it open in the next two or three weekends, but the restoration work should be occurring simultaneously with that. The catch is what happens with the retaining wall and the sidewalk as those are related.

Mayor Newsom stated that the wet weather has not helped either.

Mr. Davis said it has been a long and difficult project with the moving of water, sewer, and gas utility lines. We cut the hill almost 20 feet in two locations. The size of the retaining walls, the number of retaining walls, and the impact on property owners has been pretty significant. We are hopeful that we will have a nice road when it is done.

Mayor Newsom asked Ms. Bowers if this has answered her questions. Ms. Bowers replied yes.

The Mayor told her Mr. Davis would help her with any questions she may have in the future on this project.

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

Councilman Les Smith asked the City Manager about the curb and sidewalk replacement within the City. He asked if we ever analyzed the cost and benefits of mud-jacking versus replacement.

City Manager Davis stated that yes, the savings of replacement is in the set-up cost and ability to do long stretches of sidewalk at a time versus jacking here, then setting up again and mud-jacking again. With the volume we do, it is cheaper to do the sidewalk.

Mr. Smith also wanted to comment on the Household Hazardous Waste event last Saturday at Antioch Middle School. It was another job well done by Assistant City Manager Laura Gay. City Employees David Ramsay and Diane Whitaker were also there along with members of the Solid Waste Committee. It is another job well done.

Councilman Shirley Smith wanted to congratulate the academy graduates. She says she envies them, she has always wanted to take that class. It is fabulous that we have a City where citizens come forward to participate in the classes.

Councilman Smith stated that she went to a MARC luncheon on Friday and the speaker discussed cities surrounding a metro area. She noted that some of the work done by Mayor

Bishop last year puts us ahead of some cities and even Kansas City, Missouri on some of our projects.

Ms. Smith thanked the City Clerk for the coverage of the budget conversations in the minutes. They were comprehensive and became a point of reference in and of themselves. She thought it was a very concise piece on what was discussed and will be helpful in the future in referring to the budget and goals that we discussed.

She thanked City Counselor David Ramsay for his memo on the tax issue and would like to request at least a study session on it or some kind of activity where we can review and get it in motion.

Councilman Bishop also congratulated the graduates of the Public Safety Citizens Academy. It is really outstanding to have so many citizens willing to participate for ten weeks every Monday night. He was talking with some of the graduates at the reception and asked what the attendance was on a weekly basis. He was told there was full attendance most of the time.

The graduates had very positive things to say about the academy. The Public Safety staff who conducted the study sessions also enjoyed it and the opportunity to tell the story of what they are doing on a daily basis in Public Safety.

He congratulates the graduates and asks them to go out and tell the community the good word about what is being done here in the Public Safety Department. He appreciates their involvement.

Mayor Pro Tem Bill Cross concurred with the rest of the Council on the academy. It was interesting to visit with the graduates and see how much they learned. It sounds like we would all benefit from such a course and he appreciates the department holding it. .

Mr. Cross asked Counselor David Ramsay how many cars went through the hazardous waste event. Mr. Ramsay replied about 200. Mr. Cross stated that he thought he would go early and get in, but there were 42 cars ahead of him before it even started and they even opened up early. It was marvelous to see the efficiency and the number of staff that were there working.

Mr. Cross also thanked Mr. Art Hammen for the wonderful job Neighbors Helping Neighbors is doing in our City.

Mayor Anita Newsom stated that currently there are two vacancies on the Recycling and Solid Waste Committee. Don Horton, from the Carriage Hills neighborhood has come forward to volunteer his time and efforts for one of the positions. With the concurrence of the City Council, she would like to appoint Mr. Horton to the Recycling and Solid Waste Committee. She asked for a motion.

Councilman Bishop stated that he does not necessarily disagree with the appointment of Mr. Horton, but suggests that the past practice of the Council has been to put together a memo carrying over the names of people interested in an appointment but who were not appointed to a position the last time appointments were made. That way we are considering all the folks who may be interested. At this point, he does not remember with any specificity, Council's

conversation in December and January when e made our last set of appointments. He would like to be refreshed on his recollection of those conversations and what the status of the Boards and Commissions are and the citizens who desire to serve.

Mayor Newsom stated that we had touched base with those citizens who were not appointed and no one else came forward who wanted to participate on this committee at this time.

Councilman Bishop asked who made the contacts. Ms. Newsom replied that she made the contacts.

Mr. Bishop said he would be in favor of postponing the appointment until he had a chance to review that and who was available and who was appointed. He feels this is sort of unprecedented the way it is being handled and being rushed through.

Mayor Newsom stated that she is trying to get it filled because we have two vacancies and have Recycling and Solid Waste Committee meetings coming up and Mr. Horton has volunteered his time and expertise.

Councilman Les Smith asked if all the other interested people had been contacted and had no interest in this committee. Ms. Newsom replied yes, that is correct.

Councilman Smith stated that perhaps we should appoint Mr. Horton since he is interested, and he recommends that we do so, in fact he will move that we do. We still have another position on this committee open, and the point is well made by Councilman Bishop, that we look at that list. We have someone willing to serve and this is actually a very important year for that committee, so he suggests we get him on board and get going.

Motion: Councilman Smith moved that we appoint Mr. Don Horton to the Recycling and Solid Waste Committee (term to expire December, 2001).

Mayor Newsom stated that some of the expertise that Mr. Horton brings forward is negotiating a contract with the homeowners association for solid waste removal in his neighborhood. That brings some extra expertise to the committee.

Councilman Bishop stated that he appreciates that. When we were going through the interview process last year, he thought one of the things that was so significant was the number of people who expressed an interest in serving, and we tried to avoid duplicating appointments of citizens who were already serving on two, three or more committees. In fact, we did not reappoint someone to a committee when his term was up because he was already serving on several committees.

Mr. Bishop stated that although he is sure the nominated individual has the expertise, this does fly in the face of that desire not to appoint someone to more than one committee, because Mr. Horton is already on the Parks and Recreation Board.

Mayor Newsom clarified that **Mr. Don Harper** is on the Parks Board, we are talking about **Mr. Don Horton** who lives in Carriage Hills.

Mr. Bishop asked if he (**Don Horton**) is on a committee right now. Mayor Newsom said no he is not.

Councilman Shirley Smith moved to second the motion on the appointment of Mr. Don Horton to the Recycling and Solid Waste Committee. She said she does not know Mr. Horton, but agrees this committee has a big job ahead of it this year. If we do have someone who wants to be on it with the upcoming meeting very soon, without being unreasonable, she would love to see the other position filled by then. If we cannot, fine, but it would be great to have a full committee.

Councilman Bishop stated that it is important to fill those spots and he is in favor of appointing Don Horton, but thinks that we do have openings occurring from time to time and we do need to beef up our list of citizens who are interested so we can consider those people in the future when these openings occur.

Mayor Newsom stated that past practice has been that we usually have more citizens who apply for Boards and Commissions than we can appoint in January and February and that we work from that list to make appointments throughout the year as vacancies occur so we do not have to re-advertise and re-interview again.

Mr. Bishop asked if Don Horton had expressed an interest last December to serve on our boards and commissions. He did not remember interviewing him.

Mayor Newsom replied, no he did not. Mr. Cross made the contact, they had a conversation and Don Horton volunteered his time.

Mayor Pro Tem Cross commented that he did visit with him and asked if he would be interested in serving, but he did not make him an offer. Mr. Cross said Mr. Horton advised he would be more than happy to serve and Mr. Cross told him he would pass on his interest and they would talk about it before an appointment would be made.

Councilman Bishop stated that he has been contacted by citizens who are interested in serving on boards and commissions. He would like to have all options considered before we start making appointments. He feels that the way it has been handled tonight does not allow that to happen.

Mayor Newsom advised Councilman Bishop that she is trying to get a full complement of people with folks that are interested. She was not aware that he had other inquiries from citizens who were interested. She suggested that if Councilman Bishop will share those names with us, then we can move forward and do something with those folks.

Mayor Newsom said she understands that there has been a motion and a second to appoint Mr. Horton to the Recycling and Solid Waste Committee. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom asked that we notify Mr. Horton regarding the meeting on Thursday. He had said he was available should the appointment take place.

Mayor Anita Newsom stated that last week she attended the Clay County Older Adults partnership with Director of Parks and Recreation Steve Buschor. The group is putting together a survey to assess Clay County residents, 60 years and older. Part of the committee is trying to solicit information that would be helpful to the group as they are thinking of putting a tax initiative forward.

Something that we had talked about as a Council was the ability to provide greater services to our older citizens. This was a Council goal within our City. Director Buschor and she had talked about the opportunity to utilize the survey they are putting together and getting more disaggregated specific information for our City. The survey is anonymous but they ask for a zip code and age and other questions.

If we could convince the consortium to add not only the zip code, but the city where the residents live, then the group that is putting the data together could pull out Gladstone information and utilize that information also. We would not presume to ask that group to do that without some sort of participation on our part as a City. The Mayor said because it was not a huge sum of money at the time, She offered to possibly cover the cost of postage to the Gladstone residents if they would add the city to the survey so we could pull that information out and utilize it, that way we would not be duplicating services.

With the Council and City's blessing, she would like to challenge the other municipalities within Clay County, such as the Clay County Coordinating Committee, to do the same thing. This group really does not have the funding sources to come up with their mailing money to get the information out before they would even put a tax issue together. She asked if Council has some thoughts or discussion on this.

Councilman Shirley Smith stated that this is a really important area and she thinks since we have an opportunity to join with others to do a wider program that would include us, we should do everything we can to cooperate with them, especially since we would get information that is useful to us.

Councilman Les Smith commented that this has been an issue in this community for many, many years. He totally concurs.

Mayor Newsom stated that the survey packet talked about not only transportation issues, but getting meals to folks that may not have the right nutrition at the right time and other services that would enable older citizens to stay in their homes for a longer period of time. With Council's concurrence, she would like to challenge other Clay County municipalities in conjunction with the committee to step to the plate and at least pay for postage to get the survey out.

The company that is gathering data and disaggregation from the survey is donating their services. It would help the committee to move forward with this.

Mr. Cross acknowledged his concurrence.

Ms. Newsom thanked the citizens of the Public Safety Citizens Academy for participating and sharing your time and asked them to tell others about the committee. The next Academy will start in the fall on Wednesdays and she has already signed up.

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

City Manager Davis stated that Duane "Ossie" Sederburg passed away after a long battle with cancer. He had been with the City for over ten years in the Parks Department.

Blues Fest is this weekend at Oak Grove Park Friday and Saturday night and we look forward to seeing everyone there.

Manager Davis introduced our new Economic Developer Coordinator, Lynn McClure. Today was his first day and he wanted to introduce him to the Council.

Item 9. on the Agenda RESOLUTION 01-46, adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2001 and ending June 30, 2002, authorizing the expenditure of funds; and amending the Position Classification and Compensation Plan.

Mayor Pro Tem Bill Cross moved to adopt Resolution R-01-46; Councilman Dan Bishop seconded.

Discussion.

Councilman Les Smith stated that the budget was discussed at length in the last Council meeting and this was the first budget he has worked on in many, many years and it is refreshing to see a very responsible budget and refreshing to see the Council work very well together to fine tune the budget. He said Councilman Bishop had asked some tough questions about how it related to Council goals that needed to be asked and he hopes the type of analysis we received will be forthcoming on a regular basis in years to come.

We also talked a lot about traffic enforcement and this has been taken to heart with the traffic patrol that we presently have and will expand upon.

He is pleased with the compensation plan that we are able to provide for our employees. It was a fine experience working on this budget.

We are able to do a lot of things in this community: we have the academy graduates here, the community oriented government, Blues Fest, Gladfest, and all those things that are quality of life issues. All of those things play out in what we do with our budget each year.

Mayor Newsom stated that the staff has worked very diligently to put together a prudent budget in these interesting economic times. It is a good tool to work from.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Discussion.

Mayor Newsom asked if everything was in order. Codes Supervisor Alan Napoli agreed it was.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 13, on the Agenda APPROVAL OF BUILDING PERMIT for tenant remodeling of 6,000 sq. ft. space for Central Western Buffet, 6000 N Antioch Road in Meadowbrook Shopping Center. Applicant: George Fiao. Owner: Clayco Properties, Inc. (BP# 01-0324)

Councilman Dan Bishop moved to approve the Building Permit for tenant remodeling for Central Western Buffet, 6000 N Antioch Road in the Meadowbrook Shopping Center. Councilman Les Smith seconded.

Discussion.

Mayor Newsom asked where this is going within the Meadowbrook Shopping Center.

Codes Supervisor Alan Napoli noted that it will be located where the old Key Rexall Drug was on the east end facing Antioch Road.

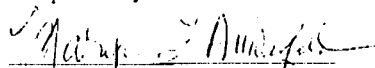
Mayor Newsom asked about signage.

Mr. Napoli stated that signage will be on the building, but he is not sure about the group sign at this time.

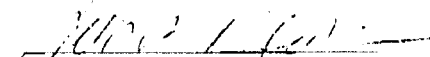
The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

There was no further business to come before the June 11, 2001 Gladstone City Council Meeting, and Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn V. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 25, 2001**

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 June 11, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating week of June 25, 2001 as "**Epsilon Sigma Alpha International Week**" in Gladstone, Missouri. Sponsor: Gladstone Chapter
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-47, accepting work under contract with Weidenmann & Godfrey Construction Co., Inc. for Claymont Drainage Improvements and authorizing final payment in the amount of \$2,231.70 from the Capital Improvements Sales Tax Fund. (Project #0020)

RESOLUTION NO. R-01-48, accepting a Bill of Sale from Fairview Christian Church and Vaughan Mechanical, Inc. conveying to the City a water line and fire hydrants built in conjunction with construction at Fairview Christian Church, 1800 NE 65th Street.

RESOLUTION NO. R-01-49, authorizing execution of a contract with Blaze Mechanical in the amount of \$61,189.00 from the Combined Water & Sanitary Sewer Fund for installation of a 1800 GPM Booster Pump for the 5 MG Water Reservoir at 76th & North Troost in Oak Grove Park. (Project #0126)

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Applebees, 6069 Antioch Road, Class A&B License.
- Smokehouse BBQ, 6304 North Oak, Class A&B License.
- Osco Drug, 6129 N Antioch Road, Class C&H Package License
- Gladstone Bowl, 300 NW 72nd Street, A&B License
- Conoco, 5810 N Antioch Road, E&H Package License
- Kings Super Store, 7020 North Oak, Class C&H Package License

APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF MAY, 2001.

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 property at 5800 N. Oak Trafficway from C-2 to CP-3. Applicant: Auto Trend, Inc. (File #1148). (Continued from the June 11, 2001 City Council Meeting).

AUDIENCE NOTE: Applicant has withdrawn this rezoning application, therefore no public hearing will be held.

- 10. **CONTINUED PUBLIC HEARING:** on a request to rezone from CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from the May 29, 2001 City Council Meeting)

AUDIENCE NOTE: Applicant requests further continuance of this public hearing to the Monday, July 9, 2001 City Council Meeting to allow staff review of potential changes to this development project.

- 11. **APPROVAL OF BUILDING PERMIT** for 3,395 sq. ft. tenant finish at 4770 N Belleview, Suite 203. Applicant: Luke Draily Construction Co. BP #01-0441
- 12. Other Business.
- 13. Questions from the News Media.
- 14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JUNE 25, 2001

Mayor Anita Newsom called the **Regular June 25, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

ABSENT: Mayor Pro Tem Bill Cross

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

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

Item 4. on the Agenda **APPROVAL OF MINUTES**

Councilman Les Smith moved to approve the **Regular June 11, 2001 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Item 4a. on the Agenda **PROCLAMATION FOR EPSILON SIGMA ALPHA INTERNATIONAL WEEK**

Mayor Newsom read a proclamation designating the week of June 25, 2001 as "Epsilon Sigma Alpha International Week" in Gladstone, Missouri. Members of the Gladstone Chapter accepted the proclamation from the Mayor.

The Mayor congratulated and thanked the members who have given so much of their time to Gladfest and other good causes in the northland.

Councilman Les Smith stated that in addition to Gladfest, these ladies co-host with Gladstone Bowl, a fund-raiser for the St. Jude's Children's Hospital each year. They bring in KFKF radio station with all their disc jockeys and do a nice job with this event.

Mayor Newsom also welcomed visiting scouts Patrick Carpenter and Cody Carpenter from Troop 357 from St. Luke's Presbyterian Church.

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

Following the Clerks reading, Councilman Les Smith asked that the Annual Liquor License Renewal for Gladstone Bowl be removed from the Consent Agenda due to a conflict of interest.

Mayor Newsom stated that it would become **Item 5a.** on the Regular Agenda.

Councilman Dan Bishop moved to approve the Consent Agenda as amended. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-01-47**, accepting work under contract with Weidenmann & Godfrey Construction Co., Inc. for Claymont Drainage Improvements and authorizing final payment in the amount of \$2,231.70 from the Capital Improvements Sales Tax Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-01-48**, accepting a Bill of Sale from Fairview Christian Church and Vaughan Mechanical, Inc. conveying to the City a water line and fire hydrants built in conjunction with construction at Fairview Christian Church, 1800 NE 65th Street. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-01-49**, authorizing execution of a contract with Blaze Mechanical in the amount of \$61,189.00 from the Combined Water & Sanitary Sewer Fund for installation of a 1800 GPM Booster Pump for the 5 MG Water Reservoir at 76th & North Troost in Oak Grove Park. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Councilman Dan Bishop moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Applebee's, Smokehouse BBQ, Osco Drug, Conoco, and Kings Super Store. Councilman Les Smith seconded. The vote: "All aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Councilman Dan Bishop moved to approve the **FINANCIAL REPORTS FOR THE MONTH OF MAY, 2001**. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Item 5a. on the Agenda **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl.

Councilman Dan Bishop moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for Gladstone Bowl. Councilman Shirley Smith seconded. The vote: "Aye" - Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. "Abstain" Councilman Les Smith (3-0-1)

REGULAR AGENDA

Item 6. on the Agenda **COMMUNICATIONS FROM THE AUDIENCE**

Mary Abbott, 5905 N. Broadway updated Council on the bridge at 59th and N. Broadway. She stated that last Tuesday morning she had 4.7 inches of rain in her rain gauge and the creek was running just great. Everyone in her neighborhood thanks the City for the work done in that area.

Councilman Les Smith commented that in years past they might have been down the river somewhere and he is glad that has worked out so well.

Ms. Abbott said she can now sleep at night during a storm.

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

Councilman Les Smith stated that he wanted to address an issue that comes up each year at this time and that is the enforcement of our fireworks ordinance. He asked about our official position on enforcing the fireworks ordinance.

City Manager Kirk Davis stated that the official position is that the shooting of fireworks are illegal within the City of Gladstone.

Mr. Smith said that in years past he has been very disappointed in the enforcement policies of the fireworks issue. It is disconcerting that whether it was theft, burglaries, or fireworks, this was a no-nonsense community and if you broke the law, you paid for it. He is not so sure over the years that we have not lightened up on our enforcement of fireworks. It has become more of a response to a complaint. He does not feel that is the way we should do business.

When you raise your children and they want to shoot fireworks you tell them they cannot do it, but then they tell you that kids on the other street are doing it and a police car just drove right past them. He would like to see the City be more aggressive on this issue and enforce it.

Mayor Newsom said she concurs with Mr. Smith.

Councilman Shirley Smith thanked State Representative Phil Willoughby for the extension of himself to Gladstone. She had heard in the past that there was little communication between the City and State representatives and is happy that has changed.

Ms. Smith stated that our dialogue with the State benefits us both ways. Councilman Bishop agreed that is a two-way street. We can gain a lot from having our State representative

conversant with us. We can learn a lot and obtain a lot. The other way around is that he really needs our input because he has to vote on these issues. When you come down to a vote on a issue, you have to know everything you can so you know if you are doing the right thing or not. She hopes we can continue this to our mutual benefits.

Councilman Dan Bishop thanked Councilman Smith for reminding him of the fireworks issue. He remembers two years ago at Oak Grove Park, while watching the fireworks display that there were fireworks being set off by individuals behind the water holding tank. And it was so loud and they were such big fireworks, sometimes he thought he was confused as to whether they were private fireworks or a stray firework from the City's exhibit.

After the 1999 Fourth of July, he remembers Councilman Newsom specifically raising the issue in a very strong manner that shooting fireworks was in direct violation of our ordinance and the expectation was that something would be done about it the following year.

Mr. Bishop stated that he remembers last year in 2000, sitting in the park and thinking it was every bit as bad as the previous year, and nothing happens and it is amazing that officers stand there for crowd control and it seems they make no apparent effort to go out and stop that from happening in the back parking lot. He said that was insulting to him really as a member of this Council that nothing was being done at that time that he could tell., maybe it was, and he just did not know it. But a year passes and you kind of forget about it, but he thinks Les raises and excellent point and he would hope that there will be stronger enforcement this year.

Mayor Anita Newsom stated that the fireworks issue has been a drum she has beaten for many years. If it is an ordinance, then we need to enforce it. There is a reason it was put into effect and it is not only protection of individuals, but protection of property. One of her first years on the Council there was a situation with fireworks and loss of property, which if enforced, it would not have happened.

She does realize that chasing down stray firecrackers is not a high priority when there are criminals running the streets, but loss of property is a high priority. There are people that start early in the morning on the fourth or before, shooting off bottle rockets, spinners, sparklers, and things that are then left in yards and left to be run over by lawn mowers. That is an issue.

There are many things we cannot regulate, but we do have an ordinance for shooting off fireworks and she believes that we do need to enforce it with all due diligence.

Councilman Bishop commented that in his subdivision, all roofs have shake shingles and when you worry about bottle rockets being shot off and maybe landing on your roof, that is a disconcerting thought.

Councilman Shirley Smith stated that she thinks that most people accept the fact that fireworks are going to be shot off, even now we are hearing fireworks. When it becomes really irritating is when you hear fireworks late at night, even 2:00 am in the morning. She knows they have been set off below people's windows late at night. That is when it is most disturbing and maybe we can monitor between Midnight and 6:00 am.

Councilman Les Smith stated that this is a public safety issue and a property issue, but 40% of injuries caused by fireworks are actually by-standers. It costs somewhere in the neighborhood of \$100 million per year in medical costs for fireworks injuries across the country. It is a public safety issue. The three most common injuries are firecrackers, bottle rockets and sparklers, which we usually think is not very dangerous, but is.

Councilman Bishop noted that the Fairview Christian Church parking lot is a spot for heavy fireworks usage surrounding the Fourth of July. Reverend Loyd Gentry would like to have some patrol out and run people off if they are using the parking lot for fireworks purposes.

Mayor Newsom stated that in the last FYIN newsletter from the City Manager we have the possibility of four vacancies on Boards and Commissions. One may be resolved by the end of the summer with a work schedule conflict. The others are Recycling and the TIF Commission which Councilman Smith has vacated.

Ms. Newsom stated that when the TIF Commission was formed, we looked for participants to represent different bodies and groups. Mr. Les Smith was tagged to be the local business owner representative. As a group, we are not quite through half the year and she asks what process we want to use.

Councilman Bishop stated that he thinks we need to have a file that we maintain on an ongoing basis of names of citizens. The fairest way would be to publicize through the local newspapers and on our government access cable channel. Last year we happened to have an unusually high number of vacancies on the Boards and Commissions and a high number of people willing to serve and were able to plug them all in. The fairest way is to solicit letters of interest and as we have openings, to pull from that file. The alternative would be for Council members to recruit people but that prohibits a lot of folks who might be interested in serving from having the opportunity to do so. The fairest way to encourage more interest is to solicit letters of interest and draw from that batch.

Councilman Les Smith commented that he does not disagree with this method. At the last Council meeting it worked well that we had a citizen expressing interest in a particular committee who had some level of expertise to go ahead and appoint him. If a person expresses an interest and we have a letter in the file, then it works for him.

Councilman Shirley Smith remarked that if we need names to start a file, maybe City Council members can provide a list of two or three names.

Ms. Newsom stated that we are getting a broad spectrum when we advertise to the public with a Public Notice. This would not be as large a pool. We would need to set aside some time before Council meetings to conduct interviews.

Councilman Les Smith asked if this was an ongoing file whereby if we have openings, we do not have to wait six months to interview and fill these positions.

Councilman Bishop stated that in his ideal scenario we would have a number of those folks to interview and get acquainted with. Until the last two years, we have had more people expressing an interest than we have openings. We make the appointments in January and there are some

residents we are not able to find places for, and as openings occur during the year, we have already interviewed them and so we pick the one most qualified. That did not happen this year, so we are at a disadvantage in filling these spots now. We need to get the process going where we can have some folks to call on.

Mayor Newsom confirmed that we are talking about a pool for the short term to fill the existing vacancies, then go through the annual process and interview in December when terms expire.

Mr. Les Smith stated that if someone is interested in the mean time, instead of waiting for our call, if they submit their letter, it will be an ongoing pool at that point.

Mr. Bishop said he tells residents to submit a letter of interest to Diane Whitaker or Marilyn Ahnefeld and it will be placed in the file.

Ms. Newsom confirmed with Council that staff will send out a Public Notice inviting letters of interest. She asked City Manager Davis to please facilitate this notice.

Councilman Bishop stated that maybe letters should be general in nature, not specific to a particular Board or Commission. Mayor Newsom agreed with a general letter of interest.

Councilman Les Smith noted that there was one holdover individual from last January's interviews from his understanding. When that occurs, do we need to discuss that and their interest in a committee.

Mayor Newsom agreed that there was one person not appointed to a Board or Commission from the residents who interviewed in December. This person was asked about serving on the Recycling and Solid Waste Committee and declined. She is still in the pool. We need to see if this person might be interested in serving on the vacancies we now have.

Councilman Shirley Smith stated that was the idea, someone we have already interviewed, to see if there is anything that person is interested in.

Ms. Newsom said Council needs to be thinking about the National League of Cities Conference coming up the first part of December. Information packets usually come out the first part of July. She asks everyone to look at their calendars to see if they plan to attend or want to attend so that Diane Whitaker knows. We can then make hotel and flight reservations in a timely manner. The hotel is the critical piece so we can get lodging closer to the conference location and do not have to take shuttle buses from another hotel.

The dates are December 4th through the 9th with pre-conference sessions before that. Please look at your calendars and give Diane a heads up if you plan to attend.

Ms. Newsom stated that before we meet again, the City Fourth of July celebration will be held at Oak Grove Park and the weekend after that Theatre in the Park will present "The Wizard of Oz". This is an encore performance with all new actors, but the last time Ibsen Dance put this on it was a dynamite show, one of their best. It is good for adults and good for kids.

Mayor Newsom also commented that for the Fourth of July, she is cranking up her ice cream specialties again. Council and staff are invited to join in and if they want to bring something to share, that would be great.

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

City Manager Kirk Davis introduced Melanie Pollard, our new Public Information Coordinator.

The Mayor and Council welcomed her to the City.

Item 9. on the Agenda **CONTINUED PUBLIC HEARING** on a request to rezone property at 5800 N. Oak Trafficway from C-2 to CP-3. Applicant: Auto Trend, Inc. (File #1148).

Mayor Newsom stated that this public hearing was continued from May 21, 2001 and the applicant has withdrawn the request for this rezoning, therefore no public hearing will be held.

Item 10. on the Agenda **CONTINUED PUBLIC HEARING:** on a request to rezone from CPO and CP-2, to CP-3 property at 6902 North Oak. Applicant: Dominic Cuccia (File #1152) (Continued from the May 29, 2001 City Council Meeting)

Mayor Newsom stated that the applicant has requested further continuance of this public hearing to the Monday, July 9, 2001 City Council Meeting to allow staff review of potential changes to this development project.

Item 11. on the Agenda **APPROVAL OF BUILDING PERMIT** for 3,395 sq. ft. tenant finish at 4770 N Bellevue, Suite 203. Applicant: Luke Draily Construction Co. BP #01-0441

Councilman Les Smith moved to approve the Building Permit. Councilman Dan Bishop seconded.

Discussion.

Mayor Newsom asked if everything was in order. Assistant City Manager for Development Scott Wingerson agreed that it was.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Anita Newsom. (4-0)

Item 12. on the Agenda **OTHER BUSINESS**

There was no other business for this evening.

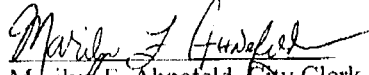
Item 13. on the Agenda **QUESTIONS FROM THE NEWS MEDIA**

There were no questions from the news media and Mayor Newsom welcomed Sophia Maines from The Kansas City Star.

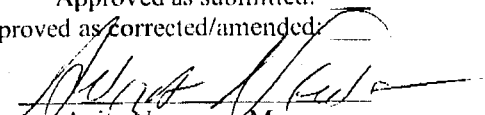
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There was no further business to come before the June 25, 2001 Gladstone City Council Meeting, and Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ✓
Approved as corrected/amended: _____


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 23, 2001**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for
Privileged Communication & Litigation Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 25, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** Designating the month of July, 2001 as "National Parks and Recreation Month" in the City of Gladstone.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-50, authorizing the City Manager to accept a Bill of Sale from the Catholic Diocese of Kansas City - St. Joseph and Excel Constructors, Inc. conveying water line to the City built in conjunction with construction of St. Andrew's Church Addition, 6415 North Antioch Road. (Improvements constructed entirely at the Developer's expense.)

RESOLUTION NO. R-01-51, authorizing Change Order No. 1 to the 2001 Street Overlay Program in the amount of \$35,420.55 and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund. (Project 0201)

RESOLUTION NO. R-01-52, authorizing acceptance of work under contract with Fleshman Excavating for the Old Pike Road Reconstruction Project and authorizing final payment in the amount of \$39,168.85 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-01-53, expressing the support of the Gladstone City Council for the proposed Senior Housing Project being undertaken by AHM, Inc. to be constructed at Englewood & North Broadway

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Bubbles, 7407 N. Oak, Class C License
- Godfather's Pizza, 328 NE 72nd Street, Class D
- Margarita's, 7013 N. Oak, Class A & B License
- Senor Tequila's, 6502 N. Oak, Class A & B License
- Dominic's, 6300 N. Oak, Class A License
- Donovan's, 6825 N. Oak, Class A License
- Kwik Shoppe, 7603 N. Oak, Class C License
- Tortilla Flats, 5716 N Antioch, Class A
- Stone Canyon, 6433 N. Prospect, Class A & B License
- Tommy's, 6221 N. Chestnut, Class A & B License
- Mel's Hideaway, 6948 N. Oak, Class A License
- The End Zone, 7632 N. Oak, Class A License
- Uncle Nebo's, 7102 N. Oak, Class A License
- Phillips 66, 7303 N. Oak, Class E License
- Tropical Mexican Restaurant , 5941 N Antioch, Class A&B License

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 01-29**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".
10. **FIRST READING BILL 01-30**, repealing Ordinance No. 3.793 (Code Section 29-66(A), B(1) and B(2) and enacting new Sewer Service and Commodity Rate Charges in the City of Gladstone, Missouri.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, JULY 23, 2001

Mayor Anita Newsom called the **Regular July 23, 2001 City Council Meeting** to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

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

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

Item 4. on the Agenda **APPROVAL OF MINUTES**

Councilman Les Smith moved to approve the **Regular June 25, 2001 City Council Meeting Minutes** as submitted. Councilman Bill Cross seconded the motion. The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda **PROCLAMATION FOR NATIONAL PARKS AND RECREATION MONTH**

Mayor Newsom read a proclamation designating the month of July as "National Parks and Recreation Month" in Gladstone, Missouri. The Mayor congratulated and thanked Parks and Recreation Director Steve Buschor who accepted the proclamation from the Mayor.

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

Following the Clerks reading, resident Mary Abbott, asked that **RESOLUTION NO. R-01-53**, expressing the support of the Gladstone City Council for the proposed Senior Housing Project being undertaken by AHM, Inc. to be constructed at Englewood & North Broadway be removed from the Consent Agenda for discussion.

Mayor Newsom advised it would become **Item 5a.** on the Regular Agenda.

Councilman Les Smith moved to approve the Consent Agenda as amended. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-50**, authorizing the City Manager to accept a Bill of Sale from the Catholic Diocese of Kansas City - St. Joseph and Excel Constructors, Inc. conveying water line to the City built in conjunction with construction of St. Andrew's Church Addition, 6415 North Antioch Road. (Improvements constructed entirely at the Developer's expense.) Councilman Dan Bishop seconded. The Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-51**, authorizing Change Order No. 1 to the 2001 Street Overlay Program in the amount of \$35,420.55 and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund. (Project 0201) Councilman Dan Bishop seconded. The Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-52**, authorizing acceptance of work under contract with Freshman Excavating for the Old Pike Road Reconstruction Project and authorizing final payment in the amount of \$39,168.85 from the Capital Improvements Sales Tax Fund. Councilman Dan Bishop seconded. The Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to moved to approve the **Annual Liquor License Renewals** as listed. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

(Bubbles, 7407 N. Oak; Godfather's Pizza, 328 NE 72nd Street; Margarita's, 7013 N. Oak; Senor Tequila's, 6502 N. Oak; Dominic's, 6300 N. Oak; Donovan's, 6825 N. Oak; Kwik Shoppe, 7603 N. Oak; Tortilla Flats, 5716 N Antioch; Stone Canyon, 6433 N. Prospect; Tommy's, 6221 N. Chestnut; Mel's Hideaway, 6948 N. Oak; The Find Zone, 7632 N. Oak; Uncle Nebo's, 7102 N. Oak; Phillips 66, 7303 N. Oak; Tropical Mexican Restaurant, 5941 N Antioch)

REGULAR AGENDA

Item 5a. on the Agenda **RESOLUTION NO. R-01-53**, expressing the support of the Gladstone City Council for the proposed Senior Housing Project being undertaken by AHM, Inc. to be constructed at Englewood & North Broadway.

Mayor Newsom asked City Manager Kirk Davis to provide give an explanation of **Resolution NO. R-01-53**.

City Manager Davis stated that the developer had submitted earlier this year a site plan, plat, and developer's agreement which was approved by the Council. Subsequent to that, the developer has been communicating with Missouri Department of Economic Development and Missouri Housing Commission. His application is still pending and he believes that with a resolution reflecting the full consent of the Council, his application will be stronger. Therefore, we put the Resolution on the Agenda based on the actions of the Council last spring.

Mayor Newsom asked Ms. Abbott if she had any further questions. Ms. Abbott asked if there were any changes in the plat, or if they had just wanted support.

Mr. Davis stated that was correct. The Mayor concurred and explained that the text of the Resolution basically says that the Planning Commission and Council have approved it and that everything is in order.

Councilman Les Smith moved to moved to approve **RESOLUTION NO. R-01-53**, expressing the support of the Gladstone City Council for the proposed Senior Housing Project being undertaken by AHM, Inc. to be constructed at Englewood & North Broadway. Councilman Dan Bishop seconded. The Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

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

Pamela Baker, Missouri State Council Vice-President of Epsilon Sigma Alpha thanked the Council for allowing time on the agenda this evening to present their "Worthy Works Award". Ms. Baker stated that this award is an International Award given by Epsilon Sigma Alpha to honor outstanding individuals for their contributions for the betterment of their communities.

Ms. Baker stated the individual we wish to honor this evening, you may know as a husband, father, businessman and Councilman. Tonight, we honor and applaud him for his exemplary service to others. Congratulations, Councilman Les Smith.

On behalf of all the members of Epsilon Sigma Alpha, we applaud you for your service to others. Your efforts are impressive, and the spirit in which your "Worthy Works" are accomplished will have a positive and lasting effect on those who have benefited directly by your kindness.

As a result of your caring and good example, our members in Gladstone have chosen you to honor for your "Worthy Works". Your name will appear at our International Headquarters in Fort Collins, Colorado and you will be honored there accordingly. Please accept this award as our thank-you for your efforts along with our best wishes for continued success in your endeavors to benefit mankind.

Ms. Baker and other members of Epsilon Sigma Alpha then read and presented Councilman Smith with the ESA Proclamation (copy attached as part of the official minutes.)

Ms. Baker then proclaimed July 23 through July 29, 2001 as Les Smith Week, stating that she hopes everyone will join us in honoring Les in the upcoming week.

Councilman Les Smith accepted the proclamation and thanked Epsilon Sigma Alpha.

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

Councilman Les Smith stated that he was probably still speechless and had no further comments.

Councilman Shirley Smith commented that last Thursday night she attended a dinner to honor many people, one of which was Charlie Byrd, who was our MML Civic Leadership Award recipient in Gladstone this year. Charlie Byrd is the type of person who, through the years, has worked for the City on many levels, has been involved in and officer of many groups and is one who tirelessly works and plods ahead and does things without any thought of reward or personal gain. It was a true, wonderful thing to see how much he appreciated that. His eyes were aglow, we were hugging him and shaking hands and getting our picture taken and applauding, and it really meant a lot. We think sometimes that it isn't really much, but it is and reminds her that there are many people like that and her desire is to start remembering to say thank you to them more often.

Councilman Dan Bishop stated that with the last Council meeting being cancelled, it seems like it has been a long time since we were last assembled at the Council table. In fact, the last time we were here was before the 4th of July. At that Council meeting there was some discussion regarding the fireworks ordinance enforcement in the City.

Unfortunately, I think that because of some of the press coverage of the meeting and because of the way the discussion was described, possibly downstairs there was a perception among some of the Public Safety Officers, that the Council was critical of the job being done by our officers on the street. I just wanted to say on the record that it was certainly not my intention, nor do I believe it was anyone at this table's intention, to be critical of our fine officers in the Public Safety Department. I think that what we had here was a policy discussion about that ordinance, about the way it has been enforced in the past and how it should be enforced in the future. I am truly sorry that it was not characterized as a policy discussion, but instead was characterized as criticism of our officers. I am regretful of that and I certainly would not want to be credited with being critical of our officers.

Mr. Bishop stated that it was also brought to his attention by a number of individuals that there are problems with enforcement of the current ordinance. He said he has not actually read the ordinance, but he thinks you have to actually catch the individual in the act of setting off the fireworks. That makes it difficult because if fireworks are being set off, but you can't determine who's doing it then it makes it difficult to enforce the ordinance.

Councilman Bishop asked if it is the City Manager's opinion that possibly there are issues that make enforcement of the ordinance difficult as written. Then does this Council need to revisit that ordinance and look at possibly amending it or modifying it. He said he is not in favor of abolishing the ordinance and he has talked with Councilman Smith and he is certain he is not in favor abolishing the ordinance either. Mr. Bishop said he doesn't think that is the right thing to

do, but asks if can we do something as a Council to make enforcement easier if in fact it is the position of the City Manager that there is difficulty with enforcing the ordinance as it is currently written on the books.

City Manager Davis stated that he would be more than happy to look into the issue. He has not been made aware of difficulties in enforcement. He suggests that what Councilman Bishop characterizes would be pretty consistent with what he hears from the Court regarding other similar types of issues like code enforcement and dumping where it is very difficult to achieve prosecution when you don't have a witness, or you haven't seen it yourself, or you don't have anyone who is willing to press those charges who can serve as a witness.

Mr. Davis said that it does not surprise him that there is that twist on it and will check to see if that becomes a prosecution issue of the court or whether it is an ordinance issue on our books, but would be happy to look into it. If there are any other issues we are not aware of at this point, we can certainly look at amending the ordinance.

Mr. Bishop stated that he does not want to act unilaterally if there is a desire on the part of the Council to look at the ordinance and to revisit that instead of coming back to this issue every year. If we're beating up on the City Manager for increased enforcement and there is a problem with difficulty in enforcing, then it becomes an exercise in futility and we need to figure out what we can do differently. We just came through one Independence Day and maybe it's not too early to start thinking about the next one and what we can do differently or what we can do better.

Councilman Bishop said he thinks the point that Councilman Les Smith made is so valid that there is no point having an ordinance on the books. This is the frustration he heard articulated at the Council table that there is no point in having an ordinance on the books that is just so widely flaunted. He asked what can we do to avoid that situation.

The City Manager answered that he understands where Council is on this issue and is not aware of any stated problem with enforcement, but will certainly look into it. In his opinion, after the Council discussion, he thought that ultimately the Public Safety Department did a much better job of responding to calls that day and dealing with the issue in somewhat of a customer friendly way. He stated that he was pleased overall with their response, but if there is some ordinance issue, we can certainly investigate that and bring back to the Council.

Mr. Bishop stated that maybe the next appropriate step would be to have a follow-up analysis from the City Manager whether the ordinance is appropriate and whether we should look at it as a Council. Councilman Bishop asked if we did increase the number of patrol officers on the street the night of July 4th or was it the standard number of officers on the street.

City Manager Davis stated that Sergeant Richard King could answer that question and what actions were taken.

Sergeant King stated that increased staff levels were assigned both for Oak Grove Park and for patrol. During a 2-3 day period The Public Safety Department responded to 145 fireworks calls. There was one shift that responded to nothing but fireworks calls on the 4th of July and no other calls for service were even requested.

Councilman Bishop stated for clarity that we had an increased number of officers on the street on the evening of July 4th, and asked how many.

Sergeant King stated that he did not know the exact number and City Manager Davis said that we would get back to the Council with that information.

Mr. Bishop commented that it would be a good thing to do.

Councilman Bishop stated that he also wanted to congratulate Charlie Byrd. He was an outstanding choice to receive the Missouri Municipal League Civic Leadership Award this year and Mr. Bishop said he was privileged to serve as a member of the Capital Improvements Board with Charlie Byrd, who was one of the original appointees to that Board. He learned a lot from him about how to be a better Capital Improvements board member and said he is pleased to call Charlie and Betty Byrd his friends and thinks that there could not have been a better recipient this year for that MML award. He thanked Mayor Newsom for suggesting Charlie for that recognition.

Mr. Bishop also expressed his pleasure in seeing the historic markers up both in Central Park and also on Old Pike Road. He thought the timing of the placement of the marker in Central Park was most appropriate because a reporter from Channel 41 came to town and he walked with him over to Central Park. Literally, the City staff people were just putting the finishing touches on the landscaping plants around the historic marker, so he was able to say "let's step over here and look at this" and he noticed that that historic marker for Linden was shown several times during the report on Channel 41. That was great and he looks forward to planning the dedication of the other historic markers.

Councilman Bishop stated that he has received a number of calls regarding the proposed development off of 76th Street that is primarily in Kansas City and the closure, or the proposed closure, of Carmean Road. He had some dialogue with City Counselor Ramsay this afternoon and understands that Assistant City Manager for Development Scott Wingerson may have some good news on that front in that there will remain some access to M-1. He asked if Council could get an update on what might be happening in that area.

Assistant City Manager for Development stated that the project is generally referred to as "Renaissance in the Northland". It encompasses property from north of 80th Street and M-1 all the way south to a small portion located in Gladstone. Last week the developer filed a preliminary plat for consideration by the City and it is in its notice stage as well as review stage. We have requested some supplemental information to go with the preliminary plat submission.

Concurrently with that submission were discussions about traffic control and actual construction of the project in Kansas City. What we believe to be the outcome as of today and reflected in notices delivered to area residents is a situation in which 80th Street and M-1 will be closed as well as Carmean Road; however, Agnes will be open and remain open from 76th Street to Barry Road through to Maple Woods Community College allowing the residents of Gladstone and Kansas City a road through the construction. Although Agnes is not a preferred route because it is fairly narrow and closed at times of high water with gates in Kansas City, Missouri. During normal occasions and certainly for emergencies to leave the area, that would be an acceptable alternative.

We believe the set-up of traffic control and the actual closure will be Wednesday, July 25th. There will be traffic control within the city limits of Gladstone in the area of Troost and 76th Street, Troost and 72nd Street, and 72nd Street and N. Prospect. Mr. Bishop asked if we know how long the road will be left open.

Mr. Wingerson said that it is still under discussion and not known at this time. The notices that were provided to residents suggested temporarily. We are hopeful that the developer will be able to physically leave Agnes open until they tie in the new Agnes or the bridge into Old Agnes and 76th Street. We will learn more about this as the preliminary plat moves forward as an item of discussion with the Planning Commission.

Mr. Bishop stated that he thinks that is a great improvement over what they were saying which was to close the road north of 76th Street so you couldn't even get over the existing bridge. That was really a problematic situation in what it was going to do to increase the traffic flow on 76th Street which, as we know, is already in terrible condition. This is a good alternative and he told Mr. Wingerson he commends him and staff for working to see that there was some access left to M-1 and thanked him for the update.

Councilman Bill Cross said he agreed with Mr. Bishop that it seems a while since have met. Mr. Cross said he was absent from the previous Council meeting because he had the opportunity to go to Wichita and the surrounding area and teach a graduate class for teachers on juvenile criminology. He said he learned a great deal but it is a pleasure to be back.

Councilman Les Smith stated that he had just two items. He too served on the CIP Committee with Mr. Charles Byrd who is truly a great American. He was a good committee member and has been a good friend to a lot of us, but the fact of the matter is, he is just a good person and was a very good choice for the Missouri Municipal League award..

Mr. Smith said secondly, not to beat a dead a horse, but he does not feel that it is fair to leave Councilman Bishop as the lone ranger on the fireworks issue because he started the whole thing discussion. He told City Manager Davis that he should have received a letter that he sent by today, if not tomorrow. He too has asked for a review of the existing fireworks ordinance in order to make it easier, if you will, for our officers to find a responsible party for those that are violating the ordinance.

Part of that letter is to also to commend the Public Safety Department and Director Adamo for stepping forward this year and enforcing the ordinance in a proactive manner in the way that was intended. He said Councilman Bishop made very good points and he is exactly right as to what our criticisms were, they were not of the officers and the way they did their job, but the direction of the policy guidelines that were established for them. It is not a bad thing, it's just different than what we cared for and I think we have taken care of it this year.

Mayor Anita Newsom stated that she had fireworks on her list too, but first of all she wanted to commend Mr. Steve Buschor and the Parks and Recreation Department for pulling together another outstanding fireworks display. The finale was wonderful. It was a very nice evening and she thanks the Parks and Recreation staff.

Ms. Newsom stated that she too wants to commend the Public Safety Department for their increased efforts on enforcement of fireworks. I know it is something that has not been easy to enforce and therefore maybe hasn't been enforced with such a high profile as we did this year. And maybe we started a little late in the whole process in notifying and reminding the citizens. We had a number of citizens that did not know that it was illegal and they couldn't or shouldn't be setting off the fireworks. Getting the information out earlier in the whole process is important, otherwise you have a parent who has gone out and spent a several hundred dollars on fireworks, then they feel they have no place to shoot them off and sometimes that doesn't lead to an adult setting a good example for a child. The Mayor said she does think that we have done a commendable job of looking at how we can better enforce our ordinances, or how we need to maybe better craft an ordinance that makes it enforceable.

Ms. Newsom also stated that we had another incredible Theatre in the Park performance with Wizard of Oz and she is looking forward to Brigadoon in a couple of weeks. Again, that was another wonderful time for the public and free as well.

Mayor Newsom said she would like to commend staff for the update on the Organizational Health Survey. The progress report that we got in the packet a couple of weeks ago was good and it was nice to see that progress is being made on those issues.

Ms. Newsom stated that when it comes to saying "thank you" our thank you to Mr. Charles Byrd last Thursday night was just a small token of thanks for all that Charlie has done for our community, not only for the City, but for the community as a whole over the years. She said she was so glad that he and both his sons and spouses were able to attend.

The Mayor stressed that internally, a lot of things take place before an award like that can be presented. She thanked City Clerk Ahnefeld and Administrative Assistant Whitaker for dealing with all the details and the little extras that made the evening special for Charlie and his family.

Mayor Newsom stated that it looks like we are making a lot of progress on 72nd Street just north of City Hall. She asked what the status is on 72nd Street to Antioch Road.

Mr. Wingerson replied yes, 72nd Street from North Oak to Troost was milled today and will be overlayed later in the week. On the east end there are message boards stating that the street will be cleaned on Wednesday, the 25th and paved on the 26th. All thru traffic would be prohibited at that time, so that it can be cleaned, then paved the next day and striped. Then it will be open to traffic with all four lanes on Friday. There will probably be another two months of restoration and final work with the retaining walls and striping.

Mayor Newsom stated that we have some vacancies on boards and commissions that have been advertised in the area newspapers for applicants. We have received eight or nine letters to date and need to see what time frame will work for the Council to set up interviews for the people who have expressed interest. She asked if this would be workable prior to a Council meeting.

Council members discussed possible dates and times and set the interview date for **August 27th** prior to the City Council meeting.

Mayor Newsom noted that the MML Fall Conference is September 10th which is a Council meeting night. Depending on the number of Council members attending the conference, we could very well be without a quorum. If we are advertising public hearings, we need to advise Community Development if we cancel the meeting.

City Manager Davis agreed to check on proposed public hearings or other time sensitive agenda items and look at the need to cancel the September 10th meeting depending on Council and staff attendance at MML.

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

City Manager reminded everyone of the Community Oriented Government meeting at Antioch Bible Baptist Church on Monday, July 30th at 7:00 pm.

Item 9. on the Agenda **FIRST READING BILL 01-29**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and to comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".

Councilman Les Smith moved to place Bill 01-29 on First Reading; Mayor Pro Tem Bill Cross seconded.

The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-29, Waive the Rule and place the Bill on Second and Final Reading; Councilman Cross seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-29 and enact the Bill as **Ordinance No. 3.799**; Councilman Cross seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda **FIRST READING BILL 01-30**, repealing Ordinance No. 3.793 (Code Section 29-66(A), B(1) and B(2) and enacting new Sewer Service and Commodity Rate Charges in the City of Gladstone, Missouri.

Councilman Bill Cross moved to place Bill 01-30 on First Reading; Councilman Les Smith seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 01-30, Waive the Rule and place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" - Les Smith, Shirley Smith, Dan Bishop, Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Discussion.

Councilman Les Smith stated that he recalled the last time we dealt with this issue and compared water and sewer rates with other cities. Our forefathers had the foresight to build the water treatment plant way back when and we can only imagine what we would be paying for water and sewer if that had not happened.

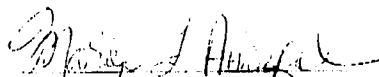
Councilman Bill Cross moved to accept the Second and Final Reading of Bill 01-30 and enact the Bill as **Ordinance No. 3.800**; Councilman Les Smith seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

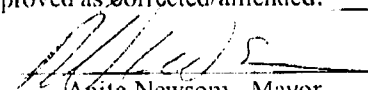
Item 12, on the Agenda OTHER BUSINESS

There was no further business to come before the July 23, 2001 Gladstone City Council Meeting, and Mayor Anita Newsom adjourned the Regular Meeting.

Councilman Dan Bishop moved to adjourn to Closed Executive Session in the City Manager's Office for Privileged Communication & Litigation Discussion as posted subject to the **Missouri Open Meeting Act Exemption 610.021(1)**

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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

Anita Newsom, Mayor

CERTIFICATE OF PROCLAMATION

WHEREAS, Epsilon Sigma Alpha International- an organization devoted to philanthropic, educational and social endeavors which promote the public good in commemorating over seventy years of "worthy works" in communities, states and nations around the world: and

WHEREAS, The Missouri State Council members of Epsilon Sigma Alpha exemplify the high standards in making philanthropic and social contributions to the citizenry of Missouri, they are hereby authorized to recognize and commend other citizens within their community whose "worthy works" represent their high standards and ideals of public service.

On this day July 23, 2001 and in this place Gladstone MO, the members of Iota Omega, Gladstone Chapter of the Missouri State Council hereby commend Les Smith for the "worthy works" that he has performed for the community of Gladstone by:

Opening his bowling center to worthy groups at a reduced price or sometimes free for fundraisers or entertainment. Without the knowledge of the buyers arranges for reduced prices at local Christmas Tree lots for needy families. Once Purchased a soccer ball for local boys who were placing soccer in a lot with a regular ball. Other acts of kindness to numerous to mention. Having a worthy heart worth recognizing.

NOW, THEREFORE, I (Pamela Baker - Missouri State Council Vice-President) do hereby proclaim (July 23, 2001 - July 29, 2001) as (Les Smith) Week!

Throughout the world of ESA and in the hearts of caring people everywhere!

Done this 23 day of July 2001

Signed

Pamela Baker

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 13, 2001**

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 23, 2001 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-54, authorizing execution of a contract with Banderas Construction, Inc. for the NE 64th Street (Old Antioch Road to Bellefontaine) Roadway Improvements in the amount of \$187,845.20 from the Capital Improvements Sales Tax Fund. (Project #0280)

RESOLUTION NO. R-01-55, authorizing execution of a contract with Ace Pipe Cleaning, Inc., in the amount of \$115,700 from the Combined Water & Sanitary Sewer Fund for the 2001 Sanitary Sewer Cleaning and Televising Project. (Project #0205)

RESOLUTION NO. R-01-56, authorizing execution of a contract with Leath and Sons, Inc., for the NE 76th Terrace Street Reconstruction Project Phase 2 (East of Oak) in the amount of \$74,579.90 from the Transportation Sales Tax Fund. (Project #0108)

RESOLUTION NO. R-01-57, authorizing acceptance of work under contract with Cook Flatt & Strobel for the design of Claymont Drainage Improvements and authorizing final payment in the amount of \$300.00 from the Capital Improvements Sales Tax Fund. (Project #9955)

RESOLUTION NO. R-01-58, authorizing execution of a contract with McGarrah Construction Company in the amount of \$338,738.04 for the N Oak Water Main Replacement project (Englewood Road - 62nd Street) from the Combined Water and Sanitary Sewer Fund. (Project #9817)

RESOLUTION NO. R-01-59, accepting Temporary Easements from property owners in conjunction with the North Oak Water Main Replacement Project. (Project #9817)

RESOLUTION NO. R-01-60, accepting a Bill of Sale from Crown Commercial Builders and Haines & Associates Construction Company conveying Sanitary Sewer built for development of property at 6321 North Oak.

APPROVAL OF FINANCIAL REPORTS for the month of June, 2001.

LIQUOR LICENSE RENEWALS: Hy Vee, 7117 N Prospect, Class "C" Package Liquor License; Northland Elks, 7010 N Cherry, 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 1,240 sq. ft. tenant finish at 4770 N Belleview, Suite 202. Applicant: Luke Draily Construction for Belleview Properties, LLC.
10. **PUBLIC HEARING:** on a request for a Special Use Permit on property at 5800 N Oak Street. Applicant: Auto Trend, Inc. File #1158)
- AUDIENCE NOTE:** This public hearing will be opened and immediately continued to the Monday, August 27, 2001 City Council Meeting at the request of the Applicant.
11. **FIRST READING BILL 01-32**, amending Schedule VIII of the Model Traffic Ordinance to establish new **Stop Sign** locations at the **Southeast** and **Northwest corners of 72nd & Antioch Road.**
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 13, 2001

Mayor Anita Newsom called the **Regular August 13, 2001** City Council Meeting to order in the City Council Chambers at 7:30 p.m.

PRESENT: Mayor Anita Newsom
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

ABSENT: Mayor Pro Tem Bill Cross
Councilman Dan Bishop

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF JULY 23, 2001 MINUTES

Councilman Les Smith moved to approve the **Regular July 23, 2001 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerks reading, Councilman Les Smith moved to approve the Consent Agenda as read; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-54**, authorizing execution of a contract with Banderas Construction, Inc. for the NE 64th Street (Old Antioch Road to Bellefontaine) Roadway Improvements in the amount of \$187,845.20 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-55**, authorizing execution of a contract with Ace Pipe Cleaning, Inc., in the amount of \$115,700 from the Combined Water & Sanitary Sewer Fund for the 2001 Sanitary Sewer Cleaning and Televising Project. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-56**, authorizing execution of a contract with Leath and Sons, Inc., for the NE 76th Terrace Street Reconstruction Project Phase 2 (East of Oak) in the amount of \$74,579.90 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-57**, authorizing acceptance of work under contract with Cook Flatt & Strobel for the design of Claymont Drainage Improvements and authorizing final payment in the amount of \$300.00 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-58**, authorizing execution of a contract with McGarrah Construction Company in the amount of \$338,738.04 for the N Oak Water Main Replacement project (Englewood Road - 62nd Street) from the Combined Water and Sanitary Sewer Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-59**, accepting Temporary Easements from property owners in conjunction with the North Oak Water Main Replacement Project. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-60**, accepting a Bill of Sale from Crown Commercial Builders and Haines & Associates Construction Company conveying Sanitary Sewer built for development of property at 6321 North Oak. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to approve the **FINANCIAL REPORTS** for the month of June, 2001. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Councilman Les Smith moved to approve the **LIQUOR LICENSE RENEWALS** for Hy Vee and Northland Elks. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Les Smith noted that we had our first Community Oriented Government meeting on July 30th and he was proud to be a Councilman that evening. The staff showcased their talents quite well and it got them out in the public arena where we are used to participating. They were proud to participate and it was nice to see so many staff there. The Management Team did an excellent job on the presentation. He thought it was a great program that we have initiated. It may not always go as smoothly as the first night as we go into other areas of the city but he has heard nothing but positive feedback and he knows that staff has worked very hard at responding to inquiries from residents in attendance. We should all be very proud to be associated with these folks.

Councilman Smith also recognized the firefighters who held the MDA Bowl-a-thon at their favorite bowling center in Gladstone. Again, we should be proud to have folks on staff who are willing to participate in causes like that. He is not sure of the final tally on how much they raised, but there were cash prizes to the winning team and these winners even gave back their prize money for the MDA. They seemed to have had a good time. A softball tournament was also held last weekend by the firefighters in support of MDA as well and he hopes that went well also.

Councilman Shirley Smith congratulated the Gladstone Chamber of Commerce on their 35th Anniversary profile booklet. It was upbeat, positive, very well done and she is sure they will be able to use it well in attracting new members.

Mayor Anita Newsom said she echoes Councilman Les Smith's comments on the Community Oriented Government meeting. We always hope for greater attendance than we end up having which says either people are happy with their government and how things are working or hopefully, they are not disillusioned. The meeting gave the citizens an excellent opportunity to visit one-on-one with staff members to address their concerns. She hopes the rest of the meetings will go as well. She was very, very pleased with the presentations that came forward that night and she is always proud of our professional staff.

People are generally pleased with our government and how things operate in Gladstone, but one of the things that came forward that night was the Codes enforcement issue. She knows when she first came on the Council, that there was no codes enforcement and residents called and complained. Now we have two full-time codes enforcement officers. During busy times of the year we would get reports on activities in the codes department and they would generate a report on citations, tickets, and violations. She would be interested in seeing a report to see how we are doing. This time of the year it is easy for things to get out of control. Weeds continue to grow in spite of the lack of rain, but she is curious to see how things are going in that area.

Mayor Newsom stated that she happened to be witness to our firefighters in action last Tuesday fighting a fire in very, very hot temperatures and very high weeds. That is what brought the codes issue to mind. She was so proud of our firefighters in their professionalism and how they attacked the fire. She was visiting with a highway patrolman who was on the scene on the whole science of how fires are attacked and fought. There is a true art and science to it. It was very obvious that our firefighters were well-trained and well-versed. She was very pleased to see

them in action. At that time of day, they had only one or two GEMA personnel on the scene, but they were doing what they could and are very much appreciated.

Mayor Newsom asked if the firefighters were going to be doing the Boot Block again this year on Labor Day weekend and if there is a way we can continue communications with the public on collections and the restrictions. There are some very exuberant youths that do fund-raising activities such as Booster Club or church groups and they have a tendency to get themselves out in harms way and their enthusiasm gets in the way of common sense sometimes. She saw youths at 72nd and M-1 out in the street holding signs for a car wash. We need to help them remember the right way to do this because not everyone is looking out for them.

City Manager Kirk Davis stated that there is a permitting process for groups soliciting in the street. The firefighters must go through the process for the MDA Boot Block or any other collections. There is an ordinance that regulates that issue. As far as car washes and activities of that nature, they do not need a permit but are advised to stay on the curb and grassy areas. If someone is in the street, public safety should be contacted and our public safety officers will advise those folks where to stand so they do not get hurt, particularly at 72nd and M-1 or any of the major corridors.

Mayor Newsom stated that they were out on the medians and looked pretty precarious.

Ms. Newsom and Mr. Davis agreed that with the beginning of school and fall coming, there may be various fund-raising activities, fall sports, little league play-offs which could increase this type of activity and news releases could certainly help with safety issues in this area.

Mayor Newsom also complimented for the record just how nice the plantings and landscaping look this year. She knows staff has put in extra efforts this year and the boxes in the front of city hall are the best ever and look like a city we are proud of.

Councilman Les Smith asked City Manager Davis if we have heard from the City of Oakview regarding the cell tower. Mr. Davis said we have not, but he will contact them.

Councilman Smith said they were provided a rendering of how it would look and it was not what was proposed. Most people think it is our tower and aesthetically, it is not good.

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

City Manager Kirk Davis stated that he agrees with Council in being proud of staff who worked a long, long time getting ready for the Community Oriented Government meeting. The Management Team and other employees did a great job and he should probably say it more often.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for 1,240 sq. ft. tenant finish at 4770 N Bellevue, Suite 202. Applicant: Luke Draily Construction for Bellevue Properties, LLC.

Councilman Les Smith moved to approve the Building Permit. Councilman Shirley Smith seconded.

Mayor Newsom asked if everything was in order. Mr. Wingerson said yes.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

Item 10. on the Agenda. PUBLIC HEARING: on a request for a Special Use Permit on property at 5800 N Oak. Applicant: Auto Trend, Inc. File #1158)

Mayor Newsom opened the public hearing and immediately continued the hearing to the Monday, August 27, 2001 City Council Meeting at the request of the Applicant. We will have a full Council at that time to vote on the Special Use Permit.

Item 11. on the Agenda. FIRST READING BILL 01-32, amending Schedule VIII of the Model Traffic Ordinance to establish new **Stop Sign** locations at the **Southeast** and **Northwest** corners of 72nd & Antioch Road.

Councilman Les Smith moved to place Bill 01-32 on First Reading; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-32, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Shirley Smith seconded.

Discussion.

Councilman Les Smith addressed City Manager Davis. He stated that he had discussed with Mayor Newsom about looking into an overhead flasher at that intersection due to the grade changes and speed that we see a lot, north and south, especially on Antioch Road. He would be interested in looking at that. He is not convinced that 6 inch flashers on top of stop signs, after thirty plus years of traffic history, would be enough for that intersection.

Mr. Davis stated that they can look into it again. The MUTCD (Manual on Uniform Traffic Control Devices) dictates what we should and should not do at intersections based on warrants and traffic, but we can look into it to see what other safety precautions might help.

Mr. Smith said there is an old saying about written standards and that is "for every pound of knowledge, it takes ten pounds of common sense to apply it". He would like us to look into the cost of it to see if we might think it is justified.

Mr. Davis stated that he understood and would check into it. Mayor Newsom said she liked that quote and may keep it in mind to use later for another traffic study.

Mayor Newsom said as the grade has changed, it has become quite a problem with increased speed. She is disappointed in the design of the road that created lack of sight distance as you are going northbound and wanting to make a westbound turn which was her first encounter with it. It is obvious there is a lack of sight distance and she is disappointed in the design at that intersection.

Councilman Les Smith asked if the drainage issue dictated that or what was the cause.

Mr. Davis responded that he would turn this over to Mr. Wingerson but does know that the intersection was raised eight feet from the way it was before and they tapered it back on Antioch to just north of 72nd Terrace. He does not know if the creek came into play and if they could have graded it back even further but the result is a little dip north of 72nd Terrace where a smaller car you can't see from the stop signs.

Mr. Wingerson stated that he does not know the details, but can research the root causes, going back to 1993 or thereabouts. It could have been a cost consideration, because extending the fill area that much further to the north to eliminate the dip would be about 100 or 200 feet. The primary focus of the design was 72nd Street, not Antioch. That is not an excuse for why the dip is there but it is there and we will do our best to make it as safe as we can.

Councilman Smith said further research from Mr. Wingerson is not necessary because it does not matter at this time why it happened, but he certainly agrees we need to make this intersection as safe as possible. City Manager Davis said we will also see a focus on street lights there to help with the visibility. Mayor Newsom again commented that she is disappointed in the design and we can pass that on to the design firm.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0) The Clerk read the Bill.

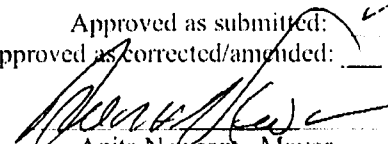
Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-32 and enact the Bill as **Ordinance 3.801**; Councilman Shirley Smith seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. (3-0)

* * * * *

There being no further business to come before the August 13, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Alnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____
Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 27, 2001**

5:00 PM, Board & Commission Interviews in City Manager's Office

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communications & Litigation, 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 August 13, 2001 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-61, authorizing acceptance of the proposal of Foster Coach Sales, Inc. for the purchase of (1) 2002 model Med-Tec Ambulance on an International Truck Frame in the amount of \$98,142.00 from the General Fund. (Includes \$27,500. trade-in allowance on 1995 Ford Med-Tec.)

RESOLUTION NO. R-01-62, authorizing execution of a contract with Camp, Dresser & McKee, Inc. for the design of the 59th Terrace Drainage Improvement Project for an amount not to exceed \$56,600.00 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-01-63, authorizing the City Manager to accept a Bill of Sale from A.L. Huber Construction, Inc. and Rainbow Construction Underground Utilities conveying water line built to serve Commerce Bank, 6334 NE Antioch Road to the City for maintenance.

APPROVAL OF FINANCIAL REPORTS for the month of July, 2001.

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 13,172 sq. ft. tenant finish for Disabled American Veterans Thrift Store, 6314 N Oak Trafficway. Applicant: Allied Retail Concepts, LLC. Owner: Botwin Family Partners. (BP#01-0586)
10. **APPROVAL OF BUILDING PERMIT** for a 1,581 sq. ft. tenant finish for Stewart Title Company at 2601 Kendallwood Parkway. Applicant/owner: C.F. Curry Real Estate. (BP#01-0615)
11. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property at 5800 N Oak. Applicant/owner: Auto Trend, Inc. File #1158) (Continued from 8/13/01 City Council Meeting.)
- 11a. **FIRST READING BILL 01-31,** approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc., subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158)
12. **PUBLIC HEARING:** on a request to rezone property at 6902 N Oak from CP-O and CP-2, to CP-3. Applicant/Owner: Dominic Cuccia (File #1160)
- 12a. **FIRST READING BILL 01-33,** rezoning property at 6902 N Oak from CP-O, Non-retail District-Planned and CP-2, General Business District-Planned, to CP-3, Commercial District-Planned. Applicant/Owner: Dominic Cuccia (File #1160)
- 12b. **FIRST READING BILL 01-34,** approving a Site Plan in conjunction with a rezoning of property at 6902 N Oak Trafficway. Applicant/Owner: Dominic Cuccia (File #1160)
13. **PUBLIC HEARING:** on setting the annual rate of levy for the 2001 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.
- 13a. **FIRST READING BILL 01-35,** setting the annual rate of levy for the 2001 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.
14. **FIRST READING BILL 01-36,** approving the Final Plat of "**Northaven Village Condominium Fourth Plat**", generally located at 6806-6836 N. Olive, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/Owner: Northaven Village Condominiums, L.L.C. (File #1163)
15. **FIRST READING BILL 01-37,** an ordinance establishing the position of City Financial Advisor for the City of Gladstone, Missouri.
16. Other Business. Agenda addition: **FIRST READING BILL 01-38,** an ordinance providing for the assessment of an additional court cost by the Gladstone Municipal Court for the Crime Victims Compensation Fund.
17. Questions from the News Media. 18. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, AUGUST 27, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnesfeld

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

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

Item 4. on the Agenda. **APPROVAL OF AUGUST 13, 2001 MINUTES**

Councilman Shirley Smith moved to approve the **Regular August 13, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote "Aye" - Councilman Les Smith, Councilman Shirley Smith, Mayor Anita Newsom. Abstain: Councilman Dan Bishop, Mayor Pro Tem Bill Cross. (3-0-2)

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

Following the Clerk's reading, Councilman Les Smith moved to approve the Consent Agenda as read; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-61**, authorizing acceptance of the proposal of Foster Coach Sales, Inc. for the purchase of (1) 2002 model Med-Tec Ambulance on an International Truck Frame in the amount of \$98,142.00 from the General Fund. (Includes \$27,500. trade-in allowance on 1995 Ford Med-Tec.) Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-62**, authorizing execution of a contract with Camp, Dresser & McKee, Inc. for the design of the 59th Terrace Drainage Improvement Project for an amount not to exceed \$56,600.00. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-63**, authorizing the City Manager to accept a Bill of Sale from A.L. Huber Construction, Inc. and Rainbow Construction Underground Utilities conveying water line built to serve Commerce Bank, 6334 NE Antioch Road to the City for maintenance. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **FINANCIAL REPORTS** for the month of July, 2001. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda

COMMUNICATIONS FROM THE AUDIENCE.

Mary Rodman, 3407 NE 72nd Street, stated that she had two petitions to present. The first is from residents of Christopher Heights, Antioch Heights, Meadowbrook North, and NE 72nd Street between N. Antioch Road and N. Indiana. Residents in that area would like to have the intersection of NE 72nd Street and N. Indiana made into a four way stop to make it safer for those entering and exiting N. Indiana. It would slow traffic on the new 72nd Street to the proper speed limit.

Ms. Rodman stated that visibility from N. Indiana is limited by the two hills on each side of the intersection. This makes it hazardous to turn onto, off of, or cross NE 72nd Street at this intersection. Crossing 72nd Street by foot is hazardous as well because she walks in the early mornings and it is dangerous. School will be starting tomorrow and many children walk to school and have to cross 72nd Street at this intersection. These children do not watch as carefully as adults and this is a hazardous intersection. These children and others would not be safe without a four-way stop or some type of traffic system.

Ms. Rodman stated that the second petition is regarding the remaining parcel of land (commonly known as 3405 NE 72nd Street) purchased as part of the 72nd Street project and what the City plans to do with the property. Residents of Christopher Heights and Antioch Heights would like to see the lot either made into a park or be deeded over to either of the two neighboring lots. Ms. Rodman presented the petitions to City Clerk Marilyn Ahnefeld.

Eric Forsman, 3101 NE 71st Terrace, stated that he too, would like to see stop signs put up at 72nd and N. Indiana. He said he had actually called City Hall and talked to someone a week or so ago about the poor visibility problem. He agreed that it would be a problem with school starting and children crossing the street at that intersection.

Galen Neill, 6010 N. Wyandotte, stated that in his neighborhood there is a vacant house at 208 NW 60th Terrace. The house has been vacant for at least thirty days and is for sale by ReMax. There is an above-ground pool in the yard with water in it. The water is now a green/black color and could be a breeding ground for mosquitoes. He has contacted Codes Enforcement and was told the owners were out of town and could not be reached. The utilities have been turned off, so the pump is not working in the pool. He asks if the pool could somehow be drained.

Mayor Newsom advised that Assistant City Manager for Development Scott Wingerson will contact the ReMax office about this problem.

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

Councilman Les Smith had no communications at this time.

Councilman Shirley Smith stated that she understands the issues of low visibility and traffic in her own neighborhood. There is a bush at 67th Street and North Oak that has not been cut down that obstructs the view onto North Oak.

Councilman Dan Bishop had no communications at this time.

Mayor Pro Tem Bill Cross had no communications at this time.

Mayor Anita Newsom stated that she had a list of items and first wanted to commend the City for participating in the Gold Medallion intern program with the three area high schools. These interns will be able to learn from our professional staff as they travel down their own career path.

At the request of Mayor Newsom, Assistant City Manager for Development Scott Wingerson provided the current status of the stormwater projects and noted that the top four projects were right on schedule.

Ms. Newsom asked City Counselor David Ramsay if he would check on the City's ordinance regarding window tinting and whether it is compliant with the State of Missouri. Mr. Ramsay acknowledged her request.

Ms. Newsom asked Director of Public Safety Bill Adamo when the Muscular Dystrophy Boot Block event would take place this coming weekend. Director Adamo advised it was scheduled from 9:00 am to 2:00 pm on Saturday, September 1st.

Ms. Newsom also announced that the next Community Oriented Government Meeting will be held this coming Thursday, August 30th, 7:00 pm at the Gladstone Church of the Nazarene.

Mayor Newsom advised that the City Council had held Boards and Commission interviews prior to the Council meeting this evening. Interviews were conducted to fill vacant positions to three of our Boards and Commissions. The following position appointments are recommended:

Galen Neill, Tax Increment Financing (TIF) Committee, term expiring January, 2004.
Bob Frank, Recycling and Solid Waste Committee, term expiring December, 2002.
Eugene Suter, Recycling and Solid Waste Committee, term expiring December 2001.

Councilman Dan Bishop moved to confirm the appointments as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

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

City Manager Kirk Davis reminded everyone that City offices will be closed on Monday, September 3rd in observance of the Labor Day holiday. He also noted that the MML Conference is September 9-12th so there will not be a Council meeting on September 10th. Lastly, he invited everyone to attend the Kansas City Ballet in the Park performance at Oak Grove Park on August 31st beginning at 6:30 pm.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for 13,172 sq. ft. tenant finish for Disabled American Veterans Thrift Store, 6314 N Oak Trafficway. Applicant: Allied Retail Concepts, LLC. Owner: Botwin Family Partners.

Councilman Bill Cross moved to approve the Building Permit as submitted. Councilman Les Smith seconded.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. APPROVAL OF BUILDING PERMIT for a 1,581 sq. ft. tenant finish for Stewart Title Company at 2601 Kendallwood Parkway. Applicant/owner: C.F. Curry Real Estate.

Councilman Dan Bishop moved to approve the Building Permit for 2601 Kendallwood Parkway. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11. on the Agenda. CONTINUED PUBLIC HEARING: on a request for a Special Use Permit on property at 5800 N Oak. Applicant/owner: Auto Trend, Inc. File #1158 (Continued from 8/13/01 City Council Meeting.)

Mayor Anita Newsom opened the Public Hearing and explained the hearing process that the applicant will make their presentation, followed by those in favor and those in opposition, and lastly the City Staff Presentation.

Applicant, Debbie Freeman, Auto Trend, 201 S. Highway 7, Blue Springs, Missouri, said she and her partner request a Special Use Permit on this vacant property at 5800 N Oak for operation of Auto Trend, Inc. automobile dealership.

In reviewing the present state of the property, Ms. Freeman said they feel they have done a pretty good job of keeping up with the graffiti, parked trailers, and the trash. Russ Schworer next door at Amoco has been more than kind to call them when needed but the maintenance is quite a challenge. The huge canopy will be eliminated and pay phones that they inherited from Total are

now gone and that took her almost a year to accomplish. She said the property itself is very challenging. It has a huge wall on the backend of the property that drops down into an apartment complex. It takes up 30 ft. of the property so when you look at the property you think there is a lot of property there just by virtue of the survey, but they lose 30 ft. on the back side and 25 ft. on the side with drainage and the wall which is what creates such a problem for the property. (She displayed pictures to the City Council).

Ms. Freeman said when they purchased the property, 60% of it was already zoned CP-3 so being the car people they are and not city people, they thought with half of it being CP-3 the rest of it would not be that hard to get zoned. Obviously they are not applying for zoning but a special use permit. There is a huge canopy which is an eyesore and they have a proposal in the packet that spends a considerable amount of money to remove the canopy and improve the property even on a special use permit to help Gladstone beautify North Oak because it is an eyesore and there is nothing more she can say about that.

They would also close an entrance right next to 58th Street on North Oak, there is also an entrance a little bit further north toward the flower shop. The one north would stay open, the one south would close. There would be a visibility triangle and a grassy area and she displayed a picture of what that piece it would look like when improved with a lot of very neighbor-friendly lighting, the canopy gone, green area, signage moved with the big ugly sign pole coming down. There will be wrought iron, short fencing rather than the galvanized plain fence. They would be putting considerable money into improving the property for Gladstone and for themselves and to create a business that is viable and a lot that would not have graffiti, trash, etc. as it does now.

Ms. Freeman said she went out today and took some pictures because there were some issues brought up at the Planning Commission about drainage on the next piece of property. She distributed the pictures which she apologizes for because they are not mounted. It is hard to capture things on film, the property does sit a little higher than the neighbors, as example the wall and other challenges of the property, but it is curved and all the water drainage on the lot goes to the back of the property and down onto a culvert type situation that was created when the property was originally designed. The fence is falling down and the neighbors climb up over the fence and knock it down every time they put it back up.

They have asked for a seven year special use permit, however she would amend that to five year if she could. She would like a little bit of time to recoup some of the expense that they would be putting out to renovate the building and update the façade. It is a small square building with holes in the walls at this point and they want to make the interior an office space. The canopy alone is a major ordeal to get down and an expensive ordeal with electricity. They ask that Council consider a five year permit to allow them to at least regain some of their expenses. At the end of that five year period, you have a piece of property that obviously is prettier, cleaner, neater, nicer and a lot better to look at than it is right now.

There was another issue brought up and she does have a letter from the Missouri DNR because there was a question about the gas tanks. The tanks have been gone for quite some time. She has a letter from B&K Terradex that is a lengthy study of the ground and a recommendation to Missouri DNR to put a "no further action" on the property. They have chosen to go ahead and watch it for the next two years and have a remediation agreement that if they want to come dig a well or something that they are allowed to do so. But there is an "all clear" on all the soil

anywhere near and around where the tanks used to be. No runoff, no water table damage, nothing. She provided a copy to Council and noted that was a question at the Planning Commission and the letter is available for anyone who would like to see it. It is on file with the Missouri Department of Natural Resources.

The property being vacant for so long has created some problems with the neighborhood. There have been some trailers parking there but she believes they have remedied that by sending one of their personnel up every evening to sit on the property. There has been quite a loitering problem and she has talked to the police about it and tried to control it, but as a vacant property it is hard to keep up with it.

Ms. Freeman said she has a couple of letters from several individuals who were not able to come tonight. Mr. Russ Schworer who owns the Amoco Station next door, and Mark Collins who owns Buzz's Hi-Fi and are both neighbors to the south. Mr. Schworer has been a good neighbor and would like to see them next door and so would Buzz's Hi-Fi.

Mayor Newsom asked if the current gravel/river rock will be replaced by grass.

Ms. Freeman said yes and they will use sod not seed. Ms. Freeman said this will be easier to maintain with a lawn mower and weed eater and as she said you can go up and down N Oak and the car lots have that ugly fencing to keep the cars from rolling off the lot. They have proposed a fancier look to the fencing and the lighting. She and her partner have talked to Mr. Wingerson and others and they would like to improve the facade but there is a point on a special use permit when you say where do you stop, that would be in future plans if there are future plans.

Councilman Bishop said Ms. Freeman referenced purchasing the property over a year ago and he trusts the property was bought subject to a zoning change or conditional use permit. Ms. Freeman responded that she would like to say that they were smart enough to do that. It was in the contract that it was subject to a zoning but there was also a provision for a 45 day close. There comes a point where half of the property being zoned CP-3, and you have a very large firm that you are dealing with, and a partner who lives in Gladstone, and nine people on a waiting list, and she followed this property for 2 ½ years with Total personally trying to get into Gladstone. Thinking all of that, with 60% of the property being CP-3, and it's been sitting there vacant, you roll the dice and you attempt to create a situation that would make Gladstone want them to be in business up there, and so that is what they did.

Ms. Freeman said, so good or bad, that is what happened and a year later here she is.

Larry Whitton, 3308 NE 70th Street, advised he is probably the oldest or next to the oldest businessman in Gladstone. He is in favor of this proposal. It is presently an eye sore and not making the City one penny right now and there are too many vacant spots all over the city and for the sake of economic development, he hopes the Council approves this.

David Hartman, said he is the owner of Royal Transmission at 72nd and N Oak and he has done business with Auto Trend and Debbie Freeman since 1993 and they have been excellent to do business with. He said it would be an asset to have them in Gladstone and stated Ms. Freeman is a very fine lady.

Mary Abbot, 5905 N Broadway, said for all the reasons that have been stated tonight she supports this application. It is a really a problem down there and this would take care of it temporarily.

OPPOSITION

Tim Dougherty, identified himself as the son of Tom Dougherty who owns Gladstone Dodge and stated they are in opposition to this application. He said, as we may know, his dad applied to purchase this property about a year ago when it was up for sale and when he investigated he learned that the city leaders really did not want another car lot there so he respected that and decided not to pursue it any further. He sent him here to say that he wishes the Council would respect that in reverse as well.

David King, Oregon, Missouri, said he is here with his wife, Dorothy and they are the owners of property at 5808 N Oak which is the flower shop just north of this proposed site. They are here tonight in opposition to this special use request. Should this proposal be granted, their tenant, Gladstone Flowers would be significantly damaged. It will impact their rental income upon which they depend for their living as well as lowering the resale value of their property. They agree that this property is unsightly and something needs to be done to convert it into a viable entity which will be pleasing to the eye and will provide economic value and employment to Gladstone. As proposed, the used car lot will have vehicles parked across the front, down the middle and across the north side of the property. This will effectively block the view of their property, Gladstone Flowers, from the northbound traffic. Since 60% of the customers to Gladstone Flowers are northbound, this proposal will significantly and immediately affect the business available for their tenant. Subsequently, it will lower the rental value and resale of this property.

Mr. King said there is a second and more important way that this proposal will negatively affect their property. After hours the lot gates will be closed. People like to look at cars when there are no salesmen around. There is not any street or other parking available except their lot. The result will be that they will use their facilities when there is no one around to supervise this activity. Their almost 50 years of experience at this location has taught that after hours use will invite litter, vandalism and crime. They have experienced all of these during their time at this location. They welcome change and improvement and they certainly are not opposed to this property being used for a business. They are opposed to a used car lot at this location.

At this time, Mayor Newsom called for the Staff presentation.

Assistant City Manager for Development Scott Wingerson, said he would draw our attention to a couple of proposed conditions in the draft ordinance. First, the dumpster area will be enclosed with materials used in the construction of the primary building; the hours of operation are limited, a free-standing sign is used which will be monument style as Ms. Freeman talked about. Also, as Ms. Freeman mentioned, there is a requirement that the driveway be closed. He noted the Planning Commission voted 2-yes 6-no and one member abstained. Mr. Wingerson invited questions.

Mayor Newsom asked if the hours of operation (6:00 am - 10:00 pm) are the standard hours of operation for other similar businesses. Mr. Wingerson said it is very consistent with the other

businesses. It may be a little bit early but that was their request so they could get there before business comes and do their clean up, etc. Ms. Newsom thanked him for the explanation because it seemed quite early to her.

There were no others desiring to speak for or against and Mayor Newsom closed the Public Hearing.

Item 11a. on the Agenda. FIRST READING BILL 01-31, approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc., subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158)

Councilman Les Smith moved to place Bill 01-31 on First Reading; Councilman Shirley Smith seconded.

Discussion.

Mr. Smith said he has been watching this project before the Planning Commission for quite some time and then as it came forward to the City Council and would like to request that perhaps the Council give first reading this evening, so there is time to explore an issue with legal counsel regarding the special use permit.

Mr. Smith said he is in favor of giving the applicant a three or four year special use permit for various reasons, one of which is to take an abandoned dilapidated property along North Oak to clean it up, remove the canopy, remove the sign pole, fix up the building, close the driveway onto Oak Street and make it a viable entity for the period of the special use permit, and quite frankly showing some compassion for the people who bought the property, right, wrong or indifferent, without it being contingent. Perhaps giving them an opportunity to recover some of their investment while another use for the property might be looked for. It also takes a property which is an eyesore for our city and puts a viable entity on it. He would like Legal Counsel to explore this because he does not want to get into a trick bag like we have in a couple of properties of having a special use permit for a specific period of time and then not being able to get rid of the folks, quite frankly. He would like this permit to be a one-time only, one shot, special use permit and at the end of that special use permit they have the opportunity to apply for a rezoning, or quite frankly, need to vacate the property. Mr. Smith said he does not have the answers to that question and he would like to give it a first reading and get to that point.

Councilman Dan Bishop said he is inclined to be supportive of Councilman Les Smith's suggestion. This is a tough issue for him. There is no denying that the way the parcel looks is definitely an eyesore. Only a very strange person would find the way the lot currently looks to be aesthetically pleasing. It is not desirable to have vacant lots in the city that are generating no appreciable income for the City and are unattractive. It is very difficult as a Council, and for him personally, to not pay significant attention to the recommendations of the Planning Commission. And here we have a recommendation of the Planning Commission to disapprove this special use permit and he thinks it is based on some very sound reasons. Yes, this does constitute economic development but during the last year we had a series of meetings on economic development and are just in the final stages of completing a North Oak Corridor Master Plan that HNTB is doing for us. While this is economic development, it is not the type of economic development that the majority of the citizens of Gladstone that he is talking to tell him

they want. Just tonight, Board and Commission interviews were held and the Mayor always asks the magic wand question to applicants: "if you had a magic wand and could change one thing about the city what would it be". He would say that 80% of the people respond that they would like to see North Oak improved with a better variety of retail and no more car lots. They hear that from 80% of the people to whom that question is posed, so that makes it very tough to know there is that kind of sentiment out there and also when you have the Planning Commission saying don't do it, to be supportive. However, he does have sympathy for Auto Trend who purchased this lot and he appreciates the argument that some kind of economic development is better than none.

Mr. Bishop said Councilman Les Smith mentioned the possibility of 3-4 years but he could not be supportive of more than three years. That would be the absolute maximum. He feels so strongly about that, that he would not vote for it for four years. He does not know if there is even sentiment on the Council to even do three, but he would be supportive of a first reading tonight and waiting until our next meeting which is the second Council meeting in September to see if we can agree to a revised special use permit that would allow for three years and would be absolutely certain that it would not be renewed at the end of three years.

Councilman Bill Cross said the original request was for seven years and Mrs. Freeman said she would go for five and now he is hearing three and four. He concurs with Mr. Smith and Mr. Bishop and is willing to look at it. When Ms. Freeman said five years it had a little more appeal to it, but he hates to see them invest that money and fix it up, but we hope it is a great success because the more cars they sell the better off we all will be. He agrees with Councilman Bishop when the Planning Commission says "no", it certainly sends a red flag to him to be very, very hesitant on this, but just listening tonight has made him think much more than he ever thought he would about this situation.

Councilman Les Smith said a couple of other upsides we have is that we have testimony from some business owners in our community who will do business with these people which is a good thing. He agrees with Dan and those residents we spoke to earlier that our overall plan not only for North Oak but also other commercial corridors is to try to encourage larger tract development. He understands, agrees, and supports that, but nothing there or anywhere is going to happen over night. This gives us an opportunity to make a going concern out of a dilapidated site. There is some benefit to that and it serves the benefit of the applicant as well. He is hoping, by giving this first reading and perhaps Legal Counsel working out those issues, that we can come to some consensus on what the term might be. This would allow us to keep the door open when we get to that point.

Councilman Shirley Smith said this is very difficult because we are in a transition stage and trying to have a vision, yet we do not want to endanger what we can have along there. She is more concerned about the absolute no renewal than the number of years. In three to five years we hope to see an appreciable difference along North Oak. She would be much more concerned with an absolute no renewal and give them a chance to make their money back. She does not care whether it is three or five years.

Councilman Bishop stated that he sees this as a definite exception. If we approve this as an exception to where we want to go on North Oak because this does not conform to what we are hearing from the North Oak Corridor Study and what citizens want which is what troubles him

the most about it. Councilman Shirley Smith makes an excellent point. We know where we want to go on North Oak, but we are not going to get there tomorrow, and we know the Master Plan has targeted two other areas along North Oak, specifically Gladstone Plaza and the downtown section which would be recommended for top priorities. We now have an excellent Economic Development person in house who is eager to redo North Oak all at once which isn't going to happen, but three years will give us some use out of it and approve the appearance, but he does not want to get locked into it longer than that.

Councilman Bishop stated that he wanted to speak to Mr. Dougherty's comments and he sympathized with that and wanted to state on the record that he did not know anything about Mr. Dougherty's father approaching the City and wanting to purchase that parcel of land. He is looking at it for the first time in this proposal.

Mayor Newsom stated that she would not be able to vote for this proposal today, next week, or a month from now. She understands Ms. Freeman is a very astute business woman and when you buy a piece of property you take certain inherent risks with it. Along with this, when she looks at the proposal, it looks nice on a piece of paper, but is not ultimately what we want there. The 1993 Comprehensive Plan suggests a different kind of use and we are looking at over-utilization of property without the required setbacks that are needed. We are putting ten pounds of potatoes in a five pound sack. This is not the best use for this piece of property and she will not be voting for it at this time or any subsequent time.

When we are putting a special use permit out three-five-seven years, we cannot put a finite limit on it because another council is going to come behind us and overturn the decision and move on. Once something is in place, it is very hard to remove it. She knows that Ms. Freeman, being the very astute business woman, that if this piece of property is not being used in this capacity, she is creative enough to find another use or another market to expand to another business line that would be compatible in this area. She does not feel it fits the comprehensive plan for the City and will not be voting for it. It is too much for this piece of property.

Councilman Bishop stated that he agrees with everything Mayor Newsom has said. And told the Mayor that for the record, after legal counsel advises this Council on the issue, if he is not satisfied that it is going to be for three years only that he will be voting with her.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Mayor Newsom stated that the second reading will be at the next Council meeting on Monday, September 24th, 2001.

Item 12. on the Agenda. **PUBLIC HEARING:** on a request to rezone property at 6902 North Oak from CP-O and CP-2, to CP-3. Applicant/Owner: Dominic Cuccia (File #1160)

Mayor Anita Newsom opened the Public Hearing and explained the Hearing process that the applicant will make their presentation, followed by those in favor and those in opposition, and then from Staff.

Stuart Wieland, from Syetlic, Wieland, and Wernhoff, 5716 N. Broadway, stated that he was pleased to be here to represent The Better Wash Car Wash. The proposed location of the car wash for automotive beautification is 69th and North Oak, here in Gladstone. He stated that the Council's first question would probably be whether Gladstone really needs another car wash. He thinks the answer you will see by the end of the evening after Mr. Cuccia's team addresses Council, is that this is going to be a better car wash, quite simply. We have the Olympic Car Wash to the south that is mostly self-service and we have a smaller car wash to the north and you will see that this enterprise is going to be much different and obviously much more aesthetically pleasing and going to serve the needs of the community very well. Right now, most people who want a car wash and who don't want to wash the car themselves, will go down to Burlington at the simonize in North Kansas City. They don't need our dollars down there. With this proposal, this should be a win-win situation for both Gladstone and Mr. Cuccia.

He said Councilman Bishop made a perfect segway that at this point, this particular piece of property is being used as a car lot. Anyone who passes by will see that it is really not a very attractive use for the property right now. As you will see here tonight from descriptions from the teams is that it will be a very attractive location on North Oak. The nice thing about it, and Mr. Lange will tell you more about it, if for some reason it does not work out as a car wash, it can easily be converted to a business and office space.

The initial concerns of the Planning Commission have been met. There was an initial concern about a thirty-foot setback and that has been conceded essentially; there will be a thirty-foot setback. The concealment of the tunnel carwash from North Oak was a rather large concern and with the cupolas and façade on the front, that has been satisfied as well. The traffic impact, which everyone was concerned about is going to be dealt with very well by the traffic impact team and you will hear from Mr. Alan Michaels from LHE about that. The traffic impact will actually improve rather than detract on North Oak.

Mr. Wieland stated that lastly, in working with Mr. Cuccia, anyone who knows Mr. Cuccia and has eaten at his restaurant knows he is a proven commodity here in Gladstone. He is a standup business man and has been here since 1967. His restaurant has gotten rave reviews and will bring the same kind of quality-minded approach to this project that he has to his restaurant.

Mr. Wieland then introduced the project team: Mr. Alan Michaels, who will be discussing the traffic impact; Todd Polk, engineer who will be talking about the engineering that went into this project; and finally, Mr. Joe Lange, the architect who will be telling you about the physical aspects of the structure.

Mr. Alan Michaels, LHE, Lenexa, Kansas, stated that he wished to speak about the traffic impact study that has been prepared for The Better Wash Car Wash at 69th and North Oak. They were given the task of determining whether this was going to work. The analysis has been done with the best practical methods and has been reviewed and approved by the City engineering staff.

The first task in preparing this study was to look at the existing traffic on North Oak. Everyone knows there is quite a bit of traffic. Staff requested analysis to look at traffic during peak business hours on a Saturday. They felt like that traffic would be the most intense that would use this car wash or any other retail offices for businesses on North Oak. The analysis was made

during the hours of 11:00 AM and 1:00 PM on a typical Saturday. Peak hour traffic counts recorded approximately 1,100 vehicles in one direction and 1,200 in the other direction, almost a fifty-fifty split. The intersections that were looked at were 70th and North Oak and the entrance to Auto Zone which is indicated in the plan to serve as a shared entrance for Auto Zone and The Better Wash Car Wash. They have found at the intersection of 70th Street that it operated at a service level of "B" by traffic engineering terminology. There are six levels of service, A through F with A being the best and F being the worst. B is a very good level of service. The intersection of North Oak and the entry drive operated at the B level with the exception of eastbound left and right turn wanting to come out of the Auto Zone and turn left was creating quite a problem and reduced that level of service to a D. If anyone tries to turn left out onto North Oak, it does not work very well and can be somewhat dangerous. That is the criteria that we started with at that site and are looking at generating more traffic where there are potential problems.

They asked Mr. Cuccia what his anticipated maximum capacity for this facility would be at the busiest time. Mr. Cuccia indicated the facility could handle 100 cars per hour through the car wash. These figures were verified by another car wash in Kansas City with very similar characteristics to North Oak and they did get about 100 per hour. This rate translates into 100 cars in and 100 cars out with a trip count of 200. Based on this level of service, the analysis showed that the 70th & North Oak intersection is not impacted.

The concern, as expected, is the traffic at the entry drive and North Oak. Vehicles wanting to exit and turn left could not do it until later in the day. Traffic would stack up to the back of the property. The study recommended no left turn during the peak hours. There is no specific design in the report to state how that should occur. It is open for discussion with the design engineers that would actually design the entry drive as well as the City engineer to make a recommendation. They did offer some recommendations for ways to deal with that situation, one being a sign that established hours when left turns would not be allowed. Another option was dealing just with the entry drive and the installation of an entry island that would force traffic to turn right and not allow a left turn at any time of day or week. Staff was asked to investigate if vehicles forced to turn right in non-peak times would either go around the island if there was no traffic on North Oak or they may go down to the next intersection and make a U-turn which would leave you either adding a sign prohibiting U-turns or making sure it is safe for vehicles to do so. That safety issue was not included in their analysis, but he would advise from an engineering standpoint that it be looked into.

The other issue that was looked at was that vehicles could turn left into the entry but would require a channelized left turn lane that would pull them out of the through traffic. They did not feel it was safe for a vehicle wanting to turn left with traffic on North Oak at those speeds. Based on the general accepted criteria established, we made a recommendation in the study for a left turn lane for a given length and given taper which is in the site plan before you tonight.

The last recommendation deals with the same issue, but for a right turn lane for southbound traffic turning right into the property. There are some geometric constraints associated with this particular entry drive. Specifically, the intersection of 70th & North Oak. With this type of turning volume, we would typically be looking at some sort of right turn deceleration lane that would pull vehicles out of the traffic to provide a safer, more effective right turn movement for vehicles entering the site. The concerns were people slowing down for the turn as they passed

through the intersection and creating problems for other vehicles as the light changes, and cars coming through and misuse there. They discussed with staff and offered an alternate solution in the study that basically dealt with an increased tapered radius that would allow the southbound right-turning vehicles to exit North Oak a little bit faster with the right turn lane. The design was not presented in the study but is incorporated into the site plan before you tonight.

Mr. Michaels stated he would be happy to answer any questions and has basically presented a general outline of the study. This has been a rather hot item of discussion at the Planning Commission meeting as the minutes reflect. He feels that questions were answered at the Planning Commission meeting in such a way that they received unanimous approval. The concerns that were raised at the last meeting dealt with traffic potentially stacking and stacking out of the site, but they do not anticipate this to happen. He would be very happy for Dominic if this were to happen, but it is not anticipated. It should operate just fine with the amount of stacking provided on site. It does meet the required codes and should operate and function just fine. They found that with their analysis, the addition of the channelized left-turn lane and prohibiting left turn out of the site and adding the right taper, we actually improve the overall level of service at the intersection. We feel comfortable in making the recommendation and approve this with the recommendations contained in the study.

Mayor Newsom asked about the southbound traffic entering the taper, her concern is the line of site and not enough of a rise or hump in the road that would eliminate a higher rate of speed where someone coming down to make a right turn into the car wash may get tail-ended by not seeing them.

Mr. Michaels stated he understood and it was not an issue that was raised with staff to investigate and therefore was not included in the study and he is not sure what the site distance is overall. It is far enough away from where they are making the taper, just from a visual, that it would meet the current criteria for stopping and deceleration site distances required to make that turn, more so than if they were doing it closer to the intersection to get into a turn lane. He does not have the exact numbers on the distances but knows it is within the ASHTA requirements.

Councilman Shirley Smith pointed out that during the presentation to the Planning Commission it was stated that there were no left turn signals on North Oak. There are left turn signals at Englewood, Shady Lane, 70th, 72nd, and 76th Street. She pointed out it is safe to drive here.

Ms. Smith said traffic was one of two things she was concerned about and has given this a lot of thought. She too, was one who would go down to North Kansas City to the car wash and wait for blocks to get in. The stacking situation does not occur that many times a year. When there is snow, salt, and mud, everyone wants to get their cars washed as soon as the sun comes out. It is not a constant problem. Secondly, people accept the fact that we sometimes have to wait when buying gas or going to the car wash. Lastly, it appears this will be a pretty pricey car wash, not meant for those on fixed incomes. The targeted market is not for volume of cars. For those reasons, she minimizes the traffic problems with those arguments. Ms. Smith also stated that she does not feel there will be a problem with stacking and speeding traffic as people drive along North Oak and turn into the car wash.

Mr. Michaels thanked Councilman Shirley Smith for the correction.

Todd Polk, Phoenix Engineering, Box 4015, Blue Springs, Missouri, stated that his task was to work with the boundary lines. His concern is getting traffic on site and getting them through the car wash during peak times. There are 32 stacking spaces for cars waiting for the car wash and 8 inside the tunnel which brings the total to 40 cars which easily handles the 100 per hour estimated volume.

One item brought up during the Planning Commission meeting was the stormwater and how that would be handled. The preliminary stormwater study shows the current site being used as a car lot and is 70% asphalt with no detention. The plan is to reduce the flow coming off the site by 65% by use of an oversized inlet in this area that will act as an underground detention basin so they can reduce that flow onto the neighboring property and North Oak. There will be no adverse affect on neighboring properties regarding water issues.

One of the aesthetic portions of the site is the tiered modular wall system, basically five-foot walls with four-foot setbacks for landscaping. It will still be a tall wall, but will have some aesthetic features incorporated in a corner with a curved wall as it tapers to the north. There will be one modular retaining wall on the north side, but will be pleasing to look at.

There will be eight vacuum stations at this facility located at the end of the car wash which will not be visible from North Oak.

Another concern from the Planning Commission was what would happen if this business ceased to be a car wash. An alternate parking plan was designed for an alternate use. With minor conversions of the parking lot, there would be spaces added and modification to the wall to allow for parking to meet City requirements if the use changed to retail or office space. What is now the facade for the vacuum stations, the vacuums could be removed and become carport parking as well. Mr. Polk then asked if there were questions.

Councilman Les Smith asked Mr. Wingerson if he could confirm that there would be adequate parking spaces for alternate retail use. Mr. Wingerson replied yes.

Councilman Les Smith confirmed that it did include the realignment of the wall and parking on the south. Mr. Wingerson stated that yes, the gross square footage, one per thousand would comply with current ordinances.

Joe Lange, Design Development Group, stated that over the years they have done about six car washes and car washes always seem to receive a lot of bad press. In Indianapolis, their research showed that they have 82 car washes in the City and many are quite beautiful in and around churches and schools. Their firm did all the work at Travel Clean in North Kansas City and the Quick Lube is probably one of the most beautiful he has ever seen and quite unique with oak and marble floors.

The biggest problem with car washes is egress and car stacking. The best pieces of property were the long narrow properties and the reason is the car stacking. As Councilman Shirley Smith stated, the worst times with stacking are very few.

When they started to design the project, the primary concern of the City was that there be no vacuums seen from North Oak. After going over this a few times, they designed a carriage-

house type of design on the front or a false façade which is a three-sided building that is open to the back.

The first structure you see from the street is the three-sided carriage-house structure. It was designed that way in case the car wash did not make it and could be converted into a retail office building. Along with the way the tunnel has been designed with the windows and sliding glass doors, it could easily be turned into a retail or office facility. The building has a lot of glass block and masonry walls, metal standing seam roofs and lots of glass because it is important when people go through a tunnel car wash to have the glass as in the North Kansas City car wash. The north side will have a lot more landscaping because that is where cars will be stacked and we will do some of the green areas. They tried to meet all the requirements in materials in that all the materials are either glass, block, aluminum; it must be anything that does not rust. It is a wonderful facility that will last a long time. He stated he would answer any questions.

Councilman Shirley Smith commented that appearance was one of the issues important to her. Businesses come in and try to build on these little parcels and the presentations here show what we are trying to accomplish and you all have done an outstanding job. It looks like a very pleasing business and she has no problem with it.

Mr. Lange replied that they had done a car wash in Lee's Summit and a council member stated that there were no car washes there, but they must think about the twenty gas stations with car washes and yes, they are car washes. Mr. Lange stated that one thing that is important in car washes is that they should be landscaped to the tee and that is what they try to do. The sculptured wall and the way the site sits with the elevation, the tiered walls will add great interest. As he said before, if you go to Indianapolis, the car washes are beautiful and can look as good as a school or church and that is what they try to do.

Mayor Newsom asked about the "block". She stated that she has been a school teacher who knows about lots and lots of cinder blocks and does not want to see those on the outside of anything in town.

Mr. Lange stated that they are sculptured blocks, a shadow, keystone block. The blocks can be a number of different designs but it is not a flat block like a cinder block. There may be a flat block on the very back of the property where no one will see it, like most commercial shopping centers do. The front will definitely be a sculpture block.

Mayor Newsom stated that a few years ago, they got hood-winked with "painted blocks" and she refuses to go there again.

Mr. Stuart Wieland concluded by saying what a great job Dominic Cuccia has done in assembling this team of excellent professionals that have put this idea on paper and he would respectfully request Council's approval of this project tonight.

No one wished to speak in favor or opposition of the proposal and Mayor Newsom closed the public hearing. .

Item 12a. on the Agenda. **FIRST READING BILL 01-33**, rezoning property at 6902 N Oak from CP-O, Non-retail District-Planned and CP-2, General Business District-Planned, to CP-3, Commercial District-Planned. Applicant/Owner: Dominic Cuccia (File #1160)

Councilman Dan Bishop moved to place Bill 01-33 on First Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-33, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 01-33 and enact the Bill as **Ordinance 3.802**; Councilman Les Smith seconded.

Mayor Newsom stated that for the record she is always reluctant to go to C-3 zoning. The way it is configured as we will discuss in the site plan indicates the owner has done a very good job with the land and addressing the needs that have been presented before them.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12b. on the Agenda. **FIRST READING BILL 01-34**, approving a Site Plan in conjunction with a rezoning of property at 6902 N Oak Trafficway. Applicant/Owner: Dominic Cuccia (File #1160)

Councilman Les Smith moved to place Bill 01-34 on First Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-34, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Dan Bishop seconded.

Discussion.

Councilman Dan Bishop stated that when the applicant brought the proposal forward, it was an uphill proposition. It had a difficult intersection, a difficult lot, and he had a lot of doubt about this. They have risen to the challenge and heard the concerns of the Planning Commissioners and put together a sharp team of professionals and outstanding legal counsel in Mr. Wieland and he is proud to be able to vote for this tonight.

Councilman Smith stated he agrees with almost everything Mr. Bishop said and stated that this is how the process works with the Planning Commission and through staff and it has proven to be an outstanding project.

Mayor Newsom stated that the era of car washes being a metal building with two center poles is gone. Hopefully, this will mitigate that and put them in a car care facility and she looks forward to the success of this property. She also wanted to re-emphasize the point that we work on the shared access with the adjoining property owner and wishes the property could be accessed or linked up to the stop light at some point in time so that people that need to go north can move up to the stop light and find a way to do that.

Councilman Cross stated that Mr. Wingerson had a great deal to do with perfecting this project and it looking the way it does through his persistence.

Mayor Newsom stated that she agrees that persistent is the word for Mr. Wingerson.

City Manager Davis stated that Mr. Wingerson did a great job on this from the staff perspective and he has done a lot of studying and put in a lot of time on this project and he is happy Council recognizes Scott's efforts.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-34 and enact the Bill as **Ordinance 3.803**; Councilman Dan Bishop seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom called a 15 minute recess prior to consideration of Agenda Item 13.

Item 13. on the Agenda. **PUBLIC HEARING:** on setting the annual rate of levy for the 2001 Real Estate and Personal Property Taxes within the corporate limits of the city of Gladstone, Missouri at \$.57/\$100 valuation.

Mayor Newsom opened the Public Hearing and explained the hearing process.

City Manager Kirk Davis advised the City's assessed valuation is \$301,139,969 which includes about \$7 million in new construction personal growth and represents about a 3.22% increase. As a result, the maximum tax rate permitted for FY '02 is \$.57/\$100 valuation which is no surprise and is consistent with prior years. From a budgetary standpoint, if you apply that \$.57 tax rate to the \$301 million dollar assessed property figure, it calculates with our collection rates to about \$1,716,000. Mr. Davis noted the Director of Finance was very close, with our budget projection being only \$6,000 off of the \$301 million dollar assessment.

City Manager Davis noted the proposed Bill sets the 2001 tax levy at \$.57 per \$100.00 valuation and invited questions on the proposed levy. There were no further comments or persons desiring to speak in favor or against this proposal, and Mayor Anita Newsom closed the Public Hearing.

Item 13a. on the Agenda. **FIRST READING BILL 01-35,** setting the annual rate of levy for the 2001 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.57/\$100 valuation.

Councilman Shirley Smith moved to place Bill 01-35 on First Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the First Reading of Bill 01-35. Waive the Rule; and place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the Second and Final Reading of Bill 01-35, and enact the Bill as **Ordinance No. 3.804**.

Final Discussion.

Councilman Bishop noted that typically staff has attached a chart showing a comparison of our levy rate with other municipalities. Director Sweiven said he did have the comparison chart available and will distribute it to Council. At \$.57 cents, Gladstone is second lowest on the chart, however Raytown at \$.47 cents does not include their fire district which, when added, would make us the lowest. Mr. Bishop said when you think about the level of service that the City is consistently able to provide here in Gladstone with such a low property tax rate, it is amazing and should be pointed out that the citizens are getting a lot for their tax dollars.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 14. on the Agenda. FIRST READING BILL 01-36, approving the Final Plat of "**Northaven Village Condominium Fourth Plat**", generally located at 6806-6836 N. Olive, and directing the appropriate officials to affix their signatures to the plat for recording. Applicant/Owner: Northaven Village Condominiums, L.L.C. (File #1163)

Councilman Bill Cross moved to place Bill 01-36 on First Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 01-36. Waive the Rule; and place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 01-36, and enact the Bill as **Ordinance No. 3.805**. Councilman Dan Bishop seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 15. on the Agenda. **FIRST READING BILL 01-37**, an ordinance establishing the position of City Financial Advisor for the City of Gladstone, Missouri.

Councilman Dan Bishop moved to place Bill 01-37 on First Reading; Councilman Les Smith seconded.

Discussion.

Councilman Bishop suggested that we give one reading only and take no further action tonight because the more he looked at the bill this afternoon, the more questions he has. Mr. Bishop said he personally needs more time to understand this bill. The name of the position being established, City Financial Advisor, seems ill conceived because everyone at the Council table knows we have a City Financial Advisor in Mr. Greg Bricker, George K. Baum and Associates, who is introduced as such every time he addresses the Council. Mr. Bishop said so he is at least troubled by that position name, although the City Manager has informed him that Mr. Bricker will still maintain his responsibilities. Mr. Bricker was unaware of this position that is called for in Bill 01-37 and he thinks that from everything Council has been told, Mr. Bricker has done a fine job and he wants to understand more how this position would mesh with the job already being done by Mr. Bricker. There is a provision for compensating this new position from time to time and he does not know exactly what that would look like. And if in fact no compensation is to be given and it is free, he does not know why we need a new classification to get free advice because he thinks there are any number of people who are available to give free advice and oftentimes you get what you pay for. Councilman Bishop said he would be in favor of approving the first reading, but suggests going no further action on this Bill tonight.

Councilman Les Smith said for the record, he supports this bill 110% and most likely will continue to do so, but in deference to Mr. Bishop who was out of the city and only viewed this proposed bill for the first time today, he would concur with giving it only one reading tonight.

Councilman Shirley Smith said we have had several positions open for quite a while such as the City Counselor and Human Resources positions, and she just thinks this is a little quick to suddenly bring this out of nowhere and vote on it tonight and have it done, she would like to do a little more studying on it herself.

Mayor Newsom said like Councilman Les Smith, she also is 110% in favor of establishing the position and having this kind of independent individual to help with financial guidance of the City and basically opinions. And yes we all know that we can take opinions and either use them or ignore them, but she thinks the duties outlined in this job present some sizable responsibility to the City and provide some guidance and judgment that sometimes paid financial advisors don't always come forth with. She is definitely in favor of this, but would also agree to give only one reading in deference to Councilman Bishop who had been out of the city.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Item 16. on the Agenda. **OTHER BUSINESS**

Item 16. on the Agenda. OTHER BUSINESS

FIRST READING BILL 01-38, an ordinance providing for the assessment of an additional court cost by the Gladstone Municipal Court for the Crime Victims Compensation Fund pursuant to Section 595.045 of the Revised Statutes of Missouri.

City Counselor David Ramsay noted this was a late addition to the Agenda which was not included in Council's packets. It was brought to his attention that the State Statute which provides for the Municipal Court's collection of court costs in every case for the Crime Victim's Compensation Fund, which is a State Fund, has been amended to provide for an increase in the court cost from \$5.00 per case to \$7.50 per case. Staff has presented for Council consideration an ordinance which increases the fee and authorizes the Gladstone Municipal Court to collect \$7.50 per case for the Crime Victims Compensation Fund. The City retains \$.37 cents of the \$7.50 for administrative costs and the balance is paid into the State's special fund for compensating crime victims who have no other means of recouping their financial loss and medical expenses.

Mayor Newsom asked if we also presently remit \$2.00 in court costs to Synergy Services. Counselor Ramsay said that is correct and clarified that those funds are authorized by a separate ordinance.

Counselor David Ramsay advised that the State's increase in the court cost for the Crime Victims Compensation Fund actually becomes effective Tuesday, August 28, 2001 which is also the effective date we have shown in our ordinance. There is a Municipal Court session this coming Saturday, so it was felt that we should get the increase on the books as soon as possible. Mayor Newsom thanked the City Counselor for bringing this matter to the City Council's attention.

Councilman Les Smith moved to place Bill 01-38 on First Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-38, Waive the Rule; and place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-38, and enact the Bill as **Ordinance No. 3.806** Councilman Bill Cross seconded. Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

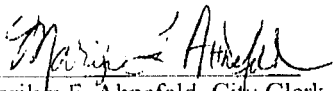
Item 17. on the Agenda. Questions from the News Media. None.

There being no further business to come before the August 27, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

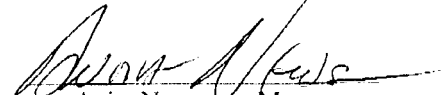
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Councilman Dan Bishop moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communications & Litigation, and 610.021(3) for Personnel Discussion as posted. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 24, 2001**

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. **Presentation of the Colors and Pledge of Allegiance:** Gladstone Department of Public Safety, assisted by a member of Scout Troop 270, Holy Cross Lutheran Church.
4. **Approval of Regular August 27, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** saluting the heroic efforts of all agencies and volunteers responding to the recent national tragedies in New York, Washington and Pennsylvania.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-64, authorizing the City Manager to accept a Bill of Sale conveying to the City a sanitary sewer line and water line built in conjunction with construction of Steak 'n Shake at 4929 Old Pike Road. (Improvements constructed entirely at developer's expense.)

RESOLUTION NO. R-01-65, authorizing the City Manager to accept the proposal of Independent Salt Company in the amount of \$26.70/ton (7 day delivery) for purchase of snow removal salt on an as needed basis for the 2001-02 season.

APPROVAL OF FINANCIAL REPORTS for the month of August, 2001.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
 - a. Public Announcement of a proposed benefit level upgrade in the Local Government Employees Retirement System. (LAGERS) to become effective January 1, 2002.

9. **APPROVAL OF BUILDING PERMIT** for 414 sq. ft. canopy addition for Hy-Vee Pharmacy, 7117 N Prospect. Applicant: Weitz Construction, Inc. (BP #01-0620)
10. **SECOND READING BILL 01-31**, approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc., subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158) (**Note: Applicant requests that City Council table the second reading to the October 8, 2001 City Council Meeting.**)
11. **FIRST READING BILL 01-39**, amending Ordinance No. 2.978 restricting certain vision reducing materials for motor vehicle windows pursuant to Section 307.173 of the Revised Statutes of Missouri.
12. **FIRST READING BILL 01-40**, amending Chapter 18, Section 300.367A of the Gladstone City Traffic Code to prohibit the driving of a motor vehicle by a person having a blood alcohol content of eight-hundredths of one percent in such person's blood pursuant to Section 577.012 of the Revised Statutes of Missouri.
13. **SECOND READING BILL 01-37**, an ordinance establishing the position of City Financial Advisor 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, SEPTEMBER 24, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Anita Newsom welcomed the Gladstone Department of Public Safety and members of Scout Troop 270, sponsored by Holy Cross Lutheran Church, who will present the color guard and lead the Pledge of Allegiance.

Mayor Newsom asked everyone to join her before the Pledge of Allegiance in a moment of silent reflection upon the events that have taken place in our country in the last two weeks and the people who have been involved in those tragedies.

Public Safety Officer Chris Hayes and Fire Inspector Chuck Duddy and members of Scout Troop 270 presented the color guard and lead the Pledge of Allegiance in which all joined.

Mayor Newsom asked everyone to remain standing for a special musical presentation. She said it behooves us sometimes to take pause and look at our blessings and what we do have here in Gladstone and to be thankful for the men and women who serve our City and our country. She introduced Mr. Jerry Delgado, whom she has worked with and will honor us this evening. Mr. Delgado read a poem, then sang "God Bless America.", then the Council and audience joined in the second stanza.

Mayor Newsom added "God Bless America and Gladstone", then thanked Mr. Delgado.

Item 4. on the Agenda. APPROVAL OF AUGUST 27, 2001 MINUTES

Mayor Pro Tem Bill Cross moved to approve the **Regular August 27, 2001 City Council Meeting Minutes** as submitted. Councilman Dan Bishop seconded the motion. The vote: All

"Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PROCLAMATION

Mayor Newsom said she would read a proclamation, not a Mayoral proclamation, but a proclamation of the entire City Council. This proclamation, signed by the entire City Council salutes the heroic efforts of all agencies and volunteers responding to the recent national tragedies in New York City, Washington, D.C. and Pennsylvania.

Mayor Newsom presented the Proclamation to Public Safety Director Bill Adamo and Fire Division Chief Doug Scheffner who accepted the Proclamation on behalf of their fellow officers and firefighters in New York City, Washington, D.C. and Pennsylvania.

Mayor Newsom stated that she appreciates the work that Public Safety does and this is only a small token in honor of our compatriots in public service and the work that these professionals do.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Les Smith moved to approve the Consent Agenda as read; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-64**, authorizing the City Manager to accept a Bill of Sale conveying to the City a sanitary sewer line and water line built in conjunction with construction of Steak 'n Shake at 4929 Old Pike Road. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-65**, authorizing the City Manager to accept the proposal of Independent Salt Company in the amount of \$26.70/ton (7 day delivery) for purchase of snow removal salt on an as needed basis for the 2001-02 season. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **FINANCIAL REPORTS** for the month of August, 2001. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Art Hammen, 7171 N. Norton Avenue, stated that he was here tonight to represent Gladstone Neighbors Helping Neighbors. He wanted to bring the Council up-to-date on the weatherization program and advised that both phase one and two are complete with a total of 22 homeowners receiving help as a result of this program.

Phase one included the re-insulation of attics which is the primary source of heat loss and heat gain. Phase two included caulking, weather stripping, water heater insulation blankets, and other items to assist in reducing energy consumption. Volunteers also installed a number of smoke detectors which were supplied by the Gladstone Public Safety Department.

By using the City's initial \$5,000 grant, other grants and their own resources, Gladstone Neighbors Helping Neighbors provided approximately \$15,000 in weatherization to Gladstone residents. This will provide long-term relief from high energy bills and benefits for years to come. You as a Council and members of the City staff and citizens of Gladstone should feel very proud of what we have accomplished together.

In addition to the weatherization program and the regular projects, there is a third area of assistance. It is Kansas City's Northland Neighborhoods who have graciously made available some of their federal home loan bank grant money for our programs. Twenty Gladstone residents have received home improvement loans, totally nearly \$67,000. Some examples of the work that has been completed include plumbing repairs, heating and cooling upgrades, roof repairs, door and window replacement, new siding, foundation repairs, and other significant home improvements. All of this has been accomplished at absolutely no cost to our Gladstone homeowners. For each grant approved, Gladstone Neighbors Helping Neighbors has paid a \$200 administrative fee. To put this into perspective, for every \$1 we spend, Gladstone residents receive \$16.64 in home repairs and improvements.

Currently Neighbors Helping Neighbors resources are low and they are working hard to replenish them from a number of sources. This winter they would like to be proactive, rather than reactive to high energy bills. To do this, they will be submitting a request to the Council in the next couple of weeks for a weatherization, home improvement grant in the amount of \$7,500. As you consider this request, please remember how Gladstone Neighbors Helping Neighbors used the initial grant judiciously for the benefit of those Gladstone residents with the greatest need and who are least able to help themselves. Mr. Hammen stated that he would answer any questions from Council.

Councilman Les Smith asked Mr. Hammen to pass along to the Board that without them none of this would have happened and it is not just about money, but lots of hard work. He has a lot of respect for Mr. Hammen and his group.

Mayor Newsom advised Mr. Hammen that it is encouraging to hear his news even though he is asking for money.

Brad Robertson, who owns property at 7007 N. Baltimore, stated that one year ago he had this property for sale and was surprised that a prospective buyer told his realtor that the City of Gladstone had a warrant for his arrest because there is a retaining wall in front of the property that needs repair. He immediately called the City, talked to Scott Wingerson who said there was a retaining wall that needed repair, it was his wall and that he needed to fix it.

Mr. Robertson said he would need proof that it was his wall. They discussed it, and Mr. Robertson said he was sent an engineering drawing which did not prove whose wall it was and the next thing he got was another summons to appear in Court.

After going to court through the City of Gladstone and being fined \$2,000 on this, he appealed it to the Appellate Court and the City did not have enough evidence to convict him in Appellate Court. His question is whether the City of Gladstone intends to fix the wall.

Mayor Newsom stated it is her understanding there is still research being done to prove actual ownership of the wall and asked Assistant City Manager Gay and City Counselor Ramsay to correct her if she is mistaken.

City Counselor David Ramsay stated that they are expecting a survey from Aylett Survey Company. Mr. Wingerson is not in the office week, but he anticipates receiving the survey and being able to evaluate it when he returns. We should have a determination within the next week or ten days.

Mayor Newsom said it is her understanding that there will be a determination and finding of fact within the next week to ten days and at the conclusion of that period, there will be a plan for resolution of the situation.

Mr. Robertson asked if it is then proven that it is his wall, should he expect another summons to appear in court or how will that be handled. He said it has been difficult getting in touch with Mr. Wingerson and the City Manager and when he did speak with the City Manager the phone conversation was terminated so he would like some forewarning on how this will be handled.

Mayor Newsom stated that it is her understanding that if it is indeed the City's property and the City's responsibility, they will make plans to take care of the repair as soon as feasible. She believes that if it is found to be Mr. Robertson's property, we would expect expedient resolution in the same fashion. The Mayor told Mr. Robertson that is probably not an answer that makes either one of us happy but that is where we are right now.

Councilman Les Smith asked Mr. Robertson if we find that the wall is on the City's right-of-way and are we are willing to repair it, is he going to repair it if it is found to be his property.

Mr. Robertson said that has always been the question and the only thing that he ever asked was to prove it was on his property. Instead, he is out time, energy, lawyers fees, just to try to prove to the courts that the City did not have enough evidence to prove it was his to begin with. So he is already out a sizeable amount of money and time because the City did not carry through with what they should have before we even went to court.

Councilman Les Smith said he understands that the City is having the survey done at the City's expense and there are no pins so they have to go all the way from 72nd Street and so it will be a fairly expensive proposition and it just seems fair that resolution to this will be that whoever the wall belongs to fixes it and we are willing to do it if it is the City's.

Mr. Robertson stated that the wall does not benefit his property at all. The only reason the wall was put there to begin with was to put the road in. There was a slope there and the wall was cut through to put the road in just as you do on Old Pike Road to widen it and the City built walls there so they could widen the road. He asks where this will end. Is it OK down here for Home Depot, but we are not going to take care of our own infrastructure here in Gladstone for ailing properties that are over 30 years old. Is that what we have come to expect and should expect.

Councilman Les Smith responded that what he (Mr. Robertson) should expect is that if the wall is ours we will fix it, and we are going to expect that if the wall is yours, you will fix it. That is his opinion and he is one of five Councilman.

Mr. Robertson asked if the City won't give consideration that the wall was put there for the City of Gladstone for the road itself.

Councilman Smith stated that if the question is asked of him, no.

Mayor Newsom advised Mr. Robertson that he should be hearing from the City in the next couple of weeks.

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

Councilman Les Smith said there have been many things said and done relating to the events of September 11th and he wanted to share a personal story and is really proud of a good friend of his.

A Kansas City firefighter by the name of Tim Corrado who was one of the Kansas City six who is a member of FEMA and been at Ground Zero for the last ten days. Tim just got back Friday and he was amazed when he got back in town because they were shielded from all the news accounts and how people were responding to their efforts. To him they were just there doing their job. There were a lot of folks like Tim Corrado, fairly young, recently married, with a six-month old baby at home. He was up there for ten days, would have stayed longer if they would let him. By his accounts they were working 12 and 18 hours a day and didn't touch the surface of how much they were working. He wanted to go back and has asked to go back and that is very commendable especially at the possible expense of his young family. He is the same gentleman who was lowered 600 feet on a cable when the smoke tower at KCPL had their explosion. He was lowered 600 feet on the same cable that broke, stranding other workers in the smoke stack. Mr. Smith said this guy is a hero in my books. We look at athletes, movie stars and musicians. Those folks are **idols**, but these folks are the **real heroes**.

Councilman Les Smith asked for research on the possibility of putting Building Permit Approvals on the Consent Agenda. By the time permits come to the City Council Agenda all concerns should have been addressed, so he suggests that perhaps they can be put on the Consent Agenda and approved in that manner.

Councilman Shirley Smith stated that she wanted to discuss the tragedy of recent events. The entertainment industry has been in a quandary as to when to start operating "normally". That is the Jay Lenos and David Lettermans have questioned when they should start being funny again. She does not think it is time yet, we are not to that point yet. However, we have a great thing coming up next week and that is Gladfest. This is the time when all Gladstone people come together and we have lots of wonderful things happening: the parade, the contests, food, booths and all the wonderful things. This would really be a good time to come together and enjoy ourselves and be glad we live in a great little city.

Councilman Dan Bishop had no communications at this time.

Mayor Pro Tem Bill Cross said he has just returned from the New York area and Vermont today where they were right in the middle of the national tragedy and there were many instances such as what Councilman Les Smith reported where there has been a fantastic response to help from across the country.

Mayor Anita Newsom stated that she wanted to speak of Gladfest as well coming up the 5th, 6th, and 7th of October. It is a good community festival as Councilman Smith said, it is a good time to draw together as a community and celebrate the good things we have here. We need to be cognizant of the things that can change very, very quickly and be glad that we have what we have.

The final copy of the 2002 Budget Book was in this week's packet. She remembers twelve years ago when she came on the Council, the budget book had a lot of good information in it, but was a stack of papers stapled together and once in a while we got a binder on it. Over the years the presentation of the budget, its completeness and detail has grown and grown and she must commend Mr. Sweiven and his staff on the budget document. It is quite a hefty document and the budget is our guide on how we do business and plan of work. We take the citizens' money and try to do a prudent job of spending it. This and the Council goals are our guide on how we do business and she appreciates it.

Mayor Newsom also commended the Public Safety Officers tonight and Mr. McClure from Community Development on the very professional and well prepared presentations this evening. It speaks well of everything.

Ms. Newsom stated that we cannot say too much about our American heroes who we know are always there, but that have certainly stepped forward. She heard a quote over the weekend that says, "It is not bricks and mortar that make up America, it might be symbols of some of the things we stand for, but what we stand for in this country are the people, the spirit of our country are the people of our country." That has been proven time and time again over the last two weeks.

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

Assistant City Manager Laura Gay stated that she too wanted to remind everyone about Gladfest on October 5th, 6th, and 7th. As in previous years, City Hall will be closed to the public on Friday, October 5th beginning at Noon, but employees will be in the office. This notice will also be posted on the cable channel and on the front door.

Item 8a. on the Agenda. **LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM UPGRADE ANNOUNCEMENT** for the Public Announcement of a proposed benefit level upgrade in the Local Government Employees Retirement System (LAGERS) to become effective January 1, 2002.

Ms. Gay stated that the proposed benefit level upgrade in the Local Government Employees Retirement System (LAGERS) was included in the annual budget process. The Council approved increasing the benefit level from LT5-65 to LT8-65 level with the change to take effect on January 1, 2002. Typically we have relied on the budget public hearing as the official public notice. LAGERS requires actuarial reports to have a notice 45-days prior to the formal action by the Council. Since this plan is not effective until January 1, 2002, we did want to make that announcement publicly this evening. The report is available in the City Manager's office if anyone wants to see that. We will bring the ordinance forward to the November 12th Council meeting.

Item 9. on the Agenda. **APPROVAL OF BUILDING PERMIT** for 414 sq. ft. canopy addition for Hy-Vee Pharmacy, 7117 N Prospect. Applicant: Weitz Construction, Inc.

Councilman Dan Bishop moved to approve the Building Permit as submitted. Councilman Bill Cross seconded.

Mayor Newsom stated that she was delighted that the addition was going to the flow with the existing building and not look like an add-on.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. **SECOND READING BILL 01-31**, approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc., subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158) (Applicant requests that City Council table the second reading to the October 8, 2001 City Council Meeting.)

Mayor Pro Tem Bill Cross moved to table the second reading until the October 8th City Council meeting. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11 on the Agenda. **FIRST READING BILL 01-39**, amending Ordinance No. 2.978 restricting certain vision reducing materials for motor vehicle windows pursuant to Section 307.173 of the Revised Statutes of Missouri.

Councilman Les Smith moved to place Bill 01-39 on First Reading; Councilman Bill Cross seconded.

Discussion.

Mayor Newsom asked if this ordinance brings everything in line with Missouri's new laws.

City Counselor David Ramsay stated yes, it allows for the front side windows to have the same tinting as has been allowed on the rear and rear side windows. 33-35% light transmission is what is the standard as part of the State Statute.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-39, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-39 and enact the Bill as **Ordinance 3.807**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. FIRST READING BILL 01-40. amending Chapter 18, Section 300.367A of the Gladstone City Traffic Code to prohibit the driving of a motor vehicle by a person having a blood alcohol content of eight-hundredths of one percent in such person's blood pursuant to Section 577.012 of the Revised Statutes of Missouri.

Councilman Dan Bishop moved to place Bill 01-40 on First Reading; Councilman Bill Cross seconded.

Discussion.

Mayor Newsom asked if this change also brings us in line with State Statutes. City Counselor Ramsay said it does.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-40, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 01-40 and enact the Bill as **Ordinance 3.808**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 13. on the Agenda. **SECOND READING BILL 01-37**, an ordinance establishing the position of City Financial Advisor for the City of Gladstone, Missouri.

Councilman Les Smith moved to table Bill 01-37 indefinitely. Councilman Dan Bishop seconded. The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 14. on the Agenda. **OTHER BUSINESS**

There was no other business to come before the Council.

Item 15. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA**


Kelli Houx, Gladstone Sun-News, asked why Item 13 was tabled.

Councilman Les Smith stated that his intent to table Item 13 was because they will be having a goal-setting session in October. Rather than coming to the Council quickly as an agenda item, it will provide an opportunity to discuss it at the goal-setting session.

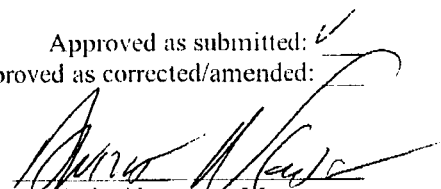
There being no further business to come before the September 24, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Meeting.

* * * * *

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 8, 2001**

OPEN STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemptions 610.021(1) Privileged Communications and Litigation Discussion.

A G E N D A

1. **Meeting Called to Order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of Regular September 24, 2001 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating October 9, 2001 as **RACE EQUALITY DAY** in Gladstone, Missouri. Sponsor: National League of Cities
- 4b. **PROCLAMATION** designating October 2001 as **NATIONAL BREAST CANCER AWARENESS MONTH** in Gladstone, Missouri. Sponsor: The United States Conference of Mayors.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-66, authorizing the City Manager to accept the proposal of Tricon Construction Company in the amount of \$34,876. from the Transportation Sales Tax Fund for the 2001 Arterial Sidewalk Program. (Project 0111)

RESOLUTION NO. R-01-67, authorizing the City Manager to accept Quit Claim Deeds transferring ownership of rights-of-way, including streets and storm drainage structures in the Claymont Pointe Subdivision for City maintenance.

RESOLUTION NO. R-01-68, authorizing the City Manager to accept the proposal of Smeal Apparatus Company in the amount of \$547,587 with funding authorized from the Fire Protection Sales Tax Fund for the purchase of (1) 2002 Model 105 ft. Aerial Ladder Fire Pumper. (Includes \$31,000 trade-in for 1973 Sutphen and 1986 Grummen trucks).

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 16,597 sq. ft. tenant finish for Par Electric at 4700 N Belleview. Applicant: Luke Drailey Construction. BP#01-0684
10. **SECOND READING BILL 01-31**, approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc. subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158)
11. **PUBLIC HEARING:** on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

AUDIENCE NOTE: This public hearing will be opened and immediately continued to the Monday, October 22, 2001 City Council Meeting at the request of City Staff.

12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 8, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Anita Newsom welcomed Tim Lukasiewicz from Scout Troop 271 at Gashland United Methodist Church who led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. APPROVAL OF SEPTEMBER 24, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular September 24, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PROCLAMATION

Mayor Anita Newsom read a proclamation designating October 9, 2001 as **RACE EQUALITY DAY** in Gladstone, Missouri. The proclamation will be forwarded to the Northland Diversity Council.

Item 4b. on the Agenda. PROCLAMATION

Mayor Newsom read a proclamation designating October 2001 as **NATIONAL BREAST CANCER AWARENESS MONTH** in Gladstone, Missouri. Mayor Newsom asked that this proclamation be posted for all employees to see. This is something that strikes closer to home than she thinks any one of us wants to recognize or even think about. It is better to find out and know what the lump or irregularity is than to worry about it later down the line and find out it is something deadly. Both male and females need to be aware of this, especially females need to take heed.

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

Following the Clerk's reading, Councilman Les Smith moved to approve the Consent Agenda as read; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-66**, authorizing the City Manager to accept the proposal of Tricon Construction Company in the amount of \$34,876. from the Transportation Sales Tax Fund for the 2001 Arterial Sidewalk Program. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-67**, authorizing the City Manager to accept Quit Claim Deeds transferring ownership of rights-of-way, including streets and storm drainage structures in the Claymont Pointe Subdivision for City maintenance. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-68**, authorizing the City Manager to accept the proposal of Smeal Apparatus Company in the amount of \$547,587 from the Fire Protection Sales Tax Fund for the purchase of one 2002 Model 105 ft. Aerial Ladder Fire Pumper. (Includes \$41,000 trade-in for 1973 Sutphen and 1986 Grummen trucks). Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Rita Gauer, 112 The Woodlands, stated that her neighbor, Marjorie Rhone has just given the City Clerk a signed petition of 86 in number, and Ann Donahue is distributing pictures of the problem. As Woodland residents we are here tonight to present a petition request that Gladstone establish the junction of Brooktree and Kendallwood as a four-way stop.

They have made several requests to management and staff in our city with no positive results. Each request was met with a response that two studies have been done and it was determined due to federal and state guidelines that a four-way stop is not feasible at that intersection because it would interfere with the flow of traffic. Another response was that an independent study would be done, which means an expenditure of public dollars. They had one verbal response that if a four-way intersection was put in, drivers might not stop anyway. Safety for aging residents exiting the area and children boarding and exiting school buses has become a critical issue.

In contrast to responses from city employees, they have attached to the petition, an article from the September 8th 2001, Kansas City Star entitled "Changes Sought for Older Drivers" which lists as the number one recommendation by the Insurance Institute for Highway Safety to Protect Older Drivers, changing two-way stops to four-way stops reduces crashes by up to 50%. Ms. Gauger stated that she thinks that is rather compelling.

Faced with the resistant attitude of City employees, they felt they should approach the elected body and appeal for your assistance. With all courtesy, they ask Council to consider their request to make it safer to enter and exit their community and trust that they will insist that any decision reached will be wholly justifiable and defensible. They feel that continuous traffic flow is not a viable reason as far as they are concerned, but safety is. They ask for the courtesy of a reply prior to the next scheduled City Council meeting. She asked Council if they had any questions.

Mayor Newsom asked Assistant City Manager for Development Scott Wingerson for a status update. She stated that it has been an ongoing issue and would like more information.

Mr. Wingerson stated that he would like to take a minute to provide some background information on this request. First, they look for guidance from the 1993 Comprehensive Plan and Transportation Section of that Plan which classifies Brooktree as a primary collector which is designed to collect traffic from one neighborhood or more and filter it to an arterial roadway. In this case it would be the Woodland townhomes at Kendallwood, Brooktree, Carriage Hills and neighborhoods in that general vicinity. By contrast, Kendallwood Parkway and Indiana/Bales roadway is a secondary collector to move traffic north and south in that particular case. They also serve as residential streets. Woodland Drive is basically a residential street that people use to get to their homes. It is important to note that these classifications really give us guidance in traffic flow and traffic priorities, design conditions with speed and general right-of-way for the roadways and traffic flow throughout the community.

What we use to help us determine the placement of traffic control devices is something called the Manual and Uniform Traffic Control Devices and refer to it often as MUTCD. Basically, it is an engineering guide that indicates the appropriateness of these types of devices and is used in most cities in the metropolitan area and across the country. As it relates to a four-way stop sign, which is the request from the residents of The Woodlands, Mr. Wingerson asks the permission of the Mayor to read for about 45 seconds, a section from the MUTCD and it is the section entitled "Warrants for Stop Signs." It provides four different warrants and starts with ...

"Because the STOP sign causes a substantial inconvenience to motorists, it should be used only where warranted. A STOP sign may be warranted at an intersection where one or more of the following conditions exist:

- 1. Intersection of a less important road (This would be Woodland Drive and Kendallwood Parkway as compared to Brooktree.) with a main road where application of the normal right-of-way rule is unduly hazardous.*
- 2. Street entering a through highway or street. (The current location of stop signs on Woodlands and Kendallwood where they intersect with Brooktree Lane.)*
- 3. Unsignalized intersection in a signalized area.*
- 4. Other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the STOP sign.*

Traffic engineering studies, however, may justify a decision to install a STOP sign or signs on the major street (Brooktree in this case) as at a three-way intersection where safety considerations may justify stopping the greater flow of traffic to permit a left-turning movement. (Mr. Wingerson noted there is some judgment there to perform a traffic engineering study).

Portable or part-time STOP signs shall not be used except for emergency purposes. Also, STOP signs should not be used for speed control.

The "Multiway Stop" installation is useful as a safety measure at some locations. It should ordinarily be used only where the volume of traffic on the intersecting roads is approximately equal. (so they would be similar on Kendallwood and Woodland and Brooktree in this case.)

Where traffic signals are warranted and urgently needed." (They can be installed as a stop-gap measure in anticipation of a traffic signal.)

Mr. Wingerson continued to say that the city does different kinds of traffic studies based on MUTCD such as internal traffic study which involves the loop detectors and traffic counts. From that we determine volume of the cars that go on the streets, in some cases the turning movements and in some cases the speed of vehicles traveling on the street. Those counts are then reviewed by Public Safety personnel and the engineering division for a comparison to the warrants he just talked about. In this particular case, there was a warrant comparison study in September of 1998, again in 2000, and in June of 2001 we did a warrant study which added a speed component for the average speed of vehicles traveling on the intersecting roadways. The studies have been done, and in our opinion we do not believe that the study information warrants installation of a four-way stop sign at Brooktree and Kendallwood in The Woodlands.

Mr. Wingerson said the study results have not been sufficient for some of the residents here tonight, so we have contracted with a company by the name of Trans Systems. Trans Systems is a traffic engineering firm located in Kansas City, very highly rated in this city as well as across the country.

Part of the contract with Trans Systems is to meet with the Board of the Homeowners Association prior to making a recommendation to hear their thoughts, consider their input and make a final recommendation to staff that would be forwarded to the City Council. That process should be completed in approximately two to three weeks. This is a small traffic study for Trans Systems and they have committed to finishing this as quickly as they can. Mr. Wingerson said that is why we do what we do, what we have done, and where we are going in the future.

Mayor Newsom confirmed that an independent third party will conduct a traffic study, meet with the Homeowners Association, and hopefully, not just say stop sign yeah or nay, but what proper traffic calming devices we need or control devices we need there.

Mr. Wingerson stated that Trans Systems has been asked to provide any recommendations that are appropriate to address the concerns of the association.

Councilman Les Smith stated that in looking at the pictures provided by the residents, that perhaps there is a way to solve the problem other than with stop signs. It appears, especially the Woodlands island, does not project as far south as the northern boundary of Kendallwood Road

and in being in and out of that area quite a bit, a large part of the problem is the visual there. You cannot really see what is coming, especially from the west. Perhaps it might entail a little rebuilding or squaring up of the intersection both on the north and south side. Maybe there is a way to provide these folks with what they need without stopping the traffic. On the south side, Kendallwood, the rounded curbs and the island, is the same as on the Woodland side. Maybe we need to look at potentially rebuilding, parts of that intersection to create the same effect and the same results.

Mayor Newsom asked if that is something Trans Systems could come up with in their recommendation. Hopefully, they would be looking at alternatives to make this right.

Mr. Wingerson stated that their contract does not require them to design that, but if it is an appropriate remedy, then certainly it could be looked at.

Mayor Newsom stated they could give the option of a better remedy, if a four-way stop is not a remedy, then they could recommend something else. Mr. Wingerson said that was correct.

Councilman Cross stated that he does not know what the study will show, but certainly feels, as Mr. Smith does when he travels there often, you definitely have to watch every minute and whether the study shows if there are enough cars or not, with the school buses coming through there, it is scary to him. He said it scares him even more because there are a number of older drivers driving in and out of there. No matter what the study says, Bill Cross says let's try to get one in there. He thinks it will ease things up a little bit.

Councilman Dan Bishop stated that he has been aware of this situation since he met Mrs. Gauer. In the winter of 1998-99 and they talked about this issue at that time. He always felt that he has no expertise in the area of traffic engineering and is very dependent on staff recommendations on this sort of thing. At that time he asked staff to address Mrs. Gauer's concerns. He knew a couple of previous analyses were done on this. One of the things he notices are the trees to the west. Maybe if one were removed or at least drastically cut back, that would help with visibility. It was his understanding in speaking with the City Manager that we had some sort of agreement with the Homeowners Association Board that we would do this independent study and both parties had agreed to be bound by the outcome. That was his understanding and he feels comfortable doing that.

Mr. Wingerson stated yes, that was consistent with the understanding. The Association has been involved in taking the study to the next level and we have committed to do what the results of the study indicated relative to a stop sign.

City Manager Kirk Davis said he wanted to clarify that slightly. There is a gentleman by the name of William Reynolds who at one time was on the Board, who initially came forward with the discussion. The last time he spoke with Mr. Reynolds, he acknowledged that he was no longer a member of the Board, but we still felt that if the staff is wrong and there is another alternative out there that we need to recognize that and it is important to get a third party of professional engineers and see what options are available that limit our liability obviously and limits the prospect for an unsafe intersection at that location.

Mayor Newsom stated that Mrs. Gauer mentioned the expenditure of taxpayer money. In order to maintain safety in our neighborhoods, we need to spend taxpayers money sometimes to make sure we get the best solution possible. We don't just want a solution, we want the best solution possible.

Councilman Les Smith stated that is why perhaps there may be another alternative. Quite frankly, with a stop on Brooktree there will be a lot more folks upset with it than not. We are going to have some reasons on the other side of the fence why we should not stop the traffic there. Overall, he thinks there is a potential safety concern there and that should always weigh most heavily, but he does not think in his personal opinion that stopping traffic is the answer. If we look at those pictures, there might be an opportunity to solve the problem some other way which would be more of a win-win situation.

Mayor Newsom stated that it could be something that does not deter from the neighborhood and still maintain a safe flow of traffic and safety for residents and the children.

Michelle Baker, 108 The Woodlands, stated that she, her husband and four sons would like any and all surveys to be done and she would welcome any and all Council members to come and sit with her in the morning while she waits with her children at the bus stop. On at least six occasions, with the school bus arm down and lights flashing, cars coming from North Antioch around the bend have gone past the bus because there is no stop device there. They know it, and are not expecting the bus and so they fly past the bus when kids are loading and unloading. There have been too many close calls. Based on the MUTCD, she understands there were three criteria as far as hazardous and speed and due to past accidents that have occurred, we have two out of three. We have extremely hazardous conditions coming around the curve and extremely high rates of speed. When you measure out the distance from the stop at North Indiana and Brooktree to the stop at the stop light at Brooktree and North Antioch, it is quite a distance. People know there is no stop between there. With the amount of speed that they build up, cutting down trees and bringing the entrance to the subdivision out is not going to reduce speed when people high-tail it from one end to the other. If you go down Brooktree further from Brooktree to Jackson and count the number of stop signs, are we that much in a rush that we cannot stop at a stop sign and look both ways to potentially save someone's life. Are we in that much of a rush that having to stop one extra time warrants years worth of debate of having a stop sign there.

We live a block and a half from the public library and her children are not allowed to walk to the library because there is not a safe access point for them to cross the street. They would have to walk out of the subdivision all the way up to North Antioch, then cross in front of North Antioch and Brooktree and walk back down the street. She does not want them crossing at N. Antioch. There are people going around the corner without stopping at the red light there. It is ridiculous to have these amenities so close and we are in such a rush that we cannot take an extra second to stop at a stop sign. She thinks it is pitiful for Gladstone to have to go through this when they have 86 signatures of residents who live in The Woodlands who say that we need a stop sign. It is a detriment to our neighborhood and our community and to our families. She hopes people really take into consideration the children in these neighborhoods while they are having their state mandated engineering studies of what could possibly happen under scenarios. Ms. Baker suggested please come to her neighborhood and she will provide a cup of coffee and you can sit and watch the buses.

Mayor Newsom told Public Safety Director Adamo that it sounds like there are people violating state bus stop laws. Maybe we need to have someone monitoring that in the interim at least.

Councilman Les Smith asked Mrs. Baker what time the bus comes in the morning.

Mrs. Baker stated that the middle school bus comes at 8:24 am, the elementary bus comes at 8:50 am and she does not know the high school bus schedule.

Mayor Newsom asked if Mrs. Gauer had something else to add.

Ms. Gauer pointed out that now that the sun is lower in the sky in the fall, when they drive out of the development and look to the left down Brooktree, they cannot see oncoming traffic because the sun is just a big gold blur. They take their chances either crossing or turning to the right. She still thinks safety is the biggest factor and hopes that Council will seriously consider their safety, particularly the four-way stop. She does not care about all the mandates in the world, we need safety and someone suggested putting police officers there to give tickets. That is absolute nonsense; she did not know our city was that flush with money to have a police officer stationed there to give tickets. About the time you would be ready to give a ticket he would have an emergency call and have to leave the development with no one there to keep someone from driving like a maniac. The shrubs and trees are beautiful there as you see from the pictures. The curve is beautiful and was put in well before The Woodlands was put in and something has got to be done about it before someone is killed. She hopes no one on the Council would have to be the one to go and tell the people that their loved one has been seriously injured or killed when a four-way stop perhaps could have prevented it.

Brad Robertson, property owner of 7007 N. Baltimore advised that at the last meeting he discussed the wall in front of his property and what needed to be rebuilt. The survey has come in and the majority of the wall does belong to the City of Gladstone and he needs a commitment on rebuilding the wall. He is trying to sell the property and has a contract, but they will not approve a loan until he has a commitment from the City to rebuild that wall. The buyers want that commitment.

He believes Councilman Les Smith said at the last Council meeting, that if it was found to be the property of the City, then it would be handled expediently in getting the wall rebuilt. He wants to know what the time frame is and some way he can get a commitment so he can get the property sold.

Mayor Newsom asked City Manager Kirk Davis the status on this issue.

City Manager Davis stated that the City intends to make a commitment to Mr. Robertson as soon as possible. We need to advise Council on what our stance will be. We appreciate the opportunity to discuss this with Council at an appropriate time. There is some litigation that is potentially involved and he prefers to discuss the issue in a closed session.

City Counselor David Ramsay advised that he does not agree with Mr. Robertson that the wall belongs to the City and as Mr. Davis said, it will be discussed in closed session.

Mr. Robertson questioned that he would not get a commitment here.

Mayor Newsom answered that he would not get a commitment right now.

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

Councilman Les Smith asked City Manager Mr. Davis about the intersection of 72nd and Antioch Road relative to the discussions a few weeks back and perhaps looking at doing something better than just stop signs at that location. He asked if we have had any problems there or reviewed that yet.

City Manager Davis stated that we have not had any problems there. Public Works is looking at the height of the warning light that was talked about. It is a liability and they are looking at it right now.

Councilman Smith noted that we had our fall festival last weekend and he expressed his thanks to all those who participated in Gladfest, especially from the City standpoint, the volunteers from the Chamber and the community. He had the opportunity to work with the staff over the weekend and we have some really wonderful folks and he would like to thank them for their efforts.

Councilman Shirley Smith agreed that this is the time to talk about Gladfest. It was well-attended, the weather which we have no control over was great, and everything went off well. It was a star on the crown of Gladstone.

Councilman Dan Bishop stated that he would be remiss if he did not join the other Council members in talking about Gladfest. We can be grateful for good weather. It started off a little chilly on Saturday morning but got very pleasant later. It is a great time for Gladstone when the whole community can come together in front of City Hall and Central Park. You get to see people you have not seen sometimes since the last Gladfest and get caught up with friends. It is a tremendous commitment on the part of City staff and also the many volunteers who help make the event possible. He wants to thank the City staff who in so many ways contributed to the success of Gladfest. It is really in addition to the other responsibilities they have. As we went through the carousel activities this evening and saw how many projects each department is working on, Gladfest was not on any of the lists yet every department participates. It was a fun event and he enjoyed it.

Mr. Bishop stated that he had the opportunity on Friday to attend a meeting down at the Four Points Sheraton about efforts to stop underage drinking. He wants to revisit this issue that we have talked about from the Council table before. Mr. Harper from the Park Board is in the audience and Mayor Pro Tem Cross has been involved heavily with the Teaching and Reaching Youth (TRY). Last year after he became Mayor, Mr. Harper came forward and asked what could be done about doing some kind of beer keg licensing, registration, or keg tagging. The City did a bit of analysis at that time and Director Adamo issued a report telling us how many retail establishments in the City currently sell kegs. The analysis really determined that we do not have a large number of kegs that are sold within the City limits of Gladstone. So it was staff's recommendation not to proceed with any kind of keg registration type of ordinance.

He is interested in this. At the meeting he attended, they had briefings from Representative Meg Harding of Missouri as well as Representative Judy Morrison of Kansas. What is happening is there is a state-wide initiative to pass keg tagging in the legislature. In Missouri, it is very, very difficult to get through legislation dealing with the regulation of alcohol. It is because of the beer and spirits lobby that is very strong down in Jefferson City. He thinks they got legislation out of committee this year and Representative Harding felt there is support for it on the floor or the House. It was late in the session and it died but she feels it is coming.

Mr. Bishop said municipalities have a chance to lead this initiative. There are four or five that have done so in Missouri, the closest being Smithville, as Mr. Harper mentioned. Sheriff Vescovo who was the former Smithville Police Chief was there and talked about the process they had gone through to pass keg registration in Smithville. As he understands it, the main thing that it goes to address is you have a lot of adults who just decide that drinking of alcohol is some sort of right of passage for the teenage years and if you can't beat them, join them. So they are buying alcohol for their teenage children. What happens is you have these keg parties with a scenario of parents going out of town, buying a keg, then leaving on Friday night. Public Safety arrives at the house and the people at the party scatter, leaving the keg, but you have no way to identify who purchased it. And so there is no one to bring charges against, no one to prosecute. Keg tagging is a way by which you can identify what adult over the age of 21 purchased that keg for the minors. There has been some informal discussion with other Council members about this indicates it would be appropriate that there is a sentiment to move forward with this.

Mr. Bishop said Sheriff Vescovo emphasized there has to be a process by which there is a community buy-in on this and what the purpose is. The point they made at this conference was the number of kegs sold in a community is not really the most relevant factor. It has to do with the message this community is sending. It sends a message down to the legislature that despite the intense lobbying from the alcohol lobby, there is public sentiment out here to stop underage drinking. In light of all that, he would appreciate staff's re-initiating the process of looking into this. He does have a packet that was put together by Smithville about the whole policy with a draft ordinance which he will provide to staff after the meeting.

City Manager Davis stated that he appreciates Councilman Bishop's information and that he has heard from members of TRY and other Council members on this issue. In fact, we have begun the process of drafting such an ordinance which hopefully will be available for Council's review in shortly to address the issue. While the impact for Gladstone is very small, maybe as much as anything it is the message, and we intend to follow through to bring the ordinance forward for Council's consideration. Councilman Bishop thanked the Manager.

Mr. Bishop stated that another issue that was addressed at the last Council meeting was Building Permits on the Agenda, which the City Manager followed up on in our Council memo last week. The Council has to approve the Commercial Building Permits before they are issued in our City. Councilman Les Smith suggested that he would like to see Building Permits put on the Consent Agenda. In the majority of cases it is simply a formality. Staff has done a good job of putting the building permits in order and there is very seldom the need for any kind of significant discussion. They are simply voted up or down and he has never known one to be voted down since he has been a Council member.

He has had conversations with Councilman Smith and in principle, he agrees with him. The fundamental belief is that building permits should be just a matter of formality and be on the Consent Agenda. But that was part of a conversation that was broader in nature, talking about adoption of a policy governance model whereby Council is adopting more specific policy statements and the expectation is that the building permits brought forth by staff would be consistent with the already adopted policy statements. He anticipates more significant discussion about policy governance model later this calendar year or early next year. He thinks he agrees that building permits should go on the Consent Agenda, but he would feel more comfortable doing that if we had adopted more specific guidelines. For example, in the instance of the Building Permit that was approved for KFC and A & W after it was built there was a sense by the Council that it did not adhere to the aesthetic standards. We could have articulated in a Council policy statement regarding that sort of thing. Mr. Bishop said he realizes we could always take Building Permits off the Consent Agenda, but he would be more comfortable leaving them on the Regular Agenda so we are not relinquishing that out of hand.

Councilman Les Smith stated that he would hate to think that we relinquish anything just by putting it on the Consent Agenda. This did not really come from a conversation that we had and hopes there will be more meaningful discussion on this later this calendar year, specifically after NLC. It would be one less thing on the Consent Agenda to make motions about and like the keg ordinance, there is no down side. Building permits used to be on the Consent Agenda as he recalls and the Council brought them off the Consent Agenda at a later time. It is not a big deal, but we need to have those bigger discussions.

Councilman Bishop stated that he is in favor of keeping the status quo for another two months, then in the context of the broader discussion of policy governance, deciding on this. That policy governance model has some specific guidelines about agenda formation and what you want to put on the Consent Agenda and what remains on the Regular Agenda. He would like to know more about it.

Councilman Les Smith stated that he would like to think those discussions would have a significant impact about how Council does business. It might take quite some time to discuss though and not a matter of two or three months. It is not worth going to the hill for and does not make that much difference either way and to make the process run smoother, he does not see why we do not just do it.

Councilman Bishop said that he agrees, but sometimes when an item is on the Consent Agenda there is a hesitancy to take it off because it will slow things down, but it does not really matter too much to him.

Councilman Bishop stated that about three months ago we had the opportunity to celebrate the Fourth of July. After that, we had some discussion about enforcement of the Fireworks Ordinance and asked that there be an analysis of that ordinance. He would like to know where we are in that analysis process.

City Manager Davis stated that Councilman Les Smith brought this up a few weeks ago with the idea that we would not wait until June before we do some PR, before we look at amending this ordinance. He knows it is on Counselor Ramsay's plate and guarantees we are very cognizant of

the issue and are not letting it delay later into next year as we get closer to the Fourth. We anticipate something moving forward.

Councilman Bishop stated that we received a memo last week on the annual LAGERS Conference at the Lake of the Ozark on October 25th and 26th which indicated it is necessary for us to select an Employer Representative to the conference this year. Pursuant to the guidelines that Counselor Ramsay gave us, he would like to nominate **Director of Finance Cash Sweiven** to fill that roll.

Mayor Newsom stated that was also something on her list of comments this evening. Since Mr. Bishop has moved to send Director Sweiven, do we have a second to that nomination. Councilman Les Smith seconded the motion.

Mayor Newsom asked Mr. Sweiven if he would be able to serve as the City of Gladstone employer representative during that time frame of the 25th and 26th. Mr. Sweiven said yes.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Pro Tem Bill Cross had no comments at this time.

Mayor Anita Newsom stated that Gladfest was marvelous, maybe because she has been around so long, but she thinks the ambiance and the morale, and everyone participating, was one of the best she has ever seen. People were totally pitching in together and remembering what the goal is and doing a great job. She was very, very pleased at how our City staff who were there on the clock were kind and generous and helpful to patrons. Whether it was kids dropping their turkey legs on the ground or whatever it might be, there was a very kind, customer friendly group of employees that were there in the parks over the weekend. A big thanks goes to our mutual aid officers from other jurisdictions that come and help out with the parade. It is a big help that we sometimes forget about when we see them as we go in the parade and sometimes take for granted.

Mayor Newsom thanked staff for the carousel activity during the Study Session tonight. She knows it take extra time for the staff to prepare for these activities and pull everything together, but it has got to make you feel good to look at these activities and see what we have accomplished this last year and where we are going with them. She always appreciates those activities.

Mayor Newsom announced that the Fall Brush Disposal will be November 2nd, 3rd, and 4th at Public Works. She said it was already on the cable channel and asked if there would be press releases or notices sent out. She has already been asked by neighbors. City Manager Davis replied yes.

Mayor Newsom said that a personal pet peeve of hers now is the traffic that has been incurred from the Renaissance of the Northland detour. She asked for the timeline on that project and what is going on there. People that live in that area are stopping by her house and asking when the road will be opened.

City Manager Davis stated that when they met with the developer about 80th Street primarily, they told them 18 months before the road would be opened up which includes construction of the bridge over Shoal Creek.

Assistant City Manager for Development Scott Wingerson said he had no further update from what the City Manager stated. He and Counselor Ramsay are meeting with the engineer and developer representatives this Thursday and can get that specific information.

Mayor Newsom stated that the traffic increase is because neighbors have found the shortest and quickest ways and they are zig-zagging in front of residential homes that are not accustomed to that amount of traffic.

City Manager Davis stated that one of the bigger issues when they first got involved, was asking folks to keep Agnes open up to 82nd Street. The request to keep that open resulted in a two-day delay, then was closed anyway from Agnes in Kansas City to 80th Street to the north to Maple Woods.

Ms. Newsom said she can't say she has positive feelings about how the developer has handled the road closing and detour and she would appreciate an update.

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

City Manager Kirk Davis stated that the Study Session on the Crime-free Multi-family Housing Program is another effort of our Public Safety Department to reach out to citizens of our community and he appreciates those efforts.

Mr. Davis stated that the Happy Rock West concept is another example of adding quality of life in our community. Fifty years from now we will be happy we created the additional open spaces in our city.

Mr. Davis congratulated Mayor Pro Tem Bill Cross on his recent induction into the Westminster College Basketball Hall of Fame.

Item 9. on the Agenda. APPROVAL OF BUILDING PERMIT for 16,597 sq. ft. tenant finish for Par Electric at 4700 N Belleview. Applicant: Luke Drailey Construction. BP#01-0684

Councilman Bill Cross moved to approve the Building Permit as submitted. Councilman Dan Bishop seconded.

Mayor Newsom stated that this was great news and asked Mr. Wingerson to tell us a little more about this newest tenant.

Mr. Wingerson advised that the new tenant will be Par Electric who will be taking over the entire top floor of the Belleview Building as their Corporate Headquarters and we are excited for that to happen in Gladstone.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. SECOND READING BILL 01-31, approving a Special Use Permit on property at 5800 N Oak for operation of Auto Trend, Inc. subject to certain conditions. Applicant/owner: Auto Trend, Inc. (File #1158)

Councilman Les Smith moved to accept the First Reading of Bill 01-31 and place the Bill on Second and Final Reading; Councilman Shirley Smith seconded. The vote: "aye" - Councilman Les Smith. "Nay" - Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom (1-4). The Clerk read the Bill.

Councilman Les Smith said he would be voting in favor of this special use permit.

Councilman Bishop stated that while this is an opportunity to develop this vacant site, residents tell us it is not what they want to see here. Staff advises they cannot assure a Special Use Permit for five years only, so for these reasons he cannot support this special use permit and will be voting against it.

Councilman Shirley Smith pointed out that the Planning Commission voted no on this issue and that plays a large part in her decision, so she will not be voting in favor.

Mayor Newsom stated that this is not an appropriate use for this parcel of ground and she cannot support this special use permit.

Mayor Newsom asked Counselor David Ramsay to develop a finding of fact and conclusion of law for consideration by Council at the next meeting.

Item 11. on the Agenda. PUBLIC HEARING: on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

Mayor Newsom opened the public hearing and immediately continued the hearing to the Monday, October 22, 2001 City Council Meeting at the request of City Staff.

* * * * *

There being no further business to come before the October 8, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

* * * * *

Councilman Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communications & Litigation. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:

Marilyn F. Ahnefeld, clerk
Marilyn F. Ahnefeld, City Clerk

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

Anita Newsom
Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 22, 2001**

OPEN STUDY SESSION: 6:30 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 8, 2001 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-69 amending the 2001-2002 Annual General Fund and Combined Waterworks & Sewerage Fund (CWSS) Fund Budgets for the City of Gladstone and authorizing expenditures of funds. (**General Fund:** Revenues - \$12,510,095; Expenditures - \$12,496,829); (**Combined Water & Sewer Services Fund:** Revenues - \$5,872,432; Expenditures - \$5,867,297).

RESOLUTION NO. R-01-70 authorizing the approval of Change Order No. 3 in the amount of \$44,780.90 and approving the acceptance of work under contract with Superior Bowen Asphalt Company for the 2001 Street Overlay Program and authorizing final payment in the amount of \$320,572.31 for Project 0201. Funds are authorized from the Transportation Sales Tax Fund.

RESOLUTION NO. R-01-71 authorizing execution of a contract with Taylor Ball, Inc. for the construction management of the new fire station and Public Safety renovation in the amount not to exceed \$139,125. Project #025602 & 025603. Funds are authorized from the Fire/EMS Sales Tax Fund.

APPROVAL OF FINANCIAL REPORTS for September, 2001.

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 property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

AUDIENCE NOTE: This public hearing will be opened and immediately continued to the Monday, November 12, 2001 City Council Meeting at the request of City Staff.

10. **FIRST READING BILL 01-41,** amending Chapter 3 of the Gladstone Alcohol Beverage Code, by enacting a new section requiring the registration by licensees of kegs containing beer, wine or intoxicating liquor and prohibiting any person from allowing consumption by a minor of alcoholic beverages purchased in kegs; prohibiting minors from consuming alcoholic beverages purchased in kegs and providing penalties for violations.
11. **ADOPTION OF WRITTEN DECISION WITH FINDINGS OF FACT** on denial of Application of Auto Trend, Inc. for Special Use Permit to operate an automobile dealership on property located at 5800 N. Oak Trafficway, documenting City Council action of October 8, 2001.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

MINUTES

CITY COUNCIL MEETING GLADSTONE, MISSOURI REGULAR MEETING

MONDAY, OCTOBER 22, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

Assistant City Manager Laura Gay
City Counselor David Ramsay
Acting City Clerk Diane Whitaker

ABSENT: City Manager Kirk Davis
City Clerk Marilyn Ahnefeld

Item 3, on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4, on the Agenda. APPROVAL OF OCTOBER 8, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular October 8, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 5, on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as read: Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to accept **RESOLUTION NO. R-01-69** amending the 2001-2002 Annual General Fund and Combined Waterworks & Sewerage Fund (CWSS) Fund Budgets for the City of Gladstone and authorizing expenditures of funds. (**General Fund:** Revenues - \$12,510,095; Expenditures - \$12,496,829); (**Combined Water & Sewer Services Fund:** Revenues - \$5,872,432; Expenditures - \$5,867,297). Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to accept **RESOLUTION NO. R-01-70** authorizing the approval of Change Order No. 3 in the amount of \$44,780.90 and approving the acceptance of work under contract with Superior Bowen Asphalt Company for the 2001 Street Overlay Program and authorizing final payment in the amount of \$320,572.31 for Project 0201. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to accept **RESOLUTION NO. R-01-71** authorizing execution of a contract with Taylor Ball, Inc. for the construction management of the new fire station and Public Safety renovation in the amount not to exceed \$139,125. Project #025602 & 025603. Funds are authorized from the Fire/EMS Sales Tax Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS for September, 2001**. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Galen Neill, 6010 N. Wyandotte, stated that he wanted to bring to the City's attention some things he has noticed in Gladstone and would like to have some of these questions answered. It would be helpful as far as working with the City on code enforcement.

At one time he reported that a new resident to his neighborhood parked a trailer on the grass. He had a complaint from his neighbor who lives close to this person with the trailer. His neighbor had been subjected to a violation a year earlier when he had a boat parked on the grass and was issued a citation as a result of that. He asked Mr. Neill how this neighbor gets away with parking that trailer on the grass. Mr. Neill stated that he was going to mention this to the code enforcement officers, but probably did not know what the rules and regulations are in the City.

Mr. Neill did discuss it with a codes officer and was told he would visit with the new resident in person. This has never been corrected and never a follow-up to it. He is currently noticing in his area some trailers being parked in yards. His question is whether the codes people are looking for these violators and if not, they should be. It should not be expected of the citizens of the

community to be the detectives. It appears this has been laid on the citizens, per se. He thinks it is good for the community to have code enforcement and to take care of things, to keep our community in good stride.

Mayor Newsom stated that this is very similar to the discussion she has had with the City Manager and Mr. Wingerson on more than one occasion. She sees violations that seem to be missed. She asked Mrs. Wingerson if he could address Mr. Neill's questions and said she thinks it is a wide-spread question.

Councilman Bishop asked Mr. Neill how long ago it was reported that there was a trailer parked on the grass. Mr. Neill indicated that it might be two months, but not sure.

Mr. Wingerson stated that it is a difficult question. Please keep in mind that there are two code enforcement officers positions in the City. They are responsible to cover nine square miles of the City and approximately 10,000 properties. 60% of what they do is proactive such as the things that Mr. Neill just talked about, going to visit the neighbor to let them know the trailer is in violation. Do they pass potential violations on their way to other sites, yes. They use different routes traveling around the city and it would be easy to go to Mr. Neill's house down 72nd Street, then down Broadway to get to his neighborhood. Certainly, 72nd and Broadway would receive the lion's share of attention. However, if they go down North Oak and through Hamilton Heights and over to Mr. Neill's neck of the woods, they will get a different perspective and another view. They do not go the same way every time.

It is very true, to be perfectly honest with the Council and Mr. Neill, that they depend a lot on the help of the residents to call the City and let them know about their concerns. About 40% of the issues they touch are generated that way. Hopefully, ultimately, it is a partnership to point the code enforcement officers in the right direction in general from a policy standpoint and then deal with the individual issues that are of concern to the residents.

Mayor Newsom stated that she is often out running errands around the City and comes home and calls Mr. Davis or Mr. Wingerson to let them know of violations or other issues. It seems to happen on a regular basis and she too wants to know what happens with the tracking and follow-up because the problems are still there. She tells them about issues and they are still there and she is not the only person who has noticed this. The accountability to the public is something that maybe this task force can look at because she thinks that credibility is accountability.

Councilman Les Smith stated to Mr. Neill that the intention is to have some consistency in what is a violation. If a boat is a violation, a camper would be a violation, as well as a trailer. We want to lend some consistency to it and a more proactive approach to it. What he would like to see is things to happen a little faster. The fact is that by the time someone complains or we see something, the situation is actually taken care of and could be two or three months and he feels that is unacceptable. This is the kind of thing we are looking for and should be driving past the violation and noting it. If Public Safety is out at night and a street light is out why can't we report it instead of having a neighbor make the call to City Hall. There are a lot of things we would like to see done. Our folks do a good job at it, but we can do just a little bit better.

Don Harper, 1606 NE 68th Terrace, stated that he too agrees that code enforcement is far too lax in Gladstone and as stated, there are obvious violations that have gone on and on. In his short

two block street he could list four or five violations. He does not bother to call because it has been going on too long with trees growing over the sidewalks and you cannot even see the sidewalk in some cases, they are so overgrown. Recently, the streets were redone and City employees were on the street and no one pays any attention to it. He really thinks we need more enforcement of the existing codes.

Mr. Harper stated there was a note made about Public Safety. Why can't the officers, as they are patrolling, note some of these very obvious things as they are driving around. Citizens are reluctant to report on their neighbors and goes back to our upbringing where you are a sneak or squealer. There may be someone in your block you know and like, but are in obvious violation, you do not really want to call and report it. He thinks maybe City staff could be doing more of that.

Part of this is ignorance of the codes and he stated that Mayor Newsom had mentioned something he had written down and that is, why not a new resident packet which would highlight some significant areas that are frequently violated, like the boat, wheeled vehicles parked on grass. We know that, but new residents would not be aware of that as a requirement. Dog leash information, one of his favorite subjects is dogs not on a leash. New residents do not know that we have a leash law in Gladstone. A packet informing residents of some of the most obvious problem areas, signed perhaps by the Mayor and City Manager. Along with that, invite them to come to Council meetings and find out what is going on in our City along with the community oriented government ideas. Welcome them to the City and give them some ideas of things that we want from them and participation in government and things like that could be helpful in the new member packet. Maybe even deliver it or at least mail it to them with a nice welcome letter.

Mr. Harper stated that Item 10 on the Agenda tonight is the Keg Ordinance and, he urges Council to support it. It will not solve all of our problems on underage drinking, but is certainly a good step and gives the intention of the City that we do not want that going on here.

Brad Robertson, owner of property at 7007 Baltimore, asked about the wall in front of his house that has collapsed. He stated that he received the first courtesy notice and said he had thirty days to resolve it before a citation was issued. They went to court and later found out that the wall is in the right-of-way that the City of Gladstone owns. It is now past thirty days and there has been no resolution on the wall. He stated that it works both ways and the City is no more aggressive than the homeowners.

Amy Harlin, President of the Gladstone Area Chamber of Commerce, stated that she has some good news. She would like to extend to the Council a very big thank you. The Chamber has immense gratitude for the support of the City Council, City Staff, and Parks and Recreation for the help and support of Gladfest. It was a huge success and she gives a big thanks to the Council and has brought a token of her gratitude from the Gladstone Chamber of Commerce. Ms. Harlin then distributed commemorative GladFest tiles to each Council member and staff members.

Councilman Les Smith commented that in addition to the City volunteers, staff and Gladfest volunteers, he has had the occasion to work with a lot of Chamber presidents and executives over twenty years. He said he told Amy Harlin privately and would like to say publicly that she

has worked as hard, if not harder, than anyone he has been associated with in the last twenty-two years. She is to be commended for that and is a great credit not only to the business community, but the entire community because GladFest is truly a quality of life festival. We should all be grateful for Amy's efforts. .

Mayor Newsom said she would have to agree with Councilman Smith that Ms. Harlin did a great job, especially the first time working with Gladfest.

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

Councilman Les Smith stated that Mr. Wingerson might be his hero because the loop detectors at 70th and North Oak are now working. Mr. Wingerson advised that Director Hashemizadeh and his staff, along with Guy Vincent are responsible.

Councilman Smith said he and Mr. Wingerson have discussed traffic problems just south of 70th and North Oak. He has noticed that the old Taco Bell/Big Burger is out of business now. He believes that the 68th and North Oak area has a lot of problems with traffic egress and ingress. His thought was to take the whole area from just north of the law building or south of Captain D's to where the new car wash will go and maybe figure a way of one common point of ingress and egress where a rear access could serve all the businesses. Maybe we can take some sort of proactive approach in helping solve that problem. Some good retail establishments might be able to give us a tremendous payback. He suggests we have staff pull out a site plan of the entire area and look at it from that perspective to see if we can do something to help in an area that should be a good retail area for the City.

Councilman Shirley Smith noted that in the Northland section of The Kansas City Star, she read an article about Melana Scantlin, the new Miss Missouri who will be going to the Miss USA contest in the spring. We should be very proud of that.

Ms. Smith welcomed *Kansas City Star* Reporter Mike Rice to our meeting and advised that Mr. Rice had told her that a young lady named Sylvia Garcia has been named best screener at KCI Airport. She is also a Gladstone resident, so we do have some stars in our city.

Councilman Dan Bishop asked if staff could look into Mr. Neill's concern regarding the trailer on the grass and get back to Council in the next five days on the status of that situation.

Mr. Bishop stated that at the last Council meeting, residents from The Woodlands expressed their concern about the safety of the entrance and exit to their subdivision. It was his understanding that Trans Systems engineers met with the Woodlands Board last week. He asked if there was a report on that meeting.

Mr. Wingerson stated that he and Trans Systems met with the Woodlands Homes Association Board. Also present were Ms. Gauer and Ms. Baker who provided information to the Council at the last Council meeting. The purpose of the meeting was to hear the concerns of the Board and residents so that the information could be factored into the recommendation. Mr. Swenson with Trans Systems stated that the report would be done in approximately two weeks from last Thursday night. The report will be provided to the Homes Association and to the City Council in a presentation or Study Session.

Councilman Bishop stated that he is glad to know that process is moving forward and hopefully will come to a mutually agreeable resolution.

Mr. Bishop stated that his next item of discussion is something that concerns him and he typically feels that it is up to each Council member to decide how he or she desires to conduct him or herself. Sometimes you get into an area where there is conduct that raises some questions that has the potential of casting a cloud over the entire Council. When that happens we have to address it. Every year as a member of the National League of Cities, we have the opportunity as Council members to attend the National League of Cities Conference. It is most often in a city out of state. He attended his first year on the Council in Los Angeles. This year it is in Atlanta, near the beginning of December.

His concern is that he has learned that our Mayor is planning to attend the National League of Cities Conference. When he learned that he wondered, given the fact that she is not intending to seek re-election, the benefit to the City of sending the Mayor to the NLC Conference in Atlanta when upon returning there will be less than four months left in the Mayor's term.

In the last couple of weeks, he has had the opportunity to talk with the City Manager and was briefed on the financial status of the City given the current economic downturn that we are experiencing nationally. He was surprised and disturbed to find out that for the months of July and August our sales tax revenues were down 12%. We touched on that somewhat tonight in Open Study Session regarding the end of year financial adjustments to the budget. But the thing that is most troubling about that for the months of July and August is that it preceded the tragedies of September 11th. One has to be very concerned if the situation worsens. The City Manager directed his department heads to draft recessionary policies to be implemented if the situation does worsen. Mr. Bishop said the City Manager himself is considering a number of city-wide initiatives including limiting or severely restricting out of state travel by city employees.

In light of the current financial situation and in the interest of fiscal responsibility, Councilman Bishop said he cannot see the value of Mayor Newsom's attending the NLC Conference. Addressing Mayor Newsom, Councilman Bishop told her he had invited dialogue with her on this point and none has been forthcoming, so he wanted to raise the issue tonight to ask if she can see a compelling reason for the City to send her to Atlanta in December.

Mayor Newsom stated that she would respond under her comments later.

Mayor Pro Tem Bill Cross said he thinks the resident packet is a good idea. He knows many home associations do give packets to new neighbors that move in. It is very effective and he would like to see us follow up with this explaining the do's and don'ts just like an incoming freshman into a high school.

Mr. Cross thanked the City Council and city department representatives who attended the Historical Marker Dedication Ceremony in the rain and cold. The dedication of the plaques from the City and Native Sons of Kansas City was great and he and Councilman Bishop had the honor of representing both groups. There was nice publicity for the City and we were on TV late in the evening after football.

He also appreciated Mr. Harper attending the dedication as well as other citizens. At the Board of Directors meeting of the Native Sons after the dedication, the Board stated that they were glad there was good representation from Gladstone. He does appreciate the efforts of Director of Parks and Recreation Steve Buschor and his staff who provided good food and good company. Everything was perfect except the weather.

Mr. Cross stated that he attended the MARCIT Public Liability Seminar at Tan-Tar-A and learned a great deal about sexual harassment and also about using lethal and non-lethal weapons. He states that we are right up there and doing the right things compared to other cities who are not nearly as far along as we are in the Public Safety Department.

Mayor Pro Tem Cross stated that he agrees with Councilman Bishop about the 12% drop scaring him too and the September figures are not even in. We as citizens will have to figure out a way to spend a few more dollars in Gladstone.

Mr. Cross commented that he attended the West Gate MML dinner in Grain Valley where they just opened up a new community center. He gave a report on Gladstone activities and felt very proud to tell all the cities what an outstanding job we are doing and the progress we were making.

Mayor Anita Newsom congratulated the second graduating class of the Public Safety Youth Academy. She just received an invitation for the culminating exercises on October 25th at 3:45 PM in the Little Theatre at Antioch Middle School. She is not sure if she can attend but stated that it is a wonderful program that is near and dear to her heart. The first class was a really sharp group of young people who had a lot of different ideas as to how the experience with Public Safety was going to impact their lives. It is a wonderful program and she would like to see it continue.

Ms. Newsom confirmed with Mr. Buschor that the City received a number of proposals for the engineering design of the new Public Safety fire station and asked if he had anything he wanted to share with Council.

Mr. Buschor stated that there were 32 requests for receiving the RFP for design services for the new fire station as well as the renovations downstairs and 11 firms met the deadline this past Friday.

Mayor Newsom stated that Thursday evening she received a memo in her packet from Mr. Bishop as he had referred to earlier regarding her travel to the National League of Cities Conference. The first time she knew anything about it was when she opened it in her packet late Thursday night. Since Mr. Bishop sent a memo, she will respond in kind. Mayor Newsom read her memo:

"In response to your October 17 memo, I am pleased that you are looking at opportunities to assist the Management Team in belt-tightening; but it would appear that you are in need of additional information and clarification on several points.

In your letter you referred to what Mayor Art Hammen did or did not do. What former Mayor Ari Hammen did or did not do two years ago is not a matter up for discussion, debate or personal opinion from either of us at this time.

You may not be aware that during my time as a Gladstone City Council Member, I have served on a national policy committee with the National League of Cities for more than ten years. My initial appointment was with the Transportation and Communications Committee, which was changed approximately three years ago to the Transportation and Infrastructure Services Committee. As a participant on these committees, I have had the opportunity to be involved with decisions impacting cities of our size and type. Policy recommendations and decisions dealing with telecommunications, electronic commerce and taxation, ISTEA funding, and most recently, air transportation safety are areas where my committee has worked extensively.

The assertion that due to the assumed idea that I am not seeking re-election to the City Council makes my attendance at and participation in the Conference of Cities of little or no value to the City is, in my opinion, presumptuous and demeaning to my ability to gain valuable training and utilize it in my work on the Council and share it with the appropriate departments within the City to aid us in making good decisions. Even if I do not seek re-election, it is my full intention to serve to my very best ability right up to the last day I am in office. The current times we are working through as a governing body are some of the most difficult I have experienced in my 11+ years on the Council, and the last four months of this Council term may be some of the most challenging. I intend to move ahead to serve the citizens of Gladstone to the best of my ability, including any additional training or ideas I may receive as a result of the conference.

Your suggestion that the Mayor Pro Tem "carry" the City's credentials, is not viable, due to the fact that he will be leaving the conference prior to the annual meeting, whereupon I will be the only voting delegate from Gladstone to vote Gladstone's vote.

I could have answered these questions for you very easily if you had chosen to contact me personally, but due to your choice of communication tools, I am responding in kind.

I do hope your questions and misgivings have been answered; and do encourage you, if you should choose to run for a second term, to attend the annual conference more than once, and become involved in its valuable leadership training program and policy committees involving communities such as ours."

Mayor Newsom advised that she copied her memo to other Council members as Councilman Bishop had done.

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

Assistant City Manager Laura Gay stated that the Council Goal-setting meeting is this Saturday, October 27th from 8:30 AM - 3:00 PM. Council should have received a packet mailed directly from the facilitator, Mr. Saunders.

Ms. Gay also reminded Council of the fourth Community-Oriented Government meeting next Monday, October 29th at 7:00 PM at St. Andrew's Church for Area Four which is south of 65th

Street from Michigan east to the City limits. This will finish up the presentations and then will lead us to the City-wide meeting scheduled for January 24th.

Assistant City Manager Gay reminded everyone about the Fall Brush Disposal scheduled for November 2nd – 4th from 8:00 AM-5:00 PM at the Public Works facility. Residents should be receiving post cards that were mailed on Friday.

Mayor Newsom asked what part of St. Andrew's Church they were meeting in since it was so large. Mr. Buschor stated that it would be in the Community Hall, adjacent to the sanctuary.

Item 9, on the Agenda. **PUBLIC HEARING:** on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

Mayor Newsom stated that the public hearing will be opened and immediately continued to the Monday, November 12, 2001 City Council Meeting at the request of City Staff.

Ms. Newsom asked if we would be moving forward with the hearing on November 12th.

Mr. Wingerson stated that it is a complicated application and Staff is checking with the applicant to see if we would like to provide a different development application. It will either move forward or be withdrawn.

Item 10, on the Agenda. **FIRST READING BILL 01-41,** amending Chapter 3 of the Gladstone Alcohol Beverage Code, by enacting a new section requiring the registration by licensees of kegs containing beer, wine or intoxicating liquor and prohibiting any person from allowing consumption by a minor of alcoholic beverages purchased in kegs; prohibiting minors from consuming alcoholic beverages purchased in kegs and providing penalties for violations.

Councilman Dan Bishop moved to place Bill 01-41 on First Reading; Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-41, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 01-41** and enact the Bill as **Ordinance 3.809**; Councilman Bill Cross seconded.

Discussion.

Councilman Cross stated that as a very active member of Teaching and Reaching Youth (TRY) Committee, they would be very pleased with this. He and Councilman Bishop have talked about this and have tried to get something going on this for a year and finally it appears we have it. He

does not know how many beer distributors we have that will be selling keg beer, but the TRY Committee will be extremely happy.

Councilman Dan Bishop stated that a he said on the record at the last Council meeting, that we are on the cutting edge in the state in terms of adopting a keg licensing ordinance. There are only six other communities in the state that have adopted such an ordinance. There is an effort at the state level to adopt this as a state statute, but we send a message that will be heard outside of our city limits that we will not tolerate adults buying kegs for minors to consume beer. He will be voting in favor of this tonight.

Councilman Les Smith stated that he would like to commend Mr. Cross and Mr. Bishop for bringing this forward.

Mayor Newsom stated that she commends Mr. Harper for bringing this up to her about two years ago that this is a good thing to do. Having two teenage nephews, this makes you really aware of the opportunity that is out there for kids to do things that are not wise. Their decision-making capacity is not always in place. She too is very much in favor of this.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11. on the Agenda **ADOPTION OF WRITTEN DECISION WITH FINDINGS OF FACT** on denial of Application of Auto Trend, Inc. for Special Use Permit to operate an automobile dealership on property located at 5800 N. Oak Trafficway, documenting City Council action of October 8, 2001.

Councilman Bishop moved to adopt the Written Decision with Findings of Fact. Councilman Bill Cross seconded.

Discussion.

Councilman Les Smith stated that at the last meeting when it was voted down, he was for it, and not to get into a great debate of the merits of the other side of it, because he believes the dye was cast on the outcome of the votes, but sometimes it is OK to be the one in the 4-1 vote. However, he wants to support the Decision with Findings of Fact, but he has a real concern that we have at least one part of the last paragraph of Paragraph 18 that is not a fact. It is conjecture and speculation versus fact and reads "A three year Special Use Permit would not seem to be economically feasible for the Applicant to recover site improvement costs, which could lead to property maintenance problems."

We had an applicant who was willing to accept the three year Special Use Permit and should know the auto business better than the rest of us as to whether it is economically feasible and just because there is a business in the worst case scenario that might not be successful would not necessarily mean it would lead to property maintenance problems. He has a concern that it gets away from our findings of fact and more conjecture and speculation.

Mayor Newsom asked if she is hearing he would choose to amend the Findings of Fact .

Councilman Les Smith moved to amend and delete only that sentence in Paragraph 18. He believes the first sentence to be correct and accurate because it relates specifically to the Comprehensive Plan which we have record. Just delete the last sentence of that paragraph.

Councilman Shirley Smith seconded.

Discussion on the Amendment.

Councilman Dan Bishop asked Councilman Les Smith for purposes of clarification, if they indicated an opinion on the three years. He remembers discussion on the five years that was in the record, but he does not remember that they expressed an opinion on the three years or not.

Mr. Smith stated that he did not recall that they did at the meeting. He asked for Mr. Wingerson's help on this.

Mr. Wingerson stated that the best way would be to research the minutes. He does not know if Ms. Freeman specifically concurred with the three year indication or not.

Mayor Newsom stated that she did not recall discussion on this with Ms. Freeman on a three year permit.

Councilman Bishop said that he did not remember it being in the record, so he is not sure about the amendment.

Mr. Smith stated that nonetheless, it states that it does address the three year permit and the fact remains that we do not know, not being in that business, if it is economically feasible or not and is just conjecture.

Mayor Newsom stated we have a motion and second to delete the second sentence of Paragraph 18 on the Findings of Fact. The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom stated that we have a motion on the floor to accept the amended Findings of Fact. The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. OTHER BUSINESS

Councilman Bishop stated that while he appreciates the effort Mayor Newsom spent on writing this memorandum to him, this was obviously the first chance he had to hear of it this evening. He would move that the City not pay any expense or costs associated to send the Mayor to the National League of Cities Conference in December.

Councilman Shirley Smith seconded.

Discussion.

Councilman Bishop stated that he understands that you served on a national policy committee and asked if you still serve on the committee.

Mayor Newsom stated yes, that the committee has evolved from the Transportation and Communications Committee to the Transportation and Infrastructure Services Committee. They hold policy meetings twice a year. One is at the Congress of Cities and one in Washington, D.C. She has never gone to the Washington conference due to the cost to the City and has opted to go to the one meeting each year for the ten years she has served on that committee.

Councilman Bishop asked if they will be meeting in Atlanta in December.

Ms. Newsom stated, yes it is part of the meetings and pre-conference workshops.

Mr. Bishop stated that he understands attending NLC is beneficial. He benefited greatly from attending the one in Los Angeles his first year on the Council and would have attended last year in Boston if he had not had a child on November 9th.

The reason he referenced Art Hammen in his memo is because he went to the conference in L.A. when he was not seeking re-election and could not see a benefit to the City during his last four months on the Council by his having attended the conference. He is still unclear as to what benefit this has to the City.

Mr. Bishop stated that he has two questions: What benefit specifically do you see the City deriving from your attendance at the conference in Atlanta. Second of all, what kind of message does this send to City employees who are facing the very real prospect of having their long-anticipated out-of-state training cancelled when a lame-duck Council member takes a trip to Atlanta and what impact that has on the entire perception of the Council.

Mayor Newsom stated that first, the term "lame duck" she finds very offensive and derogatory. She does not think that anything she is doing now and in the next few months and since she is very likely not going to file for City Council tomorrow, that what she does and cares about and can provide for the City is negated by the fact that she will be terminating her twelve years of service in April. The "lame duck" term offends her. But that is not what you are asking for here.

Number one is what benefit the City is going to get. Her participation in this committee provides cities of our size and type with packets of information. She has sat down numerous times to discuss with department heads who deal with it, whether it is the ISTEA money or telecommunications issues and how and what is the best way to serve our city. This is discussed and what percentage of our size and type weighs best for us specifically and cities like us to help represent us and make that policy vote on those committees when they meet. She still feels she can represent our city on those policy-type decisions which will be residual down the line. No other member of the Council can say they have served on any of those committees. So she still feels like she functions in a very active role on those committees.

Also, when she does choose to leave the service on the Council, she is not moving out of Gladstone and not going away. Whatever training she may have received over the years, she still intends to volunteer and be part of this community. In the last four months, supposedly, that she will be on the Council, there are a lot of things coming up in our City. She has signed up for

economic development sessions, sessions dealing with budget and finance that will impact what is going on in the next four months. She feels very strongly about this and still has a vote to cast for the four months after National League of Cities.

Ms. Newsom then addressed the message that it sends to staff members. This was a conference already signed up for. Other staff members who are already obligated to attend conferences and have roles in their out-of-state national conferences, training sessions or whatever it may be, they will continue to go and participate in those conferences as she understands from Mr. Davis. We have already signed up, we have already obligated money, paid fees, airline, all the things it entails. We will be losing that money already deposited on that should she withdraw from it now. It is the same rule that the rest of the staff members are using for department heads and people already signed up for conferences.

Councilman Bishop stated that he appreciates that and thinks that they have a difference of opinion, which is perfectly permissible, although it is somewhat unusual, actually, when it comes to voting up here, because we vote usually consistently. He stated that he is not going to vote in favor of the motion he just made. He would like it on the record that he does not think it is a prudent use of City resources for Mayor Newsom to go to Atlanta. He will state that for the record.

Mayor Newsom asked if he was removing his motion or does he want the motion voted on.

Councilman Bishop stated that he withdraws his motion if Councilman Shirley Smith withdraws the second.

Councilman Shirley Smith withdrew her second.

Item 13. on the Agenda. QUESTIONS FROM THE NEW MEDIA

Amy Newport from the *Dispatch Newspaper* stated that her understanding is that the Mayor has served on various committees for the National League of Cities over the last ten years.

Mayor Newsom stated that she was first appointed to the Transportation and Communications Committee at least ten years ago, maybe eleven. That committee evolved and divided. With the influx of electronic commerce and things, that committee divided into two separate committees where we had basically a Telecommunications Committee and the Transportation and Infrastructure Committee which she was put on. It has been a committee that has subdivided and grown. The responsibilities grew to such a point that they divided the committee and the responsibilities were not as great.

Ms. Newport asked if she was able to select the committee she wanted to serve on.

Mayor Newsom stated that the initial appointment came because the state Missouri Municipal League nominated her for the first appointment. Once you get involved in an activity like that and reading the tons of literature you are sent, you get your teeth into something and when the committee was divided years ago, she opted to go to the one she is on now. She felt she was more adept at that than the technology committee, so she chose to stick with that committee.

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There being no further business to come before the October 22, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:

G. Diane Whitaker
G. Diane Whitaker, Acting City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____

Anita Newsom
Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 12, 2001**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, 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 October 22, 2001 City Council Meeting Minutes.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-72, authorizing acceptance of work under contract with Green Mountain Joinery, Inc. for the Oak Grove Storage Building and authorizing final payment in the amount of \$1,023.15 from the Capital Improvements Sales Tax Fund.

APPROVAL OF BUILDING PERMIT for a 384 sq. ft. addition to existing structure at 6606 N Antioch Road. Applicant/Owner: Baldwin Properties, Inc. (BP #01-0769)

APPROVAL OF INTERIM FINANCIAL REPORTS for October, 2001.

REGULAR AGENDA

6. **Communications from the Audience.**
 - a. **Presentation to the City Council from Trans Systems regarding proposed Stop Sign at Brooktree & Kendallwood.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**

9. **CONTINUED PUBLIC HEARING:** on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

AUDIENCE NOTE: This public hearing will be opened and immediately reconvened to the Monday, November 26, 2001 City Council Meeting at the request of City Staff.

10. **PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE CITY OF GLADSTONE FOR THE YEAR ENDED JUNE 30, 2001** by Independent Certified Public Accountants Cochran, Head & Co.
- 10a. **CITY COUNCIL ACCEPTANCE OF 2000-2001 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**
11. **FIRST READING BILL 01-42,** establishing a Sister Cities Commission for the City of Gladstone, Missouri; setting forth the duties, and providing for the appointment of members and selection of Chairman and Officers.
12. **FIRST READING BILL 01-43,** electing the Alternate LT-8(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. Effective Date: January 1, 2002.
13. **FIRST READING BILL 01-44,** an ordinance amending Chapter 21 of the Gladstone City Code to enact a new section prohibiting a person from leaving a child unattended in a motor vehicle; and providing for penalties for violations thereof.
14. **FIRST READING BILL 01-45,** an ordinance amending Chapter 21 of the Gladstone City Code by enacting a new section prohibiting certain acts that constitute endangering the welfare of a child and providing for penalties for violations thereof.
15. **RESOLUTION 01-73,** pertaining to the financing of certain improvements and authorizing the offering for sale of an issue of approximately \$6,500,000 Certificates of Participation, Series 2002.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.

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

MONDAY, NOVEMBER 12, 2001

REGULAR MEETING: 7:30 PM

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Anita Newsom welcomed scouts from Troop 271 sponsored by Gashland United Methodist Church and Scouts Jason Pruitt and Mark Weinzerl led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. APPROVAL OF OCTOBER 22, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular October 22, 2001 City Council Meeting Minutes** as amended. Councilman Shirley Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to approve the Consent Agenda as read; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION NO. R-01-72**, authorizing acceptance of work under contract with Green Mountain Joinery, Inc. for the Oak Grove Storage Building and authorizing final payment in the amount of \$1,023.15 from the Capital Improvements Sales Tax Fund. Councilman Dan Bishop seconded. The vote: All "aye" -

Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Pro Tem Bill Cross moved to approve **BUILDING PERMIT** for a 384 sq. ft. addition to existing structure at 6606 N Antioch Road. Applicant/Owner: Baldwin Properties, Inc. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Pro Tem Bill Cross moved to approve **INTERIM FINANCIAL REPORTS for October, 2001**. Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.** There were no communications from the audience.

Item 6a. on the Agenda. **Presentation to the City Council from Trans Systems regarding proposed Stop Sign at Brooktree & Kendallwood.**

Assistant City Manager for Development Scott Wingerson advised that he and Mr. Tom Swenson of Trans Systems Corporation met with the Woodlands Homeowners Association on October 13th. The purpose of that meeting was to gain input from the association board and interested residents about the concerns relative to a stop sign that was requested at a recent council meeting. During that meeting, Board Member Kim Stevens requested some information relative to the placement of stop signs further east on Brooktree, specifically Brooktree & Bales, Brooktree & Norton and Brooktree & Myrtle, as well as a stop sign at 61st & Cleveland in the Carriage Crossings neighborhood. He intended to provide the traffic study and that information together to the entire association board and City Council at the same time however, because of the timing of the receipt of the traffic study we wanted to make sure that we are able to address it to the City Council. We just received the received the final draft so there was not time to put together the information that Ms. Stevens requested. He apologies to Ms. Stevens and will provide that information to her and the rest of the board this week.

Director Wingerson introduced Mr. Tim Swenson, TransSystems Corporation who the City contracted to perform a recent traffic analysis at Kendallwood Parkway and Brooktree Lane.

Tom Swenson, noted the specific objective of the traffic study at Kendallwood Parkway and Brooktree Lane was to determine if a four-way stop was warranted. The study they conducted was based on criteria in the Manual on Uniform Traffic Control devices commonly referred to as the MUTCD recognized across the country as the definitive source on the use of traffic control devices such as stop signs. The primary criteria for justifying a four way stops were safety and traffic volumes to the extent that there are efficiencies or delays caused by drivers. They were at this location on Tuesday, October 16th to collect their traffic volumes over the course of a day from 7:00 AM - 7:00 PM. They met with the Woodlands Board on Thursday October 18th and the purpose of that was to listen to what their concerns. What did they see everyday as drivers

of that intersection that might help him to make sure he was in touch with what everyday drivers saw out there. Safety was cited as a concern in particular for Woodlands drivers who come out and are southbound at the intersection. The difficulty they have looking back to the west is not only because of the curvature on Brooktree but because of some trees which block their sight lines they can only see to the west a certain distance. It was noted that there is school bus pickup and drop off activity in the area. It was suggested that some of the other four-way stops suggesting in the area were seen as intersections of equal or lesser importance than the intersection in question. Speeds on Brooktree were cited as higher than they would prefer to see and wrong way movement into the office park, going the wrong way on Kendallwood to the north, was noted as happening occasionally. Overall drivers thought that the delays they encountered at the intersection were rather minimal.

Mr. Swenson said there are three primary warrants for stop signs:

- a. Where traffic signals are justified, the multi-way stop can be used as an interim measure while arrangements are being made to install the traffic signals.
- b. Five (5) or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop sign installation.
- c. Minimum traffic volumes of so many per hour over the highest 8-hour period on the main street and than similar thresholds are established for the minor street. In this case, Brooktree is considered the major street and Kendallwood Parkway the minor street.

The MUTCD also offers other guidance in addition to this hard and fast objective criteria for the use of four-way stops. This guidance comes over decades of experience with stop signs. Mr. Swenson said two key ones that he will cite are the suggestions that four-way stops should only be used where the volumes of both streets are about equal. In this case, it is only three-fourths; one-fourth. 72% of the traffic they counted was on Brooktree compared to 28% on Kendallwood.

The other guidance is not to use stop signs for speed control. It has been proven in study after study in this country that do not meet that objective. If the objective is to slow traffic along Brooktree a long distance, putting a stop sign here is not going to change that condition. So his assessments of these warrants is that no traffic signs are warranted at this intersection. There have been no accidents in the last 12 months and we do not meet the minimum volume thresholds. We meet part of that on Brooktree but not on Kendallwood at all. As part of his review he did look at and drive the intersections several times on different days and at different times of the day and on all approaches to gain a sense of what drivers encountered.

One of the most fundamental things we need to provide at every intersection is good sight distance. We want drivers to be able to look up and down the road before they proceed through a stop sign and turn in front of other traffic to make sure they can see it and make good decisions. What he found when he looked at the intersection was that by and large it is a pretty good sight distance with the one exception that neighbors brought up that when you are southbound on Kendallwood and want to look west it is very difficult to see very far for two reasons: the curve in the road, and the trees. There is a cluster of some deciduous trees right on the corner and up the road to the west there are some rather large dense pine trees that literally form a blockade and

allow drivers to see a few hundred feet up the road. Likewise, if you are east bound on Brooktree you do not see the intersection very quickly and it comes up on you primarily because of the pine trees.

Mr. Swenson said they do not recommend the 4-way stop. Frankly, there is no compelling reason to install them and the MUTCD has a forceful tone when it comes to stop signs in that you do need a very compelling reason to do that and that is because our goals on our street systems are to move traffic efficiently and safely. Safety is always the utmost concern but we want to be efficient as well. We do not want to needlessly force others to stop or stop ourselves if there is no good reason to do that. The key is to provide drivers with the conditions so that they can make good decisions and safely navigate our street system which gets him to his #1 recommendation which is to remove those sight obstructions so that those southbound drivers on Kendallwood can see adequately to the west a much more comfortable distance. We can argue that there have been no accidents which means that drivers are adapting but he still thinks it is importance to provide that fundamental good sight distance.

While not strictly a part of the study per se, Mr. Swenson said there are other tangents this intersection can take to address the travel speed which was an issue raised by the neighbors. That gets into traffic calming which is a term we have no doubt heard. The speeds on Brooktree measured by the City were relatively high compared to the posted speed limits. The speed limits 25mph and 85% of the drivers are driving 35mph. When he watched the intersection it did not necessarily strike him that drivers on Brooktree were going inordinately fast through there but there are some things that can be done. He points out that the conditions are pretty ripe for somebody on Brooktree to easily exceed the speed limit. It is a nice 36' wide street with no parking so drivers have a very comfortable two-lane street and most of the intersecting streets and driveways do not carry a lot of traffic. So somebody traveling along Brooktree in addition to having a nice comfortable road does not expect to encounter much traffic turning in front of them. Some things to consider are trying to effectively narrow the street, you could stripe a painted median that would narrow the lanes, you could consider bike lanes on the outsides both of which would shrink those lanes from 16' wide to 12' wide which might have some effect on drivers speeds through there. You could consider cross walks at the intersection with prominent marking materials and signs to get peoples attention and drivers attention that they are approaching an intersection. There are a lot of things that would fall into traffic calming and a lot of communities engage the people who live on or near that street to work with staff to find the best solution to address the problem that people perceive is going on along that street.

Mr. Swenson invited questions at this time.

Councilman Bishop said one of the questions raised by Councilman Les Smith several Council meetings ago when this issue was brought forward under comments from the audience was safety of the actual intersection because of the way the median protrudes out toward Brooktree Lane. The question was is there a need to reconfigure the design of that intersection coming out of the Woodlands and Mr. Bishop asks if that was looked at as a part of this study.

Mr. Swenson said he does not see that the width of the median in this case is contributing to any problems but he did mention earlier that the Woodlands residents mentioned the wrong way

movements that occur at some times and he did recommend in his report some standard traffic control signs to help prevent that. But he does not see that the median itself is causing the problems, particularly safety issues.

Councilman Bill Cross noted the report tells him that something definitely has to be done about the trees and secondly, the need for closer supervision by our own law enforcement to slow some of those people down if the study indicates that the majority of those people are exceeding the speed limit. Mr. Swenson agreed that enforcement is always an option that a community has. They always talk about the three E's of engineering, education and enforcement. If they are exceeding the speed limit by that much, periodic enforcement would be a good idea.

Councilman Les Smith said he will probably not be in favor of stop signs at that intersection however he thinks we have to do more than rely on a couple of signs and enforcement to solve the problem. In the minds of the residents who drive it there is a problem, so therefore we do have a problem. There is also the school bus issue and he understands that we are working with the school district trying to get the buses to pull into the Woodlands to collect the children rather than out on the street. The second issue raised was a cross walk of some sort to enable the children to go to the library. Is it possible to put a sidewalk with flashing lights to address that problem.

City Manager Kirk Davis said cross walks were recommended as potentially one of the options to let people be aware they are coming to an intersection. Mr. Davis said he had not thought of the yellow lights.

Mr. Swenson said flashing lights or beacons is discussed and he notes that you could also try things incrementally. It is hard to say that flashing lights are absolutely needed but it is something that can be considered.

Councilman Smith said he would like to see us doing something literally tomorrow. This has been an issue for some time and we should start doing something right away but let's try to exhaust all other possibilities before we get to the stop sign issue.

Mr. Davis said we have contacted the school district and are trying to encourage them to look at other alternatives to pick up the kids on both sides of Brooktree. There may have been an issue for the School District at one time when those were private streets but the City has since taken them over and they are now public streets so there is an ability to use the road system in there to at least turn around without backing up a bus.

Mr. Smith asked how we can expedite our discussions with the School District. Mr. Davis said we will try to get those discussions moving forward at a faster pace but he cannot say how fast their system would work in terms of any changes. But the direction he hears is move forward as quickly as possible with the school district and take a look at what traffic calming ideas might work with the homeowners association and folks in the Woodlands.

Councilman Newsom said round-a-bouts which she observed in Europe served to slow the traffic and she realizes it is a major construction but looking towards the future she asks if in their studies they find round-a-bouts work or would we be better off to place some smaller configuration of an island. Mr. Swenson responded that it is commonly discussed and the

modern round-a-bout is slowly being implemented. In this whole metro area there are probably fewer than ten but it has become an alternative to consider and not just in neighborhoods but also on major streets. Like anything different it is slow to catch on. At this intersection, the wide medians really don't lend themselves to a good round-about design so that is why he did not mention it. It is certainly a tool that can be considered because it is an intersection control device and does calm traffic.

Councilman Les Smith said he thinks we should at least explore that concept because it fits with the whole parkway theme in that area.

Councilman Cross said those sound like good ideas and he thinks we could work out something with the School District who want the safety of the young people and make contacts as far as cutting trees and placing cross walk signs so that drivers and pedestrians know what we are trying to do. He agrees with Councilman Les Smith that we need to start tomorrow.

Mayor Newsom said if there are audience members who would like to address this issue she invites them to do so at this time.

Rita Gauer, said she resides in The Woodlands and is present for the second time. About a year ago she spoke with Councilman Bishop and asked how they could go about getting a four-way stop. Mr. Bishop told her that as an individual he could do nothing but recommended that a petition be generated signed by as many Woodlands residents as possible, take it to the City Council and tell them why they need this four-way stop desperately. They have done that and have 86 signatures and an article from the Insurance Institute which recommends that all two way stops be changed to four-way stops to benefit the safety of older drivers and indicates that the amount of accidents can be reduced by up to 50%. Mrs. Gauer said in her book that is very very compelling.

Mrs. Gauer advised that Woodlands resident Bill Reynolds wrote a letter to the City of Gladstone last June and received no response. Carol Fisher who is also a resident wrote a letter to the Mayor and Council and received no response. One of the recommendations is to tear the trees and shrubs out but Mrs. Gauer said when you are trying to get into their development and are on Kendallwood Parkway there is a building obstructing and the trees are not going to make any difference. You still can't see as those cars come racing down Brooktree. Although there have been no accidents there she sees this as an accident waiting to happen. We are all getting annoyed with the business of traffic volume and traffic calming. There are all kinds of four way stops in Gladstone and she mentions N Indiana & Shady Drive and N Cleveland & 60th Street which do not have as much traffic as they do. But we cared enough to put those stops in for the safety of the people which she thinks is great. There are 4-5 stop signs between N Indiana and N Jackson and she was told those were in place for the safety of the people living in that area because it is densely populated and serves four developments with several entrances and exits. There is only one way in and out to the Woodlands.

Mrs. Gauer said as far as traffic calming, try to tell that to some family who will eventually lose a loved one at the intersection of Brooktree and Kendallwood.

Michelle Baker apologized for her emotion but said it was because she is a mother and referred to the children with her and said there are five compelling reasons why we believe we need a

stop sign in the Woodlands. She asked that we look at the children closely and said she would hate to think that an accident could happen because they were trying to cross the street to go to the library. Flashing lights will not stop a vehicle if it is a yellow warning. She does not know how to word it any other way but she would just respectfully request that the Council please reevaluate their decision on having stop signs so that Woodlands residents can carefully and safely cross the intersection.

Mayor Newsom asked if there were others who desired to address the Council at this time. No one responded.

Mayor Newsom asked members of the City Council if they desired to discuss this issue further at this time or take action on it.

Councilman Shirley Smith said she realizes we have to have rules and regulations on matters or things would get completely out of hand but it does seem that our citizens should be listened to. As she sees it, up to now they did not know what to tell us to solve the situation, and we did not know what to tell them. What we need to do is study this further and very quickly.

Ms. Smith said she is not one to say let's do what everyone wants us to do but this has been going on for a long time and we do not have citizens really pursuing things like this unless they feel very strongly about it and feel they are right. She said she knows of a few stop signs that were put up at the whim of a person and they have no value now. That was many years ago and they have no value now. So if we are going to pick out one intersection and say it has no value for a stop sign maybe we better review other intersections where we have stop signs that have no value. She really thinks we have to consider the safety of our citizens above and beyond the rules and regulations.

Councilman Bishop asked Mayor Newsom what she is suggesting. The Mayor said she does not know if someone wants to make a motion to enact the guides of the study, if we do some further research, or if we over-ride the study and have the documentation prepared for placement of a four way stop at that location. She asks the preference of the Council.

Councilman Bishop said for the record he wants to be perfectly clear that his top priority is safety at that intersection and he is sure we all agree on that. Mr. Bishop said he did tell Mrs. Gauer if she had compelling reasons that should be brought to the Council's attention as to why stop signs should be there she should initiate that dialogue and bring it forward for discussion. He believes that has been done and we have all heard the message which is certain residents desperately want a stop sign. But if you look beyond that request for a stop sign what he really hears is that they want safety, they want their children safe and they want to be safe. These people are fearful and it is our job to give them what they are really asking for which is safety at that intersection. Although he respects the opinion of each of the Woodlands residents with whom he has spoken on this topic not one of them has credentials as a traffic engineer, nor does he, and that is what he has said from the start that he is very dependent on the recommendations of staff and traffic engineers. Mr. Bishop said he is impressed with the report given tonight from TransSystems and the lengths they went to hear the concerns of the residents of the Woodlands and they have given a report that analyzes the problem and he can't imagine someone not agreeing with their analysis of the problem. They have made what appear to be some very thoughtful recommendations to insure the safety of that intersection. When you

combine that with our efforts to work with the school district to get the school bus to come into the Woodlands and put a crosswalk in there so the children can go to the library, it seems these things if acted upon would go a long way in creating a safe intersection. He hears the request being made for a stop sign but he has to say for the record that he has had telephone calls in the past three weeks from Woodlands residents telling him emphatically that they do not want a stop sign there. He said Council received a letter in their packet from a resident in the area who had seen some of the press coverage and said he emphatically does not want a stop sign there. So we have people who care enough on the one side to say they really want it, and those on the other side who say they really don't want it. So the Council is in a situation where he thinks they have to rely on the recommendations of the consultants.

Mr. Bishop said speaking for himself all he is trying to do is insure the safety of that intersection. He is impressed with the report from TransSystems and he thinks the best thing we can do is proceed with implementation of those recommendations. He would like to see an analysis of a traffic circle. He thinks that is an intriguing idea and he does not know that cost should be a big barrier. Mr. Bishop said Mayor Newsom and Councilman Les Smith struck on something that sounds really promising at that location and he would be interested in the analysis of the feasibility of a round a bout. In his view that would accomplish every goal that has been brought to our attention by the Woodland's residents.

Mayor Newsom said she concurs with Mr. Bishop almost one hundred percent. She said she is not a traffic engineer but as a driver she knows when you see a wide stretch of road it is easy to accelerate. There are ways to solve the problem so it is a win-win. It may not be as easy as going out and putting four poles in the ground and putting stop signs on them. In the interim between the time we can get started on implementing the traffic study and recommendations she would certainly hope nothing happens and we move on and implement this and see if those changes do alleviate a good deal of the problem. The Mayor said she is intrigued by the idea of traffic calming devices. She received some information a few years ago on round-a-bouts and when she was in Europe she was watching them to see how they were used because traffic was not stopped but slowed down significantly. But it is not like Meyer Circle in Kansas City where motorists are spinning out in yards because that can be a bad thing.

Councilman Les Smith said Councilman Bishop articulated the consensus of the City Council very well. There are two things we can do. We can do nothing or commit to doing something and he thinks we are committed to doing something. It may not be the solution that is desired immediately but we are committed to solving the problem and he thinks the solution should be more important than the method. He told the City Manager that he believes he has some very explicit direction from the City Council that we need answers, and we need them very very quickly. Those things that we can implement we need to implement very very quickly and he agree that is the direction we need to go. We need to solve the problem somehow but it sounds like creating a four-way stop might create problems in other ways and we do not need to trade one problem for another. He told Mrs. Gauer and Mrs. Baker that this may not be what they were looking for but Council will commit to trying to solve that problem. It just does not sound like it will be with stop signs. We have a better solution that will be a very nice solution for that area.

Ms. Baker asked how a traffic circle would allow pedestrians to cross the street any easier or safer.

Mayor Newsom answered that it would be in combination with a cross walk to slow down traffic. Ms. Baker said the only traffic circle she is familiar with is off of Ward Parkway and she is not picturing where a pedestrian cross walk could be placed in the middle of a traffic circle.

Ms. Newsom said it may not be in the middle of the circle, the traffic engineers would have to draw it up. Ms. Newsom said it would not be as large as Ward Parkway but what she saw used in other places was smaller so that people would not raise their speed going around it but will have to slow down. And then a cross walk could be at one end or another or designed to go through the middle of it where the children and pedestrians could cross at a green space and have a spot to cross one lane and pause and cross the other lane as it clears, she does not know how it would be designed.

Councilman Smith said the difference is that at Ward Parkway there are six lanes of traffic with a large circle. We are talking about a much lower volume of traffic and the main thing is it allows everyone to be seen and the traffic slowed down quite a bit, as far as the intent. That might not be the final solution but at least we are trying to go through all the other possibilities before we just say "no - we can't do anything". That is probably leaps and bounds as far as success in the past.

Mrs. Gauer said an increase in accidents has been alluded to if a 4-way stop is put in. She said she cannot for the life of her imagine why 4-way stops could increase traffic accidents if people are going to stop they are going to stop so she does not understand the reason. When they are coming from Kendallwood to get into the Woodlands there is only a 2-way stop. Taking out the trees would be great for coming into the Woodlands but won't help where the view is obstructed by the law building.

Mrs. Baker said Mr. Bishop indicated he had received several phone calls from residents of the Woodlands who stated they did not favor a 4-way stop. She heard no one at any of these meetings step before the City Council and indicate that view and questions what their reasoning would be. Is it the inconvenience of pausing for thirty seconds at a stop sign? She has not heard any reasons why residents would be against it.

Mayor Newsom thanked Mrs. Gauer and Mrs. Swenson for their comments.

Mayor Newsom asked the Council if a motion is needed to give direction to the City Manager on this matter. City Manager Davis said the direction is clear.

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

Councilman Les Smith had no comments at this time.

Councilman Shirley Smith advised the City Council, City Manager and Management Team recently held their annual retreat which was a great opportunity to focus on the last year and plan future goals and direction. She also expressed her appreciation to Finance Director Sweiven for his report on the Local Government Employees Retirement system meeting. Ms.

Smith also commented that she agrees with comments made by residents of the west side of the city that a grocery store is needed in that area.

Councilman Dan Bishop said he has talked frequently since coming on the City Council about the fact that Gladstone has entered into the realm of what is called a first tier suburb or an inner ring suburb. What this means is that as one of the first suburban communities as the metropolitan area begins to move outside of the urban core, we have some great opportunities such as mature neighborhoods with beautiful established trees. We have a stable population and we also have some challenges in terms of aging housing stock and aging retail corridors. We have really focused on the challenges in being a first suburb and done this through the Neighborhood Preservation Task Force, the North Oak Corridor Study and we are trying to be pro-active in dealing with those challenges and at the same time emphasizing our strengths as a first tier suburb. He said he has been so interested in this issue of first suburbs and learned of an exciting program the Kauffman Foundation has undertaken. They have entered into a significant financial contract with the Brookings Institution which is one of the foremost think tanks in the nation. The Brookings Institution will come into Missouri and analyze issues affecting first suburbs not only in Missouri but as a whole in the State level in the metropolitan area.

He attended a kick off meeting on October 11th where a presentation was made by Bruce Katz from the Brookings Institution who was former Chief of Staff to the Secretary of Housing and Urban Development Henry Cisneros under the Clinton Administration. The point Mr. Katz made was that although there have been reams of research on issues affecting urban cores there really have been no significant studies done of the first tier suburbs. The contract with the Kauffman Foundation and the Brookings Institute is being facilitated by Mid America Regional Council and is of the greatest significance. In other metro areas where the first suburbs have joined together in some sort association they are able to work together collectively to address their common challenges as first suburbs and this means they are able to lobby at the state level for a larger piece of the state budget to address their specific challenges. And they are able to lobby at the national level and get more federal dollars and some exciting things are happening through these associations of first suburbs.

Councilman Bishop noted that only Gladstone, Grandview and Raytown were represented at the meeting and he had only learned of the meeting by chance and attended. Forming an alliance of first suburbs was discussed and he hopes we can continue to be involved and if we have opportunities to participate in matters of this importance that we are represented.

Mayor Newsom acknowledged that she had received an invitation to this meeting but other commitments prevented her from attending so it had been forwarded to our staff for their interest and apparently no one was able to attend. Councilman Bishop said it does concern him that we almost missed this opportunity so we do need to insure that this doesn't fall through the cracks. The Mayor said she is glad Councilman Bishop could attend because it does sound like an interesting program that would be beneficial to us.

Councilman Bill Cross said he attended a Board Meeting of TRY (Teaching and Reaching Youth) recently and was pleased to provide them with copies of our recently passed Beer Keg Registration ordinance. He told Assistant City Manager Laura Gay that one of the members expressed appreciation for receiving a letter from her advising of the passage of this ordinance.

Only six other cities in Missouri have keg registration which goes into affect next month. TRY members were extremely pleased to learn Gladstone had passed this ordinance.

Mayor Anita Newsom thanked crews who placed the flag banners on our corridors. She also noted the successful brush cleanup recently. Our count was 2,771 over the three day period. This at great service we provide to our residents.

She echoes comments from Councilman Shirley Smith that goal setting was beneficial and a good process we have come up with good goals for next year and beyond. She mentioned to Finance Director Cash Sweiven that she had received some comments about tax bills which had a discrepancy between the listing on the county bill versus the city.

Director Cash Sweiven explained that we receive our tax information from the county and we ask citizens to go back to the county if there are discrepancies and the county will correct it and we will likewise correct the city's tax bill. Because of our low tax rate in some instances a resident may receive a tax bill for a very low amount. He said this year a policy was implemented in the Finance Department to abate any personal property tax bill under \$3.00 so that would explain why there might be some differences in the tax bills. The Mayor asked if there is not some way we can communicate this better to the residents to negate the confusion. Director Sweiven said we definitely can through a flyer in the tax bills next year and other means of communication.

Councilman Les Smith said if someone has an older vehicle that would result in a \$3.00 tax and they get a tax bill anyway, why would we not want to collect that \$3.00. Director Sweiven said his calculations were that our break even costs were at \$2.80 which is time, effort, postage and return of the envelope, etc. His findings were that the city's loss would be less than \$2,000 and it costs that plus more for the postage, handling and time and effort involved in collection. Mr. Smith said he has an older car that fell off of the tax bill this year and his point is if you are getting a tax bill anyway why would you not leave that older vehicle on. Director Sweiven said if you have multiple vehicles on your tax bill, the system does not allow us to leave the older vehicle on your tax bill.

Councilman Shirley Smith said so if you only have one vehicle on your tax bill and it happens to be an older vehicle that would result in a less than \$3.00 tax bill then you would not receive a bill. Mr. Sweiven said that is correct. Ms. Smith said people were asking employees of the County Assessors office why they did not get a Gladstone tax bill, so at a minimum we should have made the County Assessor aware of this change. Director Sweiven assured we would do a better job. He also said we will research this for next year and will calculate it again and perhaps the result will be that we include all vehicles for next year, but regardless we will do a better job of communicating.

Mayor Anita Newsom advised that one evening as she was walking through the court room she observed Judge Rose and the Court Clerk conducting court through TV monitors with incarcerated prisoners. This is a great idea because prisoners do not have to be transported and maximizes safety and minimizes cost. She had not been aware this system was in place and was amazed. She sees it as a very efficient way to conduct this business.

Mayor Newsom said she was contacted by a citizen who suggested persons coming out of the Public Safety Citizens Academy might benefit our Public Safety Department as volunteers. There are 20 people going through Citizens Academy at this time and they might volunteer their time and interest to the City and help support public safety. She said they could utilize their knowledge and this might be something we could explore.

City Manager Davis said he will speak with Director Adamo and we will certainly look at opportunities for volunteerism. He stressed that in areas of personnel matters there would have to be some pretty restrictive rules and by-laws, but we can look at those privacy issues.

Mayor Newsom wished all a Happy Thanksgiving.

The Mayor advised that Saturday December 15th is the date set for Board and Commission interviews. Councilman Bishop asked if media releases soliciting interest from residents have been sent as well as notifications to board members with expiring terms. Staff advised they are being sent.

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

City Manager Kirk Davis announced the 50th Birthday Committee is meeting at 7:00 PM at the Elks Lodge this Thursday night and we are looking for volunteers to be involved in that year long celebration. We encourage people who are interested in working with committee to attend.

He also announced that the Solid Waste Disposal Public Meeting will be held at 6:00 PM at City Hall on Monday, November 19th to review the solid waste proposal received and obtain citizen feedback.

The City Manager also announced the resignation of Hamid Hashemizadeh as Public Works Director effective later this month. He advised that Mr. Hashemizadeh has decided to pursue other career opportunities and we wish him the best.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING;** on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Final Scare. (File # 1164)

Mayor Anita Newsom opened this public hearing and announced it will be continued to the Monday, November 26, 2001 City Council Meeting at the request of City Staff.

Item 10. on the Agenda. **PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE CITY OF GLADSTONE FOR THE YEAR ENDED JUNE 30, 2001** by Independent Certified Public Accountants Cochran, Head & Co.

Lew Herman, Cochran Head and Company introduced himself and said they worked on this project as a joint venture with Bruce Culley. His partner Tim Fitzgerald is present to respond to any questions Council may have.

He said the Council should have received a copy of the Comprehensive Annual Report, in addition there was the Single Audit Report, Management Letter and the Gladstone Special Road District Report all performed in connection with the audit. When they are asked to come into the community as an auditor they try to answer three basic questions when they are looking at the financial statements. Are the financial statements free of material mis-statement, are the effective internal controls in place and do they work, and did the City comply in all material respects with finance related laws and regulations both local, federal and state. The answer to all of these is, yes.

Their responsibility is to perform the audit within generally acceptable auditing standards and government auditing standards which govern the way in which the city reports their financial affairs. Their objective is to provide reasonable, not absolute, assurance that the financial statements are free of material mis-statement and they report on the internal control structure in compliance with laws and regulations.

When they go through an perform an audit they are required to communicate certain things: were there any irregularities or errors, any illegal acts they saw, significant accounting policy changes. The answer to all of these is, no there were none. Any disagreements with management, no, there were none. As far as cooperation, as he indicated earlier they were given full cooperation. He would note that when they do an audit they do not look at every transaction, they could not possibly. They look at samples of transactions. They look at checks for both payroll and regular, direct deposits and revenues and receipts and deposit slips, bank statements backup documentation. This does not mean that they have seen absolutely every record and can assure with out a shadow of a doubt that there is not something that is irregular but they can tell us from their sampling techniques that they are fairly reliably assured that there are none of these particular issues evident here. The opinion on page 15 describes what they have done and the limitations and in this case the report is unqualified which means that there were no problems or qualifications. They have issued an internal report control as well that shows no material weaknesses in the internal controls.

The Management Letter has a few items none of which are earth shattering. Some items have been noted before and Director Sweiven has discussed the implementation of the new reporting model which starts July 1, 2002. He said Cash Sweiven has asked them to assist him in performing the change and implementing the new reporting model and they have agreed to help Mr. Sweiven do so.

Cochran Head is asking staff to monitor the Bond covenants and reserves. Details are given in the Management Letter. Fixed assets has to do with donated assets which becomes a more significant item in the new reporting model, but basically refers to when a developer donates pieces of property and/or streets from a development or improvements, the City is responsible for maintaining those and take them in as a donation. They are asking the City staff to account for those on a more current basis. This is done at year end, but not on a month to month basis.

Public Safety funds were discussed last year in the Management Letter and staff has been able to implement the changes recommended and has agreed with the changes. The same holds true with EMS and accounting duties. They were all implemented satisfactorily to their review.

The Bond collection is still a segregation of duties issue. In the Management letter it refers to the fact that one person who is collecting the money should not be depositing the money and should not be writing checks on the same bank account. It is a matter of personnel and availability and transferring responsibilities between staff. Mr. Sweiven has looked into this area and is reviewing ways to practically implement some changes to safeguard this issue.

Mr. Herman stated that he is with Bruce Culley, Cochran, Head and Company and they did this as a joint venture. They will now go into some areas that Director Sweiven thinks is important, the purposes of financial condition. Financial condition, for those on the City Council, is how well, after you are gone, can this City and community meet their financial responsibilities, both in long-term debt obligations as well as paying the bills for next month and next year.

The first presentation deals with revenue as it relates to population and can be a double-edged sword. This is the general fund revenue as it relates to the population. The City is basically a little over \$600 per person in revenue as it relates to other cities. There are 1530 cities in this study throughout the United States and is not classified in any way, but includes cities of all sizes and economic basis. Gladstone is right above the 50% level which is average in this case.

Next is total General Fund revenue from the City's own source compared to the total general funds. In other words, how much does the City receive from the state and other agencies to help support Gladstone. The City is on the high side of this ratio, above the 50% mark.

General Fund sources from other funds compared to other general funds has to do with how much we have to get as transfers to help support the general fund operation. Last year the City had a transfer from the fund accounting of \$160,000, putting it right at the 50% range. A lot of communities have this, but if you have a low ratio, it suggests there is little reliance on operating transfers from other fund sources.

Mr. Herman stated that next is the operating expenditures in relationship to total expenditures and how much the City is spending. A low ratio suggests adequate maintenance of infrastructure. In this particular case, the City is lower, considerably better than the top 75% of communities in the survey.

Total revenues as it relates to total expenditures. In this case, the City is trying to build equity, so there is equity to carry over to meet expenditures for the next year. You want those revenues to be higher over the expenditures. In this particular case, the City is a little bit below the average.

The fund balance is the money left over at the end of the year. How much can be used for next year's operations. In this case, the City is above average, just by a marginal amount. General Fund cash and investments as it relates to General Fund liabilities. For those in the business community, this is called liquidity. If the City were shut down tomorrow, took all the cash, could you pay all your bills. In this case, the City is better than the average city and a higher ratio shows you can meet your short term liabilities very well.

How do the short-term general fund liabilities relate to the general fund revenues. A low ratio suggests short-term obligations can be serviced by normal annual revenues. In this case, Gladstone is close to the top 75% again.

Long-term debt as it relates to the population. When we are all long gone and you have those long-term bonds or certificates of participation that you are paying off, are our kids still going to have to pay for it or am I going to have to pay for it. Do we have a lot of debt in relationship to the per capita. As you can see, Gladstone is better than the average, not quite at the top of the 75% of communities.

Debt service as it relates to total revenues. Again, the City is better than the average. This refers to the ability to pay debt service when required.

General Fund unreserved fund balance as it related to general fund expenditures. In this case, the City is in very, very good shape. The City is one of the top 5%. What it basically says is that the City has enough to meet three or four months worth of expenditures on the normal General Fund operations without getting any tax dollars. That is healthy and where you should be.

As Gladstone relates to all the 1530 communities out there, a year ago, the City was at 83%. This year you are at 81%. The difference is the debt service load which you picked up this year. The City went from a \$425,000 debt service amount in the year ending 2000 and this year you are at \$925,000 and that is what brought the City down just a little bit. However, the City should be very proud of the fact that it is in the 81% of all cities within the study.

Mr. Herman thanked the Council and restated that the City is in a healthy position and he would be happy to answer any questions.

ITEM 10a. on the Agenda. CITY COUNCIL ACCEPTANCE OF 2000-2001 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.

Councilman Bishop moved to approve the Annual Financial Report; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom thanked staff for a job well done.

Item 11. on the Agenda. FIRST READING BILL 01-42, establishing a Sister Cities Commission for the City of Gladstone, Missouri; setting forth the duties, and providing for the appointment of members and selection of Chairman and Officers.

Councilman Dan Bishop moved to place Bill 01-42 on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Bishop stated that he thinks this is a good program. When we started talking about this last year, we could not possibly have imagined the events that happened this September. He thinks more than ever, it highlights the critical need for understanding of people of diverse backgrounds, races and cultures, to have a more international outlook and to enable us in times of crisis not to hold one ethnic group responsible for the atrocities of a few fanatics and to be able to approach things with a clear head. It is a great program and he is pleased by the commitment the

core members have already shown and the committee work so far. This, in conjunction with our 50th anniversary celebration, will be a nice addition to the festivities and he supports this program.

Mr. Bishop stated that whenever he would meet the Honorable Councilman Bill Parker from Liberty at a meeting, he would corner him until he brought the issue forward. They are getting good results in Liberty and grateful we are moving forward with a Sister Cities Program in Gladstone.

The vote: All "aye" Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-42, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 01-42** and enact the Bill as **Ordinance 3.810**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda **FIRST READING BILL 01-43**, electing the Alternate LT-8(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. Effective Date: January 1, 2002.

Councilman Les Smith moved to place Bill 01-43 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Councilman Bishop stated that this was something that we talked about during the adoption of the 2002 fiscal year budget in May. We know that one of our greatest assets in the City is our employees who have done so much for this community. He thinks it is appropriate and fitting that we are able to do it. We will increase this LAGERS benefit designation and he will support it.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-43, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of **Bill 01-43** and enact the Bill as **Ordinance 3.811**; Councilman Dan Bishop seconded.

Roll Call Vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 13, on the Agenda. **FIRST READING BILL 01-44**, an ordinance amending Chapter 21 of the Gladstone City Code to enact a new section prohibiting a person from leaving a child unattended in a motor vehicle; and providing for penalties for violations thereof.

Councilman Dan Bishop moved to place Bill 01-44 on First Reading; Councilman Bill Cross seconded.

The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-44, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 01-44** and enact the Bill as **Ordinance 3.812**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 14, on the Agenda. **FIRST READING BILL 01-45**, an ordinance amending Chapter 21 of the Gladstone City Code by enacting a new section prohibiting certain acts that constitute endangering the welfare of a child and providing for penalties for violations thereof.

Councilman Les Smith moved to place Bill 01-45 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Councilman Shirley Smith stated that there have been cases where these kinds of laws have been used by children to get their parents in trouble and asks if there are safeguards for parents in this document.

City Counselor David Ramsay stated that they are not specifically stated in the document. Most of the charges require more than just neglect, they require criminal negligence which is more akin to reckless action or knowingly endangering a child. The state statute is more involved because it does refer to sections of the juvenile code where the child is involved in a crime or has been neglected by being allowed to live in an unsafe structure. An adult or parent who places a child in that situation or encourages a child to violate the law, then is subject to being charged and possibly convicted in municipal court separate and apart from what occurs with the juvenile. The first section which is criminal negligence to act in a manner creates a substantial risk to life, body or health of the child requires more than just an allegation by the child and is going to be

most useful for our police officers as they deal with domestic relations, domestic disputes and problems in the home.

Councilman Shirley Smith stated that these things seldom come up but she would hate to see parents in a position where they are afraid to do anything.

Mayor Newsom stated that if this functions in any way like the Clay County Juvenile Court works, then the parents and child are given all the due process necessary to present their side and equitable judgment is made to protect both parties involved. Ms. Newsom stated that she assumes we are functioning in the same format.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-45, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of **Bill 01-45** and enact the Bill as **Ordinance 3.813**; Councilman Dan Bishop seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 15. on the Agenda. **RESOLUTION 01-73**, pertaining to the financing of certain improvements and authorizing the offering for sale of an issue of approximately \$6,500,000 Certificates of Participation, Series 2002.

Mayor Pro Tem Bill Cross moved to adopt **Resolution 01-73**; Councilman Les Smith seconded.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

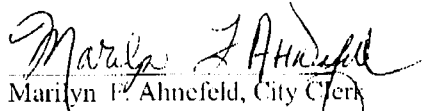
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
There being no further business to come before the November 12, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

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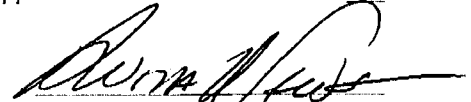
Councilman Dan Bishop moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communications & Litigation, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 

Approved as corrected/amended: _____


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 26, 2001**

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 November 12, 2001 City Council Meeting Minutes.
- 4a. **SPECIAL PRESENTATION** to Gladstone Public Safety School Resource Officer Ronn Shatswell. Presenter: Elks Lodge No. 2376

5. **CONSENT AGENDA**

RESOLUTION NO. R-01-74, accepting work under the 2001 municipal swimming pool painting contract with Commercial Pool Painting and authorizing final payment in the amount of \$1,995.00 from the Municipal Pool Enterprise Fund.

RESOLUTION NO. R-01-75, accepting work under contract with Linaweaver Construction, Inc. for the 58th & North Broadway drainage improvements and authorizing final payment in the amount of \$43,271.68 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-01-76, adopting A Mission Statement, Objectives and Goals for the City of Gladstone, Missouri for 2001-2002.

APPROVAL OF LIQUOR LICENSE for sale of liquor by the drink, six day license to Sonnie, Inc. of KC dba Tailgaters, 316 NE 72nd Street. (new corporation ownership). Managing Officer: Teresa K. Beem

APPROVAL OF NEW LIQUOR LICENSE for sale of beer and wine at China King Buffet, 6000 N Antioch Road. Managing Officer: Hai Yan Lin

APPROVAL OF BUILDING PERMIT for 23,707 sq. ft. tenant finish at 6469 N Prospect for Factory Oak Outlet. Applicant: Sullivan Palmer Architects. (File #01-0789)

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 property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Fina Scire. (File # 1164)

AUDIENCE NOTE: Applicant has withdrawn this rezoning application therefore no public hearing will be held.
10. **PUBLIC HEARING** on renewal of a Special Use Permit for operation of a child care facility at 7204 NE Rosewood Drive. Applicant: Angela Stone. (File #1165)
- 10a. **FIRST READING BILL 01-46,** granting a Special Use Permit subject to certain conditions to Angela Stone for operation of a child care facility on property at 7204 Rosewood Drive. (File #1165)
11. **FIRST READING BILL 01-47,** approving the Final Plat of Claymont Pointe Fifteenth Replat for property at 166-168 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1166)
12. **FIRST READING BILL 01-48,** approving the Final Plat of Mazuma Credit Union and directing the appropriate officials to affix their signatures to the plat for recording. (File #1167)
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

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

MONDAY, NOVEMBER 26, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF NOVEMBER 12, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular November 12, 2001 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. SPECIAL PRESENTATION to Gladstone Public Safety School Resource Officer Ronn Shatswell by Mr. Dick Powers of the Elks Lodge No. 2376.

Dick Powers thanked Council for allowing him to be present and said he considers it to be a true privilege. He remembers former Councilman, Mr. Bill Reynolds telling him about a young officer who was working with students at Antioch Middle School. As years have progressed, he continued to hear of this officer from his superiors, from residents, from Antioch staff and it is with great pleasure that he makes this presentation to give the recognition that Officer Shatswell certainly deserves. Mr. Powers invited Officer Shatswell to come forward.

Mr. Powers noted that he is representing Northland Elk's Lodge No. 2376 and explained that this is a new national award through the state of Missouri Elk's organization. Officer Shatswell is one of only 12 Public Safety officers in the state of Missouri to be recognized with the "Starfish Award." This award was conceived because of a man named Enrique Camarina. This gentleman was a drug enforcement agent who went undercover in Mexico to attempt to stop drug trafficking into the United States. Unfortunately, he was kidnapped and murdered in Mexico by drug lords

and traffickers of Mexico. This gentleman lead an exemplary life as a DEA officer and went above and beyond the call of duty and this award is in his honor.

Mr. Powers advised that Officer Shatswell is now in his tenth year working with the D.A.R.E. Program at Antioch Middle School and the youth of Gladstone. It is also his fourth year as the School Resource Officer at Antioch. This man has done untold good in our community in causing students to stay away from drugs and to become aware of the drug program. Students consider this officer a symbol and they tend to accept him more than most adults. He is proud that Mr. Shatswell is able to work with these youths the way he has.

Mr. Powers stated that Officer Shatswell developed the Youth Academy program, which covers more than just drug awareness and he read the Youth Academy guidelines which include: to inspire young adults with a sense of community pride; foster better communications among young adults and public safety officers; and to present the field of public safety as a potential public service career. What admirable goals those are.

Mr. Powers then read a portion from the plaque that Officer Shatswell will receive. *"this young man's actions represent something special in each of us. We are all gifted with the ability to make a difference. Each of us can shape our own future. Each of us has the power to help our organization reach their goals. A statement by Mr. Joe Arthur Barker: "Vision without action is merely a dream. Action without vision just passes the time. Vision with action can change the world."*

Mr. Powers stated that Officer Ronn Shatswell is doing everything in his power to make those words viable and told him he was proud to present this plaque to him pleased to see members from Antioch Middle School and Public Safety here to support him. Officer Shatswell received a standing ovation.

Officer Ronn Shatswell introduced his wife Karen, a graduate of Oak Park High School and his 16 year old son Steven. He noted the programs he is involved with take a generous amount of time and take away from his family and he appreciates their support and understanding.

Officer Shatswell also recognized those who have become his second family from Antioch Middle School, Principle Bob Russell, Velda McMorris, and Phyllis Hopper. Without their help at Antioch he would not be receiving this award. He again thanked his own family and his second family.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Les Smith moved to approve the Consent Agenda as read; Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-74**, accepting work under the 2001 municipal swimming pool painting contract with Commercial Pool Painting and authorizing final payment in the amount of \$1,995.00 from the Municipal Pool Enterprise Fund. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-75**, accepting work under contract with Linaweaver Construction, Inc. for the 58th & North Broadway drainage improvements and authorizing final payment in the amount of \$43,271.68 from the Capital Improvements Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-01-76**, adopting A Mission Statement, Objectives and Goals for the City of Gladstone, Missouri for 2001-2002. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **LIQUOR LICENSE** for sale of liquor by the drink, six day license to Sonnie, Inc. of KC dba Tailgaters, 316 NE 72nd Street. (new corporation ownership). Managing Officer: Teresa K. Beem. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve the **NEW LIQUOR LICENSE** for sale of beer and wine at China King Buffet, 6000 N Antioch Road. Managing Officer: Hai Yan Lin. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to approve **BUILDING PERMIT** for 23,707 sq. ft. tenant finish at 6469 N Prospect for Factory Oak Outlet. Applicant: Sullivan Palmer Architects. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.** There were no communications from the audience.

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

Councilman Les Smith thanked Officer Shatswell and stated that he has a daughter at Antioch Middle School who is quite impressed with Officer Shatswell's presence.

Mr. Smith said that Council recently held a Goal-setting Session and in addition to maintaining those things that we should always be responsible for, such as fiscal prudence, we also had several issues come up that the audience might be interested in. They include changing the fiscal year from July 1 to October 1. The purpose for that, and it is wise on the Council's part, is that you get new Council members elected in April and expect them to have meaningful input in a \$21 million budget that must be approved in about two months. This fiscal year change will allow us to get better input from the full Council, which is representative of the citizenry.

Councilman Les Smith also noted that Councilman Bishop brought forward the issue of stronger neighborhoods and perhaps advocating the development of homeowners associations. This is an excellent idea to strengthen neighborhoods. Blight has been an issue in the last few years and the City Council is intent on preserving our neighborhoods.

The North Oak Corridor Study was also a major issue in actually doing something rather than talking about it for years.

Long-range citizen-based strategic planning, which he is personally excited about, will allow our residents to determine what they want Gladstone to look like in the future.

Mr. Smith said that he and Councilman Bishop are very keen on the concept of a governance model, and hope that the other Council members are as well.

Councilman Smith stated in addition to the other items that are ongoing responsibilities of Council and staff, he is very excited about those five ideas in particular because they are a new direction, new programs, new policies and a better way of doing business.

Mr. Smith advised Parks and Recreation Director Steve Buschor that if the City has not yet obtained a tree for the Mayor's Christmas Tree there may be a suitable tree on property being cleared by former Councilman Art Hammen. Mr. Buschor agreed to take a look at the tree.

Councilman Shirley Smith noted that the holiday season has begun and wishes everyone a safe and good holiday.

Councilman Dan Bishop had no communications at this time.

Mayor Pro Tem Bill Cross congratulated Officer Ronn Shatswell and stated that he was a former student of his and feels very proud when he sees and hears of good accomplishments. He also noted that he was looking forward to attending the seminars and institute sessions at the National League of Cities Conference in December and feels they will be very educational and worthwhile.

Mayor Anita Newsom thanked Officer Ronn Shatswell for his dedication to the youth of our community. Serving in the school district for twenty-nine years, she has seen many changes in

the schools and she sees the big change in atmosphere at Antioch Middle School. The leadership in the school has a lot to do with the success, but she also sees the influence of Mr. Shatswell's presence in the hallways. In the past, when she had been at Antioch during dismissal time, students were rowdy and there was not much control and students would fight on the street corners. She does not see those things in that neighborhood anymore and thinks the school is on a real positive track. She thanked Ronn for his work in the community.

Ms. Newsom advised that she has been decorating for Christmas and notices many people and families in her neighborhood also decorating their homes for the holidays. She hopes many will enter the Mayor's Holiday Lighting Contest. It is a contest but also a fundraiser benefiting the Northland Christmas Store and Gladstone Neighbors Helping Neighbors. She asked everyone to please encourage friends and neighbors to enter the contest for the chance to win a \$1,000 savings bond that has been graciously donated by UMB Bank and benefit a great cause.

Mayor Newsom stated that Council members received a memo from Assistant City Manager for Development Scott Wingerson requesting two Council members to serve on a focus group working on code enforcement policy issues. The meetings will be weekly for 12-16 weeks during the lunch time beginning in December. It will be a group from the Council, Planning Commission, BZA, Neighborhood Preservation Task Force, Chamber, GEBC and TIF. Ms. Newsom asked if two Council members were interested in serving and participating on this focus group.

Mayor Pro Tem Bill Cross and Councilman Shirley Smith agreed to serve on the focus group.

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

City Manager Kirk Davis said he looks forward to seeing everyone at the Gladstone Chamber Annual Dinner at Tiffany Greens on Saturday evening.

Mr. Davis also reminded everyone to shop Gladstone to every extent they possibly could for the holiday season and to have a safe holiday.

Councilman Les Smith stated that when the City Manager mentioned shopping, he was reminded of reading in the *Nations Cities Weekly*, NLC has endorsed, through Senate Bill 1499, a Small Business Relief measure. He asked if we could research this issue and perhaps Council could send a letter of recommendation if it has not already been passed.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING:** on a request to rezone property at 7508 N Oak from C-1 to CP-3. Applicant: North Oak Garden Center. Owner: Anthony and Final Scare. (File # 1164)

Mayor Newsom stated that the applicant has withdrawn this rezoning application, therefore no public hearing will be held.

Item 10. on the Agenda. **PUBLIC HEARING** on renewal of a Special Use Permit for operation of a child care facility at 7204 NE Rosewood Drive. Applicant: Angela Stone. (File #1165)

Mayor Anita Newsom opened the Public Hearing and explained the Hearing process that the applicant will make their presentation, followed by staff, then those in favor and those in opposition.

Angela Stone stated that she has had her special use permit for the past twelve years and has not had any complaints from neighbors or the city that she knows of. She takes care of most of the children on her block and still does. She would like to renew the permit for ten more years.

Assistant City Manager for Development Scott Wingerson stated that there are 11 conditions which are the same as the last ten years. The Planning Commission made a unanimous recommendation for approval.

Item 10a. on the Agenda. **FIRST READING BILL 01-46**, granting a Special Use Permit subject to certain conditions to Angela Stone for operation of a child care facility on property at 7204 Rosewood Drive. (File #1165)

Councilman Bill Cross moved to place Bill 01-46 on First Reading; Councilman Dan Bishop seconded.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 01-46, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of **Bill 01-46** and enact the Bill as **Ordinance 3.814**; Councilman Dan Bishop seconded.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom wished Ms. Stone well during her next ten years.

Item 11. on the Agenda. **FIRST READING BILL 01-47**, approving the Final Plat of Claymont Pointe Fifteenth Replat for property at 166-168 Pointe Drive. Applicant/owner: J.D. Nelson Building Company. (File #1166)

Councilman Dan Bishop moved to place Bill 01-47 on First Reading; Councilman Les Smith seconded.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-47, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All

"aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 01-47** and enact the Bill as **Ordinance 3.815**; Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. FIRST READING BILL 01-48, approving the Final Plat of Mazuma Credit Union and directing the appropriate officials to affix their signatures to the plat for recording. (File #1167)

Councilman Bill Cross moved to place Bill 01-48 on First Reading; Councilman Les Smith seconded.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 01-48, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of **Bill 01-48** and enact the Bill as **Ordinance 3.816**; Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

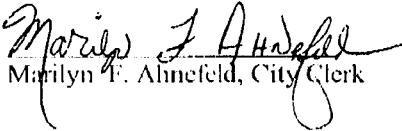
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There being no further business to come before the November 26, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

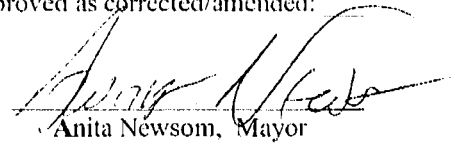
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Mayor Newsom announced that at this time the Open Study Session started earlier this evening prior to the Regular Meeting would resume for discussion of Study Session Item 2, review of proposed BACO 2000 (Building and Construction Ordinances).

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, December 10, 2001**

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 610.021(1) for Litigation Discussion, 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 November 26, 2001 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF CERTIFICATES** of completion to the twenty graduates of the second Gladstone Public Safety Citizens Academy.
- 4b. **PROCLAMATION:** designating the month of December as "**National Drunk and Drugged Driving Prevention Month**" and supporting the designation of December 21, 2001 as "**Missouri Lights on for Life Day**".
Sponsor: Missouri Division of Highway Safety
- 4c. **PROCLAMATION:** designating Wednesday, December 19, 2001 as "**Beverly Biegel Day**" in Gladstone, Missouri in tribute to retiring Municipal Court Administrator Beverly Biegel following twenty-five years of service to the City.
5. **CONSENT AGENDA**

RESOLUTION NO. R-01-77, acceptance of work under contract with William White & Sons Construction, Co. Inc. for the 2001 Curb & Sidewalk Program and authorizing final payment in the amount of \$10,940.64 from the Transportation Sales Tax Fund.

RESOLUTION NO. R-01-78, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the City of Gladstone for the two year period, January 1, 2002 through December 31, 2003.

RESOLUTION NO. R-01-79, authorizing the City Manager to execute a contract with Black & Veatch, LLP for design of the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Improvements in the amount of \$69,945.00 from the 2000 Combined Water and Sanitary Sewer Revenue Bond Fund.

RESOLUTION NO. R-01-80, accepting Permanent and Temporary Easements from the North Kansas City School District required in conjunction with the 2001 Arterial Sidewalk Program.

RESOLUTION NO. R-01-81, authorizing execution of a contract with Wornall Secure Business Solutions for the Water Treatment Plant Video Security System in the amount of \$34,829.56 from the Combined Water and Sanitary Sewer Fund.

APPROVAL OF BUILDING PERMIT for 18 unit Northaven Village Condominium complex at 68th & N Olive. Applicant/Owner: Wesco Investments (BP #01-0818)

APPROVAL OF BUILDING PERMIT for 151,698 sq. ft. Gladstone Senior Apartments at 5700 N Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (BP#01-0466)

APPROVAL OF FINANCIAL REPORTS for month of November, 2001.

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 200 NW Englewood Road. Applicant: Weiskirch & Parks Engineers. Owner: Labosu, L.L.C. (File #1168)
- 9a. **FIRST READING BILL 01-49**, approving a Site Plan Revision in a CP-O Zone for property at 200 NW Englewood Road subject to certain terms and conditions. Applicant: Weiskirch & Parks Engineers Owner: Labosu, L.L.C. (File #1168)
10. **FIRST READING BILL 01-50**, enacting a new Building and Construction Ordinance (BACO 2000) relating to the construction and maintenance of structures and property within the City of Gladstone, Missouri to be codified as Chapter 34 of the Gladstone Municipal Code.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, DECEMBER 10, 2001

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF NOVEMBER 26, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular November 26, 2001 City Council Meeting Minutes** as presented. Councilman Les Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PRESENTATION OF CERTIFICATES of completion to the twenty graduates of the second Gladstone Public Safety Citizens Academy.

Mayor Newsom said she was privileged to be a member of this class and has always known that the Public Safety Department does an outstanding professional job and found as she went through this class that their professionalism carries further into their enthusiasm for their work which is a sign of a true professional. Their personal enthusiasm and fervor for what they do is outstanding and she must compliment every person in the department she had contact with during the Academy.

Gladstone Public Safety Sergeant Richard King said it was his pleasure to be here tonight with Director Adamo on behalf of the Public Safety Department to greet the graduates of the Second Public Safety Department Citizens Academy and they would like to present the first Certificate of Completion to Anita Newsom, our Mayor.

Mayor Newsom accepted her certificate and said it had certainly been her honor to participate in this program.

Sergeant King said the participants have spent Wednesday evenings for thirteen weeks meeting with members of the Public Safety Department learning about department operations, policies, and procedures and how officers they do their job in Gladstone. He said this is a program that they enjoy sharing.

The Mayor with assistance of Sergeant King and Director Adamo presented certificates and City seal pins to graduates: Kay Allen, Judy Beer, Wayne Beer, Debbie Coble, William Duncan, Robert Glover, Terry Hoppenthaler, Louis Kadera, Omata Kadera, Joseph Linneman, Denise Pauley, Nancy Plum, Carol Ruddi, Leah Rule, Mike Steffens, Gregory Strasser, Richard Trekkel, Dave Wheeler, Marylyn Wheeler. Sgt. King thanked Mr. Kadera for serving as their bus driver.

Sergeant King thanked all the participants for there role in this process because they make it all very enjoyable for Public Safety. He is hopeful that there will be many opportunities for these graduates and the graduates of the first class to work further with public safety to share in some of their experiences and endeavors. He told the class the department will be in touch for a class reunion.

Item 4b. on the Agenda. Mayor Anita Newsom read a **Proclamation** designating the month of December as "**National Drunk and Drugged Driving Prevention Month**" and supporting the designation of December 21, 2001 as "**Missouri Lights on for Life Day**" as sponsored by the Missouri Division of Highway Safety.

Item 4c. on the Agenda. Mayor Anita Newsom read a **Proclamation** designating Wednesday, December 19, 2001 as "**Beverly Biegel Appreciation Day**" in Gladstone, Missouri in tribute to retiring Municipal Court Administrator Beverly Biegel following twenty-six years of service to the City.

Mayor Newsom invited Ms. Biegel to come forward and receive the proclamation and commented that she is an outstanding example of a quiet professional who keeps confidences and always looks like a fashion plate. The Mayor told Ms. Biegel that she has a tremendous amount of respect for her and speaking on behalf of the entire City Council and City employees, extends our appreciation for all her work and commitment to the City. She told Ms. Biegel she will certainly be missed and encouraged her to keep in touch with us and not be a stranger.

Beverly Biegel thanked the Mayor and City Council and told them that this City has been a great place to work.

Finance Director Cash Sweiven presented Ms. Biegel with a holiday greenery arrangement and said it was just a small token of appreciation from the City Council, City Staff and the Finance Department for all her hard work. He told Ms. Biegel she is certainly appreciated and has brought a level of class to our organization that will be hard to replace. Ms. Biegel said Director Cash Sweiven had been a pleasure to work with.

Mayor Newsom noted that an example of Ms. Biegel's professionalism is that in lieu of a retirement reception she has asked that we make a donation to her favorite charity. Ms. Biegel received a standing ovation.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Dan Bishop asked that the Building Permit Approval for Gladstone Senior Apartments at 5700 N Main be considered under the Regular Agenda to allow comment. Mayor Newsom designated the item as Agenda Item 5a.

Councilman Dan Bishop moved to approve the Consent Agenda as amended; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL.

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-01-77**, acceptance of work under contract with William White & Sons Construction, Co. Inc. for the 2001 Curb & Sidewalk Program and authorizing final payment in the amount of \$10,940.64 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-01-78**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc. for vehicle towing and storage services for the City of Gladstone for the two year period, January 1, 2002 through December 31, 2003. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-01-79**, authorizing the City Manager to execute a contract with Black & Veatch, LLP for design of the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Improvements in the amount of \$69,945.00 from the 2000 Combined Water and Sanitary Sewer Revenue Bond Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-01-80**, accepting Permanent and Temporary Easements from the North Kansas City School District required in conjunction with the 2001 Arterial Sidewalk Program. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-01-81**, authorizing execution of a contract with Wornall Secure Business Solutions for the Water Treatment Plant Video Security System in the amount of \$34,829.56 from the Combined Water and Sanitary Sewer Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF BUILDING PERMIT** for the 18 unit Northaven Village Condominium complex at 68th & N Olive. Applicant/Owner: Wesco Investments (BP #01-0818) Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF FINANCIAL REPORTS** for the month of November, 2001. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. Councilman Dan Bishop moved for **APPROVAL OF BUILDING PERMIT** for 151,698 sq. ft. Gladstone Senior Apartments at 5700 N Main. Applicant: Nolte & Associates. Owner: Herman Scharhag. (BP#01-0466) Councilman Les Smith seconded.

Discussion.

Councilman Bishop explained that he asked that this item be placed on the regular agenda for discussion because he did not want it to be approved without the opportunity to make comment. This project, as he stated on the record before, exemplifies the sort of project that can happen when you have a developer come forward who is willing to work with a very well organized neighborhood group with some very specific concerns relative to a parcel, specifically traffic and water. We had good developer and citizens communications and he gives credit to staff for their important role in that and working to find the optimal solution for this development. It has been stated numerous times from this Council table that we need senior housing in this community and he is so glad that the pieces have all come together. There was a meeting of the Industrial Development Authority recently and they will be issuing the bonds on this project and he is grateful that we are finally at the stage where tonight we can approve this building permit. It is gratifying for him to be able to vote in favor of this application and he will be doing so.

Mayor Newsom questioned Community Development Director Scott Wingerson on the exterior finish materials of metal and vinyl. Director Wingerson said that the materials are a residential style and asked Mr. Nolte to present samples.

Mr. Thomas Nolte, Nolte and Associates Architects and Planners, 7611 State Line Road, Kansas City, Missouri, indicated he is the architect of record and the land planner on this project which they have been working on for the last year and a half. Mr. Nolte distributed reduced copies of the elevations as well as additional information and explained that the building is "H" shaped. There is cultured stone on the lower levels and stone columns and stone on the face of the building and entry areas. There is lap siding and above that is shake siding. They are trying to imitate a New England or pseudo Cape Cod look. The building has several roof changes and has many gables, hips and dormers to break up the long roof line. They change the elevation of the roof approximately 16 times. They have a hill top location and a three story building with a gable roof. Mr. Nolte described the materials for the main entry which consist of a standing seam metal roof, which gives them the Cape Cod roof which is

mainly at the entry and a couple of dormers. The colors used are white, sand, desert, and champagne with burgundy touches and he discussed the colors to be used on each floor.

The shake siding which are the little shakes up on the dormer are desert and he displayed catalog cuts of the materials which are Owens Corning who is the largest manufacturer of these construction materials and considered A+ in the industry. Our fascia and vertical trim is white, the aluminum clad windows are white, the louvers and shutters are burgundy to match the standing seam. The stone on the lower level is desert beige and the lintels above the windows are champagne. These are the materials that represent about 95% of the exterior, they have very little paint which is mostly on the gutters and trim and have what they consider long wear materials and they do have a 30 year roof on the system but the standing seam roof is rated 50. Most of their attention is geared towards the main entry which is the focal point and the part that is closest to Englewood and the first to be seen and the main traffic area. The building is interesting being "H" shaped with a dog leg on the back which conforms to the contour. They created court yards in the middle and it became important that they put in a lot of vertical elements with quasi balconies that come up and penetrate the roof line to give it some relief.

Mr. Nolte said this is their fifth largest project of this nature and they have been well received in the other communities but he would say that this project in Gladstone is the best they have done. Staff had wanted to see something that reflected residential scale materials but with commercial grade quality, and that is what they have been able to assemble.

Mayor Newsom said that was the reinforcement she had been looking for because she wanted to the assurance that it would not become a building that wouldn't look good in ten years and then be faced with maintenance issues. She understands the need for maintenance free materials but wanted to be assured of high grade materials that would maintain their color, look and integrity.

Councilman Les Smith said he had the pleasure of sitting on the Planning Commission when this project was brought forward and it was a process that worked with the residents, the staff, the developer and architect, and we should be very proud of what we will be getting. There are a lot of folks who are looking forward to this project being built in the community.

Councilman Bishop said he has been impressed with the manner in which Mr. Nolte has moved through the process and learned that he is Acting Mayor of Lenexa which explains his familiarity with the process and ability to operate with a great deal of finesse.

The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom asked when ground would be broken. Mr. Nolte said it would be Spring and that they are finishing up the paper work for the State of Missouri to receive their funding in the upcoming fiscal year.

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

None.

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

Councilman Les Smith congratulated retiring Municipal Court Clerk Beverly Biegel for her service to the community and he also congratulated the Public Safety Academy graduates and the men and women of the department for an outstanding program.

Mr. Smith said he had called City Hall with a couple of citizen inquiries and has not passed on to City Manager Davis his appreciation for the timely two day response in the handling of his inquiries which were on road repair and traffic issues. He also thanked the City Manager for the responses on the Senate and House Bills he requested.

Councilman Smith advised the National League of Cities Conference in Atlanta he attended was rewarding in the good seminars that were held. He believes we need to continue to bring information forward on the Policy Governance Model which was suggested. He is impressed with that method of doing business and it was one of the goals for the coming year.

Councilman Smith also asked if a decision had been made on alternatives to vinyl siding for the Central Park Community Center discussed at budget time.

Parks and Recreation Director Buschor said he can guarantee the material will not be vinyl siding but that an alternative material has not yet been selected. City Manager Davis confirmed that \$16,000 is programmed for year 2002 for that project.

Councilman Shirley Smith said she attended a Clay County organization's annual awards banquet and eight lifetime achievement awards were given and noted that four recipients were Gladstone citizens, which made her very proud. We have great citizens and that is why she tries her very best to take projects and problems and look at them objectively from a citizen's viewpoint and vote accordingly because they deserve our best efforts.

Ms. Smith said that at a previous meeting, Councilman Les Smith had commented about what we have to look forward to in the future and she has thought of a few more. It is an exciting time to live in Gladstone because we have a lot of things going on. We are still talking about a downtown area and she is looking forward to that. She is looking forward to perhaps a Public Safety Commission which would be a citizens group to assist Public Safety with some of their projects. Then there is the ever popular Community Center, if we can ever figure out how to get the money. Councilman Smith wished all a safe, happy, healthy, holiday season.

Councilman Dan Bishop said he also attended the meeting Councilman Shirley Smith spoke of which was the Clay County Democratic Club's Annual Dinner at the Elms Hotel. It was remarkable that eight individuals were recognized County-wide and of those four were Gladstone residents which made him very proud. They were: Galen Neill, Bob Frank, Attorney Leary Skinner, and Charley Byrd, who was also Gladstone's recipient of the MMI Civic Leadership Award this past year.

Councilman Bishop said he attended the ribbon cutting for the Disabled American Veterans Thrift Store on Friday, December 7th. It was impressive that there were a number of Pearl

Harbor survivors in attendance sixty years to the day after the events of Pearl Harbor. The store was clean, bright, and in good order and he hopes it does very well.

Mr. Bishop said he also attended the rededication of Truman Library and heard famed historian David McCullough speak on the comparisons between Pearl Harbor and the events of September 11th. Mr. McCullough said that September 11th was the darkest and most tragic day in this country's history but also said that just as we had come through World War II when it was not at all that certain on December 7th, 1941 that we would; we will also prevail and come through this current war again terrorism. Councilman Bishop said Mr. McCullough's remarks really hit home after being at the DAV store opening.

Councilman Bishop also wished everyone a Happy Holiday Season.

Councilman Bill Cross said he appreciated the opportunity to attend the National League of Cities Conference in Atlanta. He and other Councilman attending split up their attendance at different sessions. It was interesting and very enjoyable to visit with other Council people and interact with them. He certainly found the conference beneficial.

Councilman Cross wishes Beverly Biegel well and said it has been wonderful to have her associated with the City for 25 years.

Mayor Anita Newsom said that she had received word that resident Mr. Charles Byrd is not in good health and encouraged those who know him to send greetings to his home because this is such a difficult time of year not to be in good health. She said Mr. Byrd is a very special member of our community.

Mayor Newsom also welcomed new community resident, Miss Rachel Wingerson. Rachel is the new baby daughter of Scott and Michelle Wingerson. Both mother and daughter are doing well and she congratulates the entire family.

Mayor Newsom said she will be sharing some materials with various departments from the National League of Cities Conference she attended. She participated in an off site tour to Smyrna, Georgia in connection with the conference. Smyrna has undergone extensive redevelopment through some creative financing resulting in construction of a city hall, city library, multi purpose community center, police station, fire station and jail as well as a multi use project to be known as a market center with shops on the lower level and loft apartments above. Entire block renovations of blighted areas have been turned into upscale homes and senior housing and multi family additions. Great creative financing has taken place there and we would have the opportunity to do something similar.

The Mayor said she attended an NLC strategic planning session that was a day long and learned there are a number of things we are already doing right, and a few things we can do to enhance our strategic planning process for the whole community. She said she found the conference very beneficial.

Mayor Newsom also announced that board and commission interviews with ten individuals will be held on Saturday, December 16th at 9:00 am.

She also encouraged all to attend the Holiday Lighting Ceremony this Thursday at Westlake Hardware Store. This year she is designating this tree as the **Community Holiday Tree** rather than the Mayor's Holiday Tree because this effort is for our charitable organizations, the community of Gladstone and all our citizens.

The Mayor encouraged everyone to enjoy this holiday with family and friends and commented that the events of the last few months make us value our family and friends even more.

Councilman Dan Bishop noted that the Gladstone Rotary Club had generated funds through the 5K Scarecrow Run this Fall which were earmarked specifically for the Northland Christmas Store and wanted to make sure that intent was known.

Mayor Newsom agreed that those Rotary funds will be given directly to the Christmas Store and all other funds raised will be split between the Northland Christmas Store and the Neighbors Helping Neighbors organizations.

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

City Manager Kirk Davis offered his congratulations to Assistant City Manager for Development Scott Wingerson and his wife, Michelle on the birth of their daughter, Rachel and wishes them all the best. Mr. Davis said he is proud of the work that Scott does here at City Hall and said he is a big part of our City Hall family.

City Manager Davis also introduced, Andy Noll, Gladstone's new Public Works Director. Director Noll said he appreciated the opportunity to fulfill his obligations and meet the expectations of the citizens of Gladstone in his role and even improve upon the services his department delivers if they can. Mr. Noll introduced his wife, Candy and received the congratulations of all.

Mayor Newsom welcomed Director Andy Noll and City Manager Davis commented that Mr. Noll has done a great job in the department during his tenure with the City, he has a very good public presence and brings some strengths to that department and he looks forward to working with him as we strive for even more accomplishments.

City Manager Davis referred Council to the Capital Improvement Program Report that was provided the City Council and said it is an important document and used as a planning tool and a guide for developers, and there is a lot of information contained in the document.

Mr. Davis added his wishes to all for a happy and safe holiday season.

Councilman Les Smith said he did not want the appointment of Mr. Andy Noll to the position of Public Works Director to go unnoticed. He said he is a talented individual and it is encouraging to know that we had someone on staff that we could promote from within and he certainly congratulates him.

Item 9. on the Agenda. PUBLIC HEARING: on a request for a Site Plan revision on property at 200 NW Englewood Road. Applicant: Weiskirch & Parks Engineers. Owner: Labosu, L.L.C. (File #1168)

Mayor Anita Newsom opened the Public Hearing and explained the hearing process.

Applicant Dan Weiskirch, 111 N Main, Independence, Missouri, introduced himself and said he represents Labosu, L.L.C. in this application. He noted there are two principals in the company also present this evening who are prepared to answer any specific questions.

Mr. Weiskirch described the property and noted the general location is just south of the proposed senior housing project on the west side of Englewood Road, just west of the existing Realty Executives building. This site is about one acre in size and will be a miniature clone of the Realty Executives building and will be the same style color and same color of brick.. The west elevation is two story and the east will be one story to account for the fall through the site.

Community Development Director Scott Wingerson noted the Planning Commission unanimously recommended approval of the request. He noted Condition #15 in the Bill calls for the fire system, basically fire hydrants, to be being installed compliant with the Fire Code. The condition as initially presented to the Planning Commission was that the water or fire protection system be looped between North Main and the new street being built for the senior housing project. Mr. Weiskirch noted to the Planning Commission that in complying with the Fire Code it would be difficult to construct the loop main system because the developer in this application does not control or have interest in the Realty Executives project. It is important to note that we did not understand at the Planning Commission Meeting that the senior housing project request and this request came very close together, so we were in the process of reviewing the senior housing project for permit purposes as we were reviewing this project for site planning. The senior housing system will contain the looped water system, therefore Fire Marshal Duddy is requesting that they comply with the fire code through the installation of appropriate fire hydrants.

There were no other comments or persons desiring to speak and Mayor Newsom closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 01-49,** approving a Site Plan Revision in a CP-O Zone for property at 200 NW Englewood Road subject to certain terms and conditions. Applicant: Weiskirch & Parks Engineers Owner: Labosu, L.L.C. (File #1168)

Councilman Dan Bishop moved to place Bill 01-49 on First Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 01-49, Waive the Rule and place the Bill on Second Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 01-49 and enact the Bill as **Ordinance 3.817**; Councilman Bill Cross seconded.

Discussion.

Councilman Shirley Smith said it is a pleasure to have someone bring forth a proposal for an office in Gladstone and she hopes there will be more projects of that nature to come.

Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 01-50,** enacting a new Building and Construction Ordinance (BACO 2000) relating to the construction and maintenance of structures and property within the City of Gladstone, Missouri to be codified as Chapter 34 of the Gladstone Municipal Code.

Councilman Les Smith moved to place Bill 01-50 on First Reading; Councilman Dan Bishop seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 01-50, Waive the Rule and place the Bill on Second Reading; Councilman Dan Bishop seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 01-50 and enact the Bill as **Ordinance 3.818**; Councilman Dan Bishop seconded.

Discussion.

Director Scott Wingerson advised that Council will be provided with new book covers reflecting the enactment date for the BACO ordinance distributed at the last City Council Study Session.

Mayor Newsom commented that it represents a tremendous amount of work, and it is great to keep us current in our national codes.

Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Item 12 on the Agenda. **Questions from the News Media.**

Dispatch Newspaper Reporter Amy Newport said she was not attending our meetings when these plans were presented and is unfamiliar with the project. She asked if the senior housing project will be a nursing center and low income.

Director Scott Wingerson explained that the project is an independent living facility with very nice apartment style.

Councilman Dan Bishop noted the plan contains the potential that assisted living could be built to the east at some point. Mr. Wingerson said that is correct, subject to the market demand and

City Council approval, that is a potential future option. Mr. Bishop advised that the plans call for an array of services to be provided such as shuttle service and an on site health clinic. Mr. Wingerson said there will be a lot of area wide cooperation serving the facility and it will be an asset to Gladstone and the entire northland..

Mayor Newsom said this facility is an opportunity for seniors to remain living more independently much longer.

Mr. Bishop said it is his understanding that there are rent caps so that this facility is in an affordable rent range for the average Gladstone senior.

Councilman Shirley Smith commented that this project has been a long difficult road but will be a great addition to our community.

Sun Newspaper Reporter Kelli Houx said she certainly agrees with comments made by Councilman Shirley Smith at the last meeting encouraging everyone to drive safely. She recently lost an acquaintance through a car accident and she echoes Councilman Smith's hope that people drive safely this holiday season.

* * * * *

There being no further business to come before the December 10, 2001 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

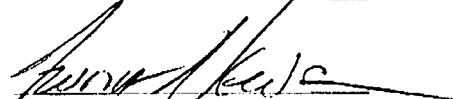
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Councilman Dan Bishop moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) Litigation Discussion and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded. Roll Call vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:


Marilyn F. Ahnfeldt, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 14, 2002**

**BOARD & COMMISSION INTERVIEW: 6:30 PM
(City Manager's Office)**

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 December 10, 2001 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-1, acceptance of work under contract with Leath & Sons, Inc. for the 76th Terrace Reconstruction Project (East of Oak) and authorizing final payment in the amount of \$1,036.36 from the Transportation Sales Tax Fund.

RESOLUTION NO. R-02-2, authorizing Supplemental Agreement #4 in the amount of \$24,779.00 to the Contract with Camp Dresser and McKee for design of the Rock Creek Detention Basin at 68th & N Prospect; and Rock Creek Channel Improvements from Brooktree Lane to East city limits with funding authorized from the Stormwater Bond Improvement Fund.

RESOLUTION NO. R-02-3, authorizing acceptance of a Bill of Sale from Stonebrooke, L.L.C. and Havens Construction Company, Inc. conveying to the City a water line built in conjunction with construction of Stonebrooke Estates Pool/Cabana at 4109 NE 72nd Street.

RESOLUTION NO. R-02-4, authorizing acceptance of a Bill of Sale from Heatherton Custom Homes and Havens Construction Company conveying to the City a waterline, sanitary sewer line and storm sewer built in conjunction with construction of Heatherton Place Subdivision at 6220 N Main.

RESOLUTION NO. R-02-5, authorizing acceptance of work under contract with GC Construction for the 64th & N Walrond Drainage Improvement Project and authorizing final payment in the amount of \$5,184.00 from the Stormwater Bond Improvement Fund.

APPROVAL OF FINANCIAL REPORTS for month of December, 2001.

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. **RESOLUTION NO. R-02-6**, supporting the review and revision of the City of Gladstone Employee Handbook and establishing the process for adoption and implementation.
10. **PUBLIC HEARING:** on a request for extension of a Special Use Permit for operation of North Oak Garden Center on property at 7508 N Oak. Owner: Tony & Fina Scire. Applicant: N Oak Garden Center (File #1169)
- 10a. **FIRST READING BILL 02-1**, extending a Special Use Permit to Kenneth and Anna Ryan for operation of North Oak Garden Center on property at 7508 North Oak Trafficway, subject to certain conditions. (File #1169)
11. **FIRST READING BILL 02-2**, 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. Contract amount: Not to exceed \$20,301.05 from the General Fund.
12. **FIRST READING BILL 02-3**, amending Schedule V of the Model Traffic Ordinance (Code Section 18-12) to designate additional **No Parking Zones** on Englewood Court.
13. **FIRST READING BILL NO. 02-4**, authorizing the City of Gladstone, Missouri, to enter into a Base Lease with First Bank of Missouri, as Trustee, whereby the City will lease certain property to said Trustee, a Lease Purchase Agreement with said Trustee with respect to the acquisition, construction, furnishing, equipping and installing of certain capital improvements and prepaying certain outstanding Certificates of Participation and certain related documents; and approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.
14. **PUBLIC HEARING ON APPEAL OF DANGEROUS BUILDING ORDER** pursuant to Chapter 34, Article III of the Gladstone City Code on property at 7107 N Kranz Road. Property Owner: H. Bradley Robertson
15. Other Business
16. Questions from the News Media.
17. Adjournment.

1/14/02

William Burris
3705 NE 76th Terr
Gladstone MO 64119
816-468-0713
wburris@keio.com

On behalf of the neighbors of the Shoalbrook neighborhood, I would like to express our thanks and concerns relating to the expansion of Happy Rock Park. To begin with, I would like to let the council know of our appreciation for the work that Steve Buschor, the Parks and Rec Department and the Parks and Rec Advisory Board have done in putting this project in motion. I would also like to recognize the Director for his willingness to answer questions, probably the same ones over and over, during the last several weeks from concerned citizens in the Shoalbrook neighborhood relating to the park development.

That leads me to an area of concern and the reason for addressing the Council this evening. Several neighbors in the Shoalbrook neighborhood have met and are planning on continuing to meet as this project develops and one of our first concerns is how late the neighborhood was brought into the planning process. Several residents have been in contact with the parks department from as far back as 2000, when we first learned that the property was for sale and that the city was purchasing it. I myself contacted the Parks Department early last fall expressing an interest and a willingness to contribute to the design phase of the project.

With all of this interest from the neighborhood, however, the first formal communication from the city was an invitation to the public meeting held the week before Christmas. As part of this invitation, a formal drawing was included show the design of the new park, leaving the residents with the feeling that all of the decisions had been made and we were being asked to sign off on them. The initial design is not a design that the homeowners in the Shoalbrook neighborhood consider to be friendly to the existing neighborhood.

We have been assured by Director Buschor that these are preliminary designs, but we feel that with the pace of the project so far and lack of inviting neighborhood input so far, that we as a neighborhood must watch every step to insure that we can participate in creating an expanded Happy Rock Park that balances the needs of the City with the needs of the existing neighborhood.

My appearance before the Council this evening is to express our concerns over the process and ask your assistance in insuring that the project meets the needs of all of Gladstone's citizens, including the residents of Shoalbrook.

We invite you to the P&R meeting tomorrow night to hear more of our concerns and help us in our role to contribute to a better Gladstone

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

MONDAY, JANUARY 14, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF DECEMBER 10, 2001 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular December 10, 2001 City Council Meeting Minutes** as presented. Councilman Les Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Dan Bishop moved to approve the Consent Agenda as submitted. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-1**, acceptance of work under contract with Leath & Sons, Inc. for the 76th Terrace Reconstruction Project (East of Oak) and authorizing final payment in the amount of \$1,036.36 from the Transportation Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-2**, authorizing Supplemental Agreement #4 in the amount of \$24,779.00 to the Contract with Camp Dresser and McKee for design of the Rock Creek Detention Basin at 68th & N Prospect; and Rock Creek Channel Improvements from Brooktree Lane to East city limits with funding authorized from the Stormwater Bond Improvement Fund. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-3**, authorizing acceptance of a Bill of Sale from Stonebrooke, L.L.C. and Havens Construction Company, Inc. conveying to the City a water line built in conjunction with construction of Stonebrooke Estates Pool/Cabana at 4109 NE 72nd Street. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-4**, authorizing acceptance of a Bill of Sale from Heatherton Custom Homes and Havens Construction Company conveying to the City a waterline, sanitary sewer line and storm sewer built in conjunction with construction of Heatherton Place Subdivision at 6220 N Main. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-5**, authorizing acceptance of work under contract with GC Construction for the 64th & N Walrond Drainage Improvement Project and authorizing final payment in the amount of \$5,184.00 from the Stormwater Bond Improvement Fund. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF FINANCIAL REPORTS** for month of December, 2001. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Bill Burris, 3705 NE 76th Terrace, Gladstone, Missouri, stated that on behalf of the neighbors of the Shoalbrook neighborhood, they would like to express their thanks and concerns relating to the expansion of Happy Rock Park. To begin, he would like to let the Council know of their appreciation for the work that Parks and Recreation Director Steve Buschor and the Parks and Recreation Advisory Board have done in putting this project in motion. He also wanted to recognize the Director for his willingness to answer questions during the last several weeks from concerned citizens in the Shoalbrook neighborhood relating to the park development.

Mr. Burris said that leads him to an area of concern and the reason for addressing the Council this evening. Several neighbors in the Shoalbrook area have met and are planning to continue to meet as this project develops. One of the first concerns is how late the neighborhood was brought into the planning process. Several residents have been in contact with the Parks Department from as far back as 2000 when they first learned that the property was for sale and that the City was purchasing the property. He contacted the Parks Department himself early last fall expressing an interest and a willingness to contribute to the design phase of the project.

However, with all the interest from the neighborhood, the first formal communication from the City was an invitation to the public meeting held the week before Christmas. As part of this invitation, a formal drawing was included showing the design of the new park, leaving the residents with the feeling that all of the decisions had been made and they were being asked to sign off on them. The initial design is not a design that the homeowners in Shoalbrook consider to be friendly to the existing neighborhood.

We have been assured by Director Buschor that these are preliminary designs, but feel that with the pace of the project so far and lack of inviting neighborhood input, we as a neighborhood must watch every step to ensure that we can participate in creating an expanded Happy Rock Park that balances the needs of the City with the needs of the existing neighborhoods.

Mr. Burris stated that his appearance before the Council is to express their concern over the process and ask Council's assistance in ensuring that the project meets the needs of all of Gladstone's citizens, including residents of Shoalbrook. He invited Council to the Park Board meeting tomorrow evening to hear more of their concerns and help in the role to contribute to a better Gladstone.

Councilman Dan Bishop commented that if it is any reassurance, the plan that was submitted to the neighborhood was given to the Council perhaps a couple of months prior to the December meeting and that was the first time that he had seen it. He is not the liaison to the Park Board and he supposes had he gone to the Park Board Meeting he would have been more aware of what was happening, but that was the first he had seen it. What he heard and he hopes was also heard by Staff was that there were some grave concerns at the Council table concerning that plan. He recalls Councilman Les Smith talking about traffic and there was discussion about the proximity of the lights, the proximity of the parking lot to the back of the houses on 76th Terrace, the headlights, and concern for adequate parking. There was discussion about the fact that there were no plans for these fields to be lit for now, but it was questioned if that was planned at some point.

Mr. Bishop said if in fact this was presented as a done deal in any way on December 18th he regrets that, personally. Because that certainly was not the way it was left when it was discussed at the Council table. There were serious concerns that were raised and the instructions to Staff as he understood them was that they were to go to the neighborhood, hear what the concerns were and then do all that we can to incorporate solutions to those concerns in the plan before it comes back to the City Council. Mr. Bishop said from his perspective, that is where we are and that is what is being done.

City Manager Kirk Davis stressed that the plans are preliminary. We have been looking at the park for a period of time in terms of design but were not prepared to bring anything forward

before that Council Meeting. We recognized that there were going to be a lot of changes and potential slips from the cup to the mouth, and we are consistent with the process and will continue to seek neighborhood input. We want to hear their comments and he believes Director Buschor is right on line with the direction received from the Council. This is not by any stretch of the imagination what residents have perceived as a "done deal", and we certainly don't want to leave the perception that we are trying to pull the wool over someone's eyes because that is not the intent at all. We will continue to look forward to working with members of the neighborhood.

Mr. Burris said the question he brings tonight which will perhaps help other neighborhoods in the future that might be involved in projects is how do we become involved in the process as early as possible to not have to go and redesign something. He compliments the City on the work they have done on this project, but in discussions in the neighborhood, there are a lot of changes the neighborhood would like to see before the park is completed. He suggests there might have been communications six months ago as far as advising them that there was no plan in place but asking what some key points were as far as what all parties would like to see in a plan. How do those communications occur on any project, not just a park project. There have been people in the neighborhood expressing an interest in this project for over a year and it was not until last month that they finally received any communication for input and response and consensus building on it.

Mayor Anita Newsom asked if we post the agendas for Parks and Recreation meetings on the web site or City's cable. Staff indicated that is not done currently. The Mayor suggested that might be a good communications tool because all of our boards and commission meetings are public meetings. The acquisition of this land has been discussed off and on and the initial design was talked about at a Park and Recreation Board meeting and on their Agenda. If those agendas were available, residents could check them first.

Mr. Burris said that might be an area they missed because that is where they first learned the City would be buying the land and expansion of the park would be taking place. The development and initial designs were steps that somehow were missed until the meeting in December when they saw the plan. Mayor Newsom said visitors are always welcome at Parks and Recreation Board meetings and encourage attendance.

Councilman Les Smith said it should be noted that the Hamilton Heights Park project for example was designed basically by the neighborhood from its conception. The Happy Rock West project is different because we knew we wanted playing fields for football, soccer and softball. Hamilton Heights Park was a major park acquisition and improvement went through the whole process with focus groups and the neighborhoods did design the park for all intents and purposes. So that is the difference here. He said he agrees if there is going to be some major project done next to a neighborhood, we should inform you. We should not expect you to find it on TV or on the Internet. Mr. Smith told Mr. Burris that the City Council is very cognizant of neighborhood concerns and if you will keep working with us, we will keep working with you.

Mr. Burris said they look forward to the opportunity, and Mayor Newsom thanked him for his comments.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Les Smith said he will comment on the recent water main break which resulted in the precautionary water boil for our residents. He owns a business which is only four blocks away from that water main and they ran out of water with a full house of patrons, so he may have been one of the first in the City to find out about the break. He commends Public Works Director Andy Noll, Ron McIntire and the entire department on their quick response to get the repairs made and the water back on. He also commends City Manager Davis and the Management Team and the contacts they were able to make. He appreciates being kept abreast of the situation and passes along his comments to all who had a hand in reacting to this situation in such a professional manner.

Councilman Shirley Smith said she lives fairly close to the water main break location and the water was restored in just a matter of hours so it worked out fine.

Ms. Smith reminded everyone that three weeks from tonight is the eve of the February 4th Primary Election for the Gladstone City Council and she encourages people to get out and vote to support the candidate of their choice.

Councilman Dan Bishop said he also appreciates the City Manager's efforts to keep Council informed throughout the entire ordeal of the water main break. Obviously, Public Works Director Andy Noll and staff are to be commended on the quick work given the scope and size of the water main break. We got the press releases out on Sunday evening, the School District was contacted and he feels we did a good job of going through the channels to inform people, but in a community of 27,000 there are people who either don't take the newspaper or don't read it carefully and don't watch local news. He received several calls from people who saw coverage Monday evening and had been unaware we had been under a boil order for 24 hrs. One resident suggested contacts to neighborhood association presidents or liaisons and Mr. Bishop reminded that one of Council's goals was to focus on neighborhood associations.

Mr. Bishop said in his own homeowners association there is a telephone tree that is used for important contacts or alerts and it is an effective means to get the word out quickly. We can think about having that list of neighborhood leaders available and working with associations to develop these calling trees that could be activated at a moment's notice. He commends staff for the job they did but we could give a little more thought on how we can get the word out to everybody. We are fortunate it was a precautionary boil order but had there been a bacteriological problem there could have been a serious situation. Those key neighborhood contacts would be a good way to start as far as looking at ways to disseminate information in such situations.

Councilman Bishop noted we have not met for a long time and wished everyone a Happy 2002.

Councilman Bill Cross noted that residents may not have realized there were additional water breaks following the major one which only added to our crew's work and he expresses his appreciation to them for all their efforts. He also thanks the City Manager for keeping Council informed.

Mayor Anita Newsom said she also commends Staff's efforts on their expedient methods of handling the precautionary water boil situation. She expected to see a crawler message on her network TV screen advising of Gladstone's precautionary boil order such as you see for other announcements in the metro area. She does not know what we need to do or what code word we need to use or who we need to talk to, but we need to reach out to the media and find out should there be some situation of similar magnitude, because this is something that people need to be informed about.

Mayor Newsom commented there was an article in the news about 10 year old Troy Thompson who saved his father's life when he suffered a seizure. She would like to do a proclamation honoring this young man and his maturity and thoughtfulness and invite him to the next Council Meeting. The City Clerk acknowledged the Mayor's request.

Item 7a. on the Agenda. **BOARD AND COMMISSION APPOINTMENTS and REAPPOINTMENTS**

Mayor Newsom advised that the Boards and Commissions who serve the City of Gladstone are a very important part of the functioning of our city. It is another way to reach out to all the citizens in the community in as many different ways as we can. The boards focus on specific areas and specific needs. Some have their authority under State Statute and some are established by local needs and we have been blessed during her twelve year tenure on the City Council to have excellent citizens come forward to share their time and expertise.

Mayor Newsom read the list of proposed appointments/reappointments and said she will pass along the file of other interested citizens for future vacancies that may occur at some later time.

Councilman Bill Cross moved to approve the recommended appointees as listed; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Councilman Bill Cross, Mayor Anita Newsom. (5 -0)

PLANNING COMMISSION

TERM EXPIRATION

Reappointment	Anne Alexander	December 2005
	Joyce Wild	December 2005
New Appointment	Brenda Lowe	December 2005

CAPITAL IMPROVEMENTS PROGRAM COMMITTEE

Reappointment	Lee Iaramore	December 2004
New Appointment	Ronald Guglielmino	December 2004
Chair	Pete Hall	

BOARD OF ZONING ADJUSTMENT

TERM EXPIRATION

Reappointment	Jim Groves	June 2006
New Appointment (1 st Alternate; three year term expires 6/05)	Lance Turner	June 2005

UNIFORM CODES BOARD OF APPEALS

Reappointment	Charles Logan	December 2004
Chair	Charles Logan	

GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment	Martin Randle	December 2007
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PARKS AND RECREATION ADVISORY BOARD

Reappointment	Dick Powers	December 2004
Reappointment	Roger Shannon	December 2004
Reappointment	David Stanley	December 2004
New Appointment	Freshman Student Member Brittany Justice North Kansas City High School	October 2004

CABLE TV ADVISORY BOARD

Reappointment	Herb Watson	December 2004
	Daniel Young	December 2004

GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE

Reappointment	Don Horton	December 2004
Reappointment	John Nord	December 2004
Reappointment	Eugene Suter	December 2004
New Appointment (three year term expires 12/03)	Matthew Teter	December 2003
Chair	Walt Patterson	

SISTER CITIES COMMISSION (New Commission)

New Appointment	Judy Beer	December 2005
New Appointment	George Campbell	December 2004
New Appointment	Jim Furlong	December 2003
New Appointment	Father Joseph Mancuso	December 2005
New Appointment	Shirley Nicholson	December 2004
New Appointment	Mark Schirmer	December 2003
New Appointment	James Shevling	December 2005
New Appointment	Nancy Thompson	December 2004
New Appointment	Erich Woitasczyk	December 2003
New Appointment	Mark Revenaugh	December 2004
New Appointment	Joanie Smith	December 2005

Chair **To be named**

Council Liaison **Councilman Shirley Smith**

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

City Manager Kirk Davis reminded that city offices will be closed in honor of Martin Luther King's Birthday on Monday, January 21, 2002. He also announced that the 50th Anniversary Committee will hold a kick-off event at 7:00 PM at the Elk's Lodge on Friday evening, January 18th and all are invited.

City Manager Davis acknowledged the City Council's appreciation to our Public Works crews in their handling of the water main break and Mr. Davis said he also thanks our City personnel who handled all the phone calls and also the public for their patience in this service disruption. He said we will be doing a de-briefing on the situation and our handling of it. We did make contact with the news media, the nursing homes, the school district, the private schools, the 24-hour restaurants and had it on our cable TV. But the catch is notification of those people who aren't watching TV or listening to the radio, and how do you assure people that this is precautionary. You don't want to scare them but you want them to pay attention and have the information they need to make decisions about their personal habits. The idea of a phone tree had not been thought of but we are exploring ideas on what we might do better. As far as the TV channels using a crawler, we leave it up to them as to what they will cover. He thought it would be the #1 story on most of the channels but it was not, so perhaps more extended communications with the media would help in such a situation. Mr. Davis said he was pleased with the staff and the field crew's response to this situation.

Item 9. on the Agenda. **RESOLUTION NO. R-02-6**, supporting the review and revision of the City of Gladstone Employee Handbook and establishing the process for adoption and implementation.

Councilman Dan Bishop moved to approve Resolution No. R-02-06. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. PUBLIC HEARING: on a request for extension of a Special Use Permit for operation of North Oak Garden Center on property at 7508 N Oak. Owner: Tony & Fina Scire. Applicant: N Oak Garden Center (File #1169)

Mayor Anita Newsom opened the Public Hearing and explained the hearing process.

Applicant Anna Ryan, 509 Southwest 10th Street, Blue Springs, Missouri, advised they are present before the City Council to request extension of their special use permit for two more years. They filed for a rezoning of the property but the owner of the property is not being cooperative at this time and not willing to work with the City in the requirements they need as far as the right of way, etc. Ms. Ryan said she requests a two year special use permit with their long term plan being to purchase the property within the next two years and then apply for the rezoning so they can do what the City requests of them.

Assistant City Manager for Development Scott Wingerson advised that as Ms. Ryan noted they did file for the rezoning change which was required by the initial special use permit and upon research it was found that approximately 10' of additional right of way was required adjacent to North Oak. The current property owner is not cooperative in that effort and this request simply extends the Special Use Permit that was previously granted by the City Council under the same conditions for a period of two years. It is hoped this extension will allow Ms. Ryan and her family to purchase the property, file for a zoning change and proceed with development of the property consistent with the goals of the City. He noted the Planning Commission unanimously recommended approval.

Councilman Bill Cross asked Ms. Ryan if she expects to work out something with the owner in that two year period of time. Ms. Ryan said she obviously cannot speak for the owner and has asked for the two years because she feels that is a realistic time frame for them to try to purchase the property, because she does not think they can get the owner to do the things he needs to do in that two year period. When they purchase the property they can make the decisions and do what is needed. The business has been successful and it is their goal to purchase it. They feel it will continue to grow and they will be able to make the purchase like they are planning.

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

Item 10a. on the Agenda. FIRST READING BILL 02-1, extending a Special Use Permit to Kenneth and Anna Ryan for operation of North Oak Garden Center on property at 7508 North Oak Trafficway, subject to certain conditions. (File #1169)

Councilman Les Smith moved to place Bill 02-1 on First Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 02-1, Waive the Rule and place the Bill on Second Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 02-1 and enact the Bill as **Ordinance 3.819**; Councilman Bill Cross seconded.

Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 02-2**, 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. Contract amount: Not to exceed \$20,301.05 from the General Fund.

Councilman Dan Bishop moved to place Bill 02-2 on First Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-2, Waive the Rule and place the Bill on Second Reading; Councilman Bill Cross seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 02-2 and enact the Bill as **Ordinance 3.820**; Councilman Bill Cross seconded.

Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. **FIRST READING BILL 02-3**, amending Schedule V of the Model Traffic Ordinance (Code Section 18-12) to designate additional No Parking Zones on Englewood Court.

Councilman Dan Bishop moved to place Bill 02-3 on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Les Smith asked how far east on Englewood Court the 125' No Parking designation will take us on the north side as far as the new curb installation. Public Works Director Andy Noll said it would be to the east side of the Mazuma Credit Union entrance. Mr. Smith said because of his familiarity with the street, he does not believe the No Parking will take it to the crest of the hill. Mazuma made road and curb improvements to the north side of the street and about to that point is where the No Parking needs to go so as not to create a hazard there.

Without knowing that exact distance we may not be solving the problem as this ordinance is presently written.

Mr. Noll said the intent was to keep the cars far enough away from that intersection so you could see them from the credit union so that when they pull out to head westbound, motorists would be able to recognize those vehicles. Mr. Smith said if you are farther east and come west on Englewood Court if there were cars parked on the crest of the hill, it would create a hazard. If we are going to restrict the parking, he suggests we do the entire distance.

Director Noll said we will take a look at that to see if an extended distance is warranted. Mr. Smith suggested we give the Bill first reading only tonight and amend the distance at our next meeting if determination warranted.

Councilman Cross questioned why the No Parking was to be 125' on one side of Englewood Court and 350' on the other side. Mr. Noll said it was to allow overflow parking on the street on one side only. The south side has more entrances to homes so the intent is not to allow parking too close to those entrances so people trying to pull in and out would be able to see far enough to see any oncoming vehicles.

Mayor Newsom asked if adequate parking was planned for Mazuma, how did this come about that on street parking is necessary. Mr. Wingerson said it is really a convenience factor for the patrons of the credit union. There is adequate parking east of the main building in the drive-through side, but on payday it is just convenient to park on the street which is close to the door, so that is why Director Noll is dealing with it. Mr. Wingerson said never to his knowledge has there been a full capacity at the credit union parking lot. Ms. Newsom said so it is a "want to" not a "have to" as far as parking on the street. Mr. Wingerson agreed.

Mr. Bishop said he understands that this was raised as a citizen concern, the Public Works Department did their analysis and determined that No Parking signs were warranted. Mr. Noll said they spoke with residents about their concerns for vehicles parking on both sides of the street making it hard for them to get out. The main concern they were trying to address was for two vehicles to pass on that road and ability to enter and exit the driveways.

Mr. Bishop said he would support only one reading tonight if further analysis is appropriate, but we still want to rely on traffic engineering principles and our Staff's recommendation.

Mayor Newsom said she also noted the input from Corporal Bolin of the Gladstone Public Safety Department Traffic Unit as far as ingress and egress of safety equipment both to the credit union and the residences on that street. It definitely points to the need but the length of the parking restriction, she will leave to further research.

Roll Call vote: "Aye" Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. Mr. Smith "Abstained" (4-0-1) The Clerk read the Bill.

Item 13. on the Agenda. **FIRST READING BILL NO. 02-4**, authorizing the City of Gladstone, Missouri, to enter into a Base Lease with First Bank of Missouri, as Trustee, whereby the City will lease certain property to said Trustee, a Lease Purchase Agreement with said Trustee with respect to the acquisition, construction, furnishing, equipping and installing of

certain capital improvements and prepaying certain outstanding Certificates of Participation and certain related documents; and approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered.

Councilman Bill Cross moved to place Bill 02-4 on First Reading; Councilman Les Smith seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 02-4, Waive the Rule and place the Bill on Second Reading; Councilman Les Smith seconded. Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 02-4 and enact the Bill as **Ordinance 3.821**; Councilman Les Smith seconded.

Discussion.

Mayor Anita Newsom said she can't sign her name to a \$ 6 million dollar issue without some discussion on this refinancing issue. City Manager Kirk Davis explained that we will initially save approximately \$450,000.00 on the 1992 COP issue that involved the original rebuilding of Happy Rock Park. This also includes moneys that would help us finance the reconstruction of 76th Street, the expansion of Happy Rock Park, a new records facility, and about a \$1.1 million dollars in improvements to the Public Works facility. So there are a lot of good projects that are contingent upon this.

Mr. Davis also noted these are projects that were planned down the road in the Five Year Capital Improvement Plan, so it frees up some money for projects like the curb and gutter program which was a high priority of the Preservation Task Force. City Manager Davis said this refinancing accomplishes a lot and he appreciates the work that has been done by our consultant, Mr. Greg Bricker, George K. Baum Company. Manager Davis said the interest rate average from 3% to 4.3%. He does not know if the City of Gladstone has ever received interest rates like that, so it is a good time to take advantage of those low rates.

Roll Call vote: "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 14. on the Agenda. PUBLIC HEARING ON APPEAL OF DANGEROUS BUILDING ORDER pursuant to Chapter 34, Article III of the Gladstone City Code on property at 7107 N Korans Road. Property Owner: H. Bradley Robertson

MAYOR NEWSOM: This public hearing takes place very similar to other public hearings, the City being the applicant in this instance will begin by presenting its evidence and each witness will be sworn in by the City Clerk, asked to state his or her name, professional position, business and home address. After each witness has testified on behalf of the party who called the witness, the opposing party will be given the opportunity to cross examine the witness. At the conclusion of the City's presentation, Mr. Robertson will be given the opportunity to present his case, including any witnesses he wishes to call to testify. The City Council will be given the opportunity to cross examine each witness as he or she testifies. After Mr. Robertson's presentation is completed, anyone else who may wish to testify in favor of the City's action in declaring Mr. Robertson's property to constitute a dangerous building may do so. Mr. Robertson will be given the opportunity to cross examine each witness followed by the City Counselor's cross examination. After witnesses in favor of the City's action have testified, those persons wishing to testify in opposition to the City's actions may do so, subject to cross examination by Mr. Ramsay and then by Mr. Robertson. At the conclusion of the testimony, Mr. Ramsay and then Mr. Robertson will be given the opportunity to make closing statement to the City Council. The City Council may then consider and discuss a motion for determination of the issues or may continue the matter to another city council meeting and order an inspection of the property, request that additional information be provided by one or both of these parties, or delay the consideration of the matter to another date. At this time, we will open the public hearing and ask for Counselor RAMSAY to come forward and present his evidence.

CITY COUNSELOR RAMSAY: Thank you your honor. Let me simply give you a quick outline of where I believe we are going to go with this this evening. Because it is a more formal hearing then we ordinarily conduct, we will have a number of exhibits to present and ask that the City Council admit those into the record for the purposes of this hearing. We will then call two members of the City staff as witnesses to establish the factual basis for the dangerous building citation. Let me begin by asking the council and Madam Mayor as Presiding Officer to take official notice of and admit for purposes of the record Gladstone City Code provision in Article III, Chapter 34, which is the Dangerous Building Code, and incorporates by reference the Uniform Code for the Abatement of Dangerous Buildings 1994 edition, which is the code promulgated by the International Conference of Building Officials. This is the code that was in effect at the time that the alleged violations were reported and investigated.

MAYOR NEWSOM: So noted. Thank you Mr. Ramsey.

MR. RAMSAY: At this time, I would like to call Assistant City Manager for Development, Scott Wingerson as a witness on behalf of the City.

CITY CLERK: Raise your right hand, do you solemnly swear that the testimony that you are about to give in the matter now before the City Council is the truth, the whole truth and nothing but the truth.

MR. WINGERSON: Yes. Thank you Ms. Ahnefeld and Mr. Ramsay. I'd like to start from the staff's presentation prospective of a little bit of background to orient the City Council. First of all, the property is located at 7107 N. Kranz Road, it's south of 72nd Street and east of North Oak. The owner, according to an ownership and encumbrance report obtained in October of 2001, is listed as H. Bradley Robertson. There were several inspections of the property. The primary inspection we will be discussing tonight is September 20, 2001. I'd also like to express to the City Council the reason that City personnel were there was based on a complaint from the tenant of the structure that invited us to review both the external and interior portions of the property. The issues itself began in September, 2001 when Code Enforcement Officer Reyburn responded to a complaint concerning unsafe living conditions. The occupant that requested the inspection and granted access to the structure and to the property is Ms. Terra Wells. This is a duplex and most of the information we'll provide is relative to common areas between the two units or to the north unit. Upon Mr. Reyburn's inspection of the unit, it is clear that several building code violations may exist within and outside the structure. With that information, Mr. Reyburn called on Code Supervisor, Alan Napoli, who then inspected the property and the report from that inspection resulted in a Notice and Order, also resulted in numerous photographs which the Council will be provided. On October 3, 2001, Mr. Robertson completed a building permit application to repair the roof at this address. The building permit was issued under the condition that the property was owner occupied. On November 14, 2001, Mr. Robertson filed an appeal relative to the dangerous buildings determination and on November 15, staff notified Mr. Robertson of the need for additional information relative to the appeal, so that it could be heard at tonight's council meeting. Mr. Robertson provided that additional information on November 16 and an additional notice of the hearing dated January 7, was provided to Mr. Robertson. The deficiencies relative to the structure are numerous. All of them concern public health and safety and contribute to general blight. The noted deficiencies result in unsafe egress for any occupant, clear evidence of dilapidation, deterioration and decay and inadequate non-compliant fire separation construction, faulty electrical wiring, also constitutes a hazard. I want to stress to the City Council that it's always the staff's preference to allow the property owner to make repairs to a property that is found to be in violation. That is in an effort to alleviate the violation and also protect the property owner. In this particular case unfortunately, little effort has been made to comply with portions of this request. We made an effort to inspect the property today, the exterior of the premises were inspected. Mr. Napoli will discuss that with the City Council, however, we were not allowed interior access to the structure. Finally, staff recommends that the Notice and Order be upheld for three general factors. Number one, public health and safety issues do not allow occupancy; number two, reasonable compliance times have been provided and number three, should the City move forward and addressing compliance issues, it is less expensive for the City and thereby the tax payers, to proceed with demolition of the structure, rather than to contract for it's repair. I'd like to thank you for your time tonight. I'm available to answer any questions at this point and will be available for the rest of the evening.

MAYOR NEWSOM: Do any Councilmembers have any questions for Mr. Wingerson? Say none. Mr. Robertson do you have any questions for Mr. Wingerson?

MR. ROBERTSON: Yes I do. In your report that you gave to the City Council to Kirk Davis, City Manager and carbon copied him, you say on here that the benefit to all residents is that the structure can be removed by the City for approximately \$7,500, while repairs to the structure or to achieve compliance were estimated to be in excess of \$10,000. Can you tell us how you came up with that estimate?

MR. WINGERSON: In terms of the demolition estimate and please keep in mind they are estimates, that's based on past experience, other peoples experience or knowledge of what demolition of structures for city purposes and private purposes constitute. The second estimate has to do with an overall repair of the structure should the City have to contract for that. That is not necessarily a cost for Mr. Robertson, but for the City to contract for those improvements to make the space habitable for occupancy, would include plumbing, electrical , exterior and interior improvements, to make it safe and occupiable should the City contract for those improvements. So, that's how we came up with that estimate, it's just based on staff's experience.

MR. ROBERTSON: I have to object and disregard that because he address plumbing. There's been no address of plumbing on any of these on your dangerous building warrants and certainly you don't have any.. I don't see any there, so that's all I have .

MR. RAMSAY: Your honor I would like to have Mr. Wingerson identify for purposes of the record several exhibits that provide the documentation that he discussed in his testimony.

MAYOR NEWSOM: Please do so.

MR. RAMSAY: I might just point out that all of these documents have been provided to Mr. Robertson several days ago and also to members of the City Council. Let me, Mr. Wingerson, show you exhibit number two and ask if you can identify the document.

MR. WINGERSON: It's a Community Development Department, City of Gladstone Building Permit Application dated October 3, 2001, address 7107 N. Kranz Road, for residential occupancy repair of a roof, the owner of the property is listed as Brad Robertson at 7107 N. Kranz in Gladstone. The second page in this packet is the actual issue building permit, dated October 3, 2001 and issued to Mr. Robertson as the homeowner. The third is a print out of ownership data that we obtained form Clay County in a digital file, it's used with our permit issuance software. The fourth and fifth pages are drawings of the structure, the fifth page specifically the roof structure, the changes that were proposed at the time. The next page is a photo copy of ownership data provided in hard copy form from Clay County, as is the next page and then you see a parcel map of Kranz Road, it's property parcel number seven, Lot 5, Kranz Road on the east side, third parcel down. Again, print out from the permit issuing software and again permit issue software ownership data.

MR. RAMSAY: Let me show you what's been marked as Exhibit 3 and ask if you can identify that document.

MR. WINGERSON: It's a fax transmittal from Chicago Title relative to an ownership and encumbrance report requested by Mr. Napoli. It is dated October 11, 2001..indicates that Mr. H. Bradley Robertson is the owner of the property at 7107 N. Kranz Road.

MR. RAMSAY: Let me now show you Exhibit number 4 and ask for your identification of that Exhibit.

MR. WINGERSON: Certified letter dated October 18, 2001..addressed to H. Bradley Robertson at 7107 N. Kranz regarding the structure at 7107 N. Kranz. Basically, a transmittal letter issued

by Code Supervisor, Napoli, which transmits the Notice and Order. Second page is the actual Notice and Order itself issued to H. Bradley Robertson at 7107 N. Kranz, with various concerns and violations and attaches a copy of the dangerous buildings report, which is the fourth page back..relative to 7107 N. Kranz.

MR. RAMSAY: Next is a single sheet marked Exhibit number 5..sorry it's two sheets. I ask if you can identify that document.

MR. WINGERSON: First sheet is proof of publication of the dangerous buildings notice as printed in a local newspaper. The second is an Affidavit that it was published on October 31, 2001.

MR. RAMSAY: Next is Exhibit 6..please explain that document for us.

MR. WINGERSON: Certified Mail letter dated November 15, 2001 addressed to Mr. Robertson relative to a Notice of Appeal dated November 14, 2001 relative to 7101 N. Kranz Rd. Mr. Robertson filed an appeal to the dangerous buildings determination on November 14, 2001. That is the second page in this particular packet...the original appeal. References the notice of dangerous buildings dated October, 2001. Basically, what the letter seeks to do is request additional information from Mr. Robertson in order to facilitate our public hearing here tonight. Second page as I noted is the original Notice of Appeal...attached for convenience again are the Notice and Order and inspection reports dated October 18, 2001..and for convenience, Chapter 5 of the Dangerous Building Codes which indicates the appeal process.

MR. RAMSAY: Let me now hand you Exhibit 7 and ask you to identify that document.

MR. WINGERSON: Exhibit 7 is the Amended Appeal from Mr. Robertson relative to 7107 N. Kranz Road dated 11/16/01.

MR. RAMSAY: And finally Exhibit number 8..would you identify that document please.

MR. WINGERSON: Courtesy notice advising Mr. Robertson that again the public hearing to discuss this matter is scheduled for January 14, signed by City Clerk, Marilyn Ahnefeld.

MR. RAMSAY: At this time Madam Mayor, I would offer Exhibits 2-8 and ask that you accept them and include them as part of the record in this hearing.

MAYOR NEWSOM: So accepted....thank you sir.

MR. RAMSAY: I have no further questions of Mr. WingerSON.....Next I would like to call Mr. Alan Napoli on behalf of the City.

CITY CLERK: Sir will you raise your right hand. Do you solemnly swear that the testimony that you are about to give in the matter now before the City Council is the truth, the whole truth and nothing but the truth.

MR. NAPOLI: I do.

MR. RAMSAY: Please state your full name and professional position with the City.

MR. NAPOLI: Alan Napoli, Codes Supervisor for the City of Gladstone.

MR. RAMSAY: Mr. Napoli, with respect to the property located at 7107 N. Kranz Road in Gladstone, Missouri, did you have occasion to inspect that property for code deficiencies on September 20, 2001.

MR. NAPOLI: Yes I did.

MR. RAMSAY: And did you take photographs of the premises at that time.

MR. NAPOLI: Yes photographs were taken at that time.

MR. RAMSAY: Let me show you what's been marked Exhibit 9, which is a series of several photographs that have been duplicated and ask if you can identify those photographs.

MR. NAPOLI: Yes these are the pictures that were taken in September when I was out to inspect the property based on a complaint.

MR. RAMSAY: And do these photographs accurately represent the condition of the premises as you found it on September 20, 2001.

MR. NAPOLI: Yes they do.

MR. RAMSAY: All right. Let me also direct your attention to Exhibit number 10 which is another series of photographs..

MAYOR NEWSOM: We're short a packet up here. MR. WINGERSON advised it was coming.

MR. RAMSAY: Can you identify these photographs for the City Council please.

MR. NAPOLI: Yes these are pictures that were taken this morning of the premises of the structure at 7107 N. Kranz Road.

MR. RAMSAY: And do these photographs accurately depict the condition of the premises earlier today as you found them.

MR. NAPOLI: Yes they do.

MR. RAMSAY: All right. Madam Mayor I would ask that you accept Exhibits 9 and 10 as part of the City's presentation for the record in this matter.

MAYOR NEWSOM: So noted.

MR. RAMSAY: Mr. Napoli referring you to Exhibit 9...would you briefly go through the individual photographs comprising that exhibit and explain what conditions and violations are depicted in these photographs.

MR. ROBERTSON: Your Honor, I think I need to object.

MAYOR NEWSOM: Sir there are no objections in this type of hearing. You will be able to question Mr. Napoli ..

MR. ROBERTSON: You're going to admit evidence that's objectionable?

MAYOR NEWSOM: We are allowing the City to present their case...then you can present your side of the case.

MR. NAPOLI: First picture is a picture that was taken in the garage looking up at the sub-floor above showing a hole that had been cut into the sub-floor where an extension cord has been hung through and an electrical outlet is sitting up there improperly installed and wired...possible potential electrical hazard at that point. Second page is an outlet that was in the common area upstairs between the two units that does not have a proper cover plate over it exposing electrical wires. The third picture is a picture in the garage indicating flammable and liquid materials and other flammable materials that were located to close to gas fired appliances in there that could be potential fire hazards.

MR. RAMSAY: Excuse me Alan, could you identify the specific items that you are referring to?

MR. NAPOLI: I'm referring to...particularly the can of paint that's sitting down there next to the hot water heater and a wood picket fence sitting down by the hot water heater. And the next picture is a picture of the bathroom upstairs basically showing inadequate plumbing at the tub and tub surround showing plastic being used as a surround which is inappropriate for protection of the materials behind the wall which would could potentially become mold and mildew causing decay and rot of the materials and the structure that's behind there. The next picture is another picture of that also...same situation.

MR. RAMSAY: Did you determine as you inspected this area whether this shower was actually functional?

MR. NAPOLI: I did not actually turn it on and see if using, but from the tenant that allowed us in there indicated that this is the tub shower that they had been using. The next picture indicates a doorway that's in the unit in the common area that goes out to the deck...out the back...indicating in the walls there's no insulation there..also there are no locks on the doors and at the time the structure was inspected, the tenant was moving out of there leaving this structure potentially open to vagrants...or anybody who wanted to get into the structure since there was no locks on any of the exterior doors in the back up at the deck level. The picture after that is another door that's in that same area. The next picture is a picture on the side of the structure to the north side showing the soffits and fascia board up there that have been rotted away. Most of it is gone...showing rafters and ceiling joists that are sticking out there..exposed to the weather with some signs of rot indicated at that point. The next picture is the rear of the structure to the south end of the house showing exposed plywood sheathing around one of the garage doors with

siding that has been falling off, rotting the sheathing in that area same thing has shown signs of decay and rot also. The picture after that is at the rear of the house to the north end. This is also showing exposed sheathing, siding that's been rotted and actually missing, fascia soffit boards and gutters hanging, and exposing materials in the structure has caused further deterioration down the road of the structure. The next picture is another picture of the rear of the structure, the northern unit, a little more showing of the guttering and fascia boards soffit rotting off, also noting if you look down at the lower left corner part of a deck out there that does not have any guard rails around it. And also the lap siding falling off and rotting. The next picture is a picture of the front of the structure at the front porch at the front door and the fascia and soffit showing signs there no soffit no fascia structures exposed to the weather elements and showing signs of decay and rot at that point there too. Next picture is at the rear southern end showing the same of the fascia and the soffits of rot and decay on the structure. The next picture is a picture of the deck at the rear of the structure at the north unit and showing you that there is no guard rail around this deck whatsoever. Next picture is just a picture of some of the vehicles what were stored at the rear of the property. This next picture is giving you another view farther out of the rear of the structure at the south end showing a little more of the rot and decay in the siding that's become....just a ...excuse me...that is no longer structurally sound on that lap siding as it's falling off and showing signs of it. Next picture after that....some more of the vehicles that were stored on the property in the rear and the last picture is of the same truck stored at the rear of the property.

MR. RAMSAY: Mr. Napoli when you inspected this property on September 20, did you have an indication of what the proposed use of the property might be?

MR. NAPOLI: At the time for my.. I was standing and talking to the person that let us in there that it had been rental property. She was a lessee of it and there was another person who had leased the other unit....so at that I was surmising that the property was being used for rental use.

MR. RAMSAY: And this is configured as a duplex is that correct?

MR. NAPOLI: That is correct.

MR. RAMSAY: Did you have occasion to examine the basement of the premises?

MR. NAPOLI: Yes I did. The basement of the premises includes four garage doors. All garages are connected as one....there is no fire stop in between units which is required a one hour rating between duplexes. The ceilings of the garage are not rated as garages are supposed to be rated....the one hour rating between the garage and the house. There is a common stairway in there that goes from the basement to the first floor, that stairway was open throughout the whole garage...it was not locked off in a one hour manner that it needed to be. Also, there were furnaces and a hot water heater that were exposed to the garage that were not properly enclosed as they are supposed to be.

MR. RAMSAY: When you speak of one hour rating, what type of materials would provide that protection?

MR. NAPOLI: In this case, one hour rating would have been a type 5/8 type x sheet rock which is a fire rated sheet rock.

MR. RAMSAY: Were you also able to examine the attic of the structure.

MR. NAPOLI: Yes...I was not actually able to get up in to the attic...but from what I could determine..based on what I could see from the outside up to there, there was no separation in the attic causing an open common attic area between the two units and in duplexes these are supposed to be one hour rated between the units.

MR. RAMSAY: All right. Let me refer you now to Exhibit 10 which is the series of photographs which were taken earlier today...would you go through and just briefly describe what those photographs depict?

MR. NAPOLI: The first photograph is the front of the structure on the north end. There is a window there it shows where the sill of the window has extreme rot underneath basically ... completely rotted out...the vinyl siding is not even attached to it as you can see. The next picture is at the rear of the structure, the north end of it...at this point felt paper had been put up on the structure covering the sheathing so I was unable to see if the sheathing had been repaired or if there was still any rot or decay at that point on that sheathing. The next picture is the rear of the structure...it's the northern garage door showing where some of the sheathing is still exposed on the lower sections showing signs of weather conditioning there and some deterioration. This picture is a picture from the north looking at the structure, basically showing the decks. You can see although some guardrails have been put up on the one deck, the deck to the south there still has a guard rail on the north end that has not been addressed and showing some of the felt paper coming down there covering the sheathing up that the previous picture shown weather damaged with some signs of decay that we were unable to determine if anything had been corrected to that sheathing. Next picture is at the rear of the structure, the south unit, as you can see on the deck to the right of it, there's no guard rail along the northern side of that guardrail. Also, you can still see several boards between the new OSB sheathing that was put up that had shown signs of weathering that have not been replaced and down at the lower half of the unit there by the southern garage, plywood sheathing that has been weathered. Next picture is another picture depicting the north section of the rear of the property showing the sheathing...the black felt paper that had been put up over the sheathing. The next picture is just another picture of the rear structure, basically a little closer view showing the sheathing, some of the plywood in the deck up above without the guardrails and weathered condition of the sheathing. The picture after that is just showing some of the debris and materials that have been stored under the deck. Next picture is still showing some of the vehicles and equipment that have been stored out at the rear of the property. Next picture showing a couple of boats that are on trailers that are stored at the rear of the structure of the property. This next picture is a picture of the south end of the house looking from the front yard up by the street as to what's visible from the street at the rear of the structure of the boats that were stored in the back yard. The next picture is showing under the front porch some of the debris and the windows along there on that. The next picture is the front porch cover that was installed with some of the work that had gone on with the roofing...indicating that you can see some of the original soffit everything under there have not been replaced they still expose the interior of the structure to weather...in this case you still have an opening that you can get varmints in there...squirrels, birds, what not that may be able to get into the structure. This view is the north side of the house to the front indicating a couple of areas that are still open that are allowing the same situation to happen that's open to the structure allowing weather conditions still and animals, squirrels, birds whatever that could enter that

structure. This next picture is the rear of the structure basically showing the middle to north center section of the north structure...just showing the sheathing underneath there, the condition of the garage doors. The next picture is a picture of the front of the structure. Primary this structure picture was taken indicating that the dangerous building notice that was attached to the structure to the right of that front door has been removed. The next picture is just a picture of the front of the structure. The next picture is another picture of just a farther view of what's visible from the street there on that south side as to the vehicles that are being and other stuff that's stored at the rear of the property. Next picture is just a picture of the drive coming in, this is the north side of the structure as you would come in going around to the rear. This next picture shows both decks. This picture you can see that the deck on the left, the guardrail on the north side is not installed and the deck on the right...the south guardrail there is not installed. Next picture is a picture just giving you a little more front view of the structure. And the next picture is the northern end of the front view...it's kind of giving you a view of that structure and this is taken out away from the house, both these pictures as to what's visible from the street. Last picture is just a picture showing the deck and stuff that's stored underneath it. That's it.

MR. RAMSAY: Now Mr. Napoli, did you attempt to inspect the interior of the premises this morning?

MR. NAPOLI: Yes when I was out there Mr. Robertson was out there he indicated that the property was posted as no trespassing....we told him what we were there for and that we had a permit on the structure. He let us walk around the outside. I told him that we did need to still inspect the inside of the structure and he said that he would call us when he was ready for an inspection of the inside and that he would let us in personally and so I was not able to get into the structure today.

MR. RAMSAY: Has anyone from your department inspect the roof repairs that were done in accordance with the October.... I believe it's October 11th building permit?

MR. NAPOLI: Not at this time nobody has inspected it.

MR. RAMSAY: Did it appear from your external inspection that that particular work had been completed?

MR. NAPOLI: From my external inspection, the structural part of it appeared to have been completed yes. Other than that the roofing and shingles had been put on, siding still had not been completed on the outside of it. And that was all I could basically determine.

MR. RAMSAY: Has Mr. Robertson or anyone on his behalf sought additional permits from your department for repairs that you have cited in the September, I'm sorry the October 18th dangerous building Motion and Order?

MR. NAPOLI: No not at this time nobody has.

MR. RAMSAY: Given the character of this property and the duplex would building permits be required by the City in order for Mr. Robertson to proceed with interior repairs, some of which being the deficiencies that you previously sighted?

MR. NAPOLI: Yes it would. There would be some additional building permits, electrical permits and possibly some plumbing permits.

MR. RAMSAY: To your knowledge has Mr. Robertson contacted you or anyone in your department since October...since the Notice of October 18th was issued to discuss repairs and corrections to the deficiencies that you have cited?

MR. NAPOLI: Not to my knowledge.

MR. RAMSAY: No further questions to this witness.

MAYOR NEWSOM: Thank you. Mr. Robertson do you have any questions for Mr. Napoli?

MR. ROBERTSON: Yes I do. First off, first off, how did you get into the attic?

MR. NAPOLI: As I said I did not get into the attic. What I saw was what I could determine from outside looking through the soffits that were not there in the structure at that point and that's how I was able to determine. I was not physically in the attic.

MR. ROBERTSON: I see so you don't know if there was a fire block there or not?

MR. NAPOLI: From what I could determine and see from the outside, there was no indication of that.

MR. ROBERTSON: Give us a description of this alleged Ms. Terra Wells or how she approached you or where she even came from or is she here tonight? Can I cross-examine her?

MR. NAPOLI: Ms. Terra Wells had contacted Mr. Reyburn dealing with some violations she felt from when she was residing there. One day Mr. Reyburn had inspected the place himself. He determined that it was beyond just a simple property maintenance and contacted me so I went out to the site at that time. Mrs. Wells at that time had a key and opened the structure to allow us in.

MR. ROBERTSON: But she's not here to verify that?

MR. NAPOLI: No she is not here.

MR. ROBERTSON: Do you have a...did you see a signed contract by me that she was renting from me?

MR. NAPOLI: No I did not.

MR. ROBERTSON: So in fact you don't know who or where this Terra Wells is as I do not?

MR. NAPOLI: I do have an idea where she lives and how...where she's at yes I do.

MR. ROBERTSON: But you didn't call her as a witness here tonight?

MR. NAPOLI: No we did not.

MR. ROBERTSON: I've noticed on the inspection date it says the inspection date is September 21st. Most of your pictures on I believe Exhibit 9 all have the date posted on the pictures themselves of the 20th of September, how were you able to take pictures the day before the inspection?

MR. NAPOLI: Well as you note, even on the pictures that are taken today, as we found out our camera was twelve hours off it was reading at twelve hours, so actually when the pictures were taken in the morning, it was indicating the day earlier and had not switched over and that's why there's a discrepancy on the dates between the pictures taken in September and the pictures that were taken today.

MAYOR NEWSOM: Do you have any other questions Mr. Robertson?

MR. ROBERTSON: Yes I do.

MAYOR NEWSOM: Okay

MR. ROBERTSON: I've got lots of questions. Would you please read number six? This is off your dangerous building inspection report. Would you please read number six here?

MR. NAPOLI: Number six reads, whenever any building or structure because of obsolescence, dilapidation condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or hearing apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

MR. ROBERTSON: Are you the Fire Marshal of Gladstone?

MR. NAPOLI: No I am not.

MR. ROBERTSON: But you've made these determinations on your findings of inspection as of number four.

MR. NAPOLI: Based on number four, that is an electrical hazard, it's a violation of the dangerous building and falls under my jurisdiction also with that.

MR. ROBERTSON: I beg to differ not according to the 1994 Uniform Code of Abatement, it falls under the Fire Marshal.

MR. NAPOLI: There are several other items within the section there that talk about the building and structure as we walk through we note all that has...that are violations in there and in my position as Code Supervisor I enforce the electrical code. So any electrical wiring whether faulty or not would be subject to my inspection and review also.

MR. ROBERTSON: As I say again, I don't mean to get too argumentative but if we are going by the 1994 Building Abatement Code, no that does not fall under your jurisdiction on this.

While we are on that subject, let's just go down through here on the soffits and fascia and missing siding. You don't list anything....you've shown pictures of a bathroom that needs to be refinished or finished, but you don't have that listed on here so and ...I quite...and also vehicles in my back yard, how does that pertain to being a dangerous building?

MR. NAPOLI: At the time Mr. Reyburn had gone out to the structure to do his inspection with Ms. Wells, the vehicles were noted at that time. The vehicles are in violation of our property maintenance ordinance which you were informed of through that proper process and that is how they came to be part of these pictures because all of the pictures were taken at the same time of the premises and structure.

MR. ROBERTSON: But they don't have anything to do with the structure of the building?

MR. NAPOLI: No they do not.

MR. ROBERTSON: And I believe the ordinance says any legally licensed vehicle is allowed to be in your driveway.

MR. NAPOLI: That is correct.

MR. ROBERTSON: Now I believe you inspected the building on September 21?

MR. NAPOLI: That is correct.

MR. ROBERTSON: Okay and according to the documents you presented the council I pulled a building permit on October 3?

MR. NAPOLI: I believe that is correct yes the permit was pulled on that date or around that date.

MR. ROBERTSON: Okay, on October 10, I had the construction done or roughed in, pretty much roughed in and you came and posted the dangerous building on October 22nd right?

MR. NAPOLI: That would be correct yes.

MR. ROBERTSON: So, basically the soffits and the fascia boards were already fixed at that point and time. Is that true?

MR. NAPOLI: At that time they were under construction yes.

MR. ROBERTSON: Okay. On the rest of these, since we've determined that the soffits and fascias were already finished by the time you put the dangerous building on there, let's go to the paragraphs here what they fall under on the rest of the siding missing... siding missing in the rear of the structure, inadequate guards...hang on a second...hang just a second. Well...oh it'll be the front of this hear. Okay, you've got a right here it's got the seven, can we go over this and let's find out which ones of these, what paragraph we're in reference to here on these dangerous building.

MR. NAPOLI: Items number two missing siding missing on rear structure, inadequate guards, unsafe electrical wiring.

MR. ROBERTSON: We've already been over that and you are not the fire marshal.

MR. NAPOLI: Whenever...on number two whenever any building structure or portion thereof because of dilapidation or decay, faulty construction, the removal, movement or inability of any portions necessary for purpose of supporting such building, deterioration, decay or inadequacy of its foundation, or any other causes likely to partially or completely collapse.

MR. ROBERTSON: We don't have any fear of that. I don't think that building's ready to collapse yet.

MR. RAMSAY: Your honor could you suggest to Mr. Robertson that this is the portion of the hearing where he is to ask questions, he will be sworn as a witness when it's his turn to present his evidence so that his comments and testimony can be under oath and subject of course to penalties of perjury for misrepresentations.

MAYOR NEWSOM: Yes, Mr. Robertson, this is the time to ask questions and your opinions and statements can be made later when you are under oath.

MR. ROBERTSON: Okay.

MAYOR NEWSOM: So if we could move forward with any other questions for Mr. Napoli.

MR. ROBERTSON: Yes the question was what these fall under ...

MAYOR NEWSOM: Could you come up and speak in the microphone please.

MR. ROBERTSON: Yes the question was is I wanted to go through these and find out which paragraphs these fall under that he's addressing here as a finding of inspection as an unsafe building. I mean these...there are seven paragraphs that were here and I am yet to determine how any of these apply to the seven paragraphs that tell you that it's a dangerous building and needs to be abated. I was just asking the question as to which ones of these apply to those paragraphs.

MAYOR NEWSOM: And this is the first time to take the opportunity to consult with the staff about that? During a public hearing?

MR. ROBERTSON: Yes this is the first time they've taken the opportunity to try and consult with me, yes.

MAYOR NEWSOM: What is the question before Mr. Napoli?

MR. ROBERTSON: Would be...which one...we've got soffits and fascia boards missing, siding missing on the rear of structure, inadequate guards or no guards on decks at rear of structure, unsafe electrical wiring, no separation between units in the garage and attic and the eight items of inspection that he's got listed I was asking how they apply to the seven paragraphs right here that

are supposed to be your code violations...your violations or how to determine if it's an unsafe building.

MR. NAPOLI: As I noted, item number two covers most of the items I had indicated up there, indicating siding, inadequate guards. If you look at number three of on the Notice and Order, it says that "whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or housing code, or any other law or ordinance of this state of jurisdiction relating to the condition, location of the structure", this... these items would fall under that condition under that one right there. On number four indicates "when any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of it's strength, fire resistant qualities or characteristics or weather resistant qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location". In this case, there's number one in the findings inspection, number two, number five, number six, number seven. If we do go back to number one on the Notice and Order, "whenever any door, aisle, passageway, stairway or other means of exit is not sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic", that would apply to number six of the findings of inspection. Number five on the Notice and Order indicates that "whenever any building or structure used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease"... that one would basically be the siding of the structure, the fascia boards and then item number seven, the last one, "whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence"...and all eight of those fit under that category.

MR. ROBERTSON: Well, I probably disagree, but let's go on with this. Can you read what's highlighted in blue. This is under Sections 302 Maintenance of Existing Structures.

MR. NAPOLI: This is from the 1994 Uniform Building Code, Chapter 34 Existing Structures, Section 3402 Maintenance. All devices or safeguards which are required by this code shall be maintained to conform with the code addition under which installed.

MR. ROBERTSON: Under which is installed. You did read that?

MR. NAPOLI: Yes I did under which is installed.

MR. ROBERTSON: I see. Most of this...this building was constructed in 1956. Can you tell us what building codes and such that were on the books in 1956?

MR. NAPOLI: No I cannot tell you, but as you recall you raised that structure back up in the early 90's onto a new foundation and redid the floor joists under it and redid some of the work underneath there, which puts you under more a current code, which this is a violation of and what has been done in there.

MR. ROBERTSON: Well, when I did the basement work that was in the early 90's when did you adopt the 1994 Uniform Building Code?

MR. NAPOLI: This code was adopted in 1996. We were under another code at that time and even the work that you had done at this would be a violation of that current code.

MR. ROBERTSON: Please state those code violations then.

MR. NAPOLI: They are already stated on the dangerous building inspection report.

MR. ROBERTSON: Of the past code, before you adopted the 1994 Uniform Building Code?

MR. NAPOLI: Yes sir.

MR. ROBERTSON: Would you please read this highlighted part in Section 3403.2?

MR. NAPOLI: This again is in the 1994 Uniform Building Code, Chapter 34 Existing Structures from Section 3403, additions, alterations or repairs, subsection 3403.2. When allowed, additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or structure.

MR. ROBERTSON: Thank you.

MAYOR NEWSOM: What was the question inherent in that having him read that, I'm lost?

MR. ROBERTSON: It was just another...

MAYOR NEWSOM: Was there a question in there?

MR. ROBERTSON: No, I just wanted to make certain that the existing building of structure... that well only the new addition put on there, on the house, the roof, is what's need to conform to the new building codes.

MAYOR NEWSOM: Are you done with your questions for Mr. Napoli?

MR. ROBERTSON: Yep.

MAYOR NEWSOM: Thank you Mr. Napoli. Are there any Counselor questions for Mr. Napoli? Thank you sir.

MR. RAMSAY: That concludes the City's presentation your Honor.

MAYOR NEWSOM: At this time, we invite Mr. Robertson to present his side of this issue. Mr. Robertson, you will need to be sworn in as a witness.

CITY CLERK: Please raise your right hand. Do you solemnly swear or affirm that the testimony that you are about to give in the matter now before the City Council is the truth, the whole truth and nothing but the truth?

MR. ROBERTSON: I do.

CITY CLERK: Thank you.

MAYOR NEWSOM: Mr. Robertson, please state your name and address for the record please.

MR. ROBERTSON: Brad Robertson, 6925 North Harrison. I've got some pictures myself of the property currently. I don't have several copies so it's one of those things you'll have to pass around. I guess I'll do a little presentation here. I got...as I had questioned Mr. Napoli, I had pulled a building permit as of October 3, had no idea that Mr. Napoli, or anybody else from the City of Gladstone had been through my property, had no knowledge of it all. I had previously rented the property, one side of it to my step daughter so that she would have a place to live. It wasn't in the best of shape, but I would not rent it...would have let anybody else stay in it. She ended up being engaged and her and her boyfriend...her boyfriend ended up moving in. They were in the process of doing some repairs to the building for about a year, year and one-half. He finally got far enough on his feet where he bought a place in Liberty and at that point and time, which was August 31st I believe was the last day that my step-daughter and he lived in the duplex. That's the reason I was kind of surprised when Mr. Napoli said that he had been through my property on September 20th, since nobody had been living there for twenty days or twenty-one days. And then come up with a Ms. Terra Wells so anyway since we've gone through and since I don't have those, I can only let you go through the pictures here .

VOICES (?): Shouldn't those be an exhibit?

VOICE: He's not an attorney.

MR. ROBERTSON: I'll explain them as best as I can. As you can see, I've not been sitting back idly, I pulled the building permit on October 3rd as I said. The only reason I hadn't started the construction that I wanted to do or start fixing the interior of the house is because of the major renovation or the major roof repair that I had to do. In lieu of that, I let a lot of things slide for a while. My step-daughter lived in the property, which prevented me ...well my step-daughter lived in the property which prevented me from doing what I wanted to do to the property until she moved out. Once she moved out, as I said, we pulled the permit, we started on October 4th by October 10th and I have a canceled check here, that the people, the friends that I hired had completed the work. Then on October 22nd, Mr. Napoli shows up, as I said had completed the work as far as the construction....the roofing was being put on at the time and Mr. Napoli showed up and put a dangerous building on the house at that time. Now some of those pictures in there are not of the house, a lot of those pictures are of the neighborhood. It's to show you that the... out of the neighborhood, probably arguably my house is probably the best looking in the neighborhood at this point and time. And it will definitely be the best looking one once it's completed. The ones that you see that have a house wrap or a pink on it are some of the houses found around Gladstone that are in same condition or under probably the same type of phase of construction as my duplex, but I believe if you check your records, I don't think Mr. Napoli bothered to probably put dangerous building on them. But...

MAYOR NEWSOM: Right now Mr. Robertson let's focus on your property. That's what we're talking about tonight is your property.

MR. ROBERTSON: Right and anyway, so it's not like I don't intend on fixing the property up. I have just spent several thousand dollars doing the roof. As I said I was quite surprised when he showed up and posted a dangerous building on my house whenever I had just accomplished a great feat. As a matter of fact, I believe I showed up at one of the City Council meetings because of that and I was pretty dirty and I apologized to you for that was one of the nights that I had worked from daylight to dusk trying to get this thing done. And whenever he posted a dangerous building on it what I read into it and maybe it's not right, but if you'll read on there it says, that you were in the process of tearing down my building. Well, it's hard to throw good money after bad. I'm not going to continue putting money in a building that you are going to tear down. That's basically what the thing said is that you have the ability to tear my building down. So why should I go ahead and continue to fix it up if you are just going to tear it down. That's where I was at. I found in the 1994 housing codes and let me get that.

MAYOR NEWSOM: While you're getting that Mr. Robertson, I have a question. After this notice was posted, did you make any contact with the Community Development department in reference to this to explain this to you as to why it was posted and to make any kind of remediation or arrangements for any other situation?

MR. ROBERTSON: No I didn't, I didn't take the initiative no, I just assumed that he was going to do with, I mean whenever you have an inspection and four weeks later, all of the sudden I pop up...knowing that I'm doing work to a property and then you pop up with a dangerous building I can only assume that he doesn't want to talk with me otherwise he would have talked to me. In the 1994 Uniform Housing Code which we were under, it gives you the Notice and Orders of building officials and it says right in there he could simply have given me a repair order instead of posting it as a dangerous building and if no repairs had been started within thirty days, then consider a dangerous building. That's Chapter 11 right here in the Uniform Housing Code. So I can only assume that whenever he posted a dangerous building on my house that he had every intention of tearing it down. When you have a method here of getting done what you need to get done, just through a repair order, all he had to do was give me a repair order.

MAYOR NEWSOM: But you made no contact with his staff to clarify the order or the dispensation of it?

MR. ROBERTSON: No I did not.

MAYOR NEWSOM: Okay then, that answers my question.

MR. ROBERTSON: But did they?

MAYOR NEWSOM: They posted the order.

MR. ROBERTSON: Well I understand that so. Anyway, that's all I've got right now. I will call my first witness, Christina Bachert.

MR. RAMSAY: Your Honor, let me interrupt. I'd like to cross-examine Mr. Robertson this morning.

MAYOR NEWSOM: Yes you may.

MR. RAMSAY: Mr. Robertson, you had a chance to look at the photographs from September 21st which are marked Exhibit 9 is that correct?

MR. ROBERTSON: Yes.

MR. RAMSAY: And do those photographs accurately depict the condition of the premises on September 21st do they not?

MR. ROBERTSON: Uhm yes. Well before I answer that I'd have to go through them again....well I guess yes.

MR. RAMSAY: Now you said that your step-daughter lived there through August 31st is that correct?

MR. ROBERTSON: Yes.

MR. RAMSAY: Do the photographs constituting Exhibit 9, do they reflect the condition of the premises on and prior to...immediately prior to August 31st when she was actually occupying the premises?

MR. ROBERTSON: Uhm I couldn't answer that I didn't go into her side of the apartment. As far as the outside of premises, yes.

MR. RAMSAY: And the basement as well?

MR. ROBERTSON: The basement?

MR. RAMSAY: The garage area and the basement?

MR. ROBERTSON: Yes

MR. RAMSAY: Did anyone occupy and live in the other unit other than the one occupied by your step-daughter?

MR. ROBERTSON: Yes

MR. RAMSAY: Who was that?

MR. ROBERTSON: Me.

MR. RAMSAY: Is that unit in the same or similar condition as the photographs in Exhibit nine indicate that the other unit was in?

MR. ROBERTSON: No

MR. RAMSAY: Have you done more work on that side of the building?

MR. ROBERTSON: Yes

MR. RAMSAY: When did you actually move out of that building?

MR. ROBERTSON: It was around probably the middle of August in anticipation of doing this work.

MR. RAMSAY: Is there a fire wall in the attic?

MR. ROBERTSON: Right now?

MR. RAMSAY: Yes

MR. ROBERTSON: Yes

MR. RAMSAY: When was that constructed?

MR. ROBERTSON: About three days ago, no I'm sorry about a week ago.

MR. RAMSAY: That's all the questions I have your Honor.

MAYOR NEWSOM: Thank you. Your witnesses that you'd like to call Mr. Robertson.

MR. ROBERTSON: Yes. Ms. Christina Bachert.

CITY CLERK: Raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give in the matter now before the City Council is the truth, the whole truth and nothing but the truth?

MS. BACHERT: Yes I do.

MR. ROBERTSON: Christina were you living in 7107 Kranz on the north side last year?

MS. BACHERT: Yes I was.

MR. ROBERTSON: And when was it that you moved out approximately?

MS BACHERT: Oh boy, if not the ah... it was around August...I'm not sure of the date. It was around August.

MR. ROBERTSON: But you weren't in there...you were no longer living in the property as of August 31st.

MS. BACHERT: No I wasn't.

MR. ROBERTSON: And did you also have your fiancée living there?

MS. BACHERT: Yes I did.

MR. ROBERTSON: And when was it when he moved out?

MS. BACHERT: About the same time as me.

MR. ROBERTSON: Was there anybody else living in the apartment with you?

MS. BACHERT: No there wasn't.

MR. ROBERTSON: Do you know of a Ms. Terra Wells?

MS. BACHERT: Yes I do.

MR. ROBERTSON: How do you know of her?

MS. BACHERT: I'd worked with her and she'd lived next door to me.

MR. ROBERTSON: Next door as in meaning what?

MS. BACHERT: At 7109 I guess is the address.

MR. ROBERTSON: Oh she lived at 7109.

MS. BACHERT: Yes

MR. ROBERTSON: Who would she be living with at 7109?

MS. BACHERT: Murl what's his name. I'm not sure of his last name. He's an 87 year old man.

MR. ROBERTSON: How old is this Ms. Terra Wells?

MS. BACHERT: She told me she was around her 30's but I'm not really sure how old she was.

MR. ROBERTSON: I see. Did you...did you get along with Ms. Terra Wells?

MS. BACHERT: No I did not because it was to my understanding that she was just not the type of person I would not want to associate with.

MR. ROBERTSON: That you would want to associate with?

MS. BACHERT: Yea.

MR. ROBERTSON: Did you ever have any conflicts with Ms. Terra Wells, any fights?

MS. BACHERT: No not that I'm aware of.

MR. ROBERTSON: Arguments?

MS. BACHERT:

MR. ROBERTSON: Okay thank you. Stay, he may want to cross-examine you.

MR. RAMSAY: Ms. Burkhardt...

MR. ROBERTSON: BACHERT..

MR. RAMSAY: BACHERT, I'm sorry, could you spell that for us?

MS. BACHERT: It's Bachert.

MAYOR NEWSOM: Excuse me Mr. RAMSAY, did we get your full name and address for the record when you came forward as a witness?

MS. BACHERT: No.

MAYOR NEWSOM: Could we have that now please before Mr. RAMSAY questions you.

MR. ROBERTSON: Just tell them you name and address.

MAYOR NEWSOM: Go ahead....

MS BACHERT: So now?

MAYOR NEWSOM: Yes the recording will get it yes.

MS. BACHERT: Christina BACHERT, 2113 Jetty, Liberty, Missouri.

MAYOR NEWSOM: Thank you.

MR. RAMSAY: Let me show you a series of photographs that have been marked Exhibit nine. I don't know if you've had a chance to look at these, but if you would look through them.

MS BACHERT: Okay

MR. RAMSAY: Let me ask you if these photographs depict the property's condition when you were living there on or immediately prior to August 31, 2001?

MS. BACHERT: Yes they did.

MR. RAMSAY: I have no further questions.

MAYOR NEWSOM: Thank you.

MR. ROBERTSON: I need to ask another question. Christina was not part of your agreement with me as far as being a tenant, that you and your fiancée perform work and do some fix up on that particular side that you were living on?

MS. BACHERT: Yes it was.

MR. ROBERTSON: Thank you.

MR. RAMSAY: Nothing further.

MAYOR NEWSOM: Thank you Ms. Bachert. Mr. Robertson did you have any other witnesses you'd like to call forward?

MR. ROBERTSON: No.

COUNCILMAN LES SMITH: Let me ask Robertson a question.

MAYOR NEWSOM: Questions for Mr. Robertson?

MR. SMITH: Yes.

MR. SMITH: Mr. Robertson, you indicate that the properly rated fire wall or other separation was built into the attic three days ago?

MR. ROBERTSON: I think it was more like a week ago, but yes and I probably misrepresented that a little bit because it's not sheet rocked yet, but it's studded in so...

MR. SMITH: Did you pull a permit for that work.

MR. ROBERTSON: No.

MR. SMITH: Would one be required so it can be inspected?

MR. ROBERTSON: Well all the work that I did on permit that I pulled on the roof, I only assumed that the fire wall and the roof and all the structure would need to be inspected and then a...ah.. I was going to ah... right now I'm letting bids for electrical work and also to finish up the siding on that property, but no I didn't pull a particular permit. I've got as Mr. Napoli told me today when I didn't believe that he should be on my property, is that I have an open permit and he's allowed on my property as long as I have an open permit. So there's still that open permit for the roof that...and I assume and maybe I'm assuming wrong, that allows him to come in and inspect the fire wall once it's completed too also so..

MR. SMITH: From someone I'd like to get clarification if the permit pulled on October 3rd was just for the roof or if there should have been a permit pulled for additional work and so you are indicating that you will allow us to inspect that upon completion of it.

MR. ROBERTSON: Yes I told him that today I told him that whenever I was ready I would certainly call them in for inspection, but ah I'm a bit reluctant to allow somebody into my property that's going to come and slap a dangerous building order on my building because of the extensive work that I've already done...it's kind of a slap in the face. Also, while I'm at it, I do have a courtesy notice from the community development department to kind of rebut some of the pictures...I noticed most of them focused on building materials left around there and I'd like this.. it says "no outside open storage permitted except for building materials for use on the premises with a valid building permit", which I still have a valid permit, so most of most of those pictures that they took were focusing on materials that were left and I am cleaning them up, but I still have an open valid permit for the roof until of course Mr. Napoli inspects it and it's cleared at that point and time.

MAYOR NEWSOM: Mr. Smith has a question about the building permit for the roof. Mr. Wingeron would you be the first to answer that question?

MR. WINGERSON: Well I'll take a shot at it and if I don't answer it and if I don't answer it then Mr. Napoli certainly can. As a practical matter the demising wall that is contained in the attic is considered part of the roof structure, so as a practical matter the demising wall, that portion of the demising wall would be considered part of the roofing, no additional permits required. However, I would repeat what I said earlier that the permit from October 3rd is relative to the roof and that's the limits of that any additional work that's not part of that structure or the covering of that structure, most likely would require a separate permit.

MR. SMITH: Thank you.

MAYOR NEWSOM: Any other questions for Mr. Robertson? At this time, if we have any citizens in the audience who would like to speak in favor of the City's position on this, you're welcome to come forward and give your name and address and do so at this time. Seeing none, if we have any citizens who would like to come forward and speak in opposition to the City's position on this, your welcome to come forward and do so at this time. Seeing none, we would request a summary from first Mr. RAMSAY and then from Mr. Robertson.

MR. RAMSAY: Thank you your Honor. First of all I believe that the record is more than adequate to support the fact that on September 21st this structure contained numerous violations that were in fact, not only violations of the dangerous building code, but also posed a danger to the general public in Gladstone, in that the property was not secure, there was a great amount of materials stored, many of which obviously are unrelated to construction, boats and trailers and so forth. All that could constitute an attractive nuisance to children, harbor rats and other problematic wild life and also would point out that these conditions were also occurring according to Ms. Bachert testimony at the time when the building was occupied by her and of course as to Mr. Robertson's testimony that he was occupying the building at the time when these conditions were in existence. Certainly, it's not the position of the staff to just simply tear down a building without giving the owner adequate opportunity to repair it, but to this point, some four months after the conditions were first discovered and three months after the property was posted, the staff has gotten no cooperation from Mr. Robertson, no contact, no indication of how he was going to proceed to correct these violations and in fact, other than the work on the roof, he has not addressed any of the other problems. Based on the presentations this evening, I would suggest that the City has carried it's burden of establishing that this is a dangerous building under

the Dangerous Building Code and that the City Council should fashion remedy based upon that finding of condition. Thank you.

MAYOR NEWSOM: Thank you Mr. RAMSAY. Any closing Mr. Robertson?

MR. ROBERTSON: Well as I said earlier, and I don't mean to repeat myself, but I have been fixing up the property. The... although I did slow down because of the threat of impending abatement of the building, the property or the house itself so...I do at this point and time, as I said earlier, have am taking bids on siding and also electrical work... I believe the City had other remedies and other ways as I pointed out in Chapter 11 that this could have been handled. Had there not been significant progress at that point and time then certainly that would be something we...the City should have looked into as far as the dangerous building, but there was other means available at the time and they weren't utilized...so I would say that the City and it's staff and myself could probably work a little closer together and we would probably get this issue resolved without as I said tearing down the building as I said earlier, and by looking at the pictures, my....even though I have some problems with the building at this point time, it's still probably the best looking building on the block so that's all I've got to say.

MAYOR NEWSOM: Thank you. At this time, council members, we have a couple of options open to us. We can call for a Motion to decide how you would like to dispose of this matter, we can continue the hearing for additional information, inspections, or some action plan to help resolve the issue. I'd like to open it to discussion for you.

COUNCILMAN DAN BISHOP: Mayor just so that I recall, this was set for hearing was it not once previously and it was continued or am I mistaken on that. It was not.

MR. RAMSAY: No this is the first setting.

MR. BISHOP: You know I ... it seems clear and in fact there's no disputing the fact that as of what, at least late last year, at least half of that building was well the entire building was lived in, but we have evidence that half of it was in a condition that frankly it's hard to put words on. It shocks the conscience that we have a residence in this City in such deplorable condition that was being inhabited. If we accept Mr. Robertson's contention that there were other alternatives available to the City short of posting as a dangerous building, he has not even alleged that what steps were taken were not allowed. I think that what the steps that were taken by staff are certainly allowed by the code, just as shocking as those photographs are, is the fact that four months have passed and Mr. Robertson apparently made no effort to contact the City or try to work out any way to resolve the situation to formulate an action plan that could, that could postponed this hearing, that could solve the problem. And today in fact, we have Mr. Napoli on the property and he wouldn't even let him in to see what the condition of the building was on the inside. From that, I can only assume the worst actually. And I don't know at this point, it seems beyond reasonableness to allow this to go any longer and I don't know what we can do, but to proceed with the demolition of this unsafe building, this nuisance in our community.

COUNCILMAN SHIRLEY SMITH: Mayor

MAYOR NEWSOM: Ms. Smith.

MS. SMITH: One of my definitions of an unsafe building is the building that has no locks, no knobs, anybody, any child, any vagrant, anybody can go in and out at any time. No attempt to secure it, even people living in it, no attempt to secure it. I just...the other houses and I know this was irrelevant to it, but the other houses on the block, I'm sure have locks on the doors and with people living in them and keeping them up as best they can and secured from any child or vagrant coming in and doing anything to them. Also, I doubt if the people who live in these houses are really proud of the condition of that property that they have to live beside and we're trying desperately to clean this City up and because it has had some years of...this is an old City and we're in our 50th year now and it's time that we start addressing some of the eyesores and dangerous buildings.

MAYOR NEWSOM: Mr. Robertson this is council discussion will you please sit down. Mr. Smith do you have any comments.

MR. SMITH: You know I came in this evening prepared to offer some time frame by which Mr. Robertson could work with us in a sense of two weeks from tonight, have a plan of action thirty days from tonight, forty-five days from tonight, every single deficiency is remedied, I'm not convinced that's the thing to do now. The building is in a little bit worse shape than even what I had understood. After hearing the testimony, I think our staff has been very efficient in their inspections and I think they have crossed every "t" and dotted every "i" and not to pass judgment on anyone, but if I owned a piece of property and I knew that tonight I had a possibility of having it demolished, I would have called City Hall before tonight. I don't think that was our burden, I believe it was his. So therefore, I think Mr. Bishop has very well stated our position.

MAYOR NEWSOM: Mr. Cross do you have any comments?

COUNCILMAN BILL CROSS: I feel a lot the same way, except he has made some attempt to do something just recently. It bothered me that Mr. Napoli wasn't allowed to go in there to see or to check or even to take pictures where you would think they would be willing to cooperate...to let this ride for so long and then all of the sudden in the last couple of weeks get really busy on it. That I... you know I can say that's good to put money into something like that, but I kind of have that feeling that I'm really not sure what to think on this other than the fact that there hasn't been much done, there's been plenty of time to do it. Plenty of time. I'm curious with the pictures taken here, if the inside is as bad or worse than what it appears on the outside.

MAYOR ANITA NEWSOM: Somewhat like Mr. Smith, I was ready to come in tonight and say okay, let's get an action plan together, let's get a timeline together, see how we can save this piece of property in a timely fashion, do the things immediately that needs to do to get things on the right tract, but I am very, very dismayed at the eleventh hour efforts that have taken place...the things that are taking place here at the last minute trying to save this. I am shocked by the condition that the house was in. That it was insecure, unlocked, available to anyone or anything who would want to come in. The electrical situation as I see there are frightening as such and I know I do not have the background in electricity, but I know enough...home improvement stuff to know that this is not good and it's not safe and I would be sad to see anyone living in that situation. When you have a fire situation not only does it impact that property, but the other properties surrounding it. The dereliction of the property and how it has been allowed to decay before any efforts were made to bring it into compliance, I find unconscionable. I've always been told it's very dangerous to use the word assume because when you assume things that

doesn't put you generally in a good light, that always the worst that's going to happen. And I'm very sad that Mr. Robertson did not feel that it was necessary or incumbent upon him to contact the City staff when that Notice was posted to find out what in the world was wrong, what he needed to do to make it right and instead took the attitude of well I'm just going to stop. I don't know if that was being cavalier on his part, or defeatist I don't know what it was. It's not for me to say, but I'm very disappointed this has gone on as long as it has. No other efforts have been made to bring it into a corrected state. As I said, I again was shocked when I saw the close up pictures of what had taken place and again I have very grave concerns that people were allowed to live in here during this point and while it was in this condition.

MR. BISHOP: Mayor Newsom, you know I find it unbelievable that there would try to be the assertion made by Mr. Robertson that somehow the conditions that have been documented and photographed and written up in the report in some way don't point to a dangerous building. I mean, you look at the electrical situation in terms of the extension cord being pushed up through that hole in the floor and clearly this building was not water tight. When you see the holes in the exterior walls, you think about the dangerous mixture of water and electricity and it just scary. You're exactly right, it's scary when you think about the risk of fire and the rest of that entire neighborhood. And it seems clear to me that this is a dangerous building. It seems clear that the only reasonable option we've been given is to proceed with demolition.

MOTION: Mr. BISHOP said on that basis, I would move that the Council direct the City Counselor to prepare Findings of Fact and Order the City Council proceeding with the abatement of this structure.

MR. SMITH: Second

MAYOR NEWSOM: We have a Motion and Second, do we have any final discussions. Ms. Ahnefeld would you please call the roll.

CITY CLERK: Thank you. Councilman Les Smith

MR. SMITH: Aye

CITY CLERK: Councilman Shirley Smith

MS. SMITH: Aye

CITY CLERK: Councilman Dan Bishop

MR. BISHOP: Aye

CITY CLERK: Mayor Pro Tem Cross

MR. CROSS: Aye

CITY CLERK: Mayor Newsom

MAYOR NEWSOM: Aye.

Corrected Page # 39

MAYOR NEWSOM: On the matter of the appeal on the dangerous building at 7107 N. Kranz Road, we find in favor of the City, that this is indeed a dangerous building and we need to proceed with all due diligence.

Item 15. on the Agenda. OTHER BUSINESS

Bonnie Robertson stated that she is Mr. Robertson's wife. She has sat back and....

Councilman Dan Bishop asked her address.

Mrs. Robertson answered that it was 2509 NW 87th Street.

Mr. Bishop asked if that was in Platte County. She replied yes.

Mr. Bishop asked if Mr. Robertson resided at that address with her. She answered, not at this point. She said it does not have anything to do with family problems. Basically, it has to do with the problems they have encountered with the City of Gladstone on another property that they have where the City tried to have her husband repair a retaining wall in front of their property and he was working on doing that. Some of the neighbors said, Brad, we don't think that retaining wall belongs to you. So, he got to thinking if it doesn't, why should he pay for it. At that point he had been threatened with several fines to the point where he even had a warrant out for his arrest at one point.

Ms. Robertson said to make a long story short he ended up having to pay a lawyer to prove that it was not his retaining wall and in fact, it belongs to the City of Gladstone. They have not attempted to repair it at all either. She said she guesses you do not want to get into that.

But the fact of the matter is, her own personal opinion is she feels that he has been railroaded because he did not pay to repair the wall that belongs to the City of Gladstone. She thinks it is not going to stop here. She said they were warned that if they try to fight the retaining wall and prove that it did not belong to us, that this would happen.

She stated that she is a religious person and she has prayed and prayed about this and cannot think that you people would treat the citizens of Gladstone this way simply because they proved a point.

Mayor Newsom asked Mrs. Robertson to please be assured that one issue has nothing to do with the other.

Mrs. Robertson stated but she feels like it does and so does everyone else that is involved with this. Their family and friends and anyone else that has been involved with this from day one with the retaining wall.

Mayor Newsom stated that the retaining wall is another issue.

Mrs. Robertson said that it is the retaining wall and but has to do with someone tearing her husband's property down and it is not the only one he has and is it just going to escalate with every property he owns that he has his name on is going to be torn down over the retaining wall that does not even belong to him.

Mayor Newsom again told Mrs. Robertson to be assured that this issue has nothing to do with the retaining wall or any other property. This was reported by a resident that we were under the assumption was a resident at that property, we were allowed into that structure by the person that gave the presentation that she was living there. Nobody knew who it belonged to other than that it had a problem.

Mrs. Robertson stated that they have other properties that they have been visited on too. She said she will just leave it and that it will not make any difference and she knows we have already made a decision to start tearing their houses down.

Councilman Shirley Smith stated that she is a religious person too and she is insulted that she thinks she would spend her time and effort to try to "get" somebody. That is not what we are here for and if it comes out that it looks that way, we cannot do anything about that.

Mrs. Robertson said, Ma'am I'm not saying it is you.

Councilman Shirley Smith said we are the ones who voted on it.

Mrs. Robertson said that you voted on it, but she is not saying you were the ones initiating it and she apologizes if you took it as a direct hit on you or the Council members.

Councilman Shirley Smith responded that she did.

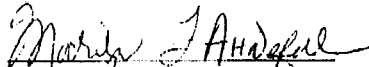
Mayor Newsom stated the City is not this building or the people who receive a paycheck who work for the City of Gladstone. The City is the residents, it is all the people who are living here, the people sitting here in the audience, the people at home paying bills tonight and getting ready to go to work tomorrow, who we try to provide public safety protection for, and try to keep the streets plowed for and provide clean water for. That is the City, it is all the people that live here. Nobody is picking on anyone. All our staff is doing is working under the parameters that have been set forth in what it takes to provide a safe, secure and healthy environment for the citizens of our City. And yes, she does take it personally when you think we have some sort of vendetta or retribution going on because one property owner has more than one problem.

Mrs. Robertson said that her opinion of a dangerous building is not the same as yours and she is sure that a lot of people in this room would agree with her that if you have some siding fall off or things like that they don't constitute a dangerous building. She thinks a dangerous building is one that is literally falling down and this one is not. Her husband has really been working hard and he started this project three or four years ago. And because he felt sorry for his step-daughters because they did not have any place to live at the time and were young... (tape ends).

* * * * *

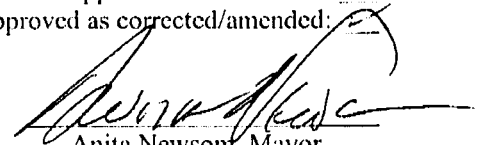
There being no further business to come before the January 14, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted:

Approved as corrected/amended:


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 28, 2002**

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 610.021(1) for Privileged Communication and Litigation Discussion, and 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 January 14, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION**, recognizing Gladstone resident **Troy Thompson** for his heroic efforts to rescue his father, Chad Thompson.
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-7, acceptance of work under contract with GC Construction for the 2001 Arterial Sidewalk Program and authorizing final payment from the Transportation Sales Tax Fund. Total Contract Amount: \$42,354.40; Final Payment Due: \$16,177.99

RESOLUTION NO. R-02-8, acceptance of work under contract with HNTB Architects, Engineers & Planners for the N Oak Corridor Study and authorizing final payment from the General Fund. Total Contract Amount: \$50,000.00; Final Payment Due: \$35.00

RESOLUTION NO. R-02-9, authorizing execution of a Real Estate Purchase Agreement with Holiday Apartments, L.L.C., and Prospect Studios, L.P., for certain parcels of land, and permanent and temporary easements for location and construction of storm water detention basin on Rock Creek near 68th & N Prospect.

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 on property at 903 NE 76th Street. Applicant/owner: Toni Faust. (File #1170)
(AUDIENCE NOTE: Applicant has withdrawn this request, therefore no public hearing will be held.)
10. **FIRST READING SUBSTITUTE BILL 02-3**, amending Schedule V of the Model Traffic Ordinance (Code Section 18-12) to designate **No Parking Zones** on Englewood Court. (North side of Englewood Court, from North Broadway easterly approximately 250 ft.; South side of Englewood Court, from North Broadway easterly approximately 350 ft.)
11. **ADOPTION OF FINDINGS OF FACT AND THE CONCLUSIONS OF LAW** for the Determination of the Dangerous Building Appeal by H. Bradley Robertson on property at 7107 N. Kranz Road.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, JANUARY 28, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular January 28, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Anita Newsom invited three Scouts present in the audience to lead the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. APPROVAL OF JANUARY 14, 2002 MINUTES.

Mayor Pro Tem Bill Cross moved to approve the **Regular January 14, 2002 City Council Meeting Minutes** as amended. Councilman Shirley Smith seconded the motion. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PROCLAMATION recognizing Gladstone resident **Troy Thompson** for his heroic efforts to rescue his father, Chad Thompson.

Mayor Anita Newsom read and presented the proclamation to Troy Thompson. Ms. Newsom thanked Troy for being such a fine, outstanding young man. Troy received a standing ovation from the Council, staff, family members who were present as well as members of the audience.

Mayor Newsom stated that she had a funny story to tell relating to 911. Students in school learned to dial 911 and emergency things like that. When 911 was new and not everyone knew about it yet, she had an old willow tree in her yard that she was trimming. Some neighborhood boys stopped by and were helping her get the limbs ready for trash pick-up. She asked the boys if they knew what to do if she fell out of the tree. They looked at each other, looked at each other again, looked at her again and said, "We won't laugh." She was looking for them to say they would dial 911.

Ms. Newsom said Troy did the right thing and she is very proud of him and knows his family and friends are also. There are many great kids out there and she told Troy Thompson he was a good example for all of them.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Dan Bishop moved to approve the Consent Agenda as submitted. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-7**, acceptance of work under contract with GC Construction for the 2001 Arterial Sidewalk Program and authorizing final payment from the Transportation Sales Tax Fund. Total Contract Amount: \$42,354.40; Final Payment Due: \$16,177.99. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to accept **RESOLUTION NO. R-02-8**, acceptance of work under contract with HNTB Architects, Engineers & Planners for the N Oak Corridor Study and authorizing final payment from the General Fund. Total Contract Amount: \$50,000.00; Final Payment Due: \$35.00. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to accept **RESOLUTION NO. R-02-9**, authorizing execution of a Real Estate Purchase Agreement with Holiday Apartments, L.L.C., and Prospect Studios, L.P., for certain parcels of land, and permanent and temporary easements for location and construction of storm water detention basin on Rock Creek near 68th & N Prospect. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Rocky Carver, 3400 NE 68th Terrace, stated that he is here to talk about the trash collection and said it is an issue that needs to be moved forward. Six months ago, he received a notice from Deffenbaugh regarding a rate hike from \$39 to \$42 for three months. There is only one other trash hauler he can go to and they have the same rate. There needs to be level pay for everyone in every household.

Mr. Carver stated that the biggest cost is landfill. He only has one bag a week or even less. It is not senior citizens who are filling the landfill up. He said the biggest users are those with families and small children and they pay only \$7 or \$8 per month. Those with Homes Associations have a great set-up.

Councilman Cross stated that he lives four or five blocks from Mr. Carver and pays \$27.75 for three months.

Mr. Carver stated that the trash companies even admit customers pay different amounts on the same street. He asks the City to move up the City contracting of trash collection.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Les Smith had no communications at this time.

Councilman Shirley Smith stated that our City lost a good person this week in Mr. Charlie Byrd. He was a personal friend and neighbor and they worked together at the County level and on City activities. There are not many around like him and she hopes those who are will come forward and try to take his place. He was honest, hard-working and did diligently what he pledged to do. He had convictions and believed in people and stood by them and never wavered. We will all miss him in many ways.

Councilman Dan Bishop stated that he agrees with Councilman Shirley Smith that Charlie Byrd will certainly be missed.

Mr. Bishop said that with such a mild winter, it was too bad that on the night of the anniversary kick-off reception, we had the biggest snowfall of the winter. It was a fun event and not a bad attendance given the weather. There is enthusiasm for our 50th year and it sounds like the committee has a whole series of events planned to go throughout the year to celebrate this significant milestone for our community. He thanks the committee that worked to put it together and also their ongoing work for the 50th Anniversary Celebration.

Mayor Pro Tem Bill Cross also commented that the 50th Anniversary kick-off event had good attendance despite the weather. He said it was fun with so many fine people there and thanked the committee who set up an enjoyable event.

Mayor Anita Newsom said she agrees that the 50th Anniversary Celebration is moving in a good direction and will provide many opportunities for celebrating in our community and touting our community to other entities.

Ms. Newsom said she too extends her sympathies to the family of Charles Byrd. He was recipient of the City of Gladstone's "Outstanding Citizen" recognition this past year. Charlie has meant a great deal to the City. He was one of those people who, if you asked his opinion, you got it and you knew it was straight-forward and she has always had a tremendous amount of respect for him. He was a founding member of the Capital Improvements Committee and he was a good benchmark. When something came forward to the committee and was a little innovative, if it passed the Charlie Byrd test, it was a good thing. She asked that our condolences be expressed to his family.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis announced that a public meeting will be held at City Hall on Tuesday, January 29th relating to the 67th & Garfield stormwater master plan project.

Item 9. on the Agenda.

PUBLIC HEARING ON REQUEST FOR SPECIAL USE

PERMIT on property at 903 NE 76th Street. Applicant/owner: Toni Faust. (File #1170)

Mayor Newsom stated that the applicant has withdrawn their request and no public hearing will be held.

Item 10. on the Agenda. FIRST READING SUBSTITUTE BILL 02-3, amending Schedule V of the Model Traffic Ordinance (Code Section 18-12) to designate **No Parking Zones** on Englewood Court. (North side of Englewood Court, from North Broadway easterly approximately 250 ft.; South side of Englewood Court, from North Broadway easterly approximately 350 ft.)

Councilman Dan Bishop moved to place Bill 02-3 on First Reading; Councilman Bill Cross seconded.

Discussion.

Councilman Dan Bishop stated that this was discussed at the last Council meeting with questions raised about the way in which the Bill was originally presented. He asked if we could have some discussion and description of the way it has been modified and why.

Public Works Director Andy Noll stated that with Councilman Les Smith's urging, they have reevaluated the area for a blind spot when leaving the MAZUMA Credit Union when looking eastward from the entryway on Englewood Court. . If we allow vehicles to park that close to the entry it would limit the sight distance there. Staff had not taken this into consideration with the first presentation of the No Parking request. Staff went out and measured the sight distance and the 250 ft. is adequate distance.

Councilman Bishop asked if Mr. Noll feels from a traffic engineering standpoint this is the best proposal for this area.

Mr. Noll stated that yes, it addresses all the issues while leaving as much space for overflow parking that it will not impact residents or have a detrimental impact on traffic.

Councilman Bishop asked Councilman Les Smith if it addresses his concerns.

Councilman Les Smith stated that yes it does. He is in that area all the time and yes it would take care of the problem.

The vote: "Aye" - Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom.. Councilman Les Smith "Abstained". (4-0-1) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-3, Waive the Rule and place the Bill on Second Reading; Councilman Bill Cross seconded. The vote: "Aye" - Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. "Abstain" -- Councilman Les Smith (4-0-1) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of Bill 02-3 and enact the Bill as **Ordinance 3.822**; Councilman Bill Cross seconded.

Roll Call vote: "Aye" - Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. "Abstain" - Councilman Les Smith (4-0-1)

Item 11. on the Agenda. ADOPTION OF FINDINGS OF FACT AND THE CONCLUSIONS OF LAW for the Determination of the Dangerous Building Appeal by H. Bradley Robertson on property at 7107 N. Kranz Road.

Councilman Dan Bishop moved to adopt the Findings of Fact and Conclusions of Law. Councilman Shirley Smith seconded.

Discussion.

Councilman Bishop stated that he had the opportunity to review the proposed Findings of Fact and Conclusions of Law as submitted in final form by City Counselor David Ramsay. He finds the Findings of Fact are consistent with the facts that were presented at the last Council meeting on January 14th, 2002. It has been brought to his attention that Mr. Robertson has approached City staff as recently as this afternoon and expressed a desire to proceed with bringing his property at 7107 Kranz Road into compliance with relevant City Codes.

Mr. Bishop stated that he speaks for the Council and staff when he says that it has been the sole objective of the City throughout this entire process to have Mr. Robertson bring his property into compliance with the relevant City Codes. That is all we have wanted from the outset and although Mr. Robertson's efforts in this regard and coming to City Hall today are entirely too late, there is some encouragement that he wants to bring the property up to code. However, when we look at the amount of time and effort that has been spent already by City staff, specifically our Code Enforcement Division, Mr. Alan Napoli who was here at the last Council meeting and Code Enforcement Officer Dave Reyburn, Assistant City Manager Scott Wingerson, Fire Marshall Chuck Duddy, our City Counselor David Ramsay, and our City Manager, all of whose time is so precious and their talents so valuable in serving the City in so many ways. This Council has spent a good deal of time on this issue already and he is opposed to delaying this matter beyond tonight.

Mr. Bishop stated that his conscience however, is not comfortable with tearing down a building that has been worked on and being brought up to code. So, what he proposes is that if, in fact, Mr. Robertson wants to fix the property and bring it up to code, he has an opportunity to do that because he has the ability to appeal the finding of this Council to the Circuit Court of Clay County. It is his understanding that Mr. Robertson has 30 days in which to do that. During that 30 days, the City cannot take steps to demolish the building. It will then be approximately another 120 days after an appeal will be filed that a hearing will be set. During that time, the City is stayed from enforcing the order.

We are looking at about 150 days before this matter would come up for hearing should an appeal be filed by Mr. Robertson. Mr. Bishop said he is proposing tonight that we amend the decision at the end of the Findings of Fact and Conclusions of Law to specify that if Mr. Robertson should choose to appeal the decision of the City Council and bring the property into compliance with all relevance to codes on or before the appeal is set for hearing, the City shall withdraw this order.

He thinks there is some merit to this and moved to amend the Decision on Page 6 to include the language *"It is further determined that should Mr. Robertson appeal this decision and bring said property into compliance with all relevant City codes on or before his appeal is set for hearing, the City shall withdraw this order."* Mayor Pro Tem Cross seconded the motion to amend.

Discussion on the Amendment.

Councilman Bishop stated that he mentioned "all" relevant City code and intends the language to include property maintenance issues such as vehicles, recreational boats, trailers, and this sort of thing to come into compliance. So this addresses that concern.

Mayor Newsom stated, "all" meaning all. Mr. Bishop said yes, all meaning **all City codes**.

Councilman Cross stated that would give Mr. Robertson three to four months to get everything in shape.

Mr. Bishop stated that if this is approved, they need some indication from Mr. Robertson tonight that he would be willing to let inspectors on his property any time to look at the work being done pursuant to appropriate permits he would have to receive from the Community Development Department.

Mr. Bishop stated that what he likes about this solution is that if we continue this tonight, come back in two weeks, and then come back in 30 days, the problem from his point of view is that we have already committed so many City resources and manpower, City tax dollars, effort, time, sweat and tears to this project. He does not want to be coming back and revisiting this as we have with some other issues on this Council over a period of some months. This gets it off our docket for four or five months, City Inspectors can go out and see if progress is being made as appropriate. The only thing that really matters is the condition of the property on the day that this is set for hearing of Mr. Robertson's appeal should he decide to file an appeal. If he does not decide to appeal, then we have 30 days to proceed with enforcement of the ordinance.

Councilman Les Smith asked Mr. Ramsay his experience in what is the general time frame an appeal would be heard.

City Counselor David Ramsay stated that he agrees with Councilman Bishop, that it would be three or four months after the appeal is filed.

Councilman Les Smith asked if the hearing is set for 30 or 60 days, would we have the ability to request a delay in the hearing. Mr. Ramsay replied yes.

Mr. Smith asked if the courts did set an early 30 or 60 day hearing, if we could set a minimum and ask for a continuance up to a certain point in time.

Councilman Bishop said he is being optimistic of our court system, but would not object to that and asked what timeframe he had in mind.

Mr. Les Smith stated a total of 120 days including a 30 day appeal, which would be 90 days after that.

Mayor Newsom stated for clarification that if an appeal should come in less than 120 days from this date regardless of when he files an appeal.

Councilman Bishop stated that it was suggested with staff today and maybe 90 days would be something we would look at. It is highly unlikely that it would come to a hearing before 90 days, but if you want to go the 120 days it is OK.

Councilman Les Smith stated that he would be hesitant to invest too much in a building if it was going to be torn down. If it was 75% or 90% complete, he deserves a fair opportunity to repair the building. However, the ball is in his court, we are willing to go along and allow him to show good faith in remedying the deficiencies in the property, but conversely, he should be afforded the opportunity to complete it after he puts some money and effort into it. He will defer to Council on the 90 or 120 days. The bottom line is, if it comes back to a question of whether there is one single deficiency left on that property, he will not budge another 24 hours.

Mayor Newsom commented that while Councilman Bishop is composing the wording for the amendment, she will offer her opinion that the bottom line is to get this property in compliance. She has no burning desire to tear it down if it can come into compliance. But she agrees with Mr. Smith that anything beyond that time, even though she will not be sitting in this chair, she will lobby whoever is here to vote to demolish the building if it is not brought into compliance at that point in time. There has been a lot of time spent where the property could have been brought into compliance prior to the hearing two weeks ago and Mr. Robertson has had adequate time to make offers to get it remedied. We are willing to give this extra time to wait for the demolition.

Mr. Bishop withdrew his motion to amend the last paragraph of the Findings of Fact as he had read and Councilman Cross withdrew his second.

Motion: Councilman Bishop moved to amend the last paragraph of the Findings of Fact as follows:

"It is further determined that should Mr. Robertson appeal this Order to the Circuit Court, and should he bring the property into compliance with all relevant City code requirements by the time his Circuit Court Appeal comes on for hearing, or 120 days from the date of this decision, whichever comes later, then the City Council will withdraw its demolition order."

Councilman Shirley Smith seconded.

The vote on the amendment: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom stated there was a motion on the floor to adopt these amended Findings of Fact and Conclusions of Law and we are sending a very clear message.

The vote on the Decision with Findings of Fact and Conclusions of Law by the City Council of the City of Gladstone, Missouri as amended: Roll Call vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Mayor Newsom told Mr. Robertson that he now has an opportunity to bring his property into compliance and advised that City Staff can direct and help him with this process to what we hope is a successful conclusion.

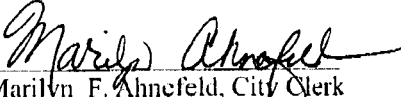
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There being no further business to come before the January 28, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

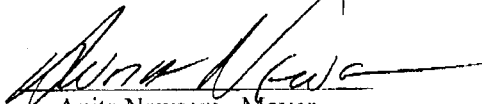
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Councilman Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communication and Litigation Discussion, and 610.021(2) for Real Estate Acquisition. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____


Anita Newsom, Mayor

**DECISION WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW
BY THE CITY COUNCIL
OF THE CITY OF GLADSTONE, MISSOURI**

**IN REGARD TO THE APPEAL BY H. BRADLEY ROBERTSON OF THE
ORDER AND NOTICE OF DANGEROUS BUILDING AT 7107 KRANZ ROAD**

NOW on this 28th day of January, 2002, the City Council makes and enters this Decision with Findings of Fact and Conclusions of Law, following the Public Hearing held January 14, 2002, on the Appeal filed by H. Bradley Robertson (hereafter "Mr. Robertson") challenging the Notice and Order for Demolition of Dangerous Building, issued on October 18, 2001, by Scott Wingerson, Gladstone Assistant City Manager for Development, concerning the duplex located on the property at 7107 North Kranz Road, Gladstone, Missouri, described by deed as:

All of Lot 5, BROWN'S VIEW, a Resurvey of Lot 20,
EAST LINDEN, a subdivision in Gladstone, Clay
County, Missouri, according to the recorded plat
thereof.

(hereinafter referred to as the "Kranz Road Property").

The City Council conducted a hearing in the manner required by the Gladstone City Code (hereinafter the "City Code"), beginning at 7:30 p.m. on Monday, January 14, 2002, pursuant to notice properly given to Mr. Robertson in the manner prescribed by the City Code. Gladstone City Counselor David A. Ramsay represented the City and presented evidence in support of the Notice and Order for Demolition of Dangerous Building. Appellant H. Bradley Robertson represented himself and presented evidence in opposition to the Demolition Order.

NOW, THEREFORE, after hearing all of the evidence and having fully considered the same, and being fully advised in the premises, by a 5 to 0 vote of the members of the City Council of the City of Gladstone, Missouri, it is by the City Council found and determined as follows:

FINDINGS OF FACT

1, That each member of the City Council rendering a decision in this matter has had an adequate opportunity to fully consider the issues of fact presented to the City Council prior to making these Findings of Fact and Conclusions of Law.

2. That H. Bradley Robertson is the sole owner of a duplex residence located at 7107 North Kranz Road in Gladstone, Missouri.

3. That on September 21, 2001, City Codes Inspector David Reyburn and City Codes Supervisor Alan Napoli inspected the Robertson property at 7107 North Kranz Road, at the invitation of Terra Wells, who represented herself to be a tenant of the property.

4. That upon inspection of the interior and exterior of the premises, Supervisor Alan Napoli determined that numerous City Code violations existed on the premises.

5. That on October 3, 2001, Mr. Robertson appeared at the City Community Development Department and applied for, and was issued, a building permit limited to roof repairs on the Kranz Road property. A copy of the Building Permit was admitted as a part of the record of this proceeding and marked as "Exhibit 2."

6. That the City Community Development Department obtained a Record Information Certificate from the Chicago Title Insurance Company, which identified H. Bradley Robertson as the owner of the property located at 7107 North Kranz Road, Gladstone, Clay County, Missouri. A copy of the Record Information Certificate was admitted as a part of the record of this proceeding and marked as "Exhibit 3."

7. That after receiving verification of the ownership of the Kranz Road Property, Scott Wingerson, Gladstone Assistant City Manager for Development, issued his Notice and Order for Demolition of Dangerous Building for the duplex located at 7107 North Kranz Road, and caused copies of the Notice and Order to be posted on the premises and also to be mailed by Certified Mail, Return Receipt Requested, to H. Bradley Robertson, at 7107 North Kranz Road, Gladstone, Missouri 64118, and at 2905 Northwest 87th Street, Kansas City, Missouri 64154, which was the address listed on the Building Permit for Mr. Robertson. United Missouri Bank, the mortgage holder of record with respect to the property, was also notified by certified mail. Copies of the Notice and Order for Demolition of Dangerous Building, and cover letter, were admitted as a part of the record of this proceeding and marked as "Exhibit 4."

8. That public notice of the Notice and Order for Demolition of Dangerous Building was published in the Press-Dispatch Newspaper on October 31, 2001. A copy of the Affidavit of Publication from the Press-Dispatch was admitted as a part of the record of this proceeding and marked as "Exhibit 5."

9. That Mr. Robertson filed a Notice of Appeal with the City on November 14, 2001, appealing the Notice and Order for Demolition of Dangerous Building to the Gladstone City Council.

10. That Assistant City Manager Wingerson sent a letter to Mr. Robertson on November 14, 2001, requesting additional information in support of the Appeal, and advising Mr. Robertson that his Appeal had been tentatively scheduled on the City Council's Agenda for January 14, 2002. A copy of the Letter of November 14, 2001, was admitted as a part of the record of this proceeding and marked as "Exhibit 6."

11. That in response to the Letter of November 14, 2001, Mr. Robertson filed his [amended] Notice of Appeal on November 16, 2001. A copy of the Notice of Appeal of November 16, 2001, was admitted as a part of the record of this proceeding and marked as "Exhibit 7."

12. That a reminder Notice of Hearing was mailed to Mr. Robertson on January 7, 2002, advising that the City Council would hear his appeal as a part of its regular agenda on January 14, 2002. A copy of the Letter of January 7, 2002, was admitted as a part of the record of this proceeding and marked as "Exhibit 8."

13. That City Codes Supervisor Alan Napoli testified to numerous building code violations which he found during his inspection of the premises on September 21, 2001, illustrated by photographs he had taken which were admitted as a part of the record and marked as "Exhibit 9," including:

a. Improper electrical connections extending through the floor into the basement garage, and an outlet without a cover in the hallway;

b. Absence of required one-hour fire rated walls 1) separating the basement garages from the main floor, 2) surrounding the stairway from the basement to the main living floor, 3) surrounding the gas fired furnace and water heater, and 4) firewall separation in the attic between the two living units;

c. Flammable liquids stored near the furnace and water heater;

d. Improper plumbing in the bathroom and absence of a tub surround or tiled walls to form a sanitary shower enclosure;

e. No locks on the exterior doors, allowing the possibility of entry by children or vagrants;

f. Absence of guard rails on the decks adjacent to the main living areas that are some ten feet above ground level;

g. Missing, rotting and deteriorating fascia and soffit materials around the roof edge, leaving the rafters and attic exposed to the weather and accessible by birds, squirrels, and other animals.

h. Falling and missing siding along most of the exterior walls;

i. Exposed, weathering, rotting and deteriorating exterior sheathing along most of the exterior wall surface, compromising the structural integrity of the structure;

j. Lack of insulation in most walls.

14. That Supervisor Napoli also testified that he had tried to inspect the premises again earlier on the day of the hearing, but was denied access to the interior of the building by Mr. Robertson. Supervisor Napoli presented a series of photographs which he had taken earlier this day of the exterior condition of the premises, which were admitted as a part of the record and marked as "Exhibit 10." These photographs and Supervisor Napoli's testimony revealed the continued existence of substantial building code violations, including:

a. Exterior sheathing still exposed to the weather;

b. Rotting window sills and deteriorating sheathing;

c. Exterior sheathing covered with felt paper to conceal damage underneath that had been seen during the previous inspection, other sheathing still exposed and weathering;

d. Some new guard rails installed on the decks but not sufficient to meet safety requirements;

e. Soffit and fascia material still missing along the roof line, exposing the interior to weather and animals;

f. Roof repairs that had been started but not completed;

g. Trash and improperly stored building materials, vehicles, and trash around the property.

15. That no building permits for repairs to bring the premises into compliance with City Code requirements, other than the limited roof repair permit obtained on October 3, 2001, have been sought or obtained by Mr. Robertson.

16. That the testimony of Mr. Robertson and his step-daughter Christina Bachert disclosed:

a. Both Mr. Robertson and Ms. Bachert had resided on the premises until mid-to-late August, 2001, and the conditions depicted in the photographs marked as Exhibit 9 existed at the time they both lived at 7101 North Kranz Road;

b. There was no firewall in the attack dividing the duplex units, and no firewalls in the basement garage area, the stairway, and surrounding the furnace and water heater;

c. The electrical, and plumbing deficiencies had not been corrected;

d. The roof construction for which a building permit had been issued on October 3, 2001, had not been completed;

e. The interior of the premises were is such a condition that Mr. Robertson testified he "would not have let anybody else stay in it."

17. That the regulation of property maintenance and dangerous buildings within the City of Gladstone fall under the provisions of the Gladstone City Code, Article III, Chapter 34, the Dangerous Building Code, which incorporates by reference the Uniform Code for the Abatement of Dangerous Buildings, 1994 edition, promulgated by the International Conference of Building Officials. The City Council took official notice of these provisions which were admitted as a part of the record, marked as "Exhibit 1."

18. That, based on the expert testimony of Assistant City Manager Scott Wingerson, the cost of repair of the Appellant's duplex by the City in order to abate the dangerous building conditions would exceed \$10,00.00, whereas, the cost to demolish the building to abate the dangerous conditions would be approximately \$7,500.00, thus making demolition the more cost effective and appropriate remedy for the City.

CONCLUSIONS OF LAW

19. The Gladstone City Council, sitting as the board of appeals under Section 34-300.020 (a) 205.1 of the Gladstone City Code, is the proper body to hear and rule upon the appeal of the Notice and Order of Demolition of Dangerous Building issued by the City Building Official against the property located at 7107 North Kranz Road, Gladstone, Missouri.

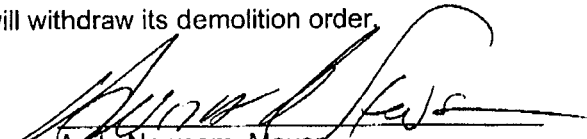
20. Assistant City Manager for Development Scott Wingerson is the duly appointed City Building Official empowered to issue demolition orders, as provided under Section 34.300.030 of the Gladstone City Code.

21. The conditions found to exist on the premises and within the duplex at 7107 North Kranz Road, on September 21, 2001, which by the admission of the Appellant existed prior to August 31, 2001, while the premises were occupied, and also found to have continued through and including January 14, 2002, are so substantial that the life, health, property or safety of the public or the occupants of the building are endangered in violation of Section 34.300.010, Subsection 302.

22. The Notice and Order for Demolition of Dangerous Building issued by Assistant City Manager Scott Wingerson on October 18, 2001, with respect to the premises owned by H. Bradley Robertson and located at 7107 North Kranz Road, Gladstone, Missouri, is hereby adopted by the Gladstone City Council, sitting as the Board of Appeals for Abatement of Dangerous Buildings.

DECISION

WHEREFORE, it is by the City Council of the City of Gladstone, Missouri, by a vote of 5 to 0, DETERMINED that the Notice and Order for Demolition of Dangerous Building issued on October 18, 2001, with respect to the premises owned by H. Bradley Robertson and located at 7107 North Kranz Road, Gladstone, Missouri, is hereby adopted as the decision of the City Council, and that appropriate procedures for abatement of the dangerous building on the premises by demolition be carried out in accordance with the provisions of the Gladstone City Code. It is further determined that should Mr. Robertson appeal this Order to the Circuit Court, and should he bring the property into compliance with all relevant City code requirements by the time his Circuit Court Appeal comes on for hearing, or 120 days from the date of this decision, whichever comes later, then the City Council will withdraw its demolition order.


Anita Newsom, Mayor

Attest:


Marilyn Ahnefeld, City Clerk

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
THURSDAY, JANUARY 31, 2002

SPECIAL CITY COUNCIL MEETING

4:00 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **RESOLUTION NO. R-02-10**, A Resolution Declaring The City Of Gladstone, Missouri To Be A Disaster Area Due To The Destruction Caused By The Winter Storm Of January 29 Through 31, 2002; And Directing The City Manager To Notify The Honorable Governor Of Missouri, And The Appropriate Emergency Assistance Agencies Of The Federal And State Governments Of The Conditions Within The City.
5. Other Business.
6. Questions from the News Media.
7. Adjournment.

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
SPECIAL MEETING: 4:00 PM**

THURSDAY, JANUARY 31, 2002

Mayor Anita Newsom called the Special January 31, 2002 City Council Meeting to order in the City Council Chambers at 4:00 p.m. The meeting was called on less than 24 hours notice due to emergency need for passage of a Resolution declaring the City of Gladstone, Missouri to be a Disaster Area due to the destruction caused by the winter ice storm of January 29, 2002 through January 31, 2002.

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. RESOLUTION R-02-10, A Resolution Declaring The City Of Gladstone, Missouri To Be A Disaster Area Due To The Destruction Caused By The Winter Storm Of January 29 Through 31, 2002; And Directing The City Manager To Notify The Honorable Governor Of Missouri, And The Appropriate Emergency Assistance Agencies Of The Federal And State Governments Of The Conditions Within The City.

Mayor Pro Tem Cross moved to adopt Resolution R-10; Councilman Les Smith seconded.

Discussion.

City Manager Kirk Davis advised that the Governor has declared the western half of Missouri a disaster and it is his impression that by passing this resolution Gladstone will have a little more clout in priority funding. We also will need Clay county to pass a similar declaration. His understanding from conversation with County Administrator Gary Panethiere is their Attorney is working on it now and potentially action will be taken Friday or Monday on this same issue.

Mayor Anita Newsom said she understands there are 104 beds available at Antioch Bible Baptist Church and when she left a short while ago 36 residents had checked in and more individuals

from Heritage Village Retirement Center will be coming. Families have continued to come to the church to see if beds are still available for the evening. She also understands that Antioch Shopping Center has volunteered the facility if needed.

Councilman Les Smith asked if we actually have more than 75% of our residents without power. City Manager Davis responded that was this morning's estimate and that estimate came from both Gladstone Public Safety and KCPL.

Councilman Bill Cross asked if we have reports of working the Antioch corridor at this time but the Mayor asked if we know what specific areas are without power. Manager Davis advised that the locations are sporadic throughout the city but it appears the whole east side and a number of west side neighborhoods.

Manager Davis advised the shelters are gearing up for a 3-4 day time period. This is based on the fact that KCPL advised they had 100 crews out and they had called in some 30 foreign crews from other utility companies. We are working primarily at Antioch Bible Baptist Church and have also contacted North Cross Methodist Church and Gashland Baptist Church and our Gladstone Community Center is reserved if needed. Antioch Bible Baptist is keeping up with people who lack transportation to get to their facility and Neighbors Helping Neighbors has been out today and volunteers have helped all elderly or disabled folks who have requested assistance at this time which numbers twenty.

Mayor Newsom said Heritage Village has been extremely helpful because staff from Heritage have volunteered to come in this evening. Antioch Bible Baptist Church has been wonderful as far as pulling things together and bringing in their own volunteers and have even been able to accommodate persons' pets. The Manager said we have City Staff members lined up to assist at the shelters and any volunteers are welcome.

Councilman Les Smith had questions on our plowing and crew status and City Manager Davis reported that the main roads are in pretty good shape and side roads have at a minimum a plowed lane through them. Crews are being sent home and if it starts to ice up tonight Public Safety will call and our water crews will respond. City Manager Davis also noted that our switchboard will be manned until 10:00 PM in case people have shelter or other questions.

Mayor Newsom complimented our Public Safety Dispatchers on their quick handling of such a volume of calls and Mr. Smith said the totals of 911 calls was 233 from Midnight to Midnight and 159 calls from 7:00 AM to Midnight. In response to Council questions, Mr. Davis said we are fine as far as our water supply.

City Manger Davis said he appreciates the Council's attendance at this special meeting this afternoon on such short notice.

Roll Call on the Resolution: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Councilman Bill Cross, Mayor Anita Newsom. (5-0)

Item 5. on the Agenda. Other Business.

City Manager Davis told the City Council he needs some guidance because he is normally opposed to curbside brush pick because it is very expensive and it takes an extraordinary amount of time. The curbside process can take up to three months where, but if the citizens take the debris to the Public Works site it can probably be taken care of in 3-4 weeks. On one occasion when we did curbside pick there was the problem of missed pickups and people felt we did not get there fast enough. We went by and picked up and then they put some more out and then we did not get by a second time and it became a real fiasco.

Mr. Davis said we have some service issues here. If the City Council supports going curbside it would be his recommendation that we contract out with a service that would do it. Right now the City trucks we would use all have salt spreaders and plows on them and we have maybe one or two other trucks that we could use if we did it ourselves.

If contracted, we estimate between \$60,000 and \$80,000 for the cost to pick it up curbside and that is likely one time through the city but it is ultimately the best service we can provide. City Manager Davis said we will be seeking the assistance of State Representative Phil Willoughby in requesting reimbursement for some of our costs and noted Liberty and Kansas City are going to pick up curbside as well.

Councilman Bishop said he favored curbside pickup and that by all accounts this is the worst ice storm in the history of the city and what we have is a situation where probably the majority of properties in the city are affected and you have many situations where the limbs are just so large that it is very difficult to get them up to Public Works. Although we have been reluctant to do it in the past, this may be a time that it is something we should seriously consider. Especially if it is possible to get some state money to help defray the cost of the service. He remembers the previous storm when he was contacted by residents who don't have trucks, and were not able to lift the bulk of the limbs they have. He thinks if we provide curbside pickup we have to put very definite restrictions that this is a one time pickup and you have to put the limbs out by a certain time. It is appropriate to give some serious thoughts to providing that service in this situation.

Councilman Les Smith said he does not disagree, but we received some negative comments about our handling of the situation today from a person, which is upsetting because that type of person does not understand that we had dispatchers who made such a large number of calls last night that they lost their voice, and ten different officers and fire trucks going fifteen different directions for fires in people's backyards. Staff members were up here opening city hall trying to provide shelter. Things that quite frankly, as a government, he does not know how far it should be taken. He does feel strongly about contracting rather than using our manpower. He said he does not disagree with contracting for curbside pickup but would ask at what point in time people should take care of their own property, they may have to pay somebody to pick it up.

Mr. Bishop said municipalities should provide public service when it benefits the majority of the residents to do so and his thought is that under these circumstances with the scope of the damage and the universal impact on our community, this probably is a textbook example of a situation where it is appropriate to use at least some taxpayer dollars to provide relief for the entire community. Especially if we can augment those taxpayer dollar with some moneys from the

State coffers, which sounds like a possibility according to the City Manager. He said he feels strongly that a proposal should be brought forward by staff.

Councilman Shirley Smith asked if there were snow removal savings that could be spent. City Manager Davis said yes there is some savings and it all comes from the same pot of money in the General Fund, but the snow season is not over.

Councilman Bishop said he would have a hard time saying we are doing a great job at what we are doing but we can't go any further, when Kansas City and Liberty are. Especially if we can do it through a contract where we are not pulling our personnel away from basic services.

Councilman Cross said what Kansas City proposes sounds good but he questions if they can accomplish all they say they can. He understands that there are volunteers out assisting now in our community and wonders if a group of private citizen volunteers could be assembled next week with pickup trucks to do the pick up. He said he would be willing to do that.

City Manager Davis said it would be a monumental task and Councilman Bishop agreed that it is unrealistic to rely on a group of volunteers because it would take months. City Manager Davis said he felt that to do something that takes three to four months would be a disservice to our citizens.

Councilman Bishop asked City Manager Davis what direction he needs and how he sees this proceeding if the majority of the Council is in favor of curbside pickup. City Manager Davis said we would solicit proposals from companies who provide this service and if he felt the proposals were reasonable he would enter into a contract and ask the City Council to ratify it following telephone contacts with Council.

Mayor Newsom said she believes there has to be some responsibility for property ownership when situations like this happens. She likes the option of contracting rather than using city crews particularly if we have a promise of aid from the state and federal agencies on the costs. That is even more of a reason to proceed with contracting for curbside pickup.

State Representative Phil Willoughby was in the audience and told the City Council that teams of evaluators will be in the area this weekend and if the threshold is met for our County then they can apply to the Federal Government for assistance. You have to have spent a certain amount and he has been told that with Kansas City and Liberty both being hit as hard as they are that it is most certain that the threshold will be met. Then the reimbursement would be 75% Federal dollars, 10% State, and 15% Local funds.

Councilman Les Smith said a decision needs to be made on our providing the curbside pickup service for our residents because we should not take the position that we can't afford that service. He is confident the City Manager can find the funds.

Councilman Shirley Smith said a neighbor had a large tree hit that will have to be taken down by somebody who knows what they are doing because there is no possible way she can take it down, so we are going to have to decide how much we do. City Manager Davis stressed that we **cannot go on private property**. If we contract for curbside, citizens will have to get it cut up and to the

curb. Discussion was held on size and Mr. Davis said that will have to be determined by the contractor but possibly 5' lengths or so.

Assistant City Manager Laura Gay noted that in the 1998 storm we provided curbside pickup and persons could take it to the Public Works site on their own as well, so both options were provided. In that instance we sent postcards and gave information on the size and dates.

City Manager Davis said if we do curbside pickup he feels strongly that we should contract out and has estimated 6700 households at \$10 for special pickups would equate to \$67,000 right there so he is estimating \$80,000.

Motion. Councilman Dan Bishop moved to direct the City Manager to provide city wide curb pickup of brush in a contract amount not to exceed \$100,000. Councilman Bill Cross seconded.

Discussion.

Councilman Cross asked how soon we would start. Manager Gay noted that in 1998 perhaps we tried to start too soon and suggested that we do as Liberty is doing where the date is pushed out to allow residents ample time to get their debris to the curb. We would divide the city into quadrants in some manner and communicate that to our citizens.

City Manager Davis said he would suggest leaving the Public Works site open to allow residents to truck the tree debris out there themselves for at least a couple of weeks even though we would be providing curb pickup.

Mr. Bishop said his thought is to cap the authorization at \$100,000 with the understanding that if more is needed we will discuss it. Ms. Smith reminded that we do not know yet what State or Federal reimbursement might be available. Mr. Smith said the size of some of the debris he has seen is huge so the type of service we will provide is the question as far the difference between a contractor chipping as you go and 4-6 ft. bundles sitting neat and tidy at the curb.

City Manager Davis said he has brought this forward to learn from the Council the level of service they would like to provide and he feels he has received that guidance.

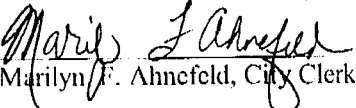
The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Councilman Les Smith. (5-0)

City Manager Davis said our Staff has been working very hard on this crisis the past 36 hours and he has been pleased with their tremendous effort to assist our citizens under such difficult circumstances, and he appreciates all of the City Council's support as well.

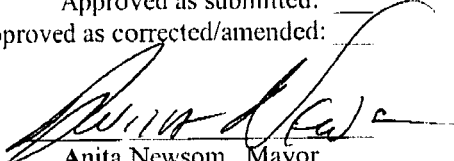
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There being no further business to come before the Special January 31, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 11, 2002**

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
610.021(1) 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 January 28, 2002 and Special January 31, 2002 City Council Meeting Minutes.**
- 4a. **Presentation of 2001 Mayor's Community Christmas Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors, Mr. Art Hammen, Executive Director; Northland Christmas Store, Marshall Miller, Treasurer.**
Presenters: Mayor Anita Newsom and Bill Turnage representing the Gladstone Rotary Club, co-sponsors of the annual 5-K run.
- 4b. **PROCLAMATION** of appreciation to **Pastor Bob Baier** and the entire congregation of **Antioch Bible Baptist Church** for their generosity in providing food and shelter to area residents during the recent ice storm power outage.
- 4c. **PROCLAMATION** designating Tuesday, February 12, 2002 as **"Mary Walden Recognition Day"** in Gladstone, Missouri in tribute to retiring Administrative Assistant/Planning Commission Secretary Mary Walden following twenty years of City service.
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-11, authorizing the purchase of four (4) 2002 model Chevrolet Impala Patrol Vehicles from Robert's Auto Plaza for a total purchase amount of \$68,840 from the General Fund.

RESOLUTION NO. R-02-12, authorizing the purchase of one 2002 Chevrolet ¾ Ton Cargo Van from Robert's Auto Plaza for Gladstone Animal Control in the total purchase amount of \$15,699 from the General Fund.

RESOLUTION NO. R-02-13, authorizing acceptance of the proposal of Mavron, Inc. in the amount of \$10,912.00 from the General Fund for equipment modifications to the 2002 Chevrolet ¾ Ton Animal Control Cargo Van.

RESOLUTION NO. R-02-14, accepting work under contract with Leavenworth Excavating & Equipment, Co. Inc. for the 70th Street Reconstruction Project and authorizing final payment in the amount of \$33,254.75 from the Transportation Sales Tax Fund.

RESOLUTION NO. R-02-15, accepting work under contract with American Marking & Paving Co., Inc. for Public Works Facility Parking Lot Improvements and authorizing final payment in the amount of \$931.36 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. 02-16, adopting the Missouri Department of Transportation's Disadvantaged Business Enterprise Policy as the City's policy for projects funded by Federal or State Funds.

RESOLUTION NO. 02-17, authorizing execution of a contract with Signature Architect Signage, Inc. for the Signage Master Plan Project in the amount of \$105,558.00 from the Capital Improvements Sales Tax Fund. (Project # 0110/0210)

RESOLUTION NO. 02-18, authorizing the City Manager to accept *Heatherton Court cul de sac* in Heatherton Place Subdivision, 62nd & N Main for City maintenance.

RESOLUTION NO. 02-19, authorizing execution of a contract with Pyramid Excavation & Construction in the amount of \$741,499.00 for the Mill Creek Watershed Drainage Improvement Project. (Project #0119)

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION NO. R-02-20**, amending the 2002 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 \$12,359,779; Expenditures \$12,358,437); **Revised CWSS Fund Budget** (Revenue \$6,064,394; Expenses \$6,064,057); **Revised Municipal Pool Fund Budget** (Revenue \$161,527; Expenses \$161,527).
10. **FIRST READING BILL 02-5**, providing for the assessment of an additional Court Cost of \$25.00 by the Gladstone Municipal Court for intoxication-related convictions to be remitted to the Spinal Cord Injury Fund pursuant to Section 304.027 of the Revised Statutes of Missouri.
11. **FIRST READING BILL 02-6**, declaring the results of the Tuesday, February 5, 2002 **Gladstone Primary Election**, and that the names of Carol Rudi, Wayne E. Beer, Ken Winkler, Lori LeMunyon shall appear on the Tuesday, April 2, 2002 General Election Ballot as candidates for (2) three-year positions on the Gladstone City Council. **Certified Results: Carol Rudi, 680; Wayne E. Beer, 640; Peter (Pietro) Corte, 181; Lori LeMunyon, 259; Brad Robertson, 86; Ken Winkler, 309).**
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, FEBRUARY 11, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular February 11, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF REGULAR JANUARY 14, 2002 AND SPECIAL JANUARY 31, 2002 CITY COUNCIL MEETING MINUTES

Councilman Shirley Smith moved to approve the **Regular January 14, 2002 and Special January 31, 2002 City Council Meeting Minutes** as written. Councilman Bill Cross seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. Presentation of 2001 Mayor's Community Christmas Tree Lighting Fund Drive proceeds.

Mayor Anita Newsom presented a check in the amount of \$1,060.64 to Mr. Art Hammen, Executive Director of the **Gladstone Neighbors Helping Neighbors** organization. She said this check will help further the work of one of the best volunteer organizations she has ever seen in our city and advised they were out gathering ice storm brush last week. Mr. Hammen thanked the Mayor and City Council and reported that the organization has mobilized approximately 50 volunteers on two separate occasions and assistance with brush and limb removal has been given to approximately 60 families thus far. He said they will be putting together another group of volunteers this coming weekend to provide further assistance. He said the Mayor's check will go a long ways in helping our citizens and he is most appreciative.

Mayor Newsom invited Mr. Bill Tumage of the Gladstone Rotary Club to assist her in presenting a check in the amount of \$4,054.09 to Mr. Marshall Miller, Treasurer of the **Northland Christmas Store**. This amount includes half of the funds raised from the Mayor's Community Christmas Tree

and funds raised from the Scarecrow 5K Run Event. She noted that the Rotary Club annually co-sponsors a 5-K run during GladFest and all the proceeds go to the Christmas Store.

Bill Turnage said the 5-K run is a great event, and well produced and coordinated by our Recreation Staff. He certainly encourages participation in next year's event and told Mayor Newsom he would look for her there.

Marshall Miller thanked the Mayor and Council for the contribution on behalf of the Christmas Store and said it will certainly be put to good use. He reported that 1,039 Clay County families were assisted this Christmas which included 3,059 individuals. In addition, toys were also furnished to 85 families through Catholic Charities. Mr. Miller said they received excellent help from the community this year and again thanked the Mayor and City Council.

Item 4b. on the Agenda. PROCLAMATION of appreciation to **Pastor Bob Baier** and the entire congregation of **Antioch Bible Baptist Church** for their generosity in providing food and shelter to area residents during the recent ice storm power outage.

Mayor Newsom said we have had a real interesting year in Gladstone and in the United States, and when tough things happen and we pull together, it shows the true meaning of community. We are very privileged to have a lot of good strong community organizations as just mentioned in the previous presentations and have had some religious organizations come forward and really become partners with the community in many ways.

The Mayor read the Proclamation of Appreciation which described that on Tuesday, January 29, 2002, the entire metropolitan area suffered the worst ice storm in recent history resulting in power outages affecting an estimated seventy-five percent of Gladstone homes and businesses. Upon learning of the Gladstone community's need for emergency shelter, **Pastor Bob Baier, Antioch Bible Baptist Church** on behalf of his congregation, immediately offered all the church's resources to anyone in need for as long as necessary, and hastily began assembling church volunteers to assist in this monumental effort. Over a five day period, more than one hundred persons were provided food, shelter, medical attention, and companionship during this difficult period by the caring staff and members of the Antioch Bible Baptist Church who generously committed their time and opened their hearts to our community residents.

Mayor Anita Newsom presented the framed Proclamation to Pastor Bob Baier and told him that on behalf of the citizens of Gladstone she cannot say enough to thank him and the Antioch Bible Baptist Church community for everything they have done for our community. Pastor Baier said they appreciate this honor and thank City Manager Kirk Davis and City personnel for the assistance they provided. He said they appreciate this honor on behalf of Our Lord Jesus Christ who gives them the energy to do what they do. He thanked Lia Holzworth who rallied the 127 volunteers from the church, City and community and got everything in motion. Pastor Baier said it is great to work with the City and the community and they certainly appreciate the plaque and comments.

City Manager Kirk Davis commented that sometimes timing is everything, and related that the morning of the storm as staff was meeting to determine what could be done about shelter and at that moment Pastor Bob Baier shows up at the door. Mayor Newsom said she was amazed at the efficiency and spirit of everyone involved and even though people were suffering the affects of the storm, it was a "feel good" time Gladstone.

Item 4c. on the Agenda. **PROCLAMATION** designating Tuesday, February 12, 2002 as "**Mary Walden Recognition Day**" in Gladstone, Missouri in tribute to retiring Administrative Assistant/Planning Commission Secretary Mary Walden following twenty years of City service.

Mayor Newsom presented the Proclamation to Mary Walden and thanked her for the exceptional public service she provided during her tenure spanning two decades. The Mayor assured Ms. Walden that she will be greatly missed but also knows she will enjoy her retirement.

Item 4d. on the Agenda. **PROCLAMATION**

Mayor Anita Newsom also read a Proclamation designating **February 11 - 15, 2002**, as **Gladstone City Staff Appreciation Week**.

The Mayor explained that in light of the activities of the last several weeks, she felt it appropriate to recognize all of our valued City employees who consistently provide our community with a high level of service within the scope of each department. The Proclamation noted that all staff members were called upon during the winter storm of January 29 & 30, 2002, to provide an extraordinary level of service under adverse conditions. This level of commitment denotes a high degree of professionalism and dedication to the community.

Mayor Newsom asked City Manager Kirk Davis to accept the Proclamation on behalf of all City employees. Mr. Davis said this acknowledgment of the efforts of our employees is appreciated and commented that there was much behind the scenes work during the ice storm situation that people never know about, whether it was answering the great number of phone calls, or other tasks. All employees said "what can we do to help" in addition to performing their normal job assignments and this says a lot about our employees and staff members.

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

Following the Clerk's reading, Mayor Anita Newsom requested that **Resolution R-02-11**, authorizing purchase of (4) 2002 Chevrolet Impala Patrol Vehicles be placed on the regular Agenda for discussion as Item 5a.

Councilman Dan Bishop moved to approve the Consent Agenda as modified. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-12**, authorizing the purchase of one 2002 Chevrolet ¾ Ton Cargo Van from Robert's Auto Plaza for Gladstone Animal Control in the total purchase amount of \$15,699 from the General Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-13**, authorizing acceptance of the proposal of Mavron, Inc. in the amount of \$10,912.00 from the General Fund for equipment modifications to the 2002 Chevrolet ¾ Ton Animal Control Cargo Van. Councilman Les Smith

seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-14**, accepting work under contract with Leavenworth Excavating & Equipment, Co. Inc. for the 70th Street Reconstruction Project and authorizing final payment in the amount of \$33,254.75 from the Transportation Sales Tax Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. R-02-15**, accepting work under contract with American Marking & Paving Co., Inc. for Public Works Facility Parking Lot Improvements and authorizing final payment in the amount of \$931.36 from the Capital Improvements Sales Tax Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. 02-16**, adopting the Missouri Department of Transportation's Disadvantaged Business Enterprise Policy as the City's policy for projects funded by Federal or State Funds. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. 02-17**, authorizing execution of a contract with Signature Architect Signage, Inc. for the Signage Master Plan Project in the amount of \$105,558.00 from the Capital Improvements Sales Tax Fund. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. 02-18**, authorizing the City Manager to accept *Heatherton Court cul-de-sac* in Heatherton Place Subdivision, 62nd & N Main for City maintenance. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to approve **RESOLUTION NO. 02-19**, authorizing execution of a contract with Pyramid Excavation & Construction in the amount of \$741,499.00 for the Mill Creek Watershed Drainage Improvement Project. (Project #0119) Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. RESOLUTION NO. R-02-11, authorizing the purchase of four (4) 2002 model Chevrolet Impala Patrol Vehicles from Robert's Auto Plaza for a total purchase amount of \$68,840 from the General Fund.

Discussion.

Mayor Newsom said the question she has is that last year we purchased the Chevrolet police cruisers in lieu of the traditional Ford police package. At that time she questioned if they would hold up and function as well as the Fords, because Fords had seemed to be the benchmark for police vehicles. This past year she has heard complaints from some officers that they were not too pleased, yet we are recommending purchase of the Chevrolets at this time.

City Manager Kirk Davis said that within the department some like the Chevrolet and some do not although he has not heard much discussion himself. The Chevrolet Impala was the lowest bid at \$17,210 versus the Ford Crown Victoria at \$19,574.00.

Ms. Newsom asked if the Chevrolets have held up as well as the Ford's previously purchased?

Mr. Davis said it is his understanding they have, but of course we have had them for only one year. We will see how they rotate through the system in years three and four. He said he knows our mechanics prefer to work on Fords because we have so many Ford trucks and it makes it easier on them to deal with fewer types of engines. Mr. Davis says the decision was based on economics.

Councilman Les Smith moved to approve **Resolution 02-11**; Councilman Shirley Smith seconded. The motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

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

Mr. Lee Bussinger, 3031 NE 73rd Terrace, said he just wanted to add to the accolades this evening. He worked with retiring employee Mary Walden when he was on the City Council and we could not have had a finer employee and he wishes her good luck in her retirement.

Mr. Bussinger also complimented the City's handling of the ice storm emergency and handling of the limbs and debris.

Donald Harper, 1606 NE 68th Terrace, said he also express his thanks to City personnel for all that must be done in connection with an ice storm and agrees that perhaps citizens do not begin to realize all that goes on in such a situation. Mr. Harper said although a lot of people might disagree with him, he found the gas generators used by many persons during the ice storm were very noisy and major pollutants. Even with windows closed, they are extremely noisy and he suggests consideration be given to limiting the size. Mr. Harper said our next outage may be in the summer and with windows open they will be even noisier. Many people are going to rush out and purchase these generators now and he thinks our neighborhoods can be hurt by them because the noise level will be impossible. Mr. Harper asked that consideration be given to his thoughts on this subject.

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

Councilman Les Smith, said he listened to the scanner the night of the ice storm and he applauds the professionalism of our staff not only in the dispatch area but the public works personnel and City staff who opened up City Hall in the middle of the night, and the volunteers at Antioch Bible Baptist Church. This is not the first time that this church has come to the rescue of the City, we use their

parking lot for GladFest, and have utilized meeting space for Community Oriented Government Meetings, and other situations.

Mr. Smith congratulated retiring employee Mary Walden and told her he had enjoyed working with her during his long tenure on the Planning Commission. He thanked her for all she has done and assured her she would be missed.

Councilman Shirley Smith commented that we have so many good people in Gladstone who are willing to lend assistance. She noted that the Federal Government's Department of Homeland Security was borne from the September 11th disaster but applies to any community where you have a need to be organized to handle emergency situations. We cannot expect our staff to stand up alone under these disasters so she is going to be suggesting the formation of a Gladstone Homeland Security Commission whose primary job is to step in like another staff during times of crisis. We have had two emergency situations this year and thankfully they did not involve high medical activity, but formation of such a commission would be just another way we can be ready.

City Manager Davis said in his comments about our personnel, he did fail to mention the Gladstone Emergency Management Agency (GEMA) who certainly stepped up to the plate during the ice storm and spent a number of hours at the shelter and at other needed areas. We are most appreciative of their great assistance.

Councilman Dan Bishop said he too wishes Mary Walden the very best in her retirement. It will not seem the same not seeing her in Community Development.

Mr. Bishop said it is disasters that cause City staff and volunteers to dig deeper than they do everyday in terms of providing more service and he thanks them for the job they all did during the ice storm.

Mr. Bishop commented about a metropolitan wide initiative for a city-wide greenway system called MetroGreen which is being shepherded by Mid America Regional Council, and is a city-wide greenway system. This system was developed by the Society of Landscape Architects as a gift to the host city when they met here about 1990. It is not only a trail and greenway system but addresses storm water management and storm water treatment in terms of being treated by the natural environment and being protected by pollutants which would be caused by run-off. This plan sat dormant until MARC brought in a team of nationally recognized consultants and over the last year there has been a process of scrutinizing this MetroGreen concept and how it can be implemented. It is known that homes in close proximity to green spaces are more valuable which is just one attraction to such a plan.

Recently, this concept has been given some media attention and the project has been handed off to local communities and counties and action steps have been suggested. Mr. Bishop said Gladstone Parks & Recreation Director Steve Buschor has been involved in this as well and there has been discussion about how a trail and greenway system can be developed in Gladstone and tied to a Clay County system. Mr. Bishop said he has provided this material to the City Manager and suggested that our Parks & Recreation Advisory Committee look at the concept and analyze the consultants action steps with an objective eye to determine if we want to foster this MetroGreen concept in Gladstone.

Councilman Bishop noted that February is the traditional time to review the State's Legislative program and identify any legislative priorities we may have and he asks where we stand on that. He is interested in a piece of legislation being introduced by Representative Randall Redford of Cameron relative to revenue from riverboat gaming. Mr. Bishop said in his opinion there is a great

problem in terms of municipalities who have river boat gaming and the revenue they are able to acquire through those boats versus those municipalities who are not on the river. We compete with these smaller municipalities who have significantly more financial resources because of the river boat in many ways. Representative Redford is introducing legislation that would provide that after an initial period of the river boat revenue going solely to that host municipality, the revenue would then be dispersed among all other Missouri municipalities. Mr. Bishop said it seems to him to be a much fairer way to distribute the revenue because it should not be just a windfall for the host community. Obviously the host community needs to recoup their capital costs or investment to host the gaming, but beyond that it is citizens from all over the state who are generating that revenue, and it seems that the cities throughout the state probably ought to benefit from it. He suggests that piece of legislation is something that staff may want to review as a possible legislative priority if we were going to bring forth legislative priorities this year.

City Manager Kirk Davis said this year we did not intend to bring forward a "package" as such because we had not heard from Council as to their desire but had talked about some legislative initiatives we may want to present. If it is the Council's desire to bring forth a legislative package for consideration, staff will do so.

Mr. Bishop said he recalls that at our goal setting session two years ago we talked about not bringing forward the Missouri Municipal League package in total but rather just one or two items that fit our specific needs as a municipality. Last year it was the utility right of way legislation that so much time was spent on. This gaming bill may be something we should look at as far as the benefit to Gladstone particularly in light of our mid year budget deliberations.

City Manager Davis agreed there are secondary impacts to Gladstone even though we are not on the river. Mayor Newsom said she also agrees that as close as we are to gaming facilities, there is an impact as far as law enforcement needs, and the costs of doing business with respect to wages the business community must pay to be competitive with gaming operations. Mr. Bishop also said pawn shops and the monitoring of them that is required by Public Safety is another example of the ripple affect.

Councilman Cross asked Mr. Bishop if Representative Relford has other co-sponsors of the Bill. Mr. Bishop said he is not certain. Mr. Cross said he agrees with Mr. Bishop's comments on that Bill and suggests that perhaps there will be an opportunity for those visiting Jefferson City to meet with Representative Relford on this issue.

Councilman Bishop said he feels strongly that offering curb side brush pickup is the right thing for us to be offering and asked what feedback we have received from the community on our plan. He also asks the status of our Animal Control Facility which had to be temporarily closed.

City Manager Davis said our Animal Control facility is still closed and we are waiting for proposals on repairs from contractors by the end of this week.

Manager Davis said as far as brush disposal, the site at Happy Rock Park is open to residents who have the ability to haul their brush and want to get rid of it quickly. The curb side pickup will start on February 19th. Our intent was to give people adequate time to get brush out to the curb because there are a lot of people who still have limbs and branches up in trees and perhaps need a tree service. We have entered into an agreement with a company to take care of our needs and we are confident this can be done expeditiously. He said he is pleased overall with the progress we are making.

Councilman Shirley Smith said in areas she has driven many residents have their brush and limbs stacked out at the curb which she sees as an affirmation that they are glad we will be doing something and do not mind that it will be another week. She feels our residents are grateful.

City Manager Davis said by our estimate there is already 5,000 - 6,000 cubic yards of debris that has been hauled to Happy Rock already.

Councilman Bill Cross said he certainly echoes the Council comments made in the resolutions of appreciation to Antioch Bible Baptist Church and our City Staff. He also congratulates Mary Walden on her retirement and told her she will be missed.

Mayor Anita Newsom announced that the Sister Cities Commission recently established by ordinance has now met and selected their officers and made a recommendation for their Chairman which under the ordinance is appointed by the Mayor. The group's consensus is that Reverend George Campbell should serve as Chairman for the coming year and he has consented. The Mayor requested Council's motion on the appointment.

Motion: Councilman Shirley Smith moved that Reverend George Campbell be appointed as Chairman, Councilman Cross seconded. The vote: all aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0).

The Mayor announced that the other Sister City Commission officers are: Father Joseph Mancuso, Vice Chair, Judy Beer, Secretary, James Shevling, Treasurer.

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

City Manager Kirk Davis announced that City Hall will be closed on Monday, February 18th for President's Day. Mr. Davis also thanked the City Council for their compliments to City personnel and said there was so much that was happening behind the scenes and he appreciated the fact that everyone jumped right in to assist where needed.

Mr. Davis said reference was made to the good organization skills of the Parks and Recreation in the assistance they provided during the ice storm and he said part of that is due to the leadership of their Director, Mr. Steve Buschor. He announces tonight that Director Buschor has accepted a position in the City of Roanoke Virginia which will be a great professional challenge and opportunity for him but he will be sorely missed because he is such a big part of our leadership team. City Manager Davis said we all wish Director Steve Buschor the best in his new position.

Item 9. on the Agenda. RESOLUTION NO. R-02-20, amending the 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 \$12,359,779; Expenditures \$12,358,437); **Revised CWSS Fund Budget** (Revenue \$6,064,394; Expenses \$6,064,057); **Revised Municipal Pool Fund Budget** (Revenue \$161,527; Expenses \$161,527).

Councilman Les Smith moved to adopt Resolution R-02-20; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Councilman Bill Cross, Mayor Anita Newsom. (5-0)

Item 10 on the Agenda. FIRST READING BILL 02-5, providing for the assessment of an additional Court Cost of \$25.00 by the Gladstone Municipal Court for intoxication-related convictions to be remitted to the Spinal Cord Injury Fund pursuant to Section 304.027 of the Revised Statutes of Missouri.

Councilman Dan Bishop moved to place Bill 02-5 on First Reading; Councilman Les Smith seconded.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-5, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 02-5** and enact the Bill as **Ordinance 3.823**; Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11. on the Agenda. FIRST READING BILL 02-6, declaring the results of the Tuesday, February 5, 2002 **Gladstone Primary Election**, and that the names of Carol Rudi, Wayne E. Beer, Ken Winkler, Lori LeMunyon shall appear on the Tuesday, April 2, 2002 General Election Ballot as candidates for (2) three-year positions on the Gladstone City Council. **Certified Results: Carol Rudi, 680; Wayne E. Beer, 640; Peter (Pietro) Corte, 181; Lori LeMunyon, 259; Brad Robertson, 86; Ken Winkler, 309).**

Councilman Dan Bishop moved to place Bill 02-5 on First Reading; Councilman Shirley Smith seconded.

Discussion.

Councilman Bishop congratulated the four finalists who will proceed to the April General Election ballot. He said it is disappointing to see such a low voter turnout for the Primary Election and commented it likely would have been greater if the County Constitution issue had been on the ballot.

Councilman Bill Cross asked if he is correct in reading that the number of voters in Tuesday's election was 6.8% of the registered Gladstone voters. The City Clerk confirmed that was correct.

The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-6, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 02-6** and enact the Bill as **Ordinance 3.824**; Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 12. on the Agenda. Other Business
None.

Item 13. on the Agenda. Questions from the News Media.

Gladstone Dispatch Reporter Amy Newport asked why the Animal Control facility was temporarily closed. City Manager Davis responded it was because a Parvo virus had been identified and necessary repairs to the facility will be made.

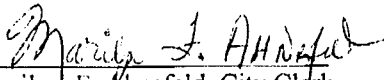
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There being no further business to come before the February 11, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

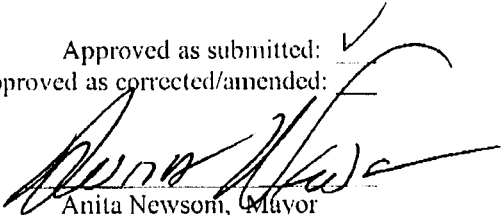
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Councilman Dan Bishop moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Litigation and Privileged Communications discussion. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 25, 2002**

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 11, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-21, affirming and ratifying the actions of the City Manager in executing a contract with Phillips & Jordan, Inc. for removal and disposal of ice storm debris.

RESOLUTION NO. R-02-22, authorizing acceptance of work under contract with Wornall Secure Business Solutions for the Water Treatment Plant Video Security project and authorizing final payment in the amount of \$34,829.56 from the Combined Water & Sanitary Sewer Fund. (Project #0291)

RESOLUTION NO. R-02-23, authorizing execution of a contract with Shaughnessy Fickel & Scott Architects for engineering services in connection with construction of new Fire Station #1 in an amount not to exceed \$121,140. and renovation of Public Safety headquarters in an amount not to exceed \$79,160. from the Fire Protection Sales Tax Fund.

APPROVAL OF FINANCIAL REPORTS for the month of January, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 02-7**, approving the **Replat of Lots 67 & 68, Stonebrooke 2nd Plat, Replat** (4106 NE 72nd Street) and directing the appropriate officials to affix their signature to the plat for recording. (File #1173)

10. **FIRST READING BILL 02-8**, repealing Ordinance No. 2.846 and enacting a new ordinance establishing a "Code Board Of Appeals" for the City of Gladstone to hear and decide appeals of orders, and decisions of determinations made by the Building Official relative to the application and interpretation of Chapter 34 of the City Code, being the Building and Construction Ordinance.
11. **RESOLUTION R-02-24** adopting the 2002 State Legislative Program for the City of Gladstone.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, FEBRUARY 25, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular February 25, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF REGULAR FEBRUARY 11, 2002 CITY COUNCIL MEETING MINUTES

Councilman Bill Cross moved to approve the **Regular February 11, 2002 City Council Meeting Minutes** as written. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Les Smith moved to approve the Consent Agenda as read; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Les Smith moved to adopt **RESOLUTION NO. R-02-21**, affirming and ratifying the actions of the City Manager in executing a contract with Phillips & Jordan, Inc. for removal and disposal of ice storm debris. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-02-22**, authorizing acceptance of work under contract with Wornall Secure Business Solutions for the Water Treatment Plant Video Security project and authorizing final payment in the amount of \$34,829.56 from the Combined Water & Sanitary Sewer Fund. (Project #0291) Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-02-23**, authorizing execution of a contract with Shaughnessy Fickel & Scott Architects for engineering services in connection with construction of new Fire Station #1 in an amount not to exceed \$121,140, and renovation of Public Safety headquarters in an amount not to exceed \$79,160 from the Fire Protection Sales Tax Fund. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Les Smith moved for **APPROVAL OF FINANCIAL REPORTS** for the month of January, 2002. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita 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 Les Smith noted that the snow fencing/barricade material used around the falling 70th & N Baltimore wall (Robertson property) has collapsed and a resident asked him if it could be shored-up. Mr. Smith requested an update on that situation by the next City Council Meeting.

Councilman Smith said there has been a lot of discussion recently about economic development and he notes in the *Missouri Municipal League Newsletter* that sales tax collections are up across the state yet we continue to have an 8% deficit in our budget. He is not convinced that we can continue to state that our decreased revenues are due to a slow economy, there must be other reasons. Business must be down and he hopes we will really get aggressive in pursuit of some sales tax generating businesses for our commercial areas. Mr. Smith said we have spoken lately about the fact that because of our financial condition there is a hiring freeze. He asked City Manager Davis what effect a hiring freeze might have on the progress on the Council's goals and objectives for this year.

City Manager Davis said he does not feel that any of the positions that were frozen, in fact we are trying to fill those positions now, should have any impact on Council's goals. He would not anticipate any of them having any impact on Council goals with the exception of a Construction Coordinator which would obviously impact the infrastructure construction, although that position was frozen over the winter which has traditionally been a slower time in terms of construction but that will start gearing up.

Councilman Smith said goals and objectives basically mean "work for staff" from all that he has ever seen. You throw that on top of the Sister Cities Commission and the 50th Anniversary, even though those are volunteer driven, he has to believe there is quite a bit of staff time involved. Then you talk about policy governance models, citizen based strategic plan, changing our fiscal year, which would be fairly time consuming. Then, with Director Buschor leaving he is sure that an adequate replacement is high on the City Manager's list because of construction management issues.

Councilman Shirley Smith said she was interested in the audience questions at a recent forum for Council candidates and naturally they coincided with what we already know to be major issues for us. We are coming to the end of a year with this Council and we need to keep in mind that nothing is ever totally finished because it carries over. Beautification of N Oak was brought up which they think of in terms of beautification, and we think in terms of economic development. The protection of our tax base, keeping up our neighborhoods, citizens involvement, trash collection, and the ever popular community center were the other issues raised. So we will hopefully continue on with these projects and the fire station project which I see we have moved forward with by letting the engineering contract tonight. All these things just take time and we need to remember that these are the issues the people are worried about.

Councilman Dan Bishop said he would piggy-back somewhat on Councilman Les Smith's remarks or question relative to the effect of these certain vacant positions on progress relative to the Council Goals set in October. Mr. Bishop said he recalls we met in October for Goal Setting, so it has been over four months. So we are a third of the way through this year if you go from Goal Setting to Goal Setting. He knows that we have had some extraordinary things occur in the City. We have had a catastrophic water main break, we have had a natural disaster in the ice storm, and we have had to come to terms with some recessionary conditions in the city. Having said that, I sit here now at the last Council Meeting in the month of February and I really have no knowledge of where we are relative to some of the important goals that we talked about in October. He thinks Councilman Les Smith hit the ones on the head that would come to his thoughts. One is the Policy Governance Model and we as a Council agreed that we would like to have decided on the best Policy Governance Model for the City by the year end. He understands that two of the Councilmembers that sit at this table tonight are going to be gone within the next five weeks and there could be some thought that well, we ought to wait and see who the new Councilmembers are and where they are relative to this issue. But no matter what, you are still going to have three Councilmembers here who bought into this at goal setting and he for one would like to have some sense it is moving forward before he leaves here the first meeting in April. Presumably something is happening with it, but he does not know.

Councilman Bishop said just to go on, we talked about neighborhood organizations and organizing neighborhoods and being more actively involved in nurturing and working with our neighborhoods which is a drum he has beaten for the least three years and he doesn't know where we are with that. He doesn't know where we are with Citizen Based Strategic Planning which he thinks is really big and was in fact brought to the table by Staff two years ago with a desire to do that. It was postponed for a year which he thinks was the right thing to do because we had a lot of things to wrap up. The other one which is big and he knows it has a lot of ramifications but still thinks it is the right thing to do if at all feasible, is moving the fiscal year to start in October. Those are things that come to mind without looking at any notes but he was reminded of them by Councilman Les Smith's comments.

Mr. Bishop said personally he would like to know where we are relative to our goals by the next Council Meeting and he thinks it is appropriate to have updates of these at least given the fact that we are a third of the way through this year between goal setting.

City Manager Davis said the thing you have to remember though is the time of your goal setting, because remember you talk about a 12 - 18 month period and a lot of the things that you establish in your goal setting session in October are impacted by the budget and therefore don't come forward generally until the following April. Last year we gave an update to the Council in April on how the goals affected the budget and he would be happy to give an update on where we are with the goals from last October. Mr. Davis said he does caution that generally we begin planning our budget for next year right now, and we take into consideration those Council goals from that October time period and carry it forward. Mr. Davis said the fact that you haven't seen anything is not particularly unusual but he certainly would be happy to provide some information to the Council. On the Carver School of Governance issue, we talked about bringing that forward in January but there are some costs relative to that and he held off until after we had gone through the mid-year budget to see exactly where we were, but it was our intent to bring someone forward from that institution. There is a fee to bring them forward but I think they are the best people to really define for us the policy issues behind their thought process.

Councilman Bishop told the City Manager he thinks he hears him saying that it has been the practice of staff to bring forward implementation strategies in conjunction with the annual budget. Well, that is very unsatisfactory for him because he is going to be gone when that budget packet is sent out to the next Council. City Manager Davis said he also just mentioned that he would be happy to bring forward information to the Council. Mr. Bishop said he understands that, and would appreciate that. He was thinking in terms of a January time frame on the Policy Governance Model because he thought that had been talked about. This was the first he had heard on why there had been a deviation from that here tonight, but thank you for the explanation and I would appreciate knowing by the next Council Meeting.

Councilman Bill Cross had no communications at this time.

Mayor Anita Newsom noted that the City Clerk had advised that March 6th is the last day to register to vote for the April election. Persons may register to vote at City Hall and at all Library branches.

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

City Manager Kirk Davis had no communications at this time.

Item 9. on the Agenda. FIRST READING BILL 02-7, approving the Replat of Lots 67 & 68, Stonebrooke 2nd Plat, Replat (4106 NE 72nd Street) and directing the appropriate officials to affix their signature to the plat for recording. (File #1173)

Councilman Les Smith moved to place Bill 02-07 on First Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 02-7, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of **Bill 02-7** and enact the Bill as **Ordinance 3.825**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. On the Agenda. FIRST READING BILL 02-8, repealing Ordinance No. 2.846 and enacting a new ordinance establishing a "Code Board Of Appeals" for the City of Gladstone to hear and decide appeals of orders, and decisions of determinations made by the Building Official relative to the application and interpretation of Chapter 34 of the City Code, being the Building and Construction Ordinance.

Councilman Les Smith moved to place Bill 02-8 on First Reading; Councilman Dan Bishop seconded.

Discussion.

Mayor Newsom said she understands that this legislation increases the membership of the Code Board of Appeals to **five members** rather than the three members at present, and there will be a need to appoint the additional members to this Board. Mr. Wingerson said that correct. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 02-8, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Dan Bishop seconded. The vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of **Bill 02-8** and enact the Bill as **Ordinance 3.826**; Councilman Dan Bishop seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 11. on the Agenda. RESOLUTION R-02-24 adopting the 2002 State Legislative Program for the City of Gladstone.

Councilman Dan Bishop moved to adopt Resolution 02-24; Councilman Shirley Smith seconded.

Discussion.

Councilman Dan Bishop commented that as he mentioned in the study session earlier this evening, he certainly appreciates City Counselor Dave Ramsay's efforts on this matter. It is obvious that he spent a great deal of time reviewing bills that were filed at the State Capitol and selected those that really are most applicable in their ramifications to the City of Gladstone. He thinks that this is a better way of crafting a Legislative Program than adopting the MML Program in to to. He is especially interested in the Bill filed by Representative Relford and is struck by the amount of money that Gladstone could realize. Even if there were an equal distribution of 50% of that casino boat boarding fee among the municipalities in the State of Missouri, the figure of \$52,000 for Gladstone is substantial. He thinks that if we avail ourselves of the appropriate application process for grant money there is potential for even more than that and he thinks this is an opportunity to bring greater fairness to the current situation in the state. He would only mention relative to the issue of certain sales tax exemptions that he is not necessarily opposed to that in principle but he would like to see, as City Counselor Ramsay discussed, that if we are subjected to having certain items exempt from sales tax that the State make up the shortfall for Gladstone. He again thanked Counselor Ramsay and said he will be voting in favor of this resolution.

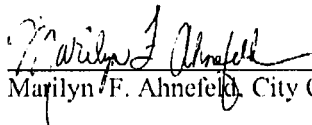
Councilman Shirley Smith said she too would like to thank City Counselor Ramsay, the material provided bring to us more pointedly tell us what is going on in Jefferson City that affects us and she thoroughly approves of the way we are doing it now.

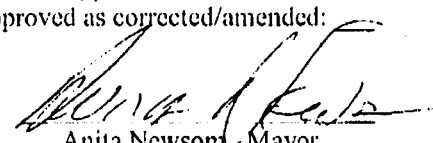
The vote on adoption of the Resolution. All "aye" -- Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

* * * * *

There being no further business to come before the February 25, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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

Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 11, 2002**

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 25, 2002 City Council Meeting Minutes.**
- 4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES**

Pamela Morrow, Planning Commission
January 1996 - December 2001

Marvin Mathewson, Capital Improvements Program Committee
January 1999 - December 2001

Justin Lippmann, Parks & Recreation Advisory Board
January 1999 - October 2001

5. **CONSENT AGENDA**

RESOLUTION NO. 02-25, authorizing execution of a contract with Shawn's Lawn and Landscape, Inc. for mowing of certain City parks, facilities and drainage areas for the 2002 mowing season for an estimated contract amount of \$15,617.00 from the General Fund.

RESOLUTION NO. R-02-26, ratifying the City Manager's execution of amendments to the Antioch Tower, Linden Tower and Water Treatment Plant Antenna Site Leases with Verizon Wireless.

RESOLUTION NO. R-02-27, acceptance of work under the Linden Water Tower Painting Contract with Utility Services, Inc., and authorizing final payment in the amount of \$93,882.00 from the CWSS 2000 Revenue Bond Projects Fund. (Project #0135)

RESOLUTION NO. R-02-28, authorizing Change Order #1 in the amount of \$22,100.00 from the Combined Water and Sanitary Sewer Fund to the Ace Pipe Sanitary Sewer Cleaning & Televising Contract. (Project #0205).

RESOLUTION NO. R-02-29, authorizing execution of a contract with Banderas Construction for the 2002 Curb & Gutter Sidewalk Program in the amount of \$180,158.00 from the Transportation Sales Tax Fund. (Project #0207)

RESOLUTION NO. R-02-30, authorizing the City Manager to enter into a Cooperative Agreement with the City of Kansas City, Missouri for a study of the Pleasant Valley Road corridor and related improvements to be conducted by Bucher, Willis & Ratliff Engineers. Gladstone contract share: \$42,310.00. Fund: Capital Improvements Sales Tax Fund

RESOLUTION NO. R-02-31, authorizing acceptance of a Bill of Sale From K.L. & Jeana A. LeFever and Syler Contractors, Inc., conveying to the City a water line built in conjunction with construction at Northtowne Volkswagen, 6728 North Oak Trafficway. (Improvements entirely at developer's expense).

APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE to St. Charles Borromeo Church, 804 Shady Lane Drive, for parish event on Saturday, April 27, 2002. Hours: 6:00 PM – 11:00 PM. Managing Officer: Mr. Paul G. Danaher

APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE CHANGE IN OWNERSHIP, Blackthorne, LLC., dba Donovan's, 6825 N Oak. Managing Officer: Joel Weaver

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 02-9**, amending Schedule V of the Model Traffic Code (City Code Section 18-12) to establish "No Parking" on both sides of North Indiana from NE 72nd Street to 71st Terrace.
10. **FIRST READING BILL 02-10**, amending Schedule VIII of the Model Traffic Ordinance to establish a "Stop" sign at the Southeast corner of N Norton and 72nd Street.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, MARCH 11, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular February 25, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Anita Newsom asked everyone present to pause for a moment of silence and reflection in remembrance of the events of September 11, 2001 which was six months ago today. Those events changed the lives of everyone and it is appropriate to honor the memory of the persons who were lost, and those individuals who are put in harms way every day to eliminate terrorism, and our Gladstone Public Safety Officers, Paramedics, and EMT personnel who are on the line everyday looking out for us.

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

Item 4. on the Agenda. APPROVAL OF REGULAR FEBRUARY 25, 2002 CITY COUNCIL MEETING MINUTES

Councilman Bill Cross moved to approve the **Regular February 25, 2002 City Council Meeting Minutes** as written. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. PRESENTATIONS.

Mayor Anita Newsom presented appreciation plaques to outgoing Board and Commission members in recognition of their service to the City as follows: **Pamela Morrow, Planning Commission**, January 1996 - December 2001; **Marvin Mathewson, Capital Improvements Program Committee**, January 1999 - December 2001; **Justin Lippmann, Parks & Recreation Advisory Board**, January 1999 - October 2001.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Dan Bishop moved to approve the Consent Agenda as read; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to adopt **RESOLUTION NO. 02-25**, authorizing execution of a contract with Shawn's Lawn and Landscape, Inc. for mowing of certain City parks, facilities and drainage areas for the 2002 mowing season for an estimated contract amount of \$15,617.00 from the General Fund. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-26**, ratifying the City Manager's execution of amendments to the Antioch Tower, Linden Tower and Water Treatment Plant Antenna Site Leases with Verizon Wireless. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-27**, acceptance of work under the Linden Water Tower Painting Contract with Utility Services, Inc., and authorizing final payment in the amount of \$93,882.00 from the CWSS 2000 Revenue Bond Projects Fund. (Project #0135). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-28**, authorizing Change Order #1 in the amount of \$22,100.00 from the Combined Water and Sanitary Sewer Fund to the Ace Pipe Sanitary Sewer Cleaning & Televising Contract. (Project #0205). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-29**, authorizing execution of a contract with Banderas Construction for the 2002 Curb & Gutter Sidewalk Program in the amount of \$180,158.00 from the Transportation Sales Tax Fund. (Project #0207). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-30**, authorizing the City Manager to enter into a Cooperative Agreement with the City of Kansas City, Missouri for a study of the Pleasant Valley Road corridor and related improvements to be conducted by Bucher, Willis & Ratliff Engineers. Gladstone contract share: \$42,310.00. Fund: Capital

Improvements Sales Tax. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved to adopt **RESOLUTION NO. R-02-31**, authorizing acceptance of a Bill of Sale From K.L. & Jeana A. LeFever and Syler Contractors, Inc., conveying to the City a water line built in conjunction with construction at Northtowne Volkswagen, 6728 North Oak Trafficway. (Improvements entirely at developer's expense). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for parish event on Saturday, April 27, 2002. Hours: 6:00 PM - 11:00 PM. Managing Officer: Mr. Paul G. Danaher. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE CHANGE IN OWNERSHIP, Blackthorne, LLC., dba Donovan's, 6825 N Oak. Managing Officer: Joel Weaver.** Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita 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 Les Smith thanked City Manager Kirk Davis and his staff for the update on the City Council's goals and objectives. He asked for an update on the status of repairs to the 70th & Baltimore wall.

City Manager Davis advised that as indicated in the recent FYI Memorandum to the Council, a Work Order has been generated on repairs to the fencing and City Counselor David Ramsay is drafting a letter to the affected property owners giving them thirty days to respond. There have been conversations with parties on sharing of the repair costs and an offer was made to advance the funds with opportunity for payments over a period of time. If the parties cannot reach an agreement within thirty days the City will take the necessary recourse to complete the restoration. Mr. Smith asked when those letters would go out and Counselor Ramsay indicated they would be sent this week.

Councilman Smith also asked the status of the burned house at 71st & North Broadway. Assistant City Manager Scott Wingerson advised that the City has received their share of the insurance proceeds to cover the cost of the demolition. An order was posted on the property shortly after the incident and bids have been taken for its ultimate demolition. The property is in a state of transition and explained there was one proposed buyer who indicated he would tear the house down to its foundation and rebuild it, but that sale fell through. Now there is another buyer who will close on the property on March 21st. Should that sale not close on that date, we are prepared to authorize demolition of the structure including the foundation to bring the lot to grade later that week and schedule the contractor to perform that demolition.

Mr. Smith asked when the house burned. Director Wingerson advised it was October, 2001. Mr. Smith said he certainly understands all the efforts to this point and the various deals falling through, but it would seem to him that we should be able to do something to cause that eyesore in the neighborhood to go away sooner than six months. He said he does not know if that is something that will be part of any new codes we may be looking at but there has to be a way to do that. Mr. Smith said quite frankly it is just not reasonable to expect a house to be in that condition for that length of time. Mr. Smith said he does not know what those remedies are but he asks that we research the matter. He wants to be clear that he is not critical of staff but wants to ensure that staff has the tools on the books to streamline the process.

Director Wingerson said he shares Council's position on this matter and agreed to look into the process.

Councilman Shirley Smith observed this time of year is a season of renewal and urged everyone to enjoy it with the advent of Spring, Easter, St. Patrick's Day parades, day light savings, elections, and a new City Council.

Councilman Dan Bishop thanked the City Manager for the report on Council Goals and Objectives and the progress made.

Councilman Bill Cross said he also thanks City Manager Davis and staff for bringing us up to date on the status of the goals and objectives and said it is very helpful to see it in written form.

Mr. Cross noted that our agenda tonight included award of a contract to Shawn's Lawn and Landscape, Inc. for mowing of certain City parks, facilities and drainage areas. He asked if the firm was from Gladstone and what percent of the mowing City employees perform versus contracted out.

Parks & Recreation Director Steve Buschor advised that Shawn's Lawn and Landscaping is not from Gladstone and that our crews mow the larger more active parks such as Oak Grove Park Central Park and Happy Rock Park. We received 13 bids on the mowing contract this year and our average per acre cost/per mowing had been about \$21.22 acre. This new contract reflects about \$15.00 per acre which could equate to a sizable savings of approximately \$9,000 based on the historical number of mowings. Mr. Buschor stressed that we do look at all of the bids and noted that the lowest bid from a Gladstone business was 4th or 5th on the list.

Councilman Cross asked how long the City had been contracting out some of the mowing. Mr. Buschor responded for at least the seven years he has been with the City.

Mayor Anita Newsom asked for a report on the curb side storm debris pickup.

City Manager Davis reported that we have been through the City one time which resulted in the collection of approximately 55,000 cubic yards of debris and he believes approximately 11,000 thousand cubic yards has been disposed of through the burning process as of this morning. On Wednesday, March 13th we will begin the second round throughout the city to pickup what is left. He anticipates it will take approximately one week to get through the second round. We will continue to dispose of the debris that we have collected as fast as possible. The burning process has taken a little longer than anticipated so we may look at a combination of chipping, burning, hauling to see if we can cut down the time. 40 days is a long time for the debris to be on the property south of Shoalbrook Subdivision so we will try to expedite that if it makes financial sense.

Ms. Newsom said she saw on the news that some communities are making their second storm debris sweep this week. She asked how we are communicating with our citizens the fact that we are making the second sweep and that after that pickup their next opportunity for brush disposal will be the spring brush disposal weekend on May 3rd - May 5th. City Manager Davis said press releases will be sent announcing that information.

The Mayor said the print media does a good job of including our press releases in their papers but the electronic media does not always provide that information. Mayor Pro Tem Cross said he felt the TV stations would be happy to make announcements if we contacted them.

Mayor Newsom advised that an ordinance was passed at a recent Council Meeting increasing the members on the Code Board of Appeals to five. She recalls that at December Board & Commission interviews there was an individual with the necessary Plumbing expertise for this board and asked if we have identified individuals with the HVAC experience needed for the other position. Assistant City Manager Wingerson agreed to provide a list of potential appointees in the next newsletter to the City Council.

Mayor Newsom said she attended a First Tier Suburb Meeting at the Kauffman Foundation today and noted that when next they meet, neither she or Councilman Bishop who has been attending will be on the City Council. She encourages both the present members of the City Council and new Councilmembers to participate in this group. She said from the meeting today it appears they are really coming to a statement of purpose and a target mission so they can move forward and accomplish some goals. She thinks it is very important that a community such as Gladstone become involved and stay involved over time. City Administrators were present at the meeting but it is important that elected officials participate when time permits.

Ms. Newsom also commented on the Annual Report of Services the Council received. She is always amazed at the Public Safety statistics and the number of calls they handle. The report is a good piece of accountability to provide to our citizens.

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

City Manager Kirk Davis told the Council he appreciated the input on issues he received from them in preparation for the meeting Mayor Newsom just referenced at the Kauffman

Foundation today. He also reminded Councilmembers to mark their calendars for the farewell reception for Director Steve Buschor on Tuesday, March 19th from 4:00 pm - 6:00 pm.

Item 9. on the Agenda. FIRST READING BILL 02-9, amending Schedule V of the Model Traffic Code (City Code Section 18-12) to establish "No Parking" on both sides of North Indiana from NE 72nd Street to 71st Terrace.

Councilman Dan Bishop moved to place Bill 02-9 on First Reading; Councilman Bill Cross seconded. The vote: All "Aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-9, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 02-9** and enact the Bill as **Ordinance 3.827**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 10. on the Agenda. FIRST READING BILL 02-10, amending Schedule VIII of the Model Traffic Ordinance to establish a "Stop" sign at the Southeast corner of N Norton and 72nd Street.

Councilman Les Smith moved to place Bill 02-10 on First Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

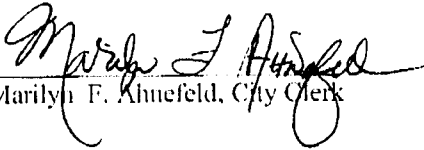
Councilman Les Smith moved to accept the First Reading of Bill 02-10, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of **Bill 02-10** and enact the Bill as **Ordinance 3.828**; Councilman Bill Cross seconded.

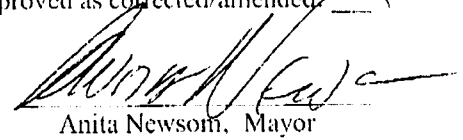
Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

There being no further business to come before the March 11, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 25, 2002**

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 March 11, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the week of **April 7th - April 13th** as **INTERNATIONAL BUILDING SAFETY WEEK** in Gladstone, Missouri.
- 4b. **PROCLAMATION:** designating Wednesday, **April 3rd** as **ARBOR DAY** in Gladstone, Missouri and urging residents to support efforts that focus on environmental betterment and the planting of trees.

5. **CONSENT AGENDA**

RESOLUTION NO. R-02-32, authorizing execution of an amendment to the Linden Water Tower Antenna Site Lease with Voicestream Wireless.

APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE, to Michael A. Spero dba Mel's Hideway, 6948 N Oak. New Owner/Managing Officer: Michael A. Spero

APPROVAL OF FINANCIAL REPORTS for the month of February, 2002.

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
 - a. **Appointment of John F. Green to Codes Board of Appeals**, term expiring 12/04.
 - b. **Appointment of Student Members to Sister Cities Commission.**
 - . **Lauren Houlihan**, Junior Member, Oak Park High School
 - . **Stephanie Hutcheson**, Sophomore Representative, Winnetonka High School
 - . **Andrew Killen**, Freshman Representative, North Kansas City High School
8. Communications from the City Manager.
9. Other Business
10. Questions from the News Media.
11. Adjournment.

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

MONDAY, MARCH 25, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular March 11, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR MARCH 11, 2002 CITY COUNCIL MEETING MINUTES

Councilman Les Smith moved to approve the **Regular March 11, 2002 City Council Meeting Minutes** as written. Councilman Bill Cross seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. Mayor Anita Newsom read a **PROCLAMATION** designating the week of **April 7th - April 13th** as **INTERNATIONAL BUILDING SAFETY WEEK** in Gladstone, Missouri and promoting the use of building and construction codes today, for a lifetime of building safety. Gladstone Codes Supervisor Alan Napoli was present to accept the proclamation from the Mayor.

Item 4b. on the Agenda. Mayor Newsom also read a **PROCLAMATION** designating **Wednesday, April 3rd** as **ARBOR DAY** in Gladstone, Missouri and urging residents to support efforts that focus on environmental betterment and the planting of trees. The Mayor announced that a tree planting ceremony will be held at 2:00 PM on Wednesday, April 3rd at Oak Grove Park and students from Clardy Elementary and other area schools have been asked to participate. Director of Parks and Recreation Steve Buschor accepted the proclamation from the Mayor.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Dan Bishop moved to approve the Consent Agenda as read; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

CONSENT AGENDA DETAIL

Councilman Dan Bishop moved to adopt **RESOLUTION NO. 02-32**, authorizing execution of an amendment to the Linden Water Tower Antenna Site Lease with Voicestream Wireless. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for **APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE** to Michael A. Spero dba Mel's Hideaway, 6948 North Oak. **Managing Officer: Michael A. Spero.** Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Councilman Dan Bishop moved for approval of **FINANCIAL REPORTS FOR THE MONTH OF FEBRUARY, 2002.** Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

REGULAR AGENDA

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

Mr. Edgar White, 5705 North Grand, addressed the City Council on his need to dispose of an accumulation of leaves at his residence that have blown from a neighboring property which are killing his grass and asked if arrangements could be made to allow him entry to the Public Works disposal area. Mr. White displayed pictures to the City Council and said his son could assist him if we would allow him to haul them now.

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

Councilman Les Smith thanked departing Parks and Recreation Director Steve Buschor for his service to our City and wished him well in his new position in Roanoke, Virginia, which is a wonderful opportunity for him and his family.

Councilman Smith thanked Director Wingerson for his timely response to his questions on the time frame and procedures for abatement of dangerous buildings. Mr. Smith said he would like to pursue this issue further and suggests it be a future study session policy discussion item.

Councilman Smith also complimented Finance Director Cash Sweiven and staff on receipt of the **Government Finance Association Distinguished Budget Presentation Award** for the 2002 Annual Budget Document.

Councilman Shirley Smith said she is privileged to participate in the Property Maintenance Code Focus Group which will meet for the next twelve weeks. She is glad to be a part of this focus group for improvements to our City and hopes that in a few months their hard work will produce something they can all be proud of and will serve the City for many years to come.

Councilman Bishop congratulated Parks & Recreation Director Steve Buschor on his new position with the City of Roanoke, Virginia. Moving from our city of 26,000 to a city of 90,000 is an opportunity he is sure was a professional opportunity Mr. Buschor could not pass up. He told Mr. Buschor that he always appreciated his enthusiasm, positive professional job attitude, and the commitment he had to the department. Mr. Bishop said he wishes Mr. Buschor and his family well in their new home and thanks him for all he has done for our city.

Councilman Bishop also thanked Mr. Edgar White for coming to our City Council Meeting. He said he appreciates it when someone takes the time to come and raise issues and told City Manager Davis that he hopes we can answer Mr. White's questions.

City Manager Davis advised that the two annual brush pickups are the first weekend in May and first weekend in November, and Mr. White may want to note those dates on his calendar. The City Manager pointed out that last year there was a Code Enforcement issue at Mr. White's residence and allowances were given to Mr. White to enable him to dispose of his brush at a time that was different than our scheduled dates. Mr. Davis said he appreciates the Codes Department trying to make that accommodation from a customer service standpoint last year and we will see if we can work with Mr. White.

Councilman Bishop reminded everyone that next Tuesday is Election Day and encouraged all to get out and exercise their right to vote.

Mayor Pro Tem Bill Cross told Parks and Recreation Director Steve Buschor that he was sorry that he missed the reception held in his honor and wants him to know that he certainly enjoyed working with him and his work has been appreciated.

Mr. Cross said as Councilman Bishop mentioned, next Tuesday is Election Day. He also encourages everyone to get out and vote so that we can have a high Gladstone voter turn out on three important ballot issues.

Mr. Cross also noted that Councilman Dan Bishop and his wife, Leslie were pictured on the cover of the recent issue of *Peak Magazine*.

Mayor Anita Newsom welcomed visiting **Scouts Erik Antkowica and Adam Moore** to our meeting.

Ms. Newsom also noted that the City submitted applications for over \$5 million dollars in Storm Mitigation Grants and said she appreciates staff's pro-active efforts in this regard. She also saw that the City was in receipt of \$101,000 in storm water grant money and again thanks staff for making those kinds of efforts and helping to maximize our taxpayers dollars.

The Mayor said she too expresses her happiness for Mr. Steve Buschor and family in his new position. It is a wonderful career opportunity for him but we will miss him and his family because they have come to be a very integral part of the community. She urged Mr. Buschor to come back and visit us

Councilman Shirley Smith suggested we seriously consider offering a trip to Roanoke, Virginia as part of our Parks and Recreation Department travel opportunities because there are a number of interesting sites in that area and it would also provide opportunity to visit with the Buschor family.

Item 7a. on the Agenda. Appointment of John F. Green to Codes Board of Appeals.

Mayor Newsom noted that the membership of the Codes Board of Appeals is now expanded and during the interview process in December for Board & Commission members we had a candidate come forward with the required plumbing expertise for that board and she would endorse his appointment. Councilman Dan Bishop moved to appoint Mr. John F. Green to the Codes Board of Appeal for a term ending December, 2004. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 7b. on the Agenda. Appointment of Student Members to Sister Cities Commission.

Councilman Les Smith moved to appoint the following student members; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

- . **Lauren Houlihan**, Junior Member, Oak Park High School
- . **Stephanie Hutcheson**, Sophomore Representative, Winnetonka High School
- . **Andrew Killen**, Freshman Representative, North Kansas City High School

Mayor Newsom commented that she was glad to see these student member appointments to this Committee and she hopes for more citizen participation to assure a quorum at meetings.

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

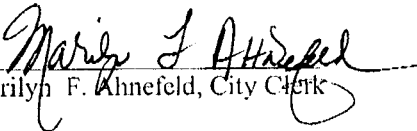
City Manager Kirk Davis announced that the storm debris pickup is being wrapped up and we will begin our attempts to dispose of all of it. Mr. Davis said he has been pleased with the reaction so far from the public, and the time it has taken us to get everything picked up without leaving too much of a mess in front yards.

City Manager Davis also announced that Mr. John McConachie who has been our Street Department Foreman for a number of years submitted his retirement letter today effective April 19th. John has been the primary response for snow plowings and has always done a good job and will be missed.

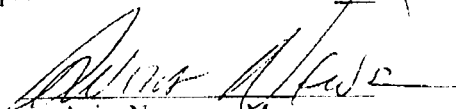
* * * * *

There being no further business to come before the March 25, 2002 Gladstone City Council Meeting, Mayor Anita Newsom adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____


Anita Newsom, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 8, 2002**

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 25, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of April, 2002 as "**National Child Abuse Prevention Month**" in Gladstone, Missouri. Sponsors: Healthy Families Mid-America, Heart of America Family Services, Synergy Services, Inc.
5. **FIRST READING BILL 02-11**, declaring the results of the Tuesday, April 2, 2002 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Carol Rudi** and **Wayne E. Beer** have been elected to Three Year Terms on the Gladstone City Council.
6. **REMARKS** from outgoing Councilmembers.
7. **CITY COUNCIL OATH OF OFFICE: CAROL RUDI and WAYNE BEER**
8. **ELECTION OF MAYOR AND OATH OF OFFICE**
9. **ELECTION OF MAYOR PRO-TEM**
10. **SPECIAL PRESENTATIONS** to **Dan Bishop** and **Anita Newsom** recognizing their service to the City of Gladstone as Councilman and Mayor.
11. **CONSENT AGENDA**

RESOLUTION R-02-34, authorizing execution of a contract with O'Donnell Way Construction Co., Inc. for the Oak Grove and Central Park Parking Lot Overlay Project in the amount of \$52,806.00 from the Capital Improvements Sales Tax Fund. (Project 9806/0221)

RESOLUTION R-02-35, authorizing execution of a contract with H2O'C Engineering in the amount of \$25,000 from the 2000 Water Revenue Bonds for the Water Storage and Distribution System Study.

REGULAR AGENDA

12. **Communications from the Audience.**
13. **Communications from the City Council.**
14. **Communications from the City Manager.**
15. Other Business.
16. Questions from the News Media.
17. Adjournment.

**Following the Adjournment of the Regular Council Meeting
You are cordially invited to a 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 8, 2002

PRESENT: Mayor Anita Newsom
Mayor Pro Tem Bill Cross
Councilman Dan Bishop
Councilman Shirley Smith
Councilman Les Smith

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Anita Newsom opened the Regular April 8, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Scouts from Troop #247, Gashland Presbyterian Church and Troop #271, Gashland Methodist Church led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. APPROVAL OF THE REGULAR MARCH 25, 2002 CITY COUNCIL MEETING MINUTES

Councilman Bill Cross moved to approve the **Regular March 25, 2002 City Council Meeting Minutes** as written. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 4a. on the Agenda. Mayor Anita Newsom read a **PROCLAMATION** designating the month of April, 2002 as "**National Child Abuse Prevention Month**" in Gladstone, Missouri as sponsored by Healthy Families Mid-America, Heart of America Family Services and Synergy Services, Inc.

Item 5. On the Agenda. FIRST READING BILL 02-11, declaring the results of the Tuesday, April 2, 2002 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Carol Rudi** and **Wayne E. Beer** have been elected to Three Year Terms on the Gladstone City Council.

Councilman Dan Bishop moved to place Bill 02-11 on First Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the First Reading of Bill 02-11, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0) The Clerk read the Bill.

Councilman Dan Bishop moved to accept the Second and Final Reading of **Bill 02-11** and enact the Bill as **Ordinance 3.829**; Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Shirley Smith, Councilman Dan Bishop, Mayor Pro Tem Bill Cross, Mayor Anita Newsom. (5-0)

Item 6. On the Agenda. **REMARKS** from outgoing Councilmembers.

Councilman Dan Bishop said it had been a privilege to serve the community in which he was reared and that he had loved virtually every moment of it and was grateful for the many friendships he made along the way. Mr. Bishop said there are many exciting and worthwhile projects currently in the works for the City and he wishes us the best in achieving them and looks forward to serving the community in the future.

Mayor Anita Newsom moved to the floor podium microphone to make her final remarks and commented that she was more comfortable there because that was where it all started twelve years ago.

Ms. Newsom said the past twelve years of her City Council service had been quite a trip. She said it started out with a slide in a yellow chiffon dress into a Jello vat the first year she was on the City Council as a fund raise for an organization. She told of other trips during her tenure which included stomping through briars and brambles on site visits conducted on different building, construction and redevelopment projects. She walked with then City Councilman Bill Reynolds through many backyards, ditches and gullies looking at storm sewer projects. She recalled tromping through park land, proposed park land and redeveloped park land and almost being hit by a baseball while touring. She said those were some of the trips she has taken as a Councilman to get out in the community and the neat thing was that it allowed her to meet so many people in Gladstone.

Mayor Newsom noted that during her twelve years she attended and was personally involved in 281 City Council Meetings, 240 Planning Commission Meetings, 144 Park Board Meetings and 624 Council packets produced by Staff to keep Council informed were delivered to her doorstep by Public Safety. She referred to the numerous rubber chicken dinners she attended and the countless rolls of Tums she always carried in her pocket while serving on the City Council. Ms. Newsom said one of the best things though is the pride you have from being involved in the community. She said she can't drive down the street without seeing something that makes her feel good about living in Gladstone. Like freshly asphalted roads or seeing our Public Safety equipment lined up outside of Station 2, and seeing those snow plows cruise through the neighborhoods. Other examples are walking through our parks that have been well kept and been renovated and rebuilt and added to over the past twelve years, and looking up at our water towers all cleaned and painted to identify our city. Also looking at the neighborhoods that have been planned and developed and redeveloped over the years. She said a lot of things have taken place that she is very glad to have been a part of. She said she needs to thank a number of

people who helped teach her the things she needed to learn. She thanks the City Staff who were great teachers over twelve years which is the same amount of time she was in public school. They were great and patient teachers and she truly appreciated that. She appreciated the support of friends and allies who helped her and the people who served before her. She has a lot of respect for them and their experience. It's been great.

Ms. Newsom said she needs to thank the citizens of Gladstone who trusted her enough to put her in office four different times. She hopes she has done them well. She thanked her family and said they had been very very patient with her when she could not always spend time with them. She appreciates their tolerance, love and support. Her family always taught her that community service is important. A meeting does not take place in Higginsville without her mother there. She's actively involved in almost everything, and active participation in the community has always been important to her. Her Dad's battle cry when she would come whining was "don't tell me what your problem is, kid" -- "tell me how you are going to solve it". She hopes that has served her well in her community service.

Her mother also taught her that when you spend time in someone's house and they have shown you a good time, the gracious thing to do is to leave a thank you gift. And to her a gift should be special and unexpected. Mayor Newsom said she has a gift for the City and the citizens of Gladstone as a thank you for her time here in office and invited City Manager Kirk Davis and Director of Public Safety to accept her check in the amount of \$1,500 to equip the Gladstone Public Safety Department with a color guard to represent our city. She hopes that the color guard will always be used for joyous occasions and we have very little opportunity to use it for somber ones.

Ms. Newsom said tonight is a joyous occasion with the installation of two new Council members who have worked very hard in our community for a number of years and the voters have put their confidence in them. She invited Carol Rudi and Wayne Beer to come forward and get sworn into office.

Item 7 on the Agenda. CITY COUNCIL OATH OF OFFICE: CAROL RUDI and WAYNE BEER

City Clerk Marilyn Ahnefeld gave the Oath of Office to Carol Rudi and Wayne Beer for three year terms on the Gladstone City Council. The new members were applauded as they took their places at the Council table.

Item 8 on the Agenda. ELECTION OF MAYOR AND OATH OF OFFICE

Mayor Pro Tem Bill Cross presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Wayne Beer nominated **Bill Cross** for Mayor. Councilman Carol Rudi seconded the motion and moved that the nominations cease and that Bill Cross be elected as Mayor by acclamation.

Councilman Les Smith said he would state that it is no secret at this point that both he and Mr. Cross vied to sit in the middle chair this coming year as Mayor. He told Councilman Cross that in a call for Council unity and as a show of personal support for him, he will be voting in favor of Mr. Cross' nomination as Mayor. Mr. Cross thanked Mr. Smith and told him he did not

know what his support meant to him and appreciates it so much. He said Mr. Smith has always been a gentlemen and tonight he proved it once more.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Les Smith, Councilman Shirley Smith, Mayor Pro Tem Bill Cross. (5-0)

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Councilman Bill Cross.

Mayor Cross thanked his fellow Council for their confidence in him and said the coming year holds a number of challenges but this Council team will be able to pull together.

City Manager Kirk Davis presented a congratulatory floral bouquet on behalf of City Staff to Mrs. Mary Cross in appreciation of her understanding of the time away from home that will be required of Mayor Cross in the performance of his mayoral duties this year.

Item 9 on the Agenda. ELECTION OF MAYOR PRO-TEM

Mayor Cross invited nominations for the office of Mayor Pro Tem. Councilman Carol Rudi nominated **Councilman Les Smith**; Councilman Wayne Beer seconded the motion and moved that Mr. Smith be elected by acclamation. Roll Call Vote: "All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Les Smith, Councilman Shirley Smith, Mayor Bill Cross. (5-0)

Item 10 on the Agenda. SPECIAL PRESENTATIONS to Dan Bishop and Anita Newsom recognizing their service to the City of Gladstone as Councilman and Mayor.

Mayor Bill Cross presented outgoing Councilman Dan Bishop with a plaque recognizing his service on the Capital Improvements Program Committee prior to his Council service, as well as a plaque acknowledging his contributions as a Councilman and Mayor over the last three years. In addition he presented Mr. Bishop with a framed "Key to the City" and thanked him for all the time and effort he spent for the betterment of our city, and wished him the best of luck in his next endeavor.

Before making presentations to outgoing Mayor Anita Newsom, Mr. Cross read a congratulatory letter to her from former Councilman/Mayor Bill Reynolds acknowledging her contributions to Gladstone during her twelve great years on the City Council and extending his best wishes.

Mayor Cross then presented Anita Newsom with an appreciation plaque acknowledging her twelve years on the City Council including three years as Mayor. The plaque listed the names of the thirteen members of the City Council who served with Ms. Newsom during her tenure. Mayor Cross also presented Anita Newsom with a framed "Key to the City" and thanked her again for all her contributions.

City Manager Kirk Davis presented Anita Newsom with a bouquet from City Staff and thanked her for service. Ms. Newsom said it had been a joy to work with our professional staff.

CONSENT AGENDA

Following the Clerk's reading, Councilman Beer moved to approve the Consent Agenda as read; Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to adopt **RESOLUTION R-02-34**, authorizing execution of a contract with O'Donnell Way Construction Co., Inc. for the Oak Grove and Central Park Parking Lot Overlay Project in the amount of \$52,806.00 from the Capital Improvements Sales Tax Fund. (Project 9806/0221) Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-02-35**, authorizing execution of a contract with H2O'C Engineering in the amount of \$25,000 from the 2000 Water Revenue Bonds for the Water Storage and Distribution System Study. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 12. n the Agenda. Communications from the Audience.

None.

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

Councilman Carol Rudi thanked everyone for being here tonight and thanked them for all of their support over the last few months. She said she will do her best to be a good Council Member for each of them.

Councilman Wayne Beer said he appreciates all the support demonstrated in their campaign. He sees many supporter here and assures them he will do his best to do what is right for the City and make the City proud.

Mayor Pro Tem Les Smith said he noticed in the *Missouri Municipal League Newsletter* an item that was not a part of our Legislative Packet and that was House Bill #1868 which is a Bill that would preclude municipalities from setting residency requirements for Officers of the Peace. Currently we do not have residency requirements except for our Public Safety Director and there is some discussion as to whether or not it can include the Director, but it is an issue that should be handled at the local level by policy or ordinance rather than mandated by Missouri State Law. The debate on this Bill is expected earlier this week in the House and he would move that the City Manager be directed to send a letter on behalf of the City Council in opposition to this Bill. Councilman Shirley seconded the motion.

Discussion.

Councilman Les Smith noted that City Counselor Ramsay looked into the Bill today and asked if he had anything to add. Counselor Ramsay said as he reads the proposed bill and other State Statutes that apply to Peace Officers, it is unclear as to how it applies to the Director and Senior Staff. If adopted it would be subject to further interpretation.

Mr. Smith said he understands that the House has seen this before but it was killed in Committee.

Councilman Wayne Beer asked for clarification if the Bill pertains to all officers or only the Director and Senior Staff. Mr. Smith said frankly it is subject to interpretation because it just states "Officers of the Peace" and does not specify. Because at this time we only have a residency requirement for the Director and the Bill is unclear, and that is one of the reasons he opposes it.

Councilman Beer said he thinks to require residency now or in the future when it has not been a requirement, would be an unreasonable expectation. Councilman Les Smith said if the Bill is passed it would preclude the City from setting policy even if we determined that it was in the City's best interest.

Councilman Carol Rudi said she agrees with Councilman Smith that we do need to be in charge of what happens within our city and not leave it to the state level for determination and she would definitely support a letter of opposition. It was suggested that the letter be sent to Representative Phil Willoughby with copies to others. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Les Smith also thanked former Mayor Anita Newsom and Councilman Dan Bishop for their service to the community and welcomed Councilmembers Rudi and Beer.

Councilman Shirley Smith said she is looking forward to the new Council year and said no doubt our new Mayor and Councilmembers are anxious to get going on projects and programs that will benefit our 9,000 households in Gladstone both now and in the future so that our 50 year old community will not generate any further into dilapidated neighborhoods, disintegrating business corridors and decaying infrastructure.

Mayor Bill Cross agreed that there are many challenges ahead and feels we will work as a team and try to accomplish as much as we possibly can. He appreciates the opportunity to serve as Mayor and looks forward to working with staff and employees.

Item 14. on the Agenda. Communications from the City Manager.


City Manager Kirk Davis reported that the collected ice storm debris has been removed and we have now completed that project, and will finalize the accounting of the costs so that we can submit the necessary paperwork for reimbursement.

Shredded mulch is available for residents and may be picked up at the Public Works Building from 8-5, Monday through Friday.

* * * * *

There being no further business to come before the April 8, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting and invited the public to adjourn to the lobby for refreshments.

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Mayor Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 22, 2002**

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 610.021(1) for Litigation, and 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 8, 2002 City Council Meeting Minutes.**
- 4a. **North Kansas City Schools Community Education Services and City of Gladstone, Missouri Partnership Signing Ceremony.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-36, authorizing execution of a contract with Seal-O-Matic Paving Co., Inc. for the 2002 Full Depth Replacement Program in the amount of \$261,044.75 from the Transportation Sales Tax Fund. (Project #0202)

RESOLUTION NO. R-02-37, authorizing execution of a contract with Superior/Bowen Asphalt Company for the 2002 Street Overlay Program in the amount of \$223,897.50 from the Transportation Sales Tax Fund. (Project #0301)

RESOLUTION NO. R-02-38, adopting a **Revised Gladstone Emergency Ambulance/Medical Services Operation "Transport Guidelines, Fee Schedule, and Billing Procedures"**.

APPROVAL OF FINANCIAL REPORTS for the month of March, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
 - a. **City Council Board & Commission Liaison Assignments.**
8. **Communications from the City Manager.**

9. **PUBLIC HEARING** on a request to renew a Special Use Permit to continue operation of a landscaping business at 5616-18 N Antioch Road. Applicant: Cripple Creek Rock Company, Inc. Owners: Byers Enterprises, LLC/Billy C. Williams/William M. Kerns/A.B. Smith & Raymond Hahn. (File #1175)
- 9a. **FIRST READING BILL 02-12**, granting 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 N. Antioch Road. Applicant: Cripple Creek Rock Company (File #1175)
10. **PUBLIC HEARING** on a request for a Site Plan Revision at 301 NW 72nd Street. Applicant: Larry Whitton. (File #1176)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, May 13, 2002 City Council Meeting at the request of Staff.

11. **FIRST READING BILL 02-13**, repealing Ordinance No. 3.800 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, APRIL 22, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular April 22, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF THE REGULAR APRIL 8, 2002 CITY COUNCIL MEETING MINUTES

Councilman Les Smith moved to approve the **Regular April 8, 2002 City Council Meeting Minutes** as written. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. North Kansas City Schools Community Education Services and City of Gladstone, Missouri Partnership Signing Ceremony.

Mayor Bill Cross welcomed North Kansas City School District Superintendent Dr. Tom Cummings and staff members for the presentation of a partnership certificate between the City of Gladstone and the North Kansas City School District.

Ms. Paula Barba explained that the partnership with the City and the Community Education Services Department has been going on for more than fifteen years and is a natural partnership in our community. She introduced Superintendent Tom Cummings and Director of Community Education Services Dianne Covell, who presented the partnership certificate to Mayor Bill Cross.

Dr. Cummings stated that when they began this partnership many years ago, it was before the formalized Partners in Education Program was implemented. This may very well be the oldest partnership in terms of activities and support of our school district and particularly our kids. This partnership has been mainly through the Parks and Recreation Department and all the activities in basketball, volleyball, and others. Dr. Cummings stated that he cannot count the number of

kids that have come through these programs over the years and the good that has been done with the programs. This is a perfect example of what we really want partnerships to be and that is to provide with the community, and through the community, additional and extensive opportunities for kids beyond the four walls of our schools. This has certainly been the case here. Dr. Cummings then presented a certificate to Mayor Cross to formalize the partnership and thanked the City, Interim Director of Parks and Recreation Sheila Lillis and in particular our personnel who work in Parks and Recreation.

Dr. Cummings also thanked Dianne Covell who was instrumental in the formation of this partnership many years ago.

Mayor Bill Cross stated that he remembers when this was initiated and it really is amazing the number of young people who have come through these programs which have benefited the entire community and he thanks Dr. Cummings on behalf of the City and staff.

Councilman Wayne Beer stated that his last six years with the North Kansas City School District prior to retirement were spent in the office of Operations and Maintenance and he had a close relationship with the City operations regarding this partnership. As a former district employee, he can say they appreciated working with the City of Gladstone very much in the fact that they could always count on Gladstone to follow through with their obligations as a partner and provide good supervision of students. If there were issues that arose, the City was always good at following through and Dianne Covell of the District could attest to that as well. Councilman Beer said he hopes this relationship can continue as strongly as in the past.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda as read; Councilman Shirley Smith seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION NO. R-02-36**, authorizing execution of a contract with Seal-O-Matic Paving Co., Inc. for the 2002 Full Depth Replacement Program in the amount of \$261,044.75 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION NO. R-02-37**, authorizing execution of a contract with Superior/Bowen Asphalt Company for the 2002 Street Overlay Program in the amount of \$223,897.50 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION NO. R-02-38**, adopting a **Revised Gladstone Emergency Ambulance/Medical Services Operation "Transport Guidelines, Fee Schedule, and Billing Procedures"**. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Don McLaughlin, 6313 N. Bales, asked for an explanation of the revisions.

City Manager Kirk Davis advised that Medicare has authorized a higher allowable reimbursement fee for mileage from \$4.00 per mile to \$5.40 per mile. This will allow the City to keep up with Medicare regulations and authorizes the City to bring our fee up to the allowable amount.

Mayor Pro Tem Les Smith moved to approve the **FINANCIAL REPORTS** for the month of March, 2002. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Carol Rudi had no communications at this time.

Councilman Wayne Beer had no communications at this time.

Councilman Shirley Smith commented that budget meetings are coming up on the new budget which will be effective July 1st. We have successfully concluded a fiscal year that we knew was going to be an economic downturn. In spite of ice storms and water main breaks, we have continued to operate this City without any loss to our citizens.

Councilman Shirley Smith also reminded everyone of the National Day of Prayer on Thursday, May 2nd and the twenty minute prayer service sponsored by area churches in front of City Hall from 12:20-12:40 PM. Ms. Smith also reminded that the Kids Safety and Fun Fest is coming up on Sunday, May 5th from 2-5 PM at Oak Grove Park. There is a lot of preparation that goes into this event and it is fun for all ages.

Mayor Pro Tem Les Smith advised that the City Council received a memo from the Missouri Municipal League that indicated Missouri House Bill 1869, the police residency bill, was defeated by a vote of 65-77. According to MML, key to defeating this bill were contacts made by municipalities like ours. Mr. Smith stated that he is proud of the Council for taking this position and especially on such short notice. Councilman Smith also wanted the Council to know that the Gladstone Chamber Board took a position in opposition to this Bill as well in support of what the community felt was best. Mr. Smith asked how Representatives Willoughby, Skaggs, and Ridgeway voted on that Bill.

City Manager Davis stated that Representative Willoughby voted against the Bill, but he would have to check on the others.

Mayor Pro Tem Smith stated that the City put together a Missouri Legislative Agenda at the eleventh hour this year and asked the Mayor if the City could be better prepared next year for the legislative session which has been something we have talked about earlier. He would like to see an ongoing process of evaluation from staff on Bills as Legislative sessions progress, so that we can prepare in a more timely manner. He asked City Manager Davis to formalize a process by which we can get the MML updates and perhaps staff opinion on legislation so the Council can respond to it on an ongoing basis.

Mr. Smith stated that he had proposed at one time the possibility of a Council retreat for the end of April or May and asked if we are making progress there. City Manager Davis advised that his intention is to confirm with Council tonight possible dates in May that will work for everyone.

Councilman Les Smith explained for the audience that every two years there is the possibility of electing two new Council members and every third year one new Council member. His hope is that rather than diving into the budget process, perhaps new Council members can familiarize themselves with the many issues and meet and discuss these issues with staff and be better prepared before jumping into things that have to be done immediately upon being elected. It would be a good to do this before budget time, then have goal-setting session in October as we usually do.

Mayor Pro Tem Smith stated that as a Council, they had decided this year to have a bi-annual evaluation for the City Manager in May. Council also discussed the standardization of the evaluation process of the Council's employees (City Manager, City Counselor, City Clerk) with the rest of City employees. It would be a good idea to have that process in place for the evaluations in May.

Mayor Bill Cross confirmed that he and City Manager Davis had discussed this matter and Mr. Davis advised that Human Resources Administrator Charlene Leslie will be contacting the Mayor to determine how he desires to proceed and any needed documentation and information.

Mayor Bill Cross had no other communications at this time.

Item 7a. on the Agenda. CITY COUNCIL BOARD & COMMISSION LIAISON ASSIGNMENTS

Mayor Bill Cross stated that he had discussed with fellow Council members the Council liaison appointments to the Boards and Commissions and assignments were made to the boards that Council members were most interested in. The assignments are as listed in the Council packet with two changes. The Gladstone Economic Betterment Council (GEBC) representatives will be Mayor Bill Cross. One other change is assigning Councilman Wayne Beer to the Board of Zoning Adjustment instead of Mayor Cross.

City Clerk Marilyn Ahnefeld read the Council liaison appointments to the Boards and Commissions as follows:

Planning Commission - Councilman Shirley Smith and Councilman Wayne Beer
Capital Improvements Program Committee - Mayor Pro Tem Les Smith and Councilman Carol Rudi
Parks & Recreation Advisory Board - Mayor Bill Cross
Industrial Development Authority - Councilman Shirley Smith
Recycling & Solid Waste Committee - Councilman Shirley Smith
Board of Zoning Adjustment - Councilman Wayne Beer
Sister Cities Commission - Councilman Shirley Smith
TIF Commission - Mayor Pro Tem Les Smith
Code Board of Appeals - Mayor Pro Tem Les Smith
Cable TV Advisory Committee - Councilman Carol Rudi
Gladstone Special Road District #3 - Councilman Wayne Beer
Gladstone Economic Betterment Council - Mayor Bill Cross

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis reminded everyone about the Spring Beautification this weekend, April 26-28, from 8 am to 5 PM each day at Central Park. Mr. Davis also mentioned the upcoming Spring Brush Disposal event May 3-5, from 8 am to 5 PM each day at the Public Works facility.

Item 9. on the Agenda.

PUBLIC HEARING on a request to renew a Special Use Permit to continue operation of a landscaping business at 5616-18 N Antioch Road. Applicant: Cripple Creek Rock Company, Inc. Owners: Byers Enterprises, LLC/Billy C. Williams/William M. Kerns/A.B. Smith & Raymond Hahn. (File #1175)

Mayor Cross opened the Public Hearing and explained the hearing process that the Applicants will make their presentation, followed by comments from those in Favor and those Opposed, and lastly, the City Staff will make their presentation.

Applicant Robert Bledsoe, 5618 N. Antioch Road, stated that he has been in business for about four years, had a rough time initially getting his permit and everything lined out on his end, but now everything is going well. He said there has not been any theft or vandalism and wants to keep improving his operation each year.

Councilman Beer asked Mr. Bledsoe if he is satisfied with all the conditions on the Special Use Permit specified by staff.

Mr. Bledsoe stated that he is happy with them and is in compliance. If not, he would like to know it.

There were no others who desired to speak in Favor or in Opposition to this proposal.

Assistant City Manager for Development Scott Wingerson stated that Mr. Bledsoe has been in compliance with the 16 proposed conditions for the last 18 months to two years. The Planning Commission is recommending unanimous approval (10-0).

Staff Presentation: Mr. Wingerson stated that there was significant discussion at the Planning Commission about the ownership of one 60 foot parcel of property which was in the original permit five years ago. However, it was never utilized in the operation of the business and has been removed from the site plan per the owners. The legal description in the draft ordinance excludes that tract of land.

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

Item 9a. on the Agenda **FIRST READING BILL 02-12**, granting 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 N. Antioch Road. Applicant: Cripple Creek Rock Company (File #1175)

Mayor Pro Tem Les Smith moved to place Bill 02-12 on First Reading; Councilman Wayne Beer seconded.

Discussion.

Councilman Carol Rudi thanked Mr. Bledsoe for the nice appearance of his business along Antioch Road. She knows it was a struggle to get there, but he is there now and she urged him to keep it up. .

Mayor Cross also commented how nice the operation is and how well it contributes to our City.

The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 02-12, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-12** and enact the Bill as **Ordinance 3.830**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **PUBLIC HEARING** on a request for a Site Plan Revision at 301 NW 72nd Street. Applicant: Larry Whitton. Mayor Cross opened the Public Hearing and immediately continued it to the **Monday, May 13, 2002** City Council meeting at the request of staff.

Item 11. on the Agenda. **FIRST READING BILL 02-13**, repealing Ordinance No. 3.800 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri.

Mayor Pro Tem Les Smith moved to place Bill 02-13 on First Reading; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 02-13, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote:

All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-13** and enact the Bill as **Ordinance 3.831**. Councilman Shirley Smith seconded.

Discussion.

Councilman Carol Rudi stated that this is a sewer rate increase passed along to Gladstone from the City of Kansas City, Missouri. We would not do this if it were not necessary, but it is a sewer collection cost.

Mayor Pro Tem Les Smith also stressed this is a pass-along cost from Kansas City. Fortunately our City leaders years ago had the foresight to at least address the need for a water plant and get it funded and built. He stated that it is difficult to think what it would be like if we had to buy water from Kansas City as well.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

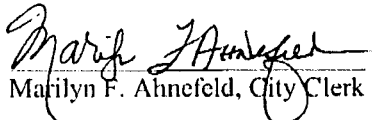
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There being no further business to come before the April 22, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

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Mayor Pro Tem Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Privileged Communication and Litigation Discussion, and 610.021(2) for Real Estate Acquisition. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MAY 13, 2002**

OPEN 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
610.021(3) for Personnel Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. **Presentation of the Colors and Pledge of Allegiance:** Scouts from Troop #357 sponsored by St. Luke's Presbyterian Church.
4. **Approval of Regular April 22, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-39, authorizing execution of a contract with Musselman & Hall Contractors, LLC in the amount of \$45,682.08 from the Transportation Sales Tax Fund for the 2002 Intermediate Street Maintenance Program. (Project #0206)

RESOLUTION NO. R-02-40, declaring certain City property as surplus property and authorizing the sale of such property together with abandoned and unclaimed property held by the City to the highest bidder at auction or by sealed bid.

RESOLUTION NO. R-02-41, authorizing the execution of an agreement with Hi-Gene's Janitorial Service, Inc. for janitorial services at city facilities for a total contract amount of \$34,372.00. (General Fund: \$32,032; Combined Waterworks & Sewerage System Fund: \$2,340.00)

RESOLUTION NO. R-02-42, authorizing the Mayor and City Manager of the City of Gladstone, Missouri to execute a Highway Safety Law Enforcement Grant Application with the Missouri Division of Highway Safety for funding in the amount of \$3,600.00.

APPROVAL OF BUILDING PERMIT for construction of a 3,880 sq. ft. Steak 'n Shake Restaurant at 4929 Old Pike Road. Applicant: KAW Valley Engineering. Owner: Steak 'n Shake. (BP# 02-0230)

APPROVAL OF PARK FESTIVAL USE PERMITS for the **6th Annual Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 14-15, 2002, and the **23rd Annual Gladfest Celebration** on Friday, Saturday and Sunday, October 4-6, 2002 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone.

APPROVAL OF BEER LICENSE for **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, (2-day license), June 14-15, 2002, Managing Officer: Chad Nichols; and **Gladfest Celebration** in Gladstone Central Park, 69th & N Holmes, (3-day license), October 4-6, 2002. Managing Officer: Jane Shevling.

APPROVAL OF CLASS "A" LIQUOR BY DRINK LICENSE CHANGE IN OWNERSHIP, A. Michelle Nardella, New Owner/Managing Officer dba Uncle Nebo's, 7102 N Oak.

APPROVAL OF NEW LIQUOR LICENSE, El Patio, LLC dba Senor Tequila, 5941 N Antioch Road. Managing Officer, Reyes Florencio.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
 - a. Appointment of Lance Turner to Planning Commission for unexpired term ending December '02.
 - b. Appointment of James Bone to Planning Commission for unexpired term ending December '03.
8. **Communications from the City Manager.**
9. **CONTINUED PUBLIC HEARING** on a request for a Site Plan Revision at 301 NW 72nd Street. Applicant: Larry Whitton. (File #1176) (Continued from May 13, 2002 City Council Meeting).
- 9a. **FIRST READING BILL 02-14**, approving a Site Plan Revision for Bill & Larry's Service Station at 301 NW 72nd Street subject to certain conditions. Applicant: Larry Whitton. (File #1176)
- 9b. **APPROVAL OF BUILDING PERMIT** for 5,500 sq. ft. addition and remodeling to existing structure at 301 NW 72nd Street. Applicant Larry Whitton for Bill & Larry's Service Station (File #02-0075)
10. **FIRST READING BILL 02-15**, amending Schedule VIII of the Model Traffic Ordinance to establish a "Stop" sign at the Southeast Corner of N Flora and 68th Terrace.
11. **FIRST READING BILL 02-16**, amending Schedule VIII of the Model Traffic Ordinance to establish "Stop" signs at the Southwest Corner of N Troost & 73rd Street; and the Southwest Corner of N Troost and NE 73rd Terrace.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, MAY 13, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular May 13, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Scout Troop #357 presented the Colors and led the Pledge of Allegiance in which all joined. Mayor Bill Cross welcomed the six young men from Troop #357, sponsored by St. Luke's Presbyterian Church.

Item 4. on the Agenda. APPROVAL OF REGULAR APRIL 22, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the **Regular April 22, 2002 City Council Meeting Minutes** as written. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as read; Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Councilman Wayne Beer moved to adopt **RESOLUTION NO. R-02-39**, authorizing execution of a contract with Musselman & Hall Contractors, LLC in the amount of \$45,682.08 from the Transportation Sales Tax Fund for the 2002 Intermediate Street Maintenance Program. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION NO. R-02-40**, declaring certain City property as surplus property and authorizing the sale of such property together with abandoned and unclaimed property held by the City to the highest bidder at auction or by sealed bid. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION NO. R-02-41**, authorizing the execution of an agreement with Hii-Gene's Janitorial Service, Inc. for janitorial services at city facilities for a total contract amount of \$34,372.00. (General Fund: \$32,032; Combined Waterworks & Sewerage System Fund: \$2,340.00) Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION NO. R-02-42**, authorizing the Mayor and City Manager of the City of Gladstone, Missouri to execute a Highway Safety Law Enforcement Grant Application with the Missouri Division of Highway Safety for funding in the amount of \$3,600.00. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for approval of a **BUILDING PERMIT** for construction of a 3,880 sq. ft. Steak 'n Shake Restaurant at 4929 Old Pike Road. Applicant: KAW Valley Engineering. Owner: Steak 'n Shake. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for approval of **PARK FESTIVAL USE PERMITS** for the **6th Annual Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 14-15, 2002, and the **23rd Annual Gladfest Celebration** on Friday, Saturday and Sunday, October 4-6, 2002 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for approval of **BEER LICENSES** for **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, (2-day license), June 14-15, 2002, Managing Officer: Chad Nichols; and **Gladfest Celebration** in Gladstone Central Park, 69th & N Holmes, (3-day license), October 4-6, 2002. Managing Officer: James Shevling. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for approval of a **CLASS "A" LIQUOR BY DRINK LICENSE CHANGE IN OWNERSHIP**, A. Michelle Nardella, New Owner/Managing Officer dba Uncle Nebo's, 7102 N Oak. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for approval of a **NEW LIQUOR LICENSE**, El Patio, LLC dba Senor Tequila, 5941 N Antioch Road. Managing Officer, Reyes Florencio. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Rocky Carver, 3400 NE 68th Terrace, stated that the salt trucks and snow plows are pushing salt into his yard and other yards on his street and asked what the City could do about his concern.

Mayor Cross asked if City Manager Kirk Davis or Director of Public Works Andy Noll would like to address this issue.

City Manager Davis stated that there are potentially times when the snow plows and spreaders are going too fast, especially going around a corner and they can inadvertently throw the salt a good distance.

Mr. Carver stated that it is not the salt thrown up there, but what is already on the street and they plow over and throw up on his yard. The snow and salt together is up on the bank.

Mr. Davis said it may happen when the plows are not keeping up with the snowfall and salt and snow are mixed.

Mr. Carver stated that maybe getting 72nd open and Indiana open might help. Every time salt trucks come that way, they are spreading salt.

Gordon Harris, 4004 NE 59th Terrace, thanked the Council for letting his scout troop attend tonight and participate in the Pledge of Allegiance. He also commented that he is glad the snow trucks go around the City because he is a mail carrier and they are very good at clearing the streets.

Mr. Harris stated that his concern is the Brooktree area. There was a stormwater/flood control study done two or three years ago and Brooktree was number one on the agenda. He has seen other areas that are getting work done. His question is if Brooktree is number one on the list, where are they now and when will the work begin. Mr. Harris said that with the recent rains, they have been lucky that the water did not go over the banks. If we had received much more rain, they would have been flooded in their area too. He asked if there was someone he could contact regarding the Brooktree area or do we have an answer for this problem. His understanding was that they were number one on the list and they are doing work in other areas further up stream. They are down near the end and are catching all the water.

Mayor Cross stated that we have two staff members who can answer questions right now. He also stated that the Council appreciates Mr. Harris bringing six young men to the Council meeting and thanked them for their participation.

City Manager Davis stated that Mr. Harris has good questions. The Stormwater Master Plan called for the Brooktree project as the number one priority. Two years ago, the City funded \$6 million in bond issues to pay for that and three other priorities, which were in effect the top four and all high dollar projects. What has held us up slightly in this case is what we did in the 68th Street Basin, the number three priority. How that was designed impacted what we wanted to do in the creek in the Brooktree area.

As Council is aware, the City has acquired the property on 68th Street and in effect gave us the parameters within which we needed to design that basin. We have acquired the property and 90% of the Basin and 50% of the Brooktree engineering have been completed. We anticipate the completion of the design of the stormwater basin shortly and hope to begin construction this summer. We have combined those two projects because they are somewhat related. Mr. Davis stated he hopes the design can be wrapped up this summer and can have the basin built and the Brooktree improvements built starting in late summer and into the fall.

Mr. Davis stated to Mr. Harris that he was right, it was the first priority and what impacted us was the design of the basin upstream from him. Meanwhile, the City had other money that came available through capital improvements and rather than hold back all the projects, the City decided to go ahead and move forward on some of the others. In fact, they are making very good progress in that Master Plan. Those two projects are big ones and we need to get them done.

Councilman Wayne Beer asked Mr. Davis if it would be a safe assumption that perhaps some of the work upstream may have had some good effect upon those down stream.

Mr. Davis stated that generally when you have work done upstream it facilitates not only the flow of velocity, but the amount of water they are dealing with down stream. You try to work downstream and then work back, but in this case we have the reverse with the basin and Brooktree drainage being somewhat interrelated. He stated that it probably did not hurt, but he could not say specifically.

Councilman Carol Rudi commented that she does know at the Planning Commission last week there was a citizen who said that some of the work that had been completed so far on the stormwater had really taken care of the problem she had for many years. When it all gets done, it will be great.

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

Councilman Carol Rudi had no communications at this time.

Councilman Wayne Beer congratulated Director of Finance Cash Sweiven for being recently elected president to the Missouri Government Finance Officers Association.

Mr. Beer asked Councilman Les Smith what the status is on House Bill 1869, the police residency bill. We had an update a week or so ago, but thought there might be more information.

Councilman Les Smith deferred to Counselor David Ramsay, who would have more information. Mr. Smith stated that he does know that it was defeated at the House level, but Jim Talent, not currently an officer-holder in the state of Missouri, but endorsed by the FOP in St. Louis, got the

House to reconsider and ultimately pass that Bill. He does not know what has happened since it went on to the Senate.

Counselor David Ramsay stated that he had received an email update this morning. The Bill has passed the Senate and is in a House committee. They are unsure whether it will move through the committee and House floor in time since this is the last week of the legislative session. What MML was able to determine was that there were some amendments to some other bills that might be attached to other bills that would allow for the residential requirement prohibition to be inactive for St. Louis only.

Mr. Ramsay stated that those who have followed the legislative process in the past, know the last week is always wild and they do a lot of things, including attaching amendments to something else. As far as MML could determine, the amendments that were floating around that might be attached, would have a better chance of passing, rather than the bill itself and are related only to the St. Louis situation.

Councilman Beer said recently the FCC put out an order that cities cannot collect franchise fees for cable modem service. He asked if this would have much of a fiscal impact on the City of Gladstone.

City Manager Davis stated that he cannot answer that finitely, but he does not believe so. We are monitoring when we receive our next cable franchise check from Time Warner in August and should see some, if any, impact of the FCC decision at that time. Mr. Davis said he has a feeling the impact will be pretty minor.

Councilman Shirley Smith stated that last Tuesday evening she was privileged to attend the North Oak Corridor meeting for business owners along North Oak. Several well-know and knowledgeable people presented a program that was outstanding. In her opinion, the meeting was the most definitive as to what has happened to Gladstone, where we are, and how we can achieve where we want to be. She has found in her years in the business world, people will comment that a program, speech, meeting, or seminar was wonderful or terrible based on how much it agreed or disagreed with their own ideas. She has been saying for over two years just what these experts said Tuesday night.

Ms. Smith said the one most important difference between this meeting and all the other meetings she has attended on this subject was that Gladstone means business this time. We have committed money, people, resources, and the business owners got the message. Ms. Smith stated that as in the past, when we have asked the citizens to go along with us, they have come through for us and she believes the business owners are going to come through for us and help us get North Oak turned around.

Councilman Shirley Smith thanked Economic Development Administrator Lynn McClure for an outstanding job and the staff support that he has. We have taken a giant step forward on this North Oak corridor project.

Mayor Pro Tem Les Smith stated that he was reflecting on the issues of Brooktree and the storm drainage. He said former Mayor Davis is in the audience tonight and he will remember back in the early '80s when they sat down at Brooktree and Indiana and watched the water go in the back door of the house on the southeast corner and water come out the front door with the

sofa. That situation led the City to pass the first-ever bond issue to address the storm drainage problems in the City. The bond issue was approved in 1983 and since that time we have made a major commitment to the City to fix the storm drainage problems in the City. Under the direction of Assistant City Manager Scott Wingerson and Public Works Director Andy Noll, we are continuing to make progress. Unfortunately, it is one of those issues you cannot fix every single problem, but he would challenge any community to make the commitment for storm drainage like we have. Hopefully, things are better now.

Mr. Smith said he went out in the last storm and saw the detention basin and there actually was no water in it, nor over the roads and that was good to see. He stated there was a need for the land purchased on 68th Street, and the City may be on the road to having that problem resolved once and for all.

Mayor Bill Cross stated Mr. Smith's comments were very true and also wanted to reinforce what Councilman Shirley Smith expressed about the North Oak meeting last Tuesday evening. We gained so much from the meeting. Since Mr. McClure has taken over the program and guiding it, the City is going to do something about it and will become a reality. He thanked Mr. McClure and said the Council stands behind him. Mayor Cross said the business community members that were present walked away enthused about the program.

Item 7a. and 7b. on the Agenda.

BOARDS AND COMMISSIONS APPOINTMENTS

Mayor Bill Cross stated that Lance Turner would be appointed to the Planning Commission for the unexpired term ending December 2002 and James Bone would be appointed to the Planning Commission for the unexpired term ending December 2003. Mayor Cross asked City Clerk Marilyn Ahnefeld to notify the two new members of their appointment to the Planning Commission.

Councilman Shirley Smith moved for approval of the two appointments to the Planning Commission. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Cross stated to the audience that there may be a few openings on the Boards and Commissions and Council welcomes citizens willing to serve. If anyone has an interest, please contact the City Manager's office.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis remarked that the Spring Beautification event was another success with 68 dumpster loads filled and the Spring Brush Disposal weekend resulted in over 2, 500 loads of brush being dropped off at Public Works.

Mr. Davis announced the appointment of Sheila Lillis to Director of Parks and Recreation. Sheila has currently been serving as Interim Director since April and has done an outstanding job. She brings sixteen years of experience within Gladstone to her new position. Ms. Lillis knows how that department operates better than anyone else around and we look forward to working with her and having her on our Leadership Team. She will do a great job for the City.

Mayor Cross stated that the Council congratulates Sheila and knows that her work will not slacken up, but even more will be expected. We are happy we can promote from within our own ranks and have so many competent and qualified people.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING** on a request for a Site Plan Revision at 301 NW 72nd Street. Applicant: Larry Whitton. (File #1176) (Continued from the April 22, 2002 City Council Meeting).

Mayor Cross opened the Public Hearing and explained the hearing process that the Applicants will make their presentation, followed by comments from those in Favor and those Opposed, and lastly, the City Staff will make their presentation.

Applicant Larry Whitton, 301 NW 72nd Street, stated that he has been in business at 301 NW 72nd Street for 34 years and he has outgrown it with all the new equipment needed to work on newer cars and vehicles. He has decided to expand his building quite a bit and Council has seen the site plans for the expansion. Mr. Whitton stated he would be happy to answer any questions.

There were no others who desired to speak in Favor or in Opposition to this proposal.

Staff Presentation: Assistant City Manager for Development Scott Wingerson stated that two documents in the Council packet include minutes from the Planning Commission determination last Monday night and attached to the back are sub-committee reports from the Site Visit Committee. The conditions considered by that report were adopted by the full Commission and are reflected in the draft Bill.

Specifically, the Bill states in Condition #6 that the parking lot shall be patched and striped; Condition #8 states that two additional trees will be planted near the southwest corner of the building; Condition #9 indicates that the landscaping be maintained in perpetuity; Condition #12 states that the areas east and south of and adjacent to the structure is an area enclosed by a privacy fence be surfaced with gravel or other suitable material; Condition #13 states that the existing and new fence shall be repaired, installed and maintained in perpetuity.

The Planning Commission recommends to the Council 8-0 that the request be approved subject to the conditions contained in the draft Bill. Mr. Wingerson stated he would be happy to answer any questions.

Councilman Wayne Beer stated that he understood previously that the applicant is in agreement with all of the conditions. Mr. Wingerson replied that is true.

Mayor Pro Tem Les Smith suggested to Mr. Whitton that perhaps they could team up and take care of the island that was built and planted at that intersection. Mr. Whitton agreed.

Councilman Carol Rudi asked about the building structure and color. Mr. Whitton replied it will be metal with stucco and green in color. He displayed a color rendering for Council to see.

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

Item 9a. on the Agenda. **FIRST READING BILL 02-14**, approving a Site Plan Revision for Bill & Larry's Service Station at 301 NW 72nd Street subject to certain conditions. Applicant: Larry Whitton.

Councilman Wayne Beer moved to place Bill 02-14 on First Reading; Mayor Pro Tem Les Smith seconded.

The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-14, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of **Bill 02-14** and enact the Bill as **Ordinance 3.832**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 9b. on the Agenda. **APPROVAL OF BUILDING PERMIT** for 5,500 sq. ft. addition and remodeling to existing structure at 301 NW 72nd Street. Applicant Larry Whitton for Bill & Larry's Service Station.

Councilman Shirley Smith moved to approve the Building Permit at 301 NW 72nd Street. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)
Mayor Cross stated that they were all looking forward to this renovation and asked how soon they expected to start and finish the remodeling and addition.

Mr. Whitton stated that the last bid should be in this week and will take about seven weeks to get the building, but the concrete will go in ahead of that, weather permitting. He hopes and anticipates the project will be finished sometime late this summer.

Item 10. on the Agenda. **FIRST READING BILL 02-15**, amending Schedule VIII of the Model Traffic Ordinance to establish a "Stop" sign at the Southeast Corner of N Flora and 68th Terrace.

Mayor Pro Tem Les Smith moved to place Bill 02-15 on First Reading; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-15, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-15** and enact the Bill as **Ordinance 3.833**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 02-16**, amending Schedule VIII of the Model Traffic Ordinance to establish "Stop" signs at the Southwest Corner of N. Troost & 73rd Street; and the Southwest Corner of N. Troost and NE 73rd Terrace.

Councilman Carol Rudi moved to place Bill 02-16 on First Reading; Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 02-16, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final reading of **Bill 02-16** and enact the Bill as **Ordinance 3.834**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 12. on the Agenda. **OTHER BUSINESS**

Councilman Les Smith commented that he had been asked by a former resident of our City, Scott Lakin, to look into the stop sign at Brooktree Lane and N. Norton which he claims is an unnecessary stop sign. Mr. Smith asked if someone could research this and get back to him on it. He will provide Mr. Lakin's address to Administrative Assistant Diane Whitaker on Tuesday.

City Manager Davis stated that staff would research this issue.

Councilman Shirley Smith also asked about researching some of the stop signs along Shady Lane. She understands it is very difficult to get stop signs taken down, but can we look at them again.

City Manager Davis agreed that it is certainly easier to put them stop signs up and much more difficult to take down. He said we can look at the stop signs along Shady Lane as requested, and specifically 64th and Main and on Grand.

Councilman Shirley Smith stated that it is not a normal flow of traffic. Mr. Davis agreed that there are unique turning movements along that road because of some site distance issues. We will respond just as quickly as possible.

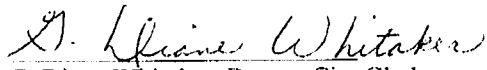
* * * * *

There being no further business to come before the May 13, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

* * * * *

Councilman Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


G. Diane Whitaker, Deputy City Clerk

Approved as submitted: ✓
Approved as corrected/amended: _____


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
TUESDAY, MAY 28, 2002**

OPEN 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
610.021(2) for Real Estate 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 May 13, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-43, accepting work under contract with McGarrah Construction Company for the North Oak Water Main Replacement, and authorizing final payment in the amount of \$6,666.80 from the Combined Water and Sanitary Sewer Fund.

RESOLUTION NO. R-02-44, authorizing execution of a contract with Musselman & Hall Contractors, LLC for the 71st and Locust Reconstruction in an amount not to exceed \$98,412.90 from the Transportation Sales Tax Fund. (Project 0223)

RESOLUTION NO. R-02-45, authorizing the purchase of one 2002 Jacobsen, Model HR5111 Large Area Mower from Outdoor Equipment Company for \$35,685.00 (including trade-in of \$6,691.00) from the General Fund to serve the Parks and Recreation Department.

RESOLUTION NO. R-02-46, authorizing the City Manager to accept a permanent easement from a property owner in conjunction with the installation of water and sewer mains for the Gladstone Senior Living at 5700 N. Main.

APPROVAL OF FINANCIAL REPORTS for the month of April, 2002.

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 for property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, June 10, 2002 City Council Meeting at the request of Staff.

10. Other Business
11. Questions from the News Media.
12. Adjournment.

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

TUESDAY, MAY 28, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Alnefeld

Mayor Bill Cross opened the Regular May 28, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Scout Troop #180 presented the Colors and led the Pledge of Allegiance in which all joined. Mayor Bill Cross welcomed the scouts from Troop #180, sponsored by St. Charles Church.

Item 4. on the Agenda. APPROVAL OF REGULAR MAY 13, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the **Regular May 13, 2002 City Council Meeting Minutes** as written. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as read: Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-02-43**, accepting work under contract with McGarrah Construction Company for the North Oak Water Main Replacement project and authorizing final payment in the amount of \$6,666.80 from the Combined Water and Sanitary Sewer Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman

Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-02-44**, authorizing execution of a contract with Musselman & Hall Contractors, LLC for the 71st and Locust Reconstruction Project for an amount not to exceed \$98,412.90 from the Transportation Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-02-45**, authorizing the purchase of one 2002 Jacobsen, Model HR5111 Large Area Mower from Outdoor Equipment Company for \$35,685.00 (including trade-in of \$6,691.00) from the General Fund to serve the Parks and Recreation Department. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-02-46**, authorizing the City Manager to accept a permanent easement from a property owner in conjunction with the installation of water and sewer mains for the Gladstone Senior Living Apartments at 5700 N. Main. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve the **FINANCIAL REPORTS** for the month of April, 2002. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilman Carol Rudi had no communications at this time.

Councilman Wayne Beer had no communications at this time.

Councilman Shirley Smith stated that last week she attended the City of Kansas City's Mayor's Night Out at the Northland Neighborhoods office in Kansas City. The City of Kansas City Water Services Department presented a program on reducing the amount of storm water runoff in Kansas City and their staff said it would cost over \$1 billion of work, but there are no funds available.

Councilman Smith said she is proud that Gladstone is taking care of flooding problems and the improvements that have already made and projects we are finishing up relating to the Storm

Water Master Plan. She thanks Gladstone staff who had the foresight to take care of these storm water problems in our City.

Mayor Pro Tem Les Smith had no communications at this time.

Mayor Bill Cross expressed his appreciation to staff for getting together at 5:30 pm this evening to review the 2003 Proposed Annual Budget. Mayor Cross said it will be a budget that we will be able to live by and still provide great services and necessities to our citizens.

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

City Manager Kirk Davis thanked the Mayor for his kind comments regarding the budget. Mr. Davis said relating to Councilman Shirley Smith's comments on storm water projects, we will continue to improve our storm water program and take care of our residents in the future.

Mr. Davis stated that he had three dates of interest for everyone. June 1st is the City Auction to be held in the north parking lot of City Hall beginning at 10:00 am; June 6th will be the next Community Oriented Government meeting at Fairview Christian Church, beginning at 7:00 pm; and the Summertime Bluesfest is June 14th and 15th at Oak Grove Park.

Item 9. on the Agenda. **PUBLIC HEARING** on a request for a Site Plan Revision for property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178)

Mayor Cross opened the Public Hearing and stated that the Hearing will be opened and immediately continued to the Monday, June 10, 2002 City Council Meeting at the request of Staff.

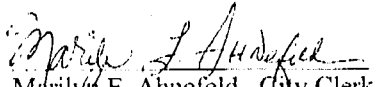
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There being no further business to come before the May 28, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

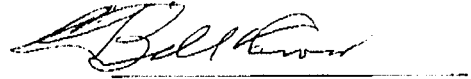
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Councilman Wayne Beer moved to adjourn the Regular Meeting, continue the Open Study Session with Study Session Item #3, then adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemptions 610.021(2) for Real Estate Acquisition and 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: ✓


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 10, 2002**

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 May 28, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-47, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2002 through June 30, 2003 for a total Gladstone Local Share not to exceed \$20,587.00 from the Transportation Sales Tax Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Bubbles Wine & Spirits, 7407 N Oak, Package Liquor License
- Smokehouse BBQ, 6402 N Oak, Class A&B Liquor by Drink License
- Northland Elks, Class A&B Liquor by Drink License
- Applebee's, 6069 N Antioch Road, Class A&B License

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 for a Site Plan Revision on property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178) (Continued from 5/28/02 City Council Meeting)

AUDIENCE NOTE: This Public Hearing will be opened and immediately re-continued to the **MONDAY, SEPTEMBER 23, 2002 City Council Meeting** at the request of Applicant.

- 9a. **APPROVAL OF BUILDING PERMIT** for Better Car Wash, 6902 North Oak. Applicant: Dominic Cuccia. (BP #02-0153)

11. **FIRST READING BILL 02-17**, repealing Ordinance No. 1.837 and enacting in lieu thereof, two new sections of the **Fire Code** within the Building and Construction Code, defining "Fireworks"; and prohibiting the possession of fireworks within the Gladstone city limits, with exceptions, and also prohibiting any owner, renter, or person in control of real property from permitting the sale, purchase, use, ignition, display, discharge, or possession of fireworks upon property under such person's control.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, JUNE 10, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Carol Rudi

Mayor Bill Cross opened the Regular June 10, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Scout Troop #260 led the Pledge of Allegiance in which all joined. Mayor Bill Cross welcomed the scouts from Troop #260, sponsored by North Cross United Methodist Church.

Item 4. on the Agenda. APPROVAL OF REGULAR MAY 28, 2002 CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Les Smith moved to approve the **Regular May 28, 2002 City Council Meeting Minutes** as amended. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Wayne Beer made a motion to remove **Resolution R-02-47** from the Consent Agenda and reassign as Item 5a. for further discussion.

Mayor Pro Tem Les Smith moved to approve the Consent Agenda as amended; Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Bubbles Wine & Spirits, 7407 N Oak, Smokehouse BBQ, 6402 N Oak, and Northland Elks, 71" and N. Cherry. Councilman Shirley Smith seconded. The vote: All "aye" -

Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 5a. on the Agenda. **RESOLUTION NO. R-02-47** authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2002 through June 30, 2003 for a total Gladstone Local Share not to exceed \$20,587.00 from the Transportation Sales Tax Fund.

Councilman Wayne Beer stated that his comments and questions may seem to suggest that he is not happy with Gladstone's participation in the Kansas City Area Transportation Authority (KCATA), but that is not so. The participation is an important piece of quality of life within our community. Mr. Beer stated that ridership during the past year amounted to \$1.01 per person per ride and will increase to \$1.12. Our costs have been going up over the years and ridership has been declining in the past few years even to the point where we are at 72 riders per day. For 27,000 residents, that is not a very efficient ridership.

Councilman Beer asked for the KCATA to work with the City so that we can find ways to market this service much more efficiently than it has been done in the past. We need to make this a stronger, more viable program and to do that will require marketing and work on the KCATA's part. Marketing is their job, not the City's. Part of the marketing process needs to include who the riders are that use the ATA services and we as a City need to know. Is consideration given to the advancing age of our community or are there one-time stay-at-home moms who are now entering the work force. If that is the case, are these residents doing their work in Kansas City. Are we getting any ridership from Kansas City into Gladstone. Are riders young, families, new employees, or senior adults using transportation to go downtown for whatever reason outside of employment.

Mr. Beer stated he feels these are questions we need to have answered. This would help us assist the ATA to increase our ridership and make it more appealing to the citizens of Gladstone. Something that might result from these questions could be alternative methods of transportation whereby we could take greater advantage of a coalition which could coordinate all forms of public transportation. The Coalition of Older Adults Program (COAP) may be a viable program and something we can take advantage of.

Mr. Beer stated that if staff could get those questions answered before the next Council meeting, he would feel better in moving ahead with this contract.

Mayor Pro Tem Les Smith also suggested that we request Economic Development Administrator Lynn McClure to provide an analysis or statement of opinion as to what public transportation might mean as an economic development tool in allowing our people to get out, but more importantly, it give us something to offer businesses who might be interested in relocating and require a large work force. It might prove insightful as well.

Mayor Bill Cross asked City Manager Kirk Davis if these requests for research would be possible before the next Council meeting. Mr. Davis replied that it is possible and we will invite representatives from KCATA to the Council meeting as well.

Councilman Beer moved to table **Agenda Item 5a.** to the June 24, 2002 City Council Meeting. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Galen Neill, 6010 N. Wyandotte, stated that he wished to speak about a building permit that has been approved at 205 NW 60th Terrace and possibly being able to prevent this situation from happening in the future.

Mr. Neill stated that a Morton building sign was placed in the yard of the home at 205 NW 60th Terrace advertising construction. Neighbors called Mr. Neill asking questions about this construction, so he came to the Community Development Department at City Hall and was told there was going to be a large garage erected. He asked if there was a plan as to how it will look and if it will match the house. A drawing was provided and there was no driveway to the building.

The neighborhood concern is what this building will look like, whether a barn, a shed or what. He is familiar with Morton buildings and they are usually built for more rural or commercial needs. This is a concern for him and his neighbors that it will look like a shed or commercial building.

Mr. Neill stated that he would like to recommend to the City that they look at these kinds of facilities more closely and that they should go through the Planning Commission for review. We have a very dedicated Planning Commission in our City and they do their job and protect the residents.

Mayor Cross asked if Mr. Neill had spoken to Assistant City Manager for Development Scott Wingerson. Mr. Neill replied that he had and Mr. Wingerson visited with the homeowners. They assured him they were not doing anything on the commercial side. The building would store two motorcycles, a car, tools, and miscellaneous items.

Mayor Cross asked Assistant City Manager for Development Scott Wingerson if he would like to make any comments since he had done research on the issue.

Mr. Wingerson stated that the property owners at 205 NW 60th Terrace are Ray and Sandy Gilley. They are a recently retired couple who moved into Gladstone within the last year. They had down-sized from a home with a four-car garage and moved to a smaller house. They are building a 24 x 30 foot garage to house two motorcycles, a car, tools and yard equipment as Mr. Neill had pointed out. The building itself meets the required setbacks, roof pitch, building openings and height requirements in our City. It complies with City Code and is the reason the permit was issued. It was reinspected again based on Mr. Neill's visit late last week.

Mayor Cross stated that the building would be 720 square feet and asked if it would have been necessary to come before the Planning Commission or the City Council.

Mr. Wingerson stated that it is currently not required; it is a single family resident property. The initial concern expressed by Mr. Neill was the use of the building as an auto repair facility. That raised some red flags with Community Development and resulted in the phone calls to the property owner who assured them that was not the case. From the physical construction point of view, there are just a few things required: setback compliance, distance from the property line, height requirements, roof pitch and openings. It is an accessory to a single family home so there is no requirement for the Planning Commission or City Council to review it according to our current ordinance.

Don Harper, 1606 NE 68th Terrace, stated that he wanted to share a few thoughts on the proposed fireworks ordinance amendment he read about in our area newspapers. He stated that he was surprised that it was not brought up for more public opinion at our Community Oriented Government meetings. He heard no thoughts on this issue and is surprised there are not more people with opinions on it here tonight.

Mr. Harper said he spent time today on the Internet looking at minutes of previous Council meetings where this has been discussed right before and after the Fourth of July last year and probably each year before that. Then he went to websites looking at ordinances in other communities across the United States regulating fireworks. He supports regulating fireworks, but enforcement has been a real problem. You drive through Gladstone on the Fourth of July and it is obvious the majority of Gladstone citizens think they should be able to do some degree of fireworks to show our patriotism on the Fourth of July, especially this year, the first after September 11th. He does not think that it should go so far as to endanger houses, other people's lives and property. But aren't there some possible exceptions to the definition of fireworks that can be considered. Other cities have them and it limits some things that you can do to small fountains, sparklers, and snakes so that people can still feel patriotic and wave the flag a bit and still not endanger their neighbors and other people.

Mr. Harper stated that he feels this is being rushed through because all of a sudden it is almost the Fourth of July again and we have not done anything about the fireworks with the ordinance that cannot be enforced. He has been in Gladstone more than thirty years and the ordinance has not been enforced and cannot be, it is impossible. Reduce the amount of items, go after the bottle rockets, the Roman candles, these things are the real problem. Let Public Safety go after the people causing the real problem and give the rest of the people an opportunity. The other exception is not to allow fireworks in public parks where it leaves a mess, but anything on a small scale in our own yards should perhaps be allowed, but not on public property and certainly not when we are having our own celebration at Oak Grove Park.

Mr. Harper asked the Council to give this a little more thought and allow some exceptions that would not endanger life, liberty and the pursuit of happiness. Maybe just a little more thought might be in order, maybe we won't have an ordinance again this Fourth of July that is revised, but maybe we will have a better one. Try some exceptions for a year or two and see how it looks once again at that point.

Mayor Pro Tem Les Smith asked Counselor David Ramsay to recite what exceptions are allowed in the proposed ordinance. They are not really fireworks related at all, but more like sparklers and cap guns.

Counselor David Ramsay explained that the ordinance only prohibits Class C fireworks which according to Fire Inspector Chuck Duddy are items that have some explosive or flying capabilities. The new ordinance does allow cap firing devices such as pistols and snakes and sparklers are also permissible. There is a category that does not actually use gunpowder or explosives and they are permissible. There are merchants selling those types of items and the intent is not to prohibit everything, but just explosive type items. The City is trying to eliminate injuries from explosive items and also fires and injury due to flying items such as bottle rockets. You will see that in the language of the proposed ordinance.

Mary Abbott, 5905 N. Broadway, stated that she wished to comment on Mr. Neill's concern. When she came to City Hall to inquire about a plan or a survey of the property in question, there were none. There is a promise that the building is going to correspond to the structure of the house. The survey consists of a house survey used for mortgage purposes with a little square drawn in the corner where the projected garage is going to be located. For a building this size, Ms. Abbott thinks it is pretty loose to be granted a building permit for a 720 square foot building with no drawings, no plan, and no survey. She does not think the Council members would appreciate a building being placed in their back yard and her neighbors do not appreciate it being built in their back yard. There will be a double driveway down the front she presumes because it is the only way to get into it. Ms. Abbott stated that being a member of the Planning Commission she thinks the control of construction of buildings of this size in the City needs to be investigated.

Don Harper, 1606 NE 68th Terrace, stated that with all due respect to Counselor Ramsay, the fireworks exception in the proposed ordinance says "shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps are used", he does not see anywhere speaking to sparklers or small fountains that go up a little ways, or things like that as exceptions to the definition here.

Counselor Ramsay stated that it says two things: the fireworks that are prohibited are classified under the U.S. Department of Transportation regulations which are commonly known as Class C fireworks. The other thing that the proposed ordinance says is that it excludes items containing less than 2500th grain of explosive compound. Fountains are not allowed because of the risk of fire. Snakes and cap-type items have always been authorized.

Mayor Pro Tem Les Smith thanked Mr. Harper for his input, but the intent of the ordinance is to disallow all those things. Basically, anything that is sold that is explosive with gunpowder, those items are disallowed. Mr. Smith stated that it is rightfully so in his opinion. We have tried to update our code just to be consistent with the intent of our ordinance that has been in place over the years and to make it easier in the sense that rather than having to arrest violators, they can be issued a citation. He is hoping the Council is still supportive of the ordinance and they will not exclude this and exclude that, it is not the intent. If it were up to him, sparklers would be in the group. They burn at 1800 degrees, almost hot enough to melt gold, and there are 1200 injuries to children each year from sparklers and he wishes we would outlaw the whole thing. The way the ordinance reads in the fire codes, it still allows for those things, it is the gunpowder items that have an explosive device that are not allowed.

Counselor Ramsay stated that the Council can add sparklers to the prohibited list in the proposed ordinance if they desire. Mr. Ramsay was talking with Fire Inspector Duddy about what is contained in the definitions of these provisions of the U.S. Department of Transportation

prohibitions on definitions of fireworks and those definitions do not include sparklers and such, but there are a lot of cities who do exclude them. The current ordinance does not allow sparklers.

Mr. Les Smith stated that he is not asking to ban sparklers, simply pointing out that they seem harmless, but are not. He did not want Mr. Harper to think that we had some laundry list of fireworks that were going to be excluded in the ordinance, because that is not the intent of the proposed ordinance.

Bill Wonder, 6400 N. Michigan, stated that he moved into his home in 1958. He stated in regard to the fireworks issue, send them over to Oak Grove Park. It is the best display in this part of the country, maybe the United States. Along with the music and everything else, it is a pleasure to go over there and kids will love it.

Mr. Wonder stated that he is here to discuss the problem in his neighborhood on Michigan. They started repairing the streets in early April of this year. They were cutting out the curbs and patching along the streets and in general, just making a mess.

The problem is at the curb and the old asphalt there is a spread of about 8 inches wide and about 3 inches or more deep. When traveling out of the driveway, it is like a pothole and has been going on since April. He spoke with the contractor and they said they are putting in a new street in July or August so there are two more months to go and it is ruining the neighbors tires. He asked if a quick patch could be placed along the driveways so they can get in and out. There are twelve driveways on his street.

Mr. Wonder also stated that there are many projects going on in the City, on 72nd Street, Howard and many more streets. His question is why one project is not finished before starting another. He asked again for a quick patch on the driveways.

Mayor Cross stated that staff could provide information regarding his issues and the construction within the City.

City Manager Davis stated that he and Director of Public Works Andy Noll will try to answer Mr. Wonder's questions. When we start the street projects, if we are going to overlay a road we include the sidewalk, curb and gutter repair work. We go in and take out the sidewalk and curb that Engineering feels needs to be replaced ahead of the overlay program. Mr. Davis stated that he would be very disappointed if the work was not finished before July or August. Banderas Construction is doing a lot of work in town and we do have a very aggressive improvement plan. Hopefully, when all is done, you will have a brand new street with new curb and gutter and everything will be leveled out.

One of the problems is that they tear out part of the asphalt before they set the concrete curb forms. The idea is ultimately they will mill what is left and come back and overlay a nice road that will match up with the curbs and there is no bump later on.

The concern on Howard Street is the stormwater and sanitary sewer work that we have been working on for a long time. It will be better in the long run when finished.

Mr. Wonder stated that all he needs is a little bit of patchwork, a couple of guys and a bucket just in front of the driveway. He talked with Bryan Maddox in the Public Works Department but did

Mr. Wonder stated that all he needs is a little bit of patchwork, a couple of guys and a bucket just in front of the driveway. He talked with Bryan Maddox in the Public Works Department but did not get much information at that time and stopped by again today but did not hear back from him and that is disheartening.

Director of Public Works Andy Noll stated that the reason it is down 1-1/2 inches is that it will assure a good seal with the new curb and the asphalt creating a water-tight seal. As far as patching in front of the drive, that is where most of the wear is and patch material is about \$75 per ton and also an economic decision.

City Manager Davis stated that the issue comes down to the fact that when you are doing over \$1 million per year in street work, you have many driveways and it must be equitable for everyone. You can put in temporary asphalt patch, but that will ultimately take away from the amount of street overlay you can do in the long run.

Mr. Wonder asked about replacement of tires when they wear out and Mr. Davis stated that the depth of the pothole is a good question and should not be more than about two inches. If so, staff needs to check this out.

Mr. Davis stated he hopes the inconvenience is limited in terms of time.

Mr. Wonder asked if this could be completed soon. Mr. Noll replied that this was one of the first two on the list.

Councilman Shirley Smith stated that there must be a reason why part of it is completed and not finished. Does another crew come in, or another company and can they go in there and finish the project.

City Manager Davis stated that there are two different kinds of construction. One is concrete work, curb and gutter forming, sidewalk forming. Usually one company does that, then another crew or company comes back with asphalt work and mill and overlay later on. It is two different types of materials, two different types of set-up.

Councilman Shirley Smith asked if it cannot be coordinated so there is not a long period of time in between.

Mr. Davis replied that it can be done, but is much more expensive than the way we do it now.

Councilman Smith commented that it is economics that cause us to do it this way.

Mr. Davis said yes, we are able to overlay more roads this way. He stated to Mr. Wonder that we would get back to him on the projected completion date and if there is more than a couple of inches in depth, we need to take a look at it.

Mayor Bill Cross said that staff could check the eleven homes on that street and it sounds like the street may be completed in the very near future.

Mr. Wonder also commented that when they first moved up north from Kansas City, there were concrete streets that were very smooth and quiet. Councilman Shirley Smith replied that North Oak was a state road and it was concrete.

Mayor Pro Tem Les Smith asked City Manager Davis to see what the cost difference would be with our next bid awards and to pass the very simple test which is whether we want to drive over it every day. If not, then we should look at doing it, but look at the cost next time we go out on contract.

Mr. Davis stated that we may have some historical information that we can provide sooner because of the way we did it in the distant past.

Mayor Cross commented that 64th Street is now close to completion, maybe a couple of good days would accomplish a lot.

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

Councilman Wayne Beer congratulated Director Bill Adamo and the Public Safety Department in being awarded the bulletproof vest partnership grant. This is something good for our City and good for our officers. The grant was for approximately \$6,500.

Councilman Shirley Smith stated that the National League of Cities has designated Friday, June 14th as National Small City Day. She has flown across the country at night and has seen many groups of lights and then some huge clusters of lights. Within those huge clusters of lights are embedded smaller cities just like Gladstone is with Kansas City. This country is basically made up of small towns and cities and that is why it is so vital that we do what we do to keep it straight and livable and in line with our democracy which is vital to this country. The small cities are really the backbone of this country and she is glad there is a special day to celebrate.

Mayor Pro Tem Les Smith had no communications at this time.

Mayor Bill Cross had no communications at this time.

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

City Manager Kirk Davis stated that the Newly Elected Officials Conference is this coming Friday and Councilman Beer and he will be attending. The Bluesfest is also this weekend at Oak Grove Park.

Mayor Cross said he hoped the weather and attendance will be good this weekend. He encouraged everyone to attend.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING** on a request for a Site Plan Revision on property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178) (Continued from 5/28/02 City Council Meeting)

Mayor Cross stated that the Public Hearing will be opened and immediately re-continued to the Monday, September 23, 2002 City Council Meeting at the request of the Applicant.

Mayor Cross asked Mr. Wingerson to comment on the status of this issue since he had been working on it.

Mr. Wingerson stated that the applicant requested a continuance as well as a building permit which is the next item on the Agenda. The applicant requested a continuance of the Public Hearing for about 120 days based on the desire to share a driveway with an adjoining property owner. This may become a reality over the next 120 days with the property owner to allow that to occur. If the Council were to take up the Public Hearing tonight, the driveway would be located on the applicant's property, not the adjoining property. In August 2001 the City Council approved a site plan with the driveway on the adjoining property. It is a lot like the chicken and the egg scenario.

As it relates to the building permit coming up on your agenda, it is consistent with the approved development planning with the driveway on the adjoining property and the applicant, engineer, and contractors have created a construction sequencing schedule that allows them to construct the driveway on either property during the next 120 days.

Item 9a. on the Agenda. **APPROVAL OF BUILDING PERMIT** for Better Car Wash, 6902 North Oak. Applicant: Dominic Cuccia.

Mayor Pro Tem Les Smith moved to approve the Building Permit at 6902 N. Oak. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 10. on the Agenda. **PUBLIC HEARING** on the proposed 2002-2003 Annual Operating Budget for the City of Gladstone, Missouri.

City Manager Kirk Davis stated that he is very pleased to present the 2002-2003 Budget for the City of Gladstone. The annual budget represents the strategic, administrative and financial plan for the coming year. In addition to representing the financial plan for the City, it is also an operations guide and communications tool that reflects service levels and plans for the benefit of the citizens of Gladstone.

The proposed budget is a result of a lengthy and comprehensive process that involves dozens of city employees, each department, all the directors, members of the Leadership Team and the City Council. The budget is based on several key principles this year, including recognizing substantial decreases in sales tax revenue, presenting a balanced budget given the decrease, maintaining a competitive employee benefit package, adhering to current financial policies, meeting all debt obligations of the city, and identifying resources to meet Council goals and objectives.

This Public Hearing follows the preparation of the budget document and two study sessions with the City Council. Subsequent to this evening, the staff will prepare an adoption ordinance for the Council's June 24th Agenda.

Mr. Davis said that he will be presenting an overview of the General Fund and Enterprise Funds. Assistant City Manager Laura Gay will present the Personnel package and Assistant City Manager for Development Scott Wingerson will present the Capital Improvements program.

The 2003 budget presented many challenges. During the past year the City experienced the largest annual decrease in sales tax revenue over the past twenty years and one of the most costly winter storms in recent history. The sales tax decrease forced several budget adjustments last fall and resulted in a revenue projection decrease in the amount of \$310,000 or 2.5% decrease. This decrease is largely due to flat sales tax revenue projections over the 2002 expected sales tax revenues. Consequently, we are also projecting a 2.6% decrease in expenditures. This is a 2% decrease despite health increases in the amount of \$156,000, liability insurance increase in the amount of \$44,000, and a LAGERS increase in the amount of \$120,000.

Mr. Davis stated that balancing this budget was accomplished by consolidating positions, utilizing fund balance, reducing travel and training, reducing street sweeping, reducing the salt budget, eliminating funding for the household hazardous waste, delaying expenditures for equipment, reducing overtime, and delaying hires among other budget balancing strategies.

As previously mentioned, sales tax revenues are not anticipated to increase over the 2002-2003 expected revenues. The City is proposing a balanced budget with revenues greater than expenditures by \$5,887. Budgeted revenues total \$12,048,897 which is a \$310,000 decrease or 2.5% for FY02 expected revenues. Property tax revenues are expected to increase by \$43,000 due to minimal growth in property valuations. Gross receipt tax revenues are projected to increase by \$52,000 primarily due to higher electrical and telecommunications revenues. License and permit revenues are projected to decrease by \$14,000 due to change in accounting. Intergovernmental revenue is projected to decrease \$68,000 due to reduction in projected grant revenues. Charges for services, classifications are projected to increase due to increased recreational programs, revenues and increase in senior activities. Fines and forfeiture revenue is projected to increase by \$17,000 as a result of more traffic enforcement efforts and equity adjustments increase of \$78,000.

Given the reduction in revenues and the City's dependence on sales taxes it is appropriate to analyze other revenue options. As discussed in our Study Session and pursuant to Council direction, we will be analyzing our Schedule of Fees and Charges this year. Staff will analyze other revenue options such as the property tax and use tax revenue options particularly as they impact fixed costs and personnel costs.

City Manager Davis continued to say that expenditures in the General Fund are recommended to be \$12,043,010 which is a \$315,427 decrease or 2.6% decrease over FY02 Expected budget. The only classification to experience an increase is the Personnel Services which will increase by \$173,562. That information will be discussed by Assistant City Manager Gay in a few moments; however, this figure includes the insurance increases and funding for two new positions in Public Safety which replaces the consolidation of three positions.

Budgeted supplemental requests total \$93,800 in the General Fund. Highlighting the supplemental funding is \$50,000 for citizen-based strategic planning process, \$5,000 for policy governance model, \$16,000 to contract out for Public Safety vehicle maintenance, ten new street lights, new school crossing signs, and the cost of an election if the solid waste collection issue moves forward.

Capital outlay totals \$183,127 that includes the replacement of four Public Safety vehicles, two motorcycles, a one-ton dump with a plow in Public Works, a mower in Parks and Recreation and a King file for Community Development. Technology requests total \$72,234 which does not

include \$40,000 that is being utilized for the technology replacement program. The City has invested substantially in technology over the past years and have to begin planning for the replacement of this equipment.

Mr. Davis stated that one of the big items in the last couple of years in terms of budget presentation has been some discussion on goals. The proposed budget addresses the 2001-2002 Council goals, specifically to propose budget funds for the citizen-based strategic planning process, solid waste collection analysis, new policy governance model, debt service relative to the 2002 Certificates of Participation issued earlier this year. This is a sound document given the circumstances that exist. Staff has presented a budget that is balanced in spite of the economic pressures that we face.

The costs for the remaining City Council objectives have either not been identified at this time, will be absorbed within the existing budget, or will have a dedicated resource generated by the project when it commences. These objectives include changing the budget year, completing the Property Maintenance Code, strengthening neighborhood organizations, implementing the North Oak Corridor Study recommendations, and continuing the organizational health initiative. The remaining objectives surround the 50th Anniversary celebration and the Sister Cities Commission. Both have adequate funding at this time which will be subject to reappropriation.

City Manager Davis stated that he would like to move ahead to the Combined Waterworks and Sewerage System Fund. Total revenues are estimated to be \$5,290,352 and total expenses are budgeted at \$5,283,669 resulting in an estimated net income of \$6,683. The revenues are based upon the sale of 867 million gallons of water which is consistent with last year. Budget figures include the sewer rate increase imposed by Kansas City earlier this year and a 20-cent water rate increase that would take effect on October 1, 2002 and generate approximately \$127,500 over the subsequent nine months. These revenues generated will fund water line replacement projects on 67th Street from Campbell to Forest and 57th Terrace from Flora to Tracy. The water rate increase will also be used to fund a series of two-inch water line replacement projects in the future. We have several projects on a list and these revenues will allow us to handle these projects in a more timely fashion.

This will mark the first time since 2000 that water rates have been increased. The increase will not impact our standing in the annual rate comparison which has been included in your Study Session packets and still leaves us with a very competitive water rate. Although not reflected, the City must replace the aging water line under North Oak and north of 72nd Street. The rate increase allows us to do the two inch lines and will also allow us to complete the project next year or early the following year. The estimated cost of the project is \$430,000 and must be completed before the overlay on North Oak. Due to the cost, it cannot be funded in one year. However, it is projected to be built in the next fiscal year by utilizing the entire Water Line Replacement Funds and any retained earnings from this fiscal year and FY03.

In addition to the two water line replacement projects, the proposed budget also includes approximately \$25,000 in Capital and Supplemental Expenditures in the water fund. These include janitorial services at the Water Plant, traffic control cones, and a half-ton pickup replacement and idle controls on three trucks.

In other enterprise funds, the Gladstone Municipal pool is projected to break even this year. Revenue and expenditures will total \$167,000 and include funding for three new special events, two swim camps and a pump.

City Manager Davis stated that he would turn the time over to Assistant City Manager Laura Gay for the Personnel package. Scott will follow Laura, then he will wrap up and try to answer any questions Council may have.

Assistant City Manager Laura Gay stated that the goal for the Personnel package in the budget was to maintain a competitive employee benefit package and to maintain the human resources that we need to provide the citizens of Gladstone with the public services that we offer.

In the FY03 budget, personnel related expenditures comprise 74.1% of the General Fund expenses which is the single largest expenditure category and has been for several years. We give very careful attention to managing and controlling those costs on a city-wide basis.

Ms. Gay stated that the FY03 budget contains the recommendation for 157 full-time positions which is actually a reduction or decrease of one over our current staffing level. As we went through the budget process vacant positions were analyzed with regard to our operational needs, efficiency and the impact they would have on the Council goals and objectives. As a result of that, we reallocated resources to address the highest priorities which resulted in a decrease of total manpower. As City Manager Davis referenced, this was achieved through managing positions in Finance, Public Works, and Parks and Recreation.

We eliminated three positions and added two full-time communications officers. One position is authorized for hire July 1, 2002 and the second would be authorized in January 2003 which is a budget control strategy the City Manager referenced in controlling the timing of those new employees. That was a priority because the number of personnel in Law Enforcement and Fire/EMS has increased over the last several years while the number of Communications Officers has remained the same since 1995. In addition to being asked to support more personnel on the street, the introduction of racial profiling laws, 10-digit dialing, emergency medical dispatching and other services increased the workload of the Communications staff. Adding two positions will allow for the majority of shifts to be staffed with two dispatchers.

Assistant City Manager Gay stated that once we look at Personnel needs and staffing needs, then we look at the Compensation and Classification plan. Since FY97, we have been operating under a plan based on a pay structure whereby pay ranges with minimum and maximum salaries spread 45% around a mid-point value established for each position. The Council adopted the philosophy that the mid-point salary would represent 7.5% above the prevailing external market rate (17.5% above for Public Safety Officers). The desire was to create a salary range and structure to attract and retain high quality employees. Every year since 1997 we conducted a comprehensive market analysis and adjusted our salary ranges in accordance with that philosophy. In addition to managing our salary range structure each year, we asked Council to fund a merit pool for the pay for performance system that provides for annual merit increases.

In the FY03 budget we brought forward a recommendation that proposed significant changes to the Compensation and Classification Plan. Those changes were recommended in response to the economic conditions that we have experienced in the last year and are a sincere effort to control the single largest expenditure category. The recommendations for FY03 are to freeze the current

salary range structure, no consideration of reclassification requests to move to a higher salary range until all positions can be re-evaluated, and to provide a 3% across-the-board merit increase effective November 1st in place of the pay for performance plan. This will allow us to more effectively control personnel related costs, yet does not deny our employees an opportunity for an annual merit increase. In our research, this is comparable to that being provided by other public and private sector entities in the metropolitan area.

Ms. Gay continued with the next area in Personnel services which are benefits. She stated that we have historically had a very comprehensive and affordable benefit package for our employees. Council will recall last year as part of the budget, we upgraded our participation in the Missouri LAGERS retirement program and this year reflects the first full year of funding that upgrade. As City Manager Davis referenced, that is basically \$120,000 annually. Based on current statutory requirements, the City is not allowed to make additional changes to the retirement program for two years, so we are locked into that level for the next two years.

FY03 also represents the second year the City has experienced significant increases in health insurance costs. Through MARCIT, the City offers employees the option to participate in either a PPO or an HMO plan. We experienced 24% and 29% increases in the premiums for those plans. As Mr. Davis indicated, that was approximately a \$156,000 cost to the City. We did not feel like we could bear all of that cost on our own and looked at increasing the employee contribution under that plan. We maintain what we did in proposing that the City pay 83% of the premium. Maximum employee out of pocket expense would be \$30 per month for family coverage. We felt that the proposed increases maintain affordable health care options for our employees, yet allow the City to more effectively manage rising health care costs.

Assistant City Manager Gay stated that the final category we look at in Personnel Services expenditures is insurance premiums. The increase is estimated to be \$44,000. MARCIT is in the process of changing their fiscal year to correspond with ours so as those figures become more available, we will be able to update that information.

We actively participate in MARCIT's Loss Control Program annually. In the current fiscal year we received a 3% discount in our premiums as a result of our loss control efforts. We expect to continue those programs and get further discounts in the coming year. One stipulation is that 25% of the returned premium must be reinvested in the risk management, safety training or other related loss control efforts. Ms. Gay stated she would now turn the time over to Mr. Wingerson for the Capital Improvement program.

Assistant City Manager for Development Scott Wingerson stated that he would present the Capital Improvements Program and Sales Tax Fund as well as the Transportation Sales Tax Fund and a small part of the CWSS Fund as it relates to major capital improvements projects across the community.

Mr. Wingerson stated that capital improvements are basically driven by revenues from sales tax with \$1,565,000 projected for FY03. The second highest revenue number is labeled grants in the amount of \$150,000. The Engineering Division continues to aggressively pursue grants, particularly the stormwater grants available from the Missouri Department of Natural Resources. Other miscellaneous revenue and income total \$1,777,000.

The expenditure category primarily consists of debt service, the first being \$4,500,000 which is represented in the 2002 COP to construct major projects. The first is implementation of the Public Works Master Plan which is a renewal and improvement of the Public Works facility. That project is well under way with the final scope to select an architect to implement that project. Second is Happy Rock Park expansion, which Director Lillis gave a comprehensive report a few weeks ago. The third project is a records retention building that will be located on property located adjacent to City Hall. Again, the scope is being developed to select an appropriate architect to design that project. The last project is the reconstruction of 76th Street and the debt associated with that project is actually paid from the Transportation Sales Tax Fund. It is progressing nicely with the utility relocation planned for later this year.

Mr. Wingerson stated that a new classification called Beautification is allocated in the amount of \$15,000. It is a classification to implement one of the recommendations from the North Oak Corridor Study. It is not a separate fund, but an amount of money to be set aside for the enhancement and beautification of streets and public buildings throughout the City.

The second major debt issue is the 2000 COP, commonly referred to as the stormwater COP, to construct four major stormwater projects from the Stormwater Master Plan. The first is 64th and N. Walrond which was designed in-house, constructed and completed with significant savings. The second is the construction of the detention basin at 68th Street. Property for that detention basin has been acquired. The design is 95% complete and is currently going through state and federal permitting review and we hope the project will begin construction late this summer. The third is the Meadowbrook stormwater project that Mr. Wonder referred to in his comments earlier. It is completely designed and necessary easements have been acquired and is about 75% completed. Finally, the design of the lower Rock Creek stormwater project from Brooktree Lane to North Jackson is approximately 60% complete. Once state and federal permits are received that project will begin in early winter and continue through to next summer.

Assistant City Manager Wingerson stated that several other stormwater projects include 67th Street at Forest; the 2200 block of 67th Street; the 2200 block of 60th Street and 73rd Terrace are priorities in the Stormwater Master Plan as we move forward.

In terms of park projects, the signage replacement is valued at \$12,000 which will replace and make consistent identification at our City parks.

In the Transportation Sales Tax Fund revenues are estimated at \$1,565,000 and we anticipate and request and hope for a Special Road District contribution in the amount of \$280,000 which is consistent with previous years. That contribution is applied to the annual street program which is about \$1 million worth of work per year. On the expenditure side the debt service is primarily made up of redevelopment agreements for The Home Depot and Prospect Plaza and this fund shares the 2002 COP consisting of 76th street.

The Kansas City Area Transportation Authority payment is budgeted at \$20,000 as was discussed earlier this evening. Reconstruction of North Woodland from 76th Street to the City limits and the remaining projects are consistent with the goals and objectives of the overall street program including full-depth reconstruction, curb and gutter replacement, mill and overlay, intermediate maintenance to preserve the life of the streets, arterial sidewalk program, and ADA curb-cut sidewalk program, and the implementation of a recommendation from the

Neighborhood Preservation Task Force for \$200,000 for the installation of new curbs and sidewalks on streets that do not currently have them.

Mr. Wingerson updated the Council on the CWSS Fund revenue bonds authorized by voters a few years ago. There is \$1 million allocated for water plant improvements and those are completed, slightly under budget. There is \$2.5 million allocated for sanitary sewer improvements. Those improvements are almost completely designed and construction will begin in the next two months.

City Manager Kirk Davis said he would like to wrap up the Budget Public Hearing by thanking the Council for reviewing all of the documentation that was provided and the time spent considering this budget. Mr. Davis thanked all of the departments for their efforts in putting together the budget and certainly the Budget Team consisting of Director of Finance Cash Sweiven, Beth Saluzzi and Greta Hedrick in the Finance Department, Assistant City Manager Laura Gay, Assistant City Manager for Development Scott Wingerson and Director of Public Safety Bill Adamo who is the department head guest for this budget year. Mr. Davis stated that he would be happy to answer any questions Council may have at this time.

Mayor Bill Cross commented that the document shows a great deal of work that went into the budget process.

Councilman Wayne Beer agreed with Mayor Cross that the budget is a large amount of information and he appreciates the work and time staff spent on the budget and the budget study sessions prior to the last two Council meetings.

City Manager Davis said that what is interesting about the budget process is that you go through the budget line items and estimate revenue projections. We usually have about \$600,000 we can appropriate in various places, but this year not only did we not have \$600,000, but we were \$650,000 in arrears and had not talked about salary increases yet. This budget presented some unique challenges because of the economic conditions that we have not had to deal with in the past. He stated that he is proud of the Budget Team. They all worked very hard on it and we set guidelines to be consistent in working our way through these items.

Councilman Beer stated that given the amount of time spent on the Study Sessions and the thorough presentation tonight, he believes there may not be many questions and hopes that the City Manager and staff do not feel insulted, but rather should feel they have done a very good job previously and not many questions are necessary.

Mayor Cross commented that Council knows how much time and effort is given and the citizens should be proud of it too as it should be voted upon at the June 24th Council meeting.

Item 11. on the Agenda. **FIRST READING BILL 02-17**, repealing Ordinance No. 1.837 and enacting in lieu thereof, two new sections of the **Fire Code** within the Building and Construction Code, defining "Fireworks"; and prohibiting the possession of fireworks within the Gladstone city limits, with exceptions, and also prohibiting any owner, renter, or person in control of real property from permitting the sale, purchase, use, ignition, display, discharge, or possession of fireworks upon property under such person's control.

Mayor Pro Tem Les Smith moved to place Bill 02-17 on First Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-17, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded.

Discussion.

Mayor Pro Tem Les Smith stated that he had a few questions. He asked how penalties are set for Municipal Court and do we have any ability to set minimum or maximum within the structure that is already established.

Counselor David Ramsay stated that the current ordinance has more limited penalty provisions than our general ordinance which allows up to \$500 in fines. Currently our provision allows no less than \$5 or more than \$100. We are essentially eliminating that provision and reverting to the general provision which is up to \$500. There is no minimum, but as a practical matter our court usually would be significantly above the \$5 fine and according to Judge Rose they use \$50 as a minimum fine across the board for violations, so it would be in excess of that.

Councilman Les Smith stated that over the last few years there have been repeat offenders. Our officers respond to a complaint two or three times around the Fourth of July. Hopefully, if we issue someone three or four citations, at what point do we get someone's attention in the course of three or four days just by issuing them citations and if there is not anything further we can do but reissuing citation to the same property owner, what is the likely scenario once they get to court.

Counselor Ramsay stated that there will most likely be a fine levied on each violation and they would be progressive. If the judges were faced with three or four violations those fines would progress up to scale and would be pretty significant at the third or fourth violation.

Mr. Smith stated that in the research he did, the National Fire Protection Association (NFPA) and the International Fire Marshall Association (IFMA) recommends in their model fireworks law that anyone in violation of the fireworks ordinance and such violation causes or results in a fire or personal injury or death, in essence is deemed to be a felony. To what degree do we have the ability to do such things as municipalities or as model laws are drafted toward states that prohibit fireworks.

Mr. Ramsay stated that the state fireworks ordinance has much broader provisions including transportation manufacturer under licensing. We are limited by state statute that authorizes municipalities to enact certain provision within the powers granted by the state. We are authorized to regulate or prohibit fireworks within corporate city limits. These regulations are within our jurisdiction or municipal court which is essentially comparable to the misdemeanor level of state court. Anything that would constitute a felony would probably be in the area of reckless indifference and actions that would cause a fire or serious injury would then be referred by the Public Safety Department to the County Prosecutor for prosecution. Our city prosecutors also monitor those charges to make sure that someone is not being charged with misuse of fireworks, when in fact they should be charged with a more serious violation. As an example, we do that for assault charges and driving charges that should constitute possible felony offenses.

Our Municipal Court judges also have the authority to transfer cases that come before them that they feel are more serious than what can be dealt with under municipal ordinances. We are limited in our ability to punish for fireworks by the statutes that limit us to \$500 fines.

Mayor Pro Tem Les Smith stated that it is no secret that he is extremely supportive of an enhanced fireworks ordinance and part of the issue has been enforcement. The Public Safety Department will enforce the laws of the City as aggressively as they can because they are good at what they do, but it is important to give officers a tool by which they can issue citations rather than go through the arrest process. It is important if we ask our officers to enforce an ordinance, that we give them the tools to carry out their duties the best they can. This ordinance does that.

Mr. Smith said that he has some statistics that he wants to get into the record. There are basically three reasons why he believes in the fireworks ordinance. He did not believe in fireworks as a child, but his father got it done when he was on the Council. His belief comes from intense lobbying leveled on me by a fourteen-year old girl that calls him Dad. He feels very convicted in what he believes. Those reasons are safety, children and right to quiet enjoyment.

In 1998, the second lowest loss year reported since 1980, nearly 22,000 fires involving fireworks were reported to fire departments. This does not even include fires that are reported to agencies such as volunteer fire departments. There are \$15.6 million in direct property damage as a result of fireworks related fires. That was a down year, they usually cause more than \$20 million in property loss in each year in the U.S. in the past decade.

Mayor Pro Tem Smith stated that on a typical Fourth of July, fireworks related fires far outnumber all other causes combined in the United States. The American Academy of Pediatrics (AAP) has joined the other two organizations mentioned earlier in calling for a complete ban on consumer use of fireworks. Statistics show approximately 12,000 Americans go to emergency rooms every year for fire-related injuries with millions and millions of dollars spent on health care.

Almost half those injured are by-standers, not people using fireworks and nearly half of those injuries were sustained by children under the age of 15. Children under 5 experience almost 15% of all fireworks related injuries and children 5-14 it is about 35%. In one study, the injured child was a by-stander in 26% of cases and adult supervision was present in 54% of cases. There has been discussion that one way of preventing injuries from fireworks is not to let children light them and provide adult supervision. These statistics would lead one to conclude those efforts do not work.

Mr. Smith continued to say that the AAP states that one-third of fireworks related eye injuries sustained by children in 1999 resulted in permanent blindness and during a one-month special study surrounding the Fourth of July in the year 2000, an estimated 6,600 injuries were treated in hospitals or emergency rooms. Nearly half of those injured were children under 15, with firecrackers accounting for 1,600 of those injuries and rockets 1,300. Simple bottle rockets accounted for 900 of those injuries. The most often injured parts of the body were eyes with 2,000 emergency department visits, hands with 1,900 visits, and the head/face region with 1,100 visits.

About 10% of all fireworks injuries require admission or transfer to the hospital versus a treat/transfer rate of 4.5% for all other consumer product related injuries. There were ten non-

work related deaths from fireworks in 2000 and seventeen during 1999. Ten states currently ban all consumer fireworks and each report significantly lower rates of fireworks related injuries and fires. These figures sum up and substantiate the reasons for prohibiting fireworks in our community, safety for all of us and children.

Councilman Shirley Smith stated that she had a few questions. She is interested in confiscation and believes the best way to have people not shoot fireworks is if they do not have them. She asked how this ordinance would work if Public Safety officers are traveling down a street and see someone shooting fireworks and they have a stack of fireworks there. The officer stops to give a citation, but can they take the rest of the fireworks, because if they do not, they will just shoot them off before the night is over.

Counselor David Ramsay stated that they could be confiscated as evidence. In the old ordinance there was a separate section that allowed the Public Safety Director to authorize confiscation of fireworks, but did not seem to work very well. The new ordinance does not specifically direct that; however, the new ordinance prohibits possession of fireworks, except where they are safely stored, the intent here being if they purchased fireworks to use and display outside the city limits. Anyone with fireworks in their possession would be in possession with illegal contraband and since the violation is possession, it would be the same as if it were possession of marijuana or under-age alcohol and confiscation of the evidence would naturally follow after the citation in the case.

The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-17** and enact the Bill as **Ordinance 3.835**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 12, on the Agenda. **OTHER BUSINESS**

There was no other business at this time.

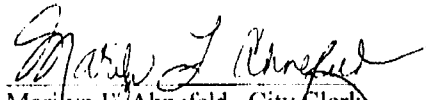
Item 13, on the Agenda. **QUESTIONS FROM THE NEWS MEDIA**

Dispatch News reporter Amy Newport asked for clarification if caps used in toy pistols were included in the fireworks ordinance.

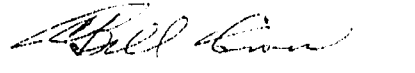
Mayor Pro Tem Les Smith replied no, they are not part of the ordinance.

There being no further business to come before the June 10, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Respectfully submitted:


Marilyn E. Ahnefeld, City Clerk

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


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 24, 2002**

OPEN STUDY SESSION: 6:30 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 10, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATIONS** designating the month of July 2002 as **"NATIONAL PARKS AND RECREATION MONTH"**.
5. **CONSENT AGENDA**

RESOLUTION R-02-49, authorizing execution of a contract with Riggs Recreation Equipment for installation of playground equipment in Meadowbrook Park for a total amount not to exceed \$29,631.00 from the Capital Improvements Sales Tax Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Quick Trip, 6309 N Antioch Road, 7 day Package Liquor License
- Quick Trip, 2590 NE 72nd Street, 7 day Package Liquor License
- Osco Drug, 6129 N Antioch Road, 7 day Package Liquor License
- Eckerd Drug, 7107 N Oak Trafficway, 7 day Package Liquor License

APPROVAL OF FINANCIAL REPORTS for May, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
 - a. **Board and Commission Appointments**
 - Appointment to **Citizen Member vacancy on Capital Improvements Program Committee** for term ending December 2003.

- Appointment of **Mr. Roger Buckner, 202 NW 72nd Street, to Codes Board of Appeals** for term ending December 2003.
- Appointment of **Planning Commissioner Joe Evans as Commission representative to Capital Improvements Program Committee.**

8. **Communications from the City Manager.**
9. **RESOLUTION NO. R-02-47**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2002 through June 30, 2003 for a total Gladstone Local Share not to exceed \$20,587.00 from the Transportation Sales Tax Fund.
10. **RESOLUTION NO. R-02-48**, adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2002 and ending June 30, 2003, and authorizing the expenditure of funds.
11. **FIRST READING BILL 02-18**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".
12. **FIRST READING BILL 02-19**, repealing Ordinance No. 2.669 (10/27/86) which designated Stop Signs locations at the **SW and NE corners of Brooktree Lane and North Norton**, and providing for the elimination of such Stop Signs locations now found to be unwarranted.
13. Other Business
14. Questions from the News Media.
15. Adjournment.

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

MONDAY, JUNE 24, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular June 24, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JUNE 10, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the **Regular June 10, 2002 City Council Meeting Minutes** as submitted. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION FOR NATIONAL PARKS AND RECREATION MONTH

Mayor Cross read a proclamation designating the month of July as National Parks and Recreation Month in the City of Gladstone. The Mayor presented the proclamation to Parks and Facilities Manager Matt Hoops on behalf of the Parks and Recreation Department.

Mayor Cross stated that Council realizes how hard the Department works to provide great parks and programs for the community.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda. Councilman Shirley Smith seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-49**, authorizing execution of a contract with Riggs Recreation Equipment for installation of playground equipment in Meadowbrook Park for a total amount not to exceed \$29,631.00 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Quick Trip, 6309 N Antioch Road; Quick Trip, 2590 NE 72nd Street; Osco Drug, 6129 N Antioch Road; and Eckerd Drug, 7107 N Oak Trafficway. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve the **FINANCIAL REPORTS for May, 2002**. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE

Edgar White, 5705 N. Grand Avenue, communicated prior to the beginning of the Regular Council meeting that he has lived in Gladstone for many years and the City has done many things that he appreciates. He stated that he saw the approval of liquor license renewals on the Agenda and feels there are quite a few around the City and that alcohol is one of the largest social problems we have in this country. Mr. White said he purchases his prescriptions from Eckerd Drug and does not like the fact that they sell alcohol there. He also opposes such establishments such as the Priscilla's adult book store and asks the City to be careful in allowing so many liquor stores and places like Priscilla's.

Mayor Cross thanked Mr. White for his comments.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilman Wayne Beer had no communications at this time.

Councilman Carol Rudi said she read in the last Council Newsletter suggestion for a City Open House as part of the 50th Anniversary celebration and thinks it is a great idea. Ms. Rudi also mentioned that she attended the Park Board meeting last week and picked up one of the flyers about the "Big Wheel 500" event for kids coming up on August 3rd which should be a lot of fun. Ms. Rudi told Parks & Facilities Manager Matt Hoops to keep up the good work, the department is doing a great job. She also said that the "Dive-in Movie" idea at the pool is a great idea.

Councilman Wayne Beer had no communications at this time.

Councilman Shirley Smith thanked Councilman Wayne Beer and City Manager Kirk Davis for the information provided from the Newly Elected Officials Conference. She stated that the information is a valuable source for reference.

Mayor Pro Tem Les Smith had no communications at this time.

Mayor Bill Cross thanked the Council and staff for acknowledging his brother who passed away after a three-month battle with pancreatic cancer. He and his brother were very close and he is thankful for all the flowers, cards, and calls.

Mayor Cross stated that the support for the Bluesfest event was great with an estimated 4,000 or more attending each evening with no problems and the parking worked out very well for everyone as well.

City Manager Davis agreed that Bluesfest was an incident-free event and that cleanup after the festival by the Parks crews was completed within minutes after everyone cleared out.

Mayor Cross stated that he interviewed with Fox 4 News at his home on Saturday regarding the fireworks ordinance and taking a stand on the issue. Counselor David Ramsay had provided information for him and with statistics from Mayor Pro Tem Les Smith and the press release, he felt very comfortable discussing the issues with Fox 4 News. The interview was on television several times and it was nice to get some worthwhile publicity on this ordinance.

Mayor Cross said he tried to stress the safety issues that Councilman Les Smith had mentioned and the fact that our Public Safety officers would give citations for violations. He also extended an invitation to the media to attend the free fireworks display at Oak Grove Park on the Fourth.

Councilman Wayne Beer stated that he saw the interview Saturday evening and the information was very good.

Item 7a. on the Agenda. BOARD AND COMMISSION APPOINTMENTS

Mayor Bill Cross stated that there were three recommended appointments to fill vacancies on Boards and Commissions as follows:

Beverly Johnson	Capital Improvements Program Committee	Term Expires December 2003
	(Citizen Member)	
Roger Buckner	Codes Board of Appeals	Term Expires December 2003
Joe Evans	Capital Improvements Program Committee.	
	(Planning Commission Representative)	

Councilman Carol Rudi moved to approve the recommended appointments. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Rudi commented that the Council has selected very good people and Mayor Cross advised that it was a joint effort with the five Council members and we know these new members are all conscientious and will work hard on the boards. He asked City Clerk Marilyn Ahnefeld to notify the three appointees.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER

City Manager Kirk Davis commented that the framed picture of the Mayor and City Council displayed in the front lobby of City Hall looks very nice. Mr. Davis also invited everyone to attend the annual Fourth of July activities at Oak Grove Park next Thursday evening.

Item 9. on the Agenda.

RESOLUTION NO. R-02-47, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2002 through June 30, 2003 for a total Gladstone Local Share not to exceed \$20,587.00 from the Transportation Sales Tax Fund.

Mayor Pro Tem Les Smith moved to approve Resolution R-02-47. Councilman Carol Rudi seconded.

Discussion.

Councilman Carol Rudi noted that the budgeted amount is \$20,000 through the Capital Improvements Fund and questioned where the extra \$587 will come from.

City Manager Davis stated that the extra \$587 will come out of the Fund Balance. Assistant City Manager Laura Gay explained that we have budgeted \$20,000 for several years because we are never sure what our total local share will be. In effect, savings over the last several years where it has been \$17,000 to \$19,000, those savings have gone back into Fund Balance which will make up the difference. From this point forward, we will make a point of looking at making adjustments in the transportation sales tax funding.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda.

RESOLUTION NO. R-02-48, adopting the Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2002 and ending June 30, 2003 and authorizing the expenditure of funds.

Councilman Shirley Smith moved to approve Resolution R-02-48. Councilman Wayne Beer seconded.

Discussion.

Councilman Wayne Beer said that he is certain that staff has devoted many hours in putting this budget together and it has been a huge undertaking. He appreciates staff's efforts in keeping the Council informed and part of the whole process, and wants to reinforce his appreciation of the budget study sessions and keeping Council properly informed.

Mayor Pro Tem Les Smith also complimented the hard work of City staff and acknowledged that it is always more fun when we have more discretionary funds to spend on various projects. However, the important thing is that the citizens of the community realize that we did maintain the delivery of basic services as our primary objective and we have done that very well.

Mr. Smith said he looks forward to information that the City Manager will bring relative to other potential funding of revenue sources; whether it be property tax, use tax or other, then have those discussions soon so that we are prepared at least by mid-year.

He also commends the Council on biting the bullet on the 20-cent water rate increase. Staff proposed a conservative 10-cent increase and the Council determined that 20 cents was really necessary to do the job right. We can hope for a bit of a rosier picture next year and get some economic development success stories under our belt and perhaps we will be there.

Councilman Carol Rudi stated that she would like to thank staff as well. This is her first budget and quite a process. She has learned more than she thought possible in that amount of time and it is because of the work that staff has done. She is also looking forward to future discussions on revenue sources which will be very important over the next few years. We will have to work really hard and the citizens will need to understand how difficult it may be in the next few years, if things do not turn around.

Mayor Cross agreed with his fellow Council members and stated that the monthly reports from Director of Finance Cash Sweiven are informative and hopefully we can get that revenue to grow to assure provision of good services without hurting our citizens and employees.

The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 02-18**, adopting an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".

Mayor Pro Tem Les Smith moved to place Bill 02-18 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-18, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-18** and enact the Bill as **Ordinance 3.836**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 12. on the Agenda. **FIRST READING BILL 02-19**, repealing Ordinance No. 2.669 (10/27/86) which designated Stop Sign locations at the **SW and NE corners of Brooktree Lane and North Norton**, and providing for the elimination of such Stop Signs locations now found to be unwarranted.

Councilman Rudi moved to place Bill 02-19 on First Reading. Mayor Pro Tem Les Smith seconded.

Discussion.

Councilman Carol Rudi asked about the increase of speed along that road by removing these signs and if we will be asked to replace them again a few years from now.

City Manager Davis stated that we did a thorough research of looking at the Uniform Traffic Code Manual and our City ordinances. As Council knows, when you get a stop sign up, it is difficult to take it back down. At this particular intersection, it is only one block from Jackson which also has a stop sign and is a key intersection. There should not be an increase in traffic speed because of the proximity to Jackson and we also have a four-way stop two blocks to the west at Myrtle. Mr. Davis also stated that this issue should not be brought back, although there has not been good documentation as to why it went up in the first place.

Director of Public Works Andy Noll reinforced City Manager Davis's comments that with the close proximity to Jackson, it should not have any impact on speed.

Mayor Cross commented that they also had conducted a study at several other locations and determined that they did not warrant removal of stop signs.

Mr. Noll agreed, stating the locations were on 64th Street at Main and Grand and also west of Brooktree and Norton. All of the locations are warranted for stop signs due to lack of sight distances. This allows people to make a proper decision as to whether vehicles were coming due to obstruction of sight.

The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 02-19, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Discussion.

Councilman Shirley Smith stated that she tested some intersections herself on Shady Lane and there were blind sections on the road. She appreciates the fact that we are aware of some of these places that we may need to make adjustments and can possibly look at other areas to speed up the traffic.


Councilman Carol Rudi moved to accept the Second and Final reading of **Bill 02-19** and enact the Bill as **Ordinance 3.837**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)


* * * * *

There being no further business to come before the June 24, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Respectfully submitted:


Marilyn F. Alnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____



Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, July 8, 2002**

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 610.021(2) for Real Estate Acquisition Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular June 24, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** designating July 14-20 as **NATIONAL AQUATIC WEEK** in Gladstone, Missouri.

5. **CONSENT AGENDA**

RESOLUTION R-02-50, authorizing acceptance of work under contract with the Larkin Group for the Water Treatment Plant & Water System Improvements Design project and authorizing final payment in the amount of \$2,950.00 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #0134)

RESOLUTION R-02-51, authorizing acceptance of work under contract with Blaze Mechanical for the Low Volume Cycling Pump & 5 MG Tank project and authorizing final payment in the amount of \$11,355.40 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #9715)

RESOLUTION R-02-52, authorizing acceptance of work under contract with the Foley Company for the Water Treatment Plant improvements and authorizing final payment in the amount of \$14,465.70 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #0137)

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Hen House, 6475 N Prospect, Package Liquor License
- Kwik Shoppe, 7603 N Oak, Package Liquor License
- China Buffet, 6000 N Antioch, Beer/Wine License
- Stone Canyon, 6433 N Prospect, Liquor by Drink License
- Conoco, 5810 N Antioch, Package License
- King's Super Store, 7020 N Oak, Package Liquor License

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, 300 NW 72nd Street, Liquor by Drink License.
10. **RESOLUTION R-02-53**, authorizing the sale of shares of corporate stock recently issued to the City of Gladstone, Missouri, by the Principal Financial Group, Inc., and by the Jefferson-Pilot Corporation, as a result of the demutualization of the two life insurance companies.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, JULY 8, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular July 8, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JUNE 24, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the **Regular June 24, 2002 City Council Meeting Minutes** as submitted. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION FOR NATIONAL AQUATIC WEEK

Mayor Cross read a proclamation designating the week of July 14-20 as National Aquatic Week in Gladstone, Missouri which he presented to Parks & Recreation Director Sheila Lillis. The Mayor noted that this is the 24th year for Gladstone's aquatic center.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as listed. Councilman Wayne Beer seconded. Mayor Pro Tem Les Smith said he did not wish to remove any item from the Consent Agenda but would have a comment later in the agenda. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to approve **RESOLUTION R-02-50**, authorizing acceptance of work under contract with the Larkin Group for the Water Treatment Plant & Water System Improvements Design project and authorizing final payment in the amount of \$2,950.00 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #0134) Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-02-51**, authorizing acceptance of work under contract with Blaze Mechanical for the Low Volume Cycling Pump at the 5 MG Tank and authorizing final payment in the amount of \$11,355.40 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #9715) Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-02-52**, authorizing acceptance of work under contract with the Foley Company for the Water Treatment Plant improvements and authorizing final payment in the amount of \$14,465.70 from the Combined Water & Sanitary Sewer Revenue Bonds. (Project #0137) Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved for approval of **ANNUAL LIQUOR LICENSE RENEWALS** as listed and Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

- Hen House, 6475 N Prospect, Package Liquor License
- Kwik Shoppe, 7603 N Oak, Package Liquor License
- China Buffet, 6000 N Antioch, Beer/Wine License
- Stone Canyon, 6433 N Prospect, Liquor by Drink License
- Conoco, 5810 N Antioch, Package License
- King's Super Store, 7020 N Oak, Package Liquor License

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE**

There were no communications from the audience.

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

Councilman Carol Rudi asked what was meant by part-time inspection referenced in the memorandum discussing the savings in the Larkin Contract under Resolution 02-50.

Public Works Director Any Noll clarified that with part time inspection, the Larkin Company Inspector inspects the project work periodically but is not there on a full time basis, 40 hours per week. For example, he may inspect the work on a project on Monday and talk with the contractors and come back periodically as needed.

Ms. Rudi also asked if the work completed in Resolution 51 for the low volume pump at the 5 mg tank is reducing the amount of water breaks. Director Andy Noll responded that it is helping but the four water main breaks this past weekend did not show that very well. He said with the dry weather the rains comes through and move the soil around and it creates problems.

Councilman Rudi said she attended both the 4th of July celebration and the July 6th performance of Theatre in the Park when the amphitheatre stage was named Ibsen Stage to honor Van & Susie Ibsen. She said both were wonderful events.

Councilman Wayne Beer agreed that the 4th of July celebration was excellent. He said that Oak Grove Park looked great and asked Parks & Recreation Director Sheila Lillis to accept his thanks and pass along his compliments to Matt Hoops and staff. He also expressed his gratitude to Public Safety Director Bill Adamo and his officers because there were no incidents and things went well.

Councilman Shirley Smith said she too enjoyed the 4th of July event and remarked that the music was fantastic and she believes our program is as good if not better than any around. Folks really enjoyed it, everything was orderly and everyone just had a really good time, and that's our purpose. Ms. Smith said she thinks the events of September 11th have helped bring us back to displaying our patriotism which is certainly evident at events like the 4th of July.

Councilman Les Smith asked Director Bill Adamo to pass along his thanks to Public Safety personnel. From his observation officers were out walking around the park property and there were no incidents of fireworks being shot off illegally at the 4th of July celebration in contrast to last year. The Council was concerned in years past, so he very much appreciates the Department's attention to this. Mr. Smith thanked City Manager Davis because he spent time walking the park and surrounding areas with Public Safety personnel Department because he knew there was concern on the part of the City Council the past several years for fireworks violations.

Councilman Les Smith commented that the Consent Agenda dealt with several resolutions relating to water plant and system improvements funded by water and sewer bonds. Former Gladstone Mayor Lee Bussinger is in the audience and suggested that now that so much of the work has been done that we might arrange a tour for the committee who worked to pass that bond issue and show them the fruits of their labors and the improvements that have been made. Council agreed that was an excellent suggestion and Mr. Smith suggested this is something we might do for future citizen based committees that help us obtain voter approval on issues.

Mayor Cross asked that we follow up on that suggestion and staff agreed to do so.

Councilman Les Smith said he had recently taken a tour of the water plant and suggested that the City Council may want to join in the "reunion tour" with the bond election committee.

Mayor Bill Cross commented that it was his understanding that the City Manager also rode along with Public Safety officers on the 4th of July.

The Mayor also expressed his gratitude to Faye Rader and the North Star Orchestra for their excellent music at the 4th of July celebration and Theatre in the Park. He understands there were about 10,000 people and he observed that no fireworks went astray and he is not aware of any disturbances. The expense of this event is money well spent. His only suggestion is that there is a need for increased lighting to assist people in leaving the park and also noted the need for additional restrooms due to the long lines. He also complimented the great turnout for Theatre in the Park and was told we have estimated about 3700 persons in attendance. It was a very large cast and Van & Susie Ibsen did a great job and it was apparent they were very moved at the naming Ibsen Stage in their honor. The Mayor also complimented assembling of 15 years of casts from Theatre in the Park productions. It was quite a moving, patriotic theatre weekend for the city of Gladstone.

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

Assistant City Manager Laura Gay reported that she had nothing at this time. She noted that City Manager Kirk Davis had been unavoidably detained and would be joining the meeting in progress.

Item 9 on the Agenda. APPROVAL OF LIQUOR LICENSE RENEWAL for Gladstone Bowl, 300 NW 72nd Street, Liquor by Drink License.

Mayor Pro Tem Les Smith advised that as the owner of the Gladstone Bowling Center it is appropriate that he **abstain** from voting on this renewal.

Councilman Wayne Beer moved to approve renewal of the liquor license; Councilman Carol Rudi seconded. The vote: "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Bill Cross. Mayor Pro Tem Les Smith "abstained." (4-0-1)

Item 10. on the Agenda. RESOLUTION R-02-53, authorizing the sale of shares of corporate stock recently issued to the City of Gladstone, Missouri, by the Principal Financial Group, Inc., and by the Jefferson-Pilot Corporation, as a result of the demutualization of the two life insurance companies.

Councilman Shirley Smith moved to approve Resolution R-02-53, Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. Other Business.

Mayor Pro Tem Les Smith announced that he has accepted a two year appointment from the Clay County Commission to the Workforce Investment Board. Other members of the Board are Nettie Agnew, Senior Vice President and Chief Operating Officer of North Kansas City Hospital. Jim Rucker, Commerce Bank, Celia Young, Site Director of Utilitech Corporation and Dick Wagner, President, Action Mailing Corporation. He mentions this appointment because Councilmember Shirley Smith had asked that we keep Council advised of what we do on other committees and organizations outside the Council. He said also the Chamber and GEBC have made work force issues a high priority of discussion recently. He is pleased to represent the Gladstone City Council on this Board.

Mayor Cross said it is an honor for this Council that Mayor Protem Les Smith was selected for this Board and knows he will keep this Council informed.

Item 11. on the Agenda. Questions from the News Media.

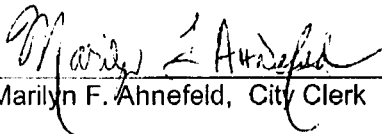
Reporter Amy Newport *Dispatch Newspaper* asked if the value of the stock to be sold had gone up or down in the past two weeks since it was discussed in Council Study Session. City Manager Davis said he had not checked but would be doing so.

* * *


There being no further business to come before the July 8, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting .

Councilman Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's Office for Real Estate Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(2). Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

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


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 22, 2002**

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021(2) for Real Estate Acquisition Discussion**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular July 8, 2002 City Council Meeting Minutes.
- 4a. **PRESENTATION OF BOARD AND COMMISSION RECOGNITION PLAQUES**

**Walt Patterson, Gladstone Recycling and Solid Waste Committee
Member and Chairman, January 1990 - July 2002**

**Daniel Prego, Capital Improvements Program Committee
Member, January 2002 - June 2002**

5. **CONSENT AGENDA**

RESOLUTION R-02-54, authorizing acceptance of work under contract with Rose-Lan Contractors for the Happy Rock Trail By-Pass, and authorizing final payment in the amount of \$1,659.10 from the Capital Improvements Sales Tax Fund.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

**Tommy's, 6221 N Chestnut, Liquor by Drink License
Margarita's, 7013 N Oak, Liquor by Drink License
Phillips, 7303 N Oak, Package Beer License
Tommy's, 6221 N Chestnut, Liquor by Drink License
Margarita's, 7013 N Oak, Liquor by Drink License
Phillip's 7303 N Oak, Package Beer License
End Zone, 7632 N Oak, Liquor by License**

APPROVAL OF FINANCIAL REPORT FOR JUNE, 2002.

REGULAR AGENDA

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

9. **FIRST READING BILL 02-20**, approving the final plat of "**Northaven Village Condos 4th Plat**", NE 68th Street & N Olive. Applicant: Neil Rose (File #1179)
10. **FIRST READING BILL 02-21**, amending Schedule X of the Model Traffic Code to designate Yield Signs at 75th & N Campbell.
11. **FIRST READING BILL 02-22**, amending Schedule VIII of the Model Traffic code to designate at STOP sign at the SW Corner of N Jackson & 63rd Terrace.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, JULY 22, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Wayne Beer
City Counselor David Ramsay

Mayor Bill Cross opened the Regular July 22, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JULY 8, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular July 8, 2002 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 4a. on the Agenda. PRESENTATION OF BOARD AND COMMISSION RECOGNITION PLAQUES.

Mayor Bill Cross recognized **Mr. Walt Patterson** former member and chairman of the Gladstone Recycling & Solid Waste Committee from January 1990 through July 2002 and **Mr. Daniel Prego** who served on the Capital Improvements Program Committee from January 2002 through June 2002. Mayor Cross thanked both members for their service and stated they have moved from the city and appreciation plaques will be forwarded to them.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-54**, authorizing acceptance of work under contract with Rose-Lan Contractors for the Happy Rock Trail By-Pass, and authorizing final payment in the amount of \$1,659.10 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mayor Pro Tem Les Smith moved for approval of **ANNUAL LIQUOR LICENSE RENEWALS** as listed and Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Tommy's, 6221 N Chestnut
Margarita's, 7013 N Oak
Phillips, 7303 N Oak
End Zone, 7632 N Oak
Senor Tequila, 6502 N Oak

Tortilla Flats, 5716 N Antioch
Kyle's Tap Room, 6825 N Oak
The Groove, 316 NE 72nd Street
Dominic's Pizza & Pasta, 6300 N Oak

Mayor Pro Tem Les Smith moved to approve the **FINANCIAL REPORT FOR JUNE, 2002**. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Mary Abbott, 5905 N. Broadway, stated how much she appreciated the Fourth of July event at Oak Grove Park and feels that all those who had a part in it are to be commended.

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

Councilman Carol Rudi commented that we have had two sad events since our last meeting, losing the amphitheatre and northland civic leader Mr. Joe Wally.

Ms. Rudi advised that a letter from Mayor Cross to Mr. Kelvin Simmons of the Missouri Public Service Commission was placed at the Council dais this evening. This letter on behalf of the Council is basically stating that we do not support the privatization of public rights-of-way. The utility industry would not allow us to make sure the grounds are cleaned up, sod replaced and streets repaired, and safety measures enforced. It would become a private issue and the city would have no regulation on this matter.

Councilman Rudi stated that she would like to make a motion to support this opposition and mail this letter. Councilman Shirley Smith seconded.

There was no further discussion and Mayor Bill Cross asked for the vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Councilman Shirley Smith noted that in our packet this week we had an item about a young Gladstone woman, Katherine Lacy, who is one of only 34 youths across the country who will participate in the USA National Junior Tennis League (NJTL) in Los Angeles. This is quite an honor and Ms. Smith commends her.

Mayor Pro Tem Les Smith stated that the fire burned and destroyed the amphitheatre, a building; but what did not burn was the dream and the spirit behind that building. It will be reconstructed, if not bigger, it will be better than what it was prior to the fire.

Mr. Smith commented that it is ironic that Mr. Joe Wally should pass away the same week because that is what he stood for. Joe was not afraid to dream and those who knew him know that he dared to dream. Some of his dreams were a little off the wall to conventional wisdom's sake, but a dream nonetheless. The spirit that he embodied carrying out those dreams is what mobilized everyone around him to do the best they could. Mr. Smith stated that he was very fortunate to be the Chamber of Commerce president and Joe was executive director and took him under his wing for awhile. Mr. Wally never said we could not do something; he might be a little skeptical and ask if you were sure, but the three most famous words of Joe Wally were "Let's Do It."

During the eulogy at his memorial service, a gentleman said that when Joe Wally saw something wrong, he would stand up and say it was wrong. But the difference was that he would say I have an idea and we can make it better. He got people around him to make it better. He did not believe in negativity because it paralyzes a community or organization. He was all about being positive and that dream and that spirit is what made Joe a walking, talking, breathing definition of community. Just like the amphitheatre, the only part that is still standing is the concrete foundation and Joe left that foundation behind by taking a number of folks under his wing and teaching them through his actions what community is all about and that foundation will stand forever.

Mayor Bill Cross stated that he certainly agrees with Mayor Pro Tem Smith and knew that Mr. Wally had that positive philosophy. In just the last few years, there has finally been recognition of Mr. Wally's works while he was alive and he was certainly a pillar in our community and was given several well-deserved honors.

The esprit-de-core that Ms. Rudi and Shirley have talked about is still here. You can burn something down, but you do not burn the spirit at all and as Mr. Smith stated so well, the foundation is still there. Progress has already been made in the last week on the amphitheatre and we should have a beautiful stage setting for the event coming up in two weeks. Our community spirit and the volunteers that have come forward after the fire has been wonderful and other communities have joined in to help as well.

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

City Manager Kirk Davis announced that Gladstone will be hosting the Clay County Coordinating Committee Meeting on Thursday, August 22nd, and the location would probably be Smokehouse.

Mr. Davis thanked the businesses and individuals who expressed interest in helping and those who have already helped with the amphitheatre. It was not that old, but it was a landmark. There were many people that participated in programs at that facility and he is impressed and pleased with the community's response to the entire issue.

City Manager Davis invited everyone to the Happy Rock's Happy Days event this Saturday at the Gladstone Bowling Center parking lot. He also mentioned that Economic Development Administrator Lynn McClure has a new son, Alex and we welcome him into the world.

Mr. Davis stated that he wanted to comment on the letter Council just endorsed relating to The National Association of Regulatory Utilities Commission (NARUC). The public right-of-way committee is being lobbied by the private sector to essentially remove local government control of the rights-of-way, claiming that they are barriers to entry. Obviously, we disagree with that. The use of the right-of-way is probably the most valuable asset we as a community own. We do a pretty good job of regulating, yet being pro-business in Gladstone, and he does not believe that should be taken away. Neighborhood preservation is a big issue to the Council and community and when you start taking away our ability to control what goes in that right-of-way and how it is maintained, it certainly is impacting our ability to preserve the quality of life our residents enjoy. Mr. Davis stated that he appreciates the support of the Council on this issue.

Item 9. on the Agenda. FIRST READING BILL 02-20, approving the final plat of "Northaven Village Condos 5th Plat", NE 68th Street & N Olive. Applicant: Neil Rose.

Councilman Shirley Smith moved to place Bill 02-20 on First Reading. Mayor Pro Tem Les Smith seconded.

Discussion. Mayor Pro Tem les Smith stated that he believed that this should actually be the Fifth Plat. City Clerk Marilyn Ahnefeld stated that was correct and she would make the correction.

The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the First Reading of Bill 02-20, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the Second and Final reading of **Bill 02-20** and enact the Bill as **Ordinance 3.838**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 10. on the Agenda. **FIRST READING BILL 02-21**, amending Schedule X of the Model Traffic Code to designate Yield Signs at 75th & N Campbell.

Mayor Pro Tem Les Smith moved to place Bill 02-21 on First Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-21, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-21** and enact the Bill as **Ordinance 3.839**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 11. on the Agenda. **FIRST READING BILL 02-22**, amending Schedule VIII of the Model Traffic code to designate a STOP sign at the SW Corner of N Jackson & 63rd Terrace.

Councilman Carol Rudi moved to place Bill 02-22 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 02-22, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final reading of **Bill 02-22** and enact the Bill as **Ordinance 3.840**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 12. on the Agenda. **OTHER BUSINESS**

Mayor Pro Tem Les Smith stated that a memorandum was sent to Council by City Counselor David Ramsay regarding the Open House Parties ordinance. He would like to see the Council move forward with it and at least incorporate some of the language

for clarity and emphasis purposes with our existing ordinances and come back with something at our next Council meeting.

Council members were in agreement with Mr. Smith's suggestion. City Manager Davis stated that he would inform Mr. Ramsay.

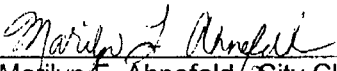
Mayor Cross observed that the City Council was in a community spirit tonight at City Hall in wearing their 50th Anniversary Polo shirts.


* * *

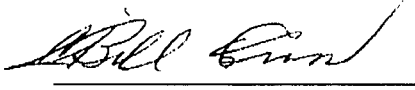
There being no further business to come before the July 22, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Mayor Pro Tem Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office for Real Estate Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(2). Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 12, 2002**

STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, 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 July 22, 2002 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION**
5. **CONSENT AGENDA**

RESOLUTION R-02-55, accepting work under contract with O'Donnell Way Construction for the Oak Grove and Central Park parking lot overlays and authorizing final payment in the amount of \$3,206.37 from the Capital Improvement Sales Tax Fund. (Project 9806/0221)

RESOLUTION R-02-56, authorizing Change Order #1 in the amount of \$30,362.91 for the 2002 Street Overlay Project Contract with Superior/Bowen Asphalt Company, and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund (Project #0301)

RESOLUTION R-02-57, authorizing Change Order #5 in the amount of \$22,173.98 for the Mill Creek Watershed/Meadowbrook Drainage Improvement Contract with Pyramid Excavation & Construction, and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund. (Project #0119)

RESOLUTION R-02-58, authorizing execution of a real estate contract by and between the city of Gladstone, Missouri and Mr. Dominic Cuccia for sale of 5,000 sq. ft. of City real estate to accommodate the development of the Better Car Wash under construction at 6902 N Oak.

APPROVAL OF BUILDING PERMIT for construction of 18 unit (970 sq. ft. each with deck and storage) Northaven Village Condominium complex at NE 68th Street & N Olive. Applicant/owner: Wesco Investments. (File 02-0522)

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 02-23**, an ordinance amending Chapter 3 of the Gladstone City Code being the Alcoholic Beverage Code, by enacting a new section prohibiting Open House parties at which minors may possess or consume alcoholic beverages or drugs; and providing penalties for violations thereof.
10. **FIRST READING BILL 02-24**, amending Schedule VIII of the Model Traffic Code to designate a **STOP SIGN** at the SW Corner of NE 63rd Street and N Jackson.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, AUGUST 12, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
Assistant City Manager Laura Gay
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular August 12, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JULY 22, 2002 CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Les Smith moved to approve the **Regular July 22, 2002 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. SPECIAL PRESENTATION TO ASSISTANT CITY MANAGER LAURA GAY

Mayor Bill Cross read and presented a Key to the City plaque to Assistant City Manager Laura Gay and told her it was a pleasure to honor her although we hate to see a colleague leave the City even though she will not be far away. The Mayor thanked Ms. Gay for her seven years of dedicated service to Gladstone.

City Manager Kirk Davis stated that he would make most of his remarks at the reception on Thursday and welcomed everyone to attend. Mr. Davis commented that in Laura's almost eight years she has made a great contribution to the City and stressed that when he became City Manager in 1998 he depended upon Laura for a lot of guidance. He gave her as much and more responsibility then she ever wished she had, and certainly more work hours than she wished for. Laura Gay has made an invaluable contribution to the Leadership Team and to all of us, and we will miss her very much.

Assistant City Manager Laura Gay thanked the Council, Leadership Team, and other staff support she has received over the past years. Ms. Gay commented that even though she saw a number of

retirements and farewell receptions during her time with the City, she never imagined one would be her own.

Ms. Gay stated that it has been her privilege and honor to serve the City of Gladstone and community almost eight years. She said that most people know that a little blonde haired boy (referring to her son, Sam) is the heart of her life and in talking about her new position, he said he did not want to say good-bye to all those people and asked if they could still go to their homes to trick-or-treat. This made her realize that this has been not only her home, but he son's home for the last seven and one-half years. Ms. Gay said she is thankful for the opportunities that have been presented to her over the last years and only hopes that she has been able to make a positive contribution during those years.

Mayor Cross stated that she has contributed so much to the City and after this week she can come to Council meetings as a Gladstone resident and sit where she likes and say what she wants, and he feels confident that we will still keep her working on the 50th Anniversary Celebration and active in the community.

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

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as listed. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to approve **RESOLUTION R-02-55**, accepting work under contract with O'Donnell Way Construction for the Oak Grove and Central Park parking lot overlays and authorizing final payment in the amount of \$3,206.37 from the Capital Improvement Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-02-56**, authorizing Change Order #1 in the amount of \$30,362.91 for the 2002 Street Overlay Project Contract with Superior/Bowen Asphalt Company, and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-02-57**, authorizing Change Order #5 in the amount of \$22,173.98 for the Mill Creek Watershed/Meadowbrook Drainage Improvement Contract with Pyramid Excavation & Construction, and authorizing allocation of additional funds in such amount from the Transportation Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-02-58**, authorizing execution of a real estate contract by and between the city of Gladstone, Missouri and Mr. Dominic Cuccia for sale of 5,000 sq. ft. of City real estate to accommodate the development of the Better Car Wash under construction at 6902 N Oak. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman

Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved for **APPROVAL OF BUILDING PERMIT** for construction of 18 unit (970 sq. ft. each with deck and storage) Northaven Village Condominium complex at NE 68th Street & N Olive. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Wayne Beer commented that Mr. Dick Davis, former Gladstone Mayor and Council member is in our audience tonight and he congratulates him on receiving the Civic Leadership Award from the West Gate Division of Missouri Municipal League because there is no one more deserving.

Mr. Beer also noted that in the "Best of the Northland 2002" Supplement to the *Dispatch Newspaper*, there were many "bests" regarding Gladstone residents, businesses and City functions. Some of those include Best Politician, Les Smith; Favorite Northlander, Les Smith; and the Gladstone Bowl was named the Best Bowling Center. Mr. Beer congratulated Director of Parks and Recreation Sheila Lillis for the Best Parks and Recreation Department. The Best Festival was GladFest and he noted one of the co-chairs Terry Hoppenhaler is in attendance tonight; Best Police Officer, Wick Pickard; and Runner-up for Jogging Trail, Happy Rock Park. Mr. Beer stated that it is an honor for our City and he hopes he did not miss anyone in reading this quickly upon returning from an extended vacation.

Councilman Carol Rudi expressed her pleasure at the new driving conditions on 72nd Street and commented what a good job they had done on the street resurfacing. .

Councilman Shirley Smith told Assistant City Manager Laura Gay that she would not be able to attend the farewell reception on Thursday, but wished her the best in her future. She told Ms. Gay that new adventures are great opportunities and she will enjoy them..

Mayor Pro Tem Les Smith -- thanked Councilman Beer for his comments and added firefighter Tony Marrali to the "best of" list in the *Dispatch* which is quite remarkable. Mr. Smith also congratulated long-time friend Dick Davis on his Civic Leadership Award.

Mayor Pro Tem Smith addressed Assistant City Manager for Development Scott Wingerson regarding used car sales from a residence at the southwest corner of 72nd and North Troost. He asked how a resident can continue to sell used cars from his home when businesses pay many hundreds of dollars in business fees.

City Manager Kirk Davis stated that this has come up before and he recalls that the number of vehicles that can be sold from a home has been reduced.

Assistant City Manager Scott Wingerson commented that City Manager Davis is correct in that they have a limited number allowed and have pushed the vehicles for sale back closer to the house. The Property Maintenance Code Focus Group is wrapping up their discussion on property codes and there are several proposals regarding that issue. This information will be coming forward to the Council in recommendation form in the next month. It should limit the ability of people to sell cars from their residences within the City.

Councilman Les Smith recalled that one of the largest groups of people to attend a Council meeting was when the Council determined the need to limit the number of garage sales a resident could have. This is really a small business when an individual continues to sell car after car from his driveway in a residential area. He looks forward to the recommendation from the Focus Group.

Mr. Smith also asked Mr. Wingerson to report on the status of The Woodlands stop sign issue.

Mr. Wingerson stated that the City has presented the fourth alternative to Mr. Ron Pashen who was Chairman of the Woodlands Homeowners Board last year. They are seeking a time to present the alternative to the Board which involves the provision of a crosswalk, the installation of additional sidewalk to better meet the needs of that neighborhood, some lane striping and bicycle lane striping along Brooktree Lane. Over the next week or ten days, Public Works and the Engineering Division will survey the right-of-way line and make adjustments to the offending pine tree which may be necessary to assure the tree is on private property and not public property.

Councilman Les Smith also thanked the many people involved in the success of the Happy Rock Happy Days event and asked Laura Gay to pass along his thanks to staff. He also congratulated Ms. Gay and wished her the best in her new position.

Mayor Pro Tem Les Smith commented that at the Happy Rocks Happy Days event, Councilman Shirley Smith challenged him to a bowling game and brought with her the oldest bowling ball he had ever seen with a huge hole in it. Mr. Smith had told her he would repair the bowling ball and bring it back. Instead of a repair, Mr. Smith presented Councilman Shirley Smith with a brand new bowling ball.

Councilman Shirley Smith was delighted with her new bowling ball and thanked Councilman Smith for his kind gift.

Mayor Bill Cross thanked Councilman Les Smith for the use of his parking lot and Bowling Center for the Happy Rocks Happy Days event. Even though it was quite hot that day, the event was very enjoyable and the enthusiasm was great. He thanked those who lined up all of the events and activities and said it just shows how Gladstone can have a lot of fun.

Mr. Cross commented that at the Theatre in the Park production of L'il Abner there were about 13,000 people attending the three nights. The appreciation for the park and amphitheatre was evident by the large number in attendance as well as donations that were made. Hopefully, the Ibsens and City staff can be rejuvenated for the season next year.

Mayor Cross stated that the preparation for the 50th Anniversary Gala Ball continues with site visits to the hotel for selection of food, table settings, and décor. Invitations are scheduled to go out the middle of September.

Mr. Cross stated that he and the City Manager and others visited Oak Hill Day School recently regarding their financial status. We were assured that the elementary school was in good shape and the problems were with the middle school level. Oak Hill Day School intends to become even more a part of the community with volunteering and helping the City however they can.

City Manager Kirk Davis stated that the idea to visit the school came from Mayor Pro Tem Les Smith and we have a better feel for the school after the recent discussions.

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

City Manager Kirk Davis invited Council members to attend the Clay County Coordinating Committee Meeting on Thursday, August 22nd beginning at 6:30 PM at the Smokehouse Restaurant which is our city is hosting.

Mr. Davis reported that donations to the Amphitheatre Fund total approximately \$25,000 at this time.

He also announced that the City Hall Open House is Saturday, September 7th from 9:00 am-2:00 PM. The Household Hazardous Waste Collection Event is the same Saturday from 8:00 am-1:00 PM at Central Park.

Item 9. on the Agenda. **FIRST READING BILL 02-23, an ordinance amending Chapter 3 of the Gladstone City Code being the Alcoholic Beverage Code, by enacting a new section prohibiting Open House parties at which minors may possess or consume alcoholic beverages or drugs; and providing penalties for violations thereof.**

Councilman Wayne Beer moved to place Bill 02-23 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-23, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of **Bill 02-23** and enact the Bill as **Ordinance 3.841**. Mayor Pro Tem Les Smith seconded.

Mayor Pro Tem Les Smith stated that he appreciated City Counselor David Ramsay getting this issue back to Council so expeditiously. This is an attempt to strengthen our ordinance which basically holds anyone who is in control of a property responsible for minors consuming alcohol or using drugs. Recently Council passed the Keg Ordinance and we are trying to clamp down on those irresponsible adults who may allow our minors to do things they should not do with drugs and alcohol.

Mayor Cross stated that earlier this week he attended a Board of Directors meeting for Teaching and Reaching Youth (TRY). This issue was discussed at length and people were excited about the possibility of this ordinance passing in Gladstone.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 02-24, amending Schedule VIII of the Model Traffic Code to designate a STOP SIGN at the SW Corner of NE 63rd Street and N Jackson.**

Mayor Pro Tem Les Smith moved to place Bill 02-24 on First Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-24, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final reading of **Bill 02-24** and enact the Bill as **Ordinance 3.842**. Councilman Shirley Smith seconded.

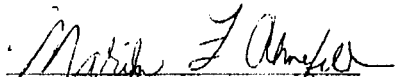
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)


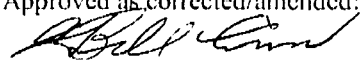
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There being no further business to come before the August 12, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Councilman Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's Office for Real Estate Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, and 610.021(2) for Real Estate Acquisition Discussion, and 610-021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____

Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 26, 2002**

STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1)
for Litigation and Privileged Communications Discussion, and
610.021(2) for Real Estate Acquisition Discussion.**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular August 12, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-59, authorizing acceptance of proposal from Robert's Auto Plaza for the purchase of a 2003 Model Chevrolet 4x2, ¾ ton Pick-up Truck for a net purchase amount of \$14,898 from the Combined Water and Sanitary Sewer Fund. (Includes trade-in of 1990 Chevrolet 1/2ton Pick-up).

RESOLUTION NO. R-02-60, authorizing acceptance of proposal from Dagley Chevrolet Truck Center for the purchase of a 2003 Model Chevrolet 3500 4x4, One-Ton Truck with Dump Body and Snow Plow in the amount of \$36,097 from the Combined Water and Sanitary Sewer Fund.

RESOLUTION NO. R-02-61, authorizing execution of a contract with the Dennis Johnson Construction, Inc. for Rock Creek Detention Basin Improvements for a total contract amount not to exceed \$841,665.00 from the Stormwater Improvement Fund. (Project # 0122)

RESOLUTION NO. R-02-62, authorizing acceptance of Temporary Construction Easements from eight property owners in connection with the Mill Creek Sanitary Sewer Replacement Project and directing the City Clerk to record such easements in the Office of the Clay County Recorder of Deeds.

RESOLUTION NO. R-02-63, authorizing execution of a contract with KAW Valley Engineering in the amount of \$63,670.00 from the 2002 COPS Fund for engineering services in connection with the design of NE 76th Street Reconstruction Project from North Oak to North Troost. (Project #9814)

RESOLUTION NO. R-02-64, authorizing execution of a contract with Brandy Electric for the NE 70th Street Beautification Project for an amount not to exceed \$139,980.82 from the Capital Improvements Sales Tax Fund. (Project #0117-A)

RESOLUTION NO. R-02-65, authorizing execution of a contract with WRS Architects, Inc. for architectural services in connection with the design of a City Hall Storage Facility for an amount not to exceed \$36,000 from the 2002 COPS Fund.

RESOLUTION NO. R-02-66, affirming and ratifying the actions of the City Manager relating to the purchase of certain real estate property at 7003 North Cherry; accepting the deed transferring such property to the City; and directing the City Clerk to file such deed with the Clay County Recorder of Deeds.

APPROVAL OF FINANCIAL REPORTS for the month of July, 2002.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL for Hy-Vee, 7117 N Prospect, Package Liquor License.

APPROVAL OF NEW LIQUOR LICENSE for Wasahi/LLC dba Wasahi Japanese Steakhouse, 328 NE 72nd Street, Class "A", Seven Day Liquor By Drink License.
Managing Officer: Luc Vong

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 on property described as 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)

(AUDIENCE NOTE: This hearing will be opened and immediately continued to the Monday, September 26, 2002 City Council Meeting at which time the Planning Commission recommendation will be available).
10. **PUBLIC HEARING:** on setting the annual rate of levy for the 2002 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.57/\$100.00 valuation.
- 10a. **FIRST READING BILL 02-25**, setting the annual rate of levy for the 2002 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.57/\$100.00 valuation.
11. Other Business
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, AUGUST 26, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular August 26, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

The Gladstone Public Safety Honor Guard presented the Colors and led the Pledge of Allegiance to the Flag in which all joined.

Mayor Bill Cross stated that the newly formed Honor Guard was made possible by the personal generosity of former Mayor Anita Newsom who presented the City with a personal check in April, 2002 for the formation of an Honor Guard. This is the first public appearance of the Gladstone Public Safety Honor Guard who will provide Honor Guard services at appropriate community events and observances.

Mayor Cross thanked Honor Guard members Officer Kelly Kirk and Terrill Allen and Fire Inspector Chuck Duddy and Firefighter/Paramedic Rodney Robinson for their fine presentation. On behalf of the City, Mayor Cross thanked Ms. Newsom for her kind generosity and told her we are very proud of this new Honor Guard.

Item 4. on the Agenda. APPROVAL OF REGULAR AUGUST 12, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular August 12, 2002 City Council Meeting Minutes** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION FOR SEPTEMBER 11, 2002 AS NATIONAL DAY OF REMEMBRANCE.

Mayor Cross read a Proclamation designating September 11, 2002 as National Day of Remembrance in the City of Gladstone by honoring the victims and saluting the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to these tragic events with courage, selfless compassion, determination, and skill.

Item 5. on the Agenda.

CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda as listed. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-59**, authorizing acceptance of proposal from Robert's Auto Plaza for the purchase of a 2003 Model Chevrolet 4x2, ¾ ton Pick-up Truck for a net purchase amount of \$14,898 from the Combined Water and Sanitary Sewer Fund. (Includes trade-in of 1990 Chevrolet 1/2ton Pick-up). Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-60**, authorizing acceptance of proposal from Dagley Chevrolet Truck Center for the purchase of a 2003 Model Chevrolet 3500 4x4, One-Ton Truck with Dump Body and Snow Plow in the amount of \$36,097 from the Combined Water and Sanitary Sewer Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-61**, authorizing execution of a contract with the Dennis Johnson Construction, Inc. for Rock Creek Detention Basin Improvements for a total contract amount not to exceed \$841,665.00 from the Stormwater Improvement Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-62**, authorizing acceptance of Temporary Construction Easements from eight property owners in connection with the Mill Creek Sanitary Sewer Replacement Project and directing the City Clerk to record such easements in the Office of the Clay County Recorder of Deeds. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-64**, authorizing execution of a contract with Brandy Electric for the NE 70th Street Beautification Project for an amount not to exceed \$139,980.82 from the Capital Improvements Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5 0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-65**, authorizing execution of a contract with WRS Architects, Inc. for architectural services in connection with the design of a City Hall Storage Facility for an amount not to exceed \$36,000 from the 2002 COPS Fund. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-66**, affirming and ratifying the actions of the City Manager relating to the purchase of certain real estate property at 7003 North Cherry; accepting the deed transferring such property to the City; and directing the City Clerk to file such deed with the Clay County Recorder of Deeds. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve the **FINANCIAL REPORTS** for the month of July, 2002. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for Hy-Vee, 7117 N Prospect, Package Liquor License. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve a **NEW LIQUOR LICENSE** for Wasahi/LLC dba Wasahi Japanese Steakhouse, 328 NE 72nd Street, Class "A", Seven Day Liquor By Drink License. Managing Officer: Luc Vong. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Discussion.

Mayor Pro Tem Les Smith stated that he does not have any direct financial relationship with Kaw Valley Engineering, but he does a lot of business with this engineering company and would like to remove **Resolution No. R-02-63** from the Consent Agenda. He asked a fellow Council member to remove the item and place on the Agenda as a separate item so that he may abstain just to avoid any appearance of impropriety.

Councilman Wayne Beer asked to remove Resolution R-02-63 from the Consent Agenda and add it as **Item 5a.** on the Regular Agenda.

Item 5a. on the Agenda. **RESOLUTION NO. R-02-63**

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-63**, authorizing execution of a contract with KAW Valley Engineering in the amount of \$63,670.00 from the 2002 COPS Fund for engineering services in connection with the design of NE 76th Street Reconstruction Project from North Oak to North Troost. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Bill Cross. Mayor Pro Tem Les Smith, "abstained". (4-0-1)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Ms. Jennifer Kesler, 7016 N. Olive, thanked the City Council on behalf of the Gladstone Amphitheatre Committee, the 50th Anniversary subcommittee and members of Gladstone Theatre

in the Park for naming the stage the Ibsen Stage. The Ibsens are happy to have this recognition and honor. She also thanked the City for the support during the fire and the fact that city government and civic organizations can work so well together. She also thanked City Manager Kirk Davis and Director of Parks and Recreation Sheila Lillis for their support and help through the rebuilding and many more years of activities at the amphitheatre.

Mayor Cross thanked Ms. Kesler for her comments and the hard work of so many volunteers.

Galen Neil, 6010 N. Wyandotte, asked about Item 10 on the Regular Agenda and whether the rate of levy for Real Estate and Personal Property Taxes has increased from last year or not.

City Manager Kirk Davis stated that the rate remains the same as last year and a report will be given during the Public Hearing tonight.

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

Councilman Wayne Beer had no communications at this time.

Councilman Carol Rudi thanked former Mayor Anita Newsom for the generous donation of funding for the Honor Guard. She stated that even though Ms. Newsom is no longer serving on the Council, she certainly is an important part of the community.

Councilman Shirley Smith commented about the summer fun with the Happy Rocks Happy Days Event in July and the challenge from Mayor Pro Tem Les Smith to wear a poodle skirt. Ms. Smith commented that she could not find a poodle skirt, but wore 50's style clothes this evening.

Mayor Pro Tem Les Smith stated that Councilman Shirley Smith has been such a good sport during our July event and the fun in August. Mr. Smith thanked Anita Newsom for the Honor Guard.

Mr. Smith asked Mayor Cross if his desire was to act on the Boards and Commissions appointments reported in a memo from City Clerk Marilyn Ahnefeld.

Mayor Cross stated we could move on these appointments if Council is in agreement and in the near future we will be appointing new members for any vacancies that may occur.

Mayor Pro Tem Les Smith moved to approve the appointment of **Robert Settich** to serve on the *Recycling and Solid Waste Committee* and **Donna Eisenbarth** to serve on the *Sister Cities Commission* with both terms expiring December 2003. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Bill Cross thanked former Mayor Anita Newsom for the donation for the Honor Guard and how professional they look and the great presentation this evening.

Mayor Cross remarked that the July budget expenses were below the previous month and he thanked Director of Finance Cash Sweiven for his good reporting documents.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis, on behalf of the staff, thanked former Mayor and Council member Anita Newsom for the contribution. The Honor Guard has been hard at work practicing for this first public presentation tonight. They will also be part of the opening ceremonies for the Open House on Saturday, September 7th.

Mr. Davis invited everyone to the Open House from 9:00 am – 2:00 pm. There will be an exciting opening ceremony that will involve people from the military, our own Honor Guard, a speaker who was at the World Trade Center site helping out within a few hours after the attacks. This event will commemorate public service, those who worked at the site, and also those who perished at the Pentagon and in Pennsylvania.

City Manager Davis also introduced City Engineer Kirk Rome. Mr. Davis stated that Kirk has done a great job with moving projects and purchases forward including the stormwater basin at 64th and Prospect at a price that is very affordable.

Mr. Davis stated that the next City Council meeting will be Monday, September 23rd due to the Missouri Municipal League Conference in St. Louis being held on September 9th. He also stated that City offices will be closed for the Labor Day Holiday on Monday, September 2nd.

City Manager Davis drew Council's attention to a memo place before them from Victoria's Learning Center which asks for a special Council meeting to deal with a Special Use Permit which has been continued by the Planning Commission until September 3rd. They do not want to wait until the end of September for the next Council meeting to take action. They have asked for a special Council meeting at the Council's discretion.

Item 9. on the Agenda.

PUBLIC HEARING: on a request for a Special Use Permit on property described as 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)

Mayor Bill Cross opened the Public Hearing and immediately continued it to the Monday, September 23, 2002 City Council Meeting at which time the Planning Commission recommendation will be available.

Discussion.

City Manager Davis stated that the applicant has asked for a special Council meeting to be heard before the September 23rd date and after the September 3rd Planning Commission date.

Mr. Wingerson stated that the Planning Commission would hold their hearing on Tuesday, September 3rd and recommendation would be coming after that date.

Mayor Pro Tem Les Smith commented that if there were not a number of items for the Planning Commission meeting on the 3rd, they could meet that same evening around 8:30 pm and conduct a very limited agenda. He does understand the applicant's concern that we are not on a regular schedule for Council meetings. If we have very little other business to conduct, the applicant would already be there. Council would not have much time to review the application, but we could get it done in one night.

Mayor Cross asked if materials could be put together by staff in time for the Council's review.

City Manager Davis stated that the packet would be very limited and Council would hear the information that evening. Council does have the information relative to the Planning Commission's Public Hearing. We would not have a detailed packet, but Mr. Wingerson could summarize the information and would have the Planning Commission's recommendation.

Councilman Wayne Beer asked if there were any legality issues in meeting the same night.

City Counselor David Ramsay stated that he did not believe so. He would recommend the Council attend the Planning Commission meeting because the Planning Commission minutes would not be available. The minutes of the Special Council meeting would state that all Council members were in attendance and heard the testimony.

Mayor Cross clarified that the Council Meeting would have to be posted 24 hours before the Council meeting. Counselor Ramsay confirmed yes, posting the meeting, time, and subject matter would be necessary.

Mayor Pro Tem Les Smith moved to continue the Public Hearing for a Special Use Permit to a Special Council meeting on **Tuesday, September 3, 2002 at 8:15 pm.** Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **PUBLIC HEARING:** on setting the annual rate of levy for the 2002 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.57/\$100.00 valuation.

Mayor Cross opened the Public Hearing and asked City Manager Kirk Davis to present his report.

Mr. Davis stated that the City's assessed property valuation from Clay County is consistent with what we have received in the past. The 2002 tax levy is calculated to be \$.57/100 assessed valuation. Applying that \$.57 tax rate to the \$310,000,000 valuation gives us a gross tax revenue of \$1,755,000 from the 2002 tax billing. Calculating our collection rate on real estate of 95% and personal property of 92% we are projected to receive \$1,649,000. The property tax rate is the same as we have had before and slightly above our budgeted amount.

Mayor Cross stated that the rate has been consistent and hopes it answers Mr. Neil's question.

Item 10a. on the Agenda. **FIRST READING BILL 02-25,** setting the annual rate of levy for the 2002 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.57/\$100.00 valuation.

Councilman Wayne Beer moved to place Bill 02-25 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-25, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of **Bill 02-25** and enact the Bill as **Ordinance 3.843**. Mayor Pro Tem Les Smith seconded.

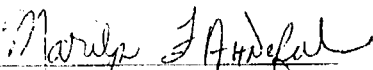
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

* * * * *

There being no further business to come before the August 26, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Mayor Pro Tem Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office for Real Estate Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, and 610.021(2) for Real Estate Acquisition Discussion. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: ✓
Approved as corrected/amended: _____


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
TUESDAY, SEPTEMBER 3, 2002**

SPECIAL MEETING: 8:15 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Communications from the Audience.**
5. **Communications from the City Council.**
6. **Communications from the City Manager.**
7. **CONTINUED PUBLIC HEARING:** on a request for a Special Use Permit on property described as 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)
- 7a. **FIRST READING BILL 02-26,** approval of a Special Use Permit on property at 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)
8. Other Business
9. Questions from the News Media.
10. Adjournment.

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

TUESDAY, SEPTEMBER 3, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Special September 3, 2002 City Council Meeting at 8:15 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE

Larry Chirpich, 6321 N. Monroe, stated that a few weeks ago the Planning Commission conducted a hearing regarding a proposal for a preschool center on Antioch Road. At that time we made our statement known that they were very concerned about the safety for children on that corner. The Planning Commission was going to visit the site. They received a meeting notice in the mail that said it would be presented to Council at 8:15 pm today. The cable channel stated that it would be presented to Council at 8:15 pm. Now we find that the Planning Commission has already held the public hearing and voted upon by the Commission. He asked why they were not notified that the Planning Commission was going to vote on this issue earlier tonight and they could have had a second chance to express their concerns at that time. Mr. Chirpich asked for an explanation regarding the meetings.

Mayor Pro Tem Les Smith stated that the Planning Commission met at 7:30 pm which is their normal scheduled meeting time. The Public Hearing had been closed, so there was no opportunity to speak at that time to the Planning Commission. We have posted the Council Public Hearing and after a couple of Agenda items you will be able to give us the input that you desire. The Planning Commission as scheduled would not have given public input. The Council met at 8:15 pm and you will have the opportunity to speak in just a few minutes.

Mr. Chirpich asked why the Planning Commission did not require a traffic study of that area like they did at St. Andrew's Church. Mayor Pro Tem Smith replied that Mr. Chirpich could bring that up at the Public Hearing and we would discuss with our staff at that time.

Mr. Chirpich also asked why the remodeling was started before anything was approved. Mayor Pro Tem Smith stated that could be addressed during the Public Hearing as well.

Mayor Bill Cross stated that Mr. Chirpich's questions could be discussed and answered during the Public Hearing coming up in a few minutes.

Item 5. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL

Councilman Wayne Beer congratulated Officer Ken Buck who received Honorable Mention by the Law Enforcement Traffic Safety Advisory Council for his hard work and dedication to traffic enforcement and for Missouri roadway safety.

Mr. Beer also addressed the issue of car sales within the City which was discussed at an earlier Council meeting. At what point do car sales become illegal in terms of numbers of cars sold in a year by an individual who is an unlicensed dealer. He suggests that the City consider and accept an ordinance that would be in alignment with Missouri state statutes regarding sales of cars by individuals. Missouri states that no more than seven cars can be sold annually without a license and it might be a good idea for the City to take a look at enacting a similar ordinance.

Councilman Beer stated that the City of Kansas City enacted an ordinance that nullifies the neighborhood requirements for wood roofs on houses. Kansas City cited public safety concerns as an overriding concern for enacting this ordinance. Mr. Beer would like to see Gladstone look at the possibility of doing something similar. Wood roofs are a safety hazard enough to warrant looking into this issue.

Mr. Beer announced an Open House that will be held on Thursday, September 5th by the Northland Diversity Council. This Council is dedicated to improving diversity issues in the northland. The open house will be held at the Park Hill Education Center at 77th & NW Barry Road from 4-6 pm. and everyone is invited.

Councilman Carol Rudi congratulated Sheila Lillis for landing the 2003 MIAA Softball Tournament in Happy Rock Park again. It will be great for the City and businesses. Ms. Rudi also congratulated Officer Ken Buck for his recognition recently.

Councilman Shirley Smith invited everyone to attend the City Open House here on Saturday, September 7th at 9:00 am as part of our 50th Anniversary celebrations. It will be a great event and part of the opening ceremonies will be inspirational and memorable to all of us. She is one of the folks who has been here since the city was founded and she has great memories as we all get nostalgic during this time.

Ms. Smith also reminded everyone we would not have Council meeting this next Monday, September 9th because we will be attending the MML Conference in St. Louis and will bring back good ideas and information.

Mayor Pro Tem Les Smith stated that he attended the MIAA Softball tournament last spring and it is a great boost for our city. He congratulated Officer Buck as well.

Mayor Pro Tem Smith encouraged City Counselor David Ramsay to bring the two proposed ordinances suggested by Councilman Beer back to the Council for a vote. They are both very good proposals.

Mayor Bill Cross stated that he wanted to reiterate the good comments regarding the tournament and Office Buck. Mayor Cross thanked the Council and staff for attending this special Council meeting tonight.

Item 6. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Kirk Davis reminded everyone to join the Open House celebration on Saturday from 9 to 2 pm. There will be a special opening ceremony at 9:00 am and we will also have a lot of city equipment on display and activities for the public to enjoy and get involved in their community. There will be more publicity in the newspapers this week and hopefully some special articles as well as posted on the City website and cable channel.

Item 7. on the Agenda. CONTINUED PUBLIC HEARING: on a request for a Special Use Permit on property described as 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)

Mayor Cross explained that a special Council meeting was set for this evening to hear this Special Use Permit due to the fact there would be no Council meeting on the 9th of September so the applicant would not have to wait until the Council meeting on September 23rd to wait for a decision.

Mayor Cross stated that this Public Hearing was originally scheduled for the Council meeting of August 26th, was opened and continued to this meeting date in order for the Planning Commission to finish deliberations on the application. Members of the City Council have been provided with the minutes of the Planning Commission meeting that was held on August 13th, 2002 and members of the City Council also attended the Planning Commission meeting held earlier this evening so we could hear the findings of the Planning Commission's site visit sub-committee and recommendations of the Planning Commission on the application.

The Planning Commission voted earlier this evening to recommend the approval of the application to the City Council. The decision will be considered by the City Council.

Mayor Bill Cross opened the Public Hearing and explained the process that first we will hear from the applicant, then those favoring the request, those against the request, then remarks from City staff.

Shawn Orness, 7108 N Winchester Avenue, Kansas City, Missouri 64119, one of the applicants, thanked everyone attending the special meeting tonight. Mr. Orness stated that they have looked at many sites in the northland to find a location for such a business. One of the requirements by the State for that type of business is green space. This particular property has to be the only property of the correct size that allows us to have green space. They have been through the Planning Commission meetings and have completed the site visit. What they have found is a traffic issue at that location.

There are several opinions regarding the traffic issue, some could be derived from detours that are going on from the church and from the neighborhood and commuting through there to go to work. What has been found as far as traffic, is that if they utilize a "car line" traffic plan to get their traffic in and out of there, they can operate their business at that location without disrupting traffic flow and increasing traffic in that area.

During the site visit on August 23rd, at 7:30 am, there was some cut-through traffic which appears to be the biggest concern. The actual traffic that cuts through the parking lot is the problem, not the traffic

on the street. They determined at that meeting, the best thing to do is to block off the entrance indefinitely to Pleasant Valley Road as one option. Another thought was that when their business was open, less traffic would go through the parking lot as a cut-through.

Mr. Orness described the car-line to get the traffic in and out as quickly and efficiently as possible. He distributed a copy of the traffic flow to the Council members and explained that all the traffic would come in from the south side and they would have a staged drop-off and curbside drop at that portion of the building. Two cars could be unloaded at a time. With a maximum of only 38 students attending, there would be a maximum of 38 cars. They would break out those cars over an hour and one-half period of time and they anticipate a maximum stop time of about one minute per car. This figure comes from his viewing of carlines of this nature where you get the child out, escort them to the building and then the car can proceed down the road. They have blocked it out for parents to sign up for times that work best for them. Traffic would be limited so not everyone would be showing up at the same time. That is the plan for the morning.

The school day ends at 3:30 pm and there will be extended hours until 6:00 pm. The traffic will be drawn out over two and one-half hours which will be even better. That is the plan as far as traffic. As far as safety, they stepped off where the green space would be and how it would be fenced in and distances from the road. They are well beyond the right-of-way. The only traffic that would come close to the children is on the Pleasant Valley side and they are actually uphill from that and there is a culvert by the road. If a car was to come in and injure any children in the morning when the traffic is the highest, which is when children are not out back, they would have to go over the culvert, up a hill and through a fence. On the back side of the building there is not a huge safety concern. On the front side, all students are escorted inside from the car line by teachers, so there will be no children out running through the parking lot or streets that could get struck by cars. On the north and northwest portion of the drive the setback is the farthest of any point in that particular lot the way it is set up. The front side is brick and is a safe area. They feel they have addressed the concerns in why they feel it would be a good location.

Mayor Cross asked if there were any others who wished to speak in favor of the applicant.

Patty Nearman, 20420 Missouri City Road, Liberty, Missouri, advised that she is a parent and her children have attended a private school that had a car line that worked like this and it works great. The parents know what is going on and you have kids ready when you open the door for the teacher to take them out. So she finds it works very well and as far as the location goes, she thinks everything will be fine. As a parent of a child she does not have a problem with it. The kids are not going to be out in the parking lot. She knows it sounds like people cutting through is a problem but the kids should not be out in the parking lot at that time or at any time so she does not believe we should worry about that.

Kerry Foley, 11132 N. Main, Kansas City, Missouri, stated that she wished to read a message on behalf of Phil Snowden who has lived in the neighborhood for over twenty years and is the grandparent of one of the children. See attached message.

Discussion.

Councilman Carol Rudi asked if the school is currently in operation in another location or has someone operated a learning center in the past.

Mr. Shawn Orness stated it is currently not in operation. Victoria who is the co-proprietor of the business has been involved in early education and a school teacher for the last six years in Gladstone and has decided to move on to start her own school.

Councilman Shirley Smith stated that traffic seemed to be the biggest issue here and if traffic became harmful to the school, as a proprietor, would you be willing to figure out a traffic system to take cars away from the location.

Mr. Orness stated that he would be willing to work out any traffic problems. He stated it is the last thing they want for the children to get hurt.

Mayor Bill Cross confirmed there were four parking spaces for teachers and asked how many teachers there would be at the school.

Mr. Orness stated there would be two right now and the maximum number of teachers would be three, but it depends on enrollment and age groups. State regulations require a certain ratio at different age groups so the number of teachers could go as high as six.

Mr. Cross clarified that when students enrolled, the school would regulate the schedules for drop-off times during the half-hour intervals. He then asked what happens when a parent desires to come into the building to talk with staff.

Mr. Orness answered yes, they control the drop-off time schedule and stated that any conference or discussion would need to happen at the pick-up time only, since the teachers would be too busy in the mornings during drop-off time to meet with parents. Parents can phone the office during the day, but would have to schedule a conference at the pick up time.

Mr. Orness commented that his daughter attends Oak Hill Day School next door and the traffic flow goes quickly, about one and one-half minutes total with three children. Victoria's Learning Center is modeling the car line after the set-up at Oak Hill Day School which carries kindergarten through sixth grade and they start at 8:10 am and finish at 8:30 am and there at least 120 students who attend at that school.

Opposition.

Mr. Larry Chirpich, 6321 N. Monroe stated that the objection is not regarding a learning center, not to the qualifications of a person. The objection is during thirty years of living at that corner, he has seen the accidents happen. It is a "Y" intersection with two major roads, then you have a third one where he lives. They have heard the screeches, and heard people hit the telephone pole behind the building. There are three entrances, people get frustrated because they have to wait, trying to figure out who has the right-of-way there. Even if you have the right-of-way, people cut through the corner. Unless one entrance is blocked off, either to Pleasant Valley or Antioch, you will have people cutting through there when coming in and going out, it is natural. It is a very dangerous corner and has always been.

They have asked the City to look at this issue for a number of years and nothing has been done. He would love to see the corner squared somehow. The problem is there is one road that comes down as a curve, during the winter people are in the ditch. Then with Pleasant Valley Road, it comes in at an

angle and then his street (Monroe) where we have been very fortunate in taking out bushes many years ago or we could not see to get out. It is a dangerous corner and not a place to put children.

Mr. Chirpich stated that talking about car lines and Oak Hill Day School it is not a major road and traffic only going two directions. The locations we are discussing traffic is not going just two ways, there are three and even four ways traffic goes through that area and it is a busy one. It is a very small parking lot, so if people slow down, a child get sick or something like that, cars get backed up onto a major road, not a side street. There is a real potential of someone getting hurt and is a real concern. If it is a business property, fine. You have adults there, but a concentration coming in early in the morning and early evening when people are coming to and from work. Also trying to schedule people, there is no way to enforce that. Parents are going to bring their kids when they feel like it and if children are running late, they are going to be late and in someone else's time slot or earlier if working schedules are earlier, that is natural. There is no way to police that.

Mr. Chirpich's remarked that he saw the major planning for the road and he is aware that there is an easement on both sides of the road to make it a four-lane highway all the way to North Brighton or even further and run behind the cemetery. If the road is ever squared up, the green space property will be very close to the road. Part of the green space in the back has a slope to it and not sure if the state allows that or not. It will be difficult to regulate thirty-eight people coming through in half an hour, they will come when they want.

Mr. Chirpich then asked why a traffic survey was not conducted, but was done for the nearby church.

Assistant City Manager for Development Scott Wingerson stated that a traffic study was not required for two reasons. Typically, traffic studies are done to assess the impact of development as it relates to public improvements and a total of 38 cars in the morning and evening compared to the volume of cars on Pleasant Valley Road and Antioch Road, it is pretty small. If you combine that with the second reason that a few years ago, St. Andrew's Church did perform a traffic study to determine development impacts of constructing a school which is first through eighth grade. That traffic study indicated that the intersection we are concerned with existed before construction at St. Andrew's School at a level of service "D" which is not very good. Adding the volume that St. Andrew's generated added no functional impact on the operation of that intersection, therefore public improvements were not required.

Although it is not fair to use St. Andrew's traffic study for this application, the logic of the traffic study holds firm in that the intersection as we have heard at the Planning Commission and tonight, it is not very good to begin with.

Mr. Chirpich asked for an explanation of level "D" and how many "D through F" ratings are in the City. Mr. Wingerson explained that intersections are rated from "A-F" in terms of quality, efficiency and safety. "D" is towards the bottom. There has been no analysis of every intersection in town but there are other "Ds" in Gladstone. In some cities, "Ds" are considered acceptable, but that is not the standard for our City and certainly the Council and Capital Improvements Committee and City Manager are looking at ways to address all of those intersections.

Mr. Chirpich commented that the traffic study at St. Andrew's the entrance and exit are strictly on Antioch Road. This impacts two roads and you are putting an additional 38 cars there. Would it change that.

Mr. Wingerson stated that they did not do the traffic study as you pointed out; however, the traffic study for St. Andrew's addressed the Pleasant Valley/Antioch intersection and theoretically cars from several driveways at St. Andrew's, a percentage of the vehicles will use that intersection to access that facility.

Mr. Chirpich asked why the remodeling was started before any approval was given.

Mr. Wingerson stated that the work that is being done in the facility right now is clean-up and that is what he saw being done during the site visit by the Planning Commission. It is normal activity that does not require a building permit. However, it is his understanding that there will be an addition of a restroom and walls which will be necessary and require a building permit.

Mr. Chirpich stated that he believes they have put up some walls besides the cleanup.

Mayor Cross asked Mr. Orness to answer Mr. Chirpich's question.

Mr. Orness stated that no new walls have been put up. There has been drywall removal, actually most of the drywall has been pulled out from water damage in the past and too many holes. Everything has been cleaned up, the carpet has been pulled up so they are ready to go in with the contractors. That is what they are waiting to do; they did start the cleanup on the property before the use permit was approved for this particular type of use, but we have also worked out a deal with the owner of the property for cleaning it up. It is a pre-trial on a lease until this has been approved, if it does meet approval.

Mr. Chirpich stated that there are two other tenants and he does not know if they would object to having one of the entrances blocked off.

Mr. Wingerson stated that Mr. Hawkins was at the Public Hearing at the Planning Commission and his representatives went on the site visit with the Planning Commission. He believes that Mr. Hawkins would be supportive of closing Pleasant Valley Road drive as part of this application. He cannot commit for him, but believes it is accurate.

Mayor Pro Tem Les Smith asked Mr. Wingerson, in his opinion, if that would help this situation. Mr. Wingerson replied that he thinks it would help stop the cut-through traffic. It would be an inconvenience to those who have used that historically as a cut through, but if the driveway is to be closed, that would be his suggestion.

Mayor Pro Tem Smith asked what the stacking capacity is in the lot itself in the car lane. Mr. Wingerson replied that coming from the south it would be ten cars in line to the door of the proposed learning center.

Mr. Chirpich stated that if it is approved, please block off one entrance and better yet, square that corner off. It would make the whole neighborhood happier.

City Manager Kirk Davis stated that the City does not disagree. In fact, just to update everyone a little bit. The City has entered into an agreement with Kansas City to do an alignment study of Pleasant Valley Road and Bucher, Willis and Ratliff, an engineering firm in town, is currently doing that study. The project works all the way from I-435 to the Antioch curve. That study is underway even as we speak and they are looking at the vertical and horizontal alignments and how they can eliminate that

curve and the curve on Pleasant Valley Road and make the whole general area safer than it is currently. The CIP looked at federal funding for projects and we were in a position where we had to prioritize three projects that would have qualified for federal funding. At that time the CIP went through an analysis and recommended that the highest priority was the curve at Antioch to the north. Part of the arrangement with Kansas City is hopefully to join in with Kansas City for federal funding to remedy the problem. That is the process so far and the work is underway and maybe we can get that taken care of. There is a public meeting this month by the engineering firm regarding the road alignment.

Mr. Chirpich asked when that would happen. City Manager Davis stated that the earliest time-frame would be fiscal year 2005.

Mayor Cross asked for details about the public hearing to be passed along to Mr. Chirpich.

Ann Boul, 6320 N. Monroe, stated that we have been talking about cars going into the parking lot. It is just as dangerous with cars coming from Antioch Road and making a U-turn onto Pleasant Valley. Cars go through the parking lot because they do not want to wait. How can children get in and out so fast, especially from car seats. Most mothers do not run on time and they rush around all the time.

Ms. Boul stated that it is hard to believe someone would remodel without getting a deed of sale. There are so many more homes in that area now than ten years ago when a day care was trying to go in there and was not approved. They are concerned about the children at this location.

Assistant City Manager for Development Scott Wingerson asked to draw the Council's attention to the draft ordinance in the packet. The first ten conditions are fairly typical of special use permits.

He noted that **Condition #11** provides for drop-off and pick-up procedures as outlined in the application be complied with at the maximum of twelve vehicles per half hour of operation. **Condition #12** requires a fence around the play area made of wood. **Condition #13** provides a future right-of-way dedication agreement which would dedicate no more than 25 feet of ROW along the east property line north and south between Antioch and Pleasant Valley Roads for future straightening and realignment of Antioch Road at Pleasant Valley Road.

Mayor Pro Tem Les Smith asked the length of the lease. Mr. Orness replied it was three years.

Councilman Carol Rudi stated that the Planning Commission desired posting of entrance and exit signs; will they be included in the draft ordinance. Mr. Wingerson replied absolutely.

Ms. Rudi stated that they needed to discuss the closing of the driveway on Pleasant Valley Road. She cannot agree with this unless it is done and since the owner is agreeable, it should be part of this. She said the Planning Commission passed this special use permit for three years, but there was the discussion of a one-year period to see if it worked and if it increased traffic. She does not think the three-year period needs to be changed but if it is endangering public safety, we can pull and revoke this special use permit as we need to. If there is a problem in one year, three years, or next week, we can come back and revoke the permit and start over again.

Mr. Wingerson stated that the process of revocation would be through the Public Hearing process that we are going through now, just in reverse.

Mayor Pro Tem Smith stated that was a good point. Unfortunately, if there is a serious traffic problem we might recognize it too late it will only take one problem. He is interested in Counselor Ramsay's opinion as to what needs to be added, if anything, to the draft ordinance that would allow the Council to hear the Planning Commission's discussion about monitoring it. There is nothing specifically pursuant to stacking on either one of the roads and that is what we are concerned about. If there is traffic stoppage on either Antioch or Pleasant Valley Road, that is what will precipitate the problem. What can we do to make it very obvious that if the traffic conditions cause stacking on roads, we can initiate the process to revoke the permit.

Counselor David Ramsay stated that you can add a condition that stacking of vehicles can be on their lot only. We will have to monitor it and if it turns out there is a problem it would be a violation of a condition that would subject the special use permit to revocation.

Councilman Les Smith said frankly he came to this meeting prepared to vote against this application. If we can put something very specific in the ordinance about stacking in the lot and get the property owner and the applicant to agree to close the Pleasant Valley Road entrance, perhaps he would be willing to reconsider.

Councilman Wayne Beer said he would like to address the traffic issue. He was at the Planning Commission site visit and the traffic on Antioch that he observed to his surprise was not nearly as heavy as he expected it to be. He suspects that a good deal of the traffic relief on Antioch Road has been dealt with to some degree by the new 152/Barry Road and the improvements to 72nd Street. He cannot substantiate that but believes that is probably pretty accurate. During the time he was there from 7:15 pm to 8:45 pm, he observed at the south end a significant number of cut throughs that went from Pleasant Valley Road to the south entrance only. During the time he was there, four persons drove from the Pleasant Valley Road to the north entrance on Antioch Road. Four in the hour and a half he was there, and all four went to the church.

Councilman Shirley Smith commented that during the Planning Commission Hearing the owner of the property said we have no idea what kinds of companies have come to him for lease of this property that he has refused. Ms. Smith said she knows that is true. Anytime he leases the property to anybody there will be increased traffic and a lot of in and out and mostly in the evening. For example he could rent it to a audio/stereo car shop with young patrons in hot cars testing out their stereos on your street. Her point is that no matter who he leases it to there might be some kind of problem created, which is normal. She thinks the traffic problem is separate from that. She thinks the cut through is something that we need to take care of. If it takes this project for us to have the owner or the lessee take care of it by closing that off, she thinks we should take this opportunity to do it. If it should come about that they go out of there or something else happens, she still thinks we should close up the entrance just for general traffic purposes whether it relates to someone who is leasing the property or not. We can't do it as a city because it is not our property, but if closing that south entrance would alleviate the cut through problem then she thinks we should do that in conjunction with this although it is really a separate issue.

Councilman Wayne Beer said his views are that by closing off the Pleasant Valley entrance we may be even generating a safety issue for those people who want to turn right to go north because he tried making that right turn himself a couple of times with his pick up and he cannot make that right turn off of Pleasant Valley Road onto Antioch Road without going into the south bound lanes. He believes that is probably more hazardous than making the cut through at the south entrance. The south entrance is well away from the area where the students would be and with proper signage and proper

supervision and people who are observing when they try to make their cut throughs, he would suspect that those who cut through at the north entrance would find it to their advantage to make their cut through to the south entrance instead. The only people who would be complaining about that cut through would be the tenants on the south end of the building. He believes that with signage and proper supervision the cut through from the north entrance for the full length of the parking lot would become history in pretty short order. He has seen the car lines work and when properly supervised they work with great efficiency. He has been around a number of elementary schools and in the public school system similar car lines do work well when supervised. Mr. Beer said it would still be his recommendation that we don't block entrances. He thinks it would be creating a greater hazard.

Councilman Shirley Smith asked if there was anyway to round that point without a huge expense.

Mr. Wingerson said he believes it is a swale and the radius of the point could be softened to accomplish what Councilman Beer suggests to allow the right turn that Councilman Beer was referring to.

Public Works Director Andy Noll said there are drainage concerns at that location and there is also the power pole that is within ten feet so we would be limited on how far we could go without relocation.

Mayor Pro Tem Smith said we are looking at only rounding it to make a right turn more practical. Mr. Noll said he thinks that is possible.

Mayor Pro Tem Smith asked Director Andy Noll to confirm that there is proper drainage at that location.

Councilman Shirley Smith noted this is not the only dangerous intersection like this and referenced a location in Kansas City, she said the thing we are fighting here is the intersection itself because it is like patch work to do these other things,. She would defer to the Staff as to the most reasonable way to deal with it so that the consequence of injury or harm to anyone would be reduced.

City Manager Davis said we would be happy to look at all of those turning movement there. The Council has raised several options. Not to throw good money after bad but obviously we have escalated the time frame to deal with all of these turning movements ahead of our Pleasant Valley Road study but there maybe options and he would want to take a look at the engineering issues and would want to look at the turning radius that would be required and would have to ask the owner if he would be interested in conveying some right of way at that point to allow for a public turning opportunity onto northbound Antioch Road if that were the case. He agrees with Councilman Beer because there are a lot of people who would go up to the point of the intersection and have trouble making that turn and we maybe creating another problem and we would like to look at the turning radius that is available there if you do wish to close off that south entrance. You may be able to dedicate with a little bit of space there a for right turn movement that would meet all the Uniform Traffic Code standards required for right turn movements at a grade. Because there is a grade drop off from the curve on down to Antioch Road and we would want to look at storm water issues relative to this property, and also properties to the south. The other option would be to not allow right turn movements and extend an island out further to the west and not allow a right turn movement onto Antioch Road. We have some options to look at unless Council desires to leave the traffic configuration alone in Council's recommendation.

Councilman Wayne Beer pointed out that by prohibiting right turn traffic onto Antioch Road you would also be prohibiting left turn traffic off of Antioch Road onto Pleasant Valley Road and there are a lot of people who use that corner.

Councilman Shirley Smith asked if we could go ahead and approve the special use permit without pinning down exactly how this traffic situation would be solved. Are we forced to hold them up while we study the traffic situation.

City Manager Davis responded that the Council could approve this permit given all conditions stipulated and some added conditions that may be considered to ease the traffic issue concerns and aside from that give direction to the staff to look at maintaining some greater degree of public safety at the intersection. It depends on the recommendations of the Council.

Councilman Les Smith suggested that this right turn issue is an issue that should be dealt with whether we approve this application and Councilman Beer raises a good point. We ought to look at this anyway. He still believes that eliminating the potential for traffic cut through helps and we may want to consider adding the condition that the owner be willing to grant right of way at that point so that it can be rounded off. The only other thing we can do is to hold up this application until we have the opportunity to look at it and visit with the property owner.

Councilman Rudi said perhaps we need to consider lowering the speed limit on southbound Old Antioch Road as the traffic comes down the hill and around the curve. She spoke with someone who spent some time at that location outside of the site visit time period and she was told that in a 45 minute period there were 162 cut throughs and approximately 1,000 cars, so this cut through issue is severe and closing the Pleasant Valley entrance would alleviate the concerns that the people on North Monroe have as far as being able to get out. She will stick with closing the Pleasant Valley side. Mr. Beer said when he was there the traffic was not even close to those numbers Ms. Rudi gave. He believes that if we close the Pleasant Valley Road to the parking lot without dealing with the turning radius onto Antioch Road, we are creating a greater hazard. He agrees that closing off that parking lot if we can ease that corner. Ms. Rudi said she agrees.

Ms. Rudi asked if there is enough room for staff parking because she hears six spaces are needed and the plans indicated four spaces are provided.

Mr. Wingerson said that in most cases there will be a maximum of four but there is a potential for six. Four spaces are being provided and there is opportunity for 8-10 more spaces directly adjacent to the building and some parallel parking closer to Antioch Road.

Mayor Cross asked the City Counselor if the Council can approve the special use permit and then check into the legalities of what the City can do on the entrances and exits because it could take several months.

City Counselor David Ramsay explained that because it is a Special Use Permit the Council has the opportunity to impose conditions and if they want to define them as additional traffic control as determined by the staff that could be done, but if additional information about the traffic flow is desired than the item would likely have to continued until that is provided.

City Manager Kirk Davis said the Council can approve or deny the application based on the conditions in the report and testimony heard this evening. If the Council would like to add conditions

for closing the south entrance and making the approval subject to our ability to obtain necessary right of way to allow for some kind of turning movement that would meet appropriate standards allowing right and left turns onto and off of Pleasant Valley Road, we may be able to do that. That would allow the applicant to get through this process but it would be subject to our ability to meet those construction standards, obtain the right of way and make sure that we can construct appropriate turning movements. It basically comes down to what the Council requires in their motion and the time frame the Council requires.

Mayor Pro Tem Smith asked the applicant their expected opening date if they receive approval. The Applicant indicated two weeks.

There was no further testimony and Mayor Cross closed the Public Hearing.

Item 8. on the Agenda. **FIRST READING BILL 02-26**, approval of a Special Use Permit on property at 6407-6411 NE Antioch Road. Applicant: Victoria's Learning Center. (File #1181)

Mayor Pro Tem Les Smith moved to place Bill 02-26 on First Reading with added conditions #14, 15, 16.

- 14. Customer vehicle stacking shall be limited to the parking lot of the applicant, so that no adverse affects will be caused to the traffic flow and traffic safety surrounding this property, such affects to be determined at the sole discretion of the City's staff.*
- 15. The drive connecting to Pleasant Valley Road shall be permanently closed with curb and gutter, and the former drive area shall be landscaped in a manner compatible with the balance of the side yard. Excess asphalt paving shall be removed from this area. The driveway closure shall be completed within six months from the date of the opening of the learning center facility.*
- 16. The property owner's agreement to dedicate the necessary right of way at the intersection of Pleasant Valley Road and Northeast Antioch Road to improve the northbound turning radius and southbound left turning radius in accordance with acceptable traffic standards. The property owner shall be required to make a financial contribution to the necessary roadway improvement costs. Construction of the improvements to the intersection are to be completed within six months from the date of the opening of the learning center facility.*

Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-26, Waive the Rule and place the Bill on Second and Final Reading. **Councilman Shirley Smith** seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 02-26** and enact the Bill as **Ordinance 3.844**. **Councilman Shirley Smith** seconded.

Discussion.

Councilman Wayne Beer said he believes that we have come to a compromise that pretty much addresses all the issues for the proponents and opponents of the application. We have done what is necessary to allow a business to open and provide safety for the residents in the area and safety for drivers and riders on Antioch and Pleasant Valley Road and addressed the important and pertinent safety issues to the users of Victoria's Learning Center.


Mayor Pro Tem Smith said he agrees with Councilman Beer's comments and also commends the Council's willingness to meet in special session to give the applicants an answer on their application.


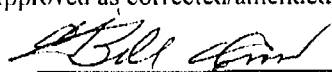
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

* * *

There being no further business to come before the Special Gladstone City Council Meeting of September 3, 2002, Mayor Bill Cross adjourned the Meeting.

Respectfully submitted:


Marilyn E. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____

Bill Cross, Mayor

PHIL SNOWDEN
ATTORNEY AT LAW
4642 NORTH HOLLY COURT
KANSAS CITY, MISSOURI 64116

(816) 746-6635 OFFICE
(816) 260-5349 MOBILE
(816) 746-6818 FAX

8-19-02

Planning Commission and
City Council of Gladstone, Missouri

Ladies and Gentlemen of the Commission and Council:

I know Victoria Burroughs personally, and her reputation as a quality teacher of young children. She has enrolled several children from young working families who are counting on their children attending this pre-school, starting this September.

I am very familiar with the area and this specific location having lived at 6218 North Bales in Carriage Hills for 27 years, until recently, and I have spoken with Gladstone staff, read the staff report and have personally spoken with Victoria Burroughs about her school. It is my understanding that there is some opposition to her application, or for any business to open at this location based on the issue of traffic and safety. This is a legitimate concern and is always a consideration for planning commission members and council members. However, I think the following facts should be strongly considered:

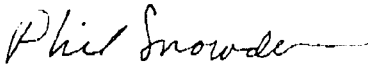
1. The building in question has been zoned and operated as a business property for at least 35 years and for several years as a 7-11 or Quick Trip store;
2. With the opening of four-lane North Prospect from 64th to Barry Road North, the traffic flow from Antioch Road has been relieved;
3. Operating a learning center would generate the fewest cars at this location as compared to virtually any other business or retail shop;
4. The system of the drop-off and pick up of the children by a school teacher is a proven one;
5. The owner of this building, whom I do not know, has the right to lease the premises to help pay his mortgage, taxes, insurance, and other expenses as long as the facility meets city code and city requirements. It is my understanding that the applicant and owner have met and/or agree to meet all city requirements.

PHIL SNOWDEN
ATTORNEY AT LAW
4642 NORTH HOLLY COURT
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In summary, you have an existing building that is zoned for commercial business, a quality young teacher hoping to earn her livelihood, several young families attempting to give their children training in a structured environment, a building owner wanting to lease his building to help pay his expenses, and the applicant and owner meeting all city requirements. I would respectfully urge the planning commission and city council to approve the special use permit and allow some children this early education.

Sincerely,



Phil Snowden

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 23, 2002**

STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 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 August 26, 2002 and Special September 3, 2002 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION BY V.F.W. POST 10906 OF "J. EDGAR HOOVER MEMORIAL LAW ENFORCEMENT AWARD".**

Presenter: Post Commander Elton Alewel

RECOGNITION OF CONTEST PARTICIPANTS in City Open House Essay Contest *"If I Were Mayor, I Would..."*

*** Ashley Volts**
5th Grade, Oakwood Manor School

*** Daniel Chen**
2nd Grade, Chapel Hill School

PROCLAMATION designating the week of September 23-29, 2002 as **"RACE EQUALITY WEEK"** in the City of Gladstone.

PROCLAMATION designating the month of October, 2002 as **"NATIONAL BREAST CANCER AWARENESS MONTH"** in the City of Gladstone.

5. CONSENT AGENDA

RESOLUTION NO. R-02-67, affirming and ratifying the actions of the City Manager in executing a contract with McConnell & Associates Corporation for tennis and basketball court resurfacing in the amount of \$40,527.51 from the Capital Improvements Sales Tax Fund.

RESOLUTION NO. R-02-68, authorizing acceptance of work under contract with Musselman & Hall for the 2002 Intermediate Maintenance Program and authorizing final payment in the amount of \$4,568.21 from the Transportation Sales Tax Fund.

RESOLUTION NO. R-02-69, authorizing execution of a contract with McGarrah Construction Company for the Mill Creek Sanitary Sewer Improvements project in the amount of \$119,213.00 from the 2002 Combined Waterworks and Sewerage Service Water Revenue Bond Fund.

RESOLUTION R-02-70, adopting certain revisions to the "WATER AND SEWER UTILITY REGULATIONS" for the City of Gladstone, Missouri.

APPROVAL OF FINANCIAL REPORTS for the month of August, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING: CONTINUED PUBLIC HEARING** on a request for a Site Plan Revision on property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178) (Continued from 6/10/02 City Council Meeting)

AUDIENCE NOTE: Applicant has withdrawn this application for Site Plan Revision therefore no public hearing will be held.
10. **CONSIDERATION OF SIGN VARIANCE REQUEST** on property at 6032 NE Antioch Road, Meadowbrook Village Shopping Center. Owner: ARO Real Estate
Applicant: Extreme Signs, Inc.
11. **FIRST READING BILL 02-27**, repealing Section 29-6 of the Gladstone Municipal Code to establish new Water Service Rates for the City of Gladstone and amending the Senior Citizen Discount for water service.
12. Other Business
13. Questions from the News Media.
13. Adjournment.

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

MONDAY, SEPTEMBER 23, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Wayne Beer

Mayor Bill Cross opened the Regular September 23, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR AUGUST 26, 2002 and SPECIAL SEPTEMBER 3, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular August 26, 2002 and Special September 3, 2002 City Council Meeting Minutes** as submitted. Mayor Pro Tem Les Smith seconded the motion. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 4a. on the Agenda. SPECIAL PRESENTATION BY V.F.W. POST 10906 of the "J. EDGAR HOOVER MEMORIAL LAW ENFORCEMENT AWARD."

VFW Post Commander Elton Alewel commented that it was a pleasure to be here tonight and to recognize Public Safety Officer Wick Pickard for his many hours of dedication to the City of Gladstone for the protection of our residents. He called on Mr. Joe Lyles to recognize some of Officer Pickard's accomplishments.

Mr. Joe Lyles stated that Public Safety Officer Wick Pickard is known for his honesty and straightforwardness approach to his business, work and family. He has demonstrated a high degree of loyalty and trustworthiness to his work and his associates. He has carried out his obligation as a Gladstone Public Safety officer with vigor and resolve for more than 25 years. Mr. Pickard believes in giving an honest day's work for an honest day's pay. He takes pride in his work and demonstrates on a daily basis what true public service should be. He is a can-do person and an asset to the City. He serves in many capacities including hostage negotiator.

He recently received a commendation from his coworkers in dealing with a suicidal female who was going to take her own life. He was able to convince her to seek professional help. Officer Pickard's

coworkers describe him as compassionate and professional in his job. He also used his skills to defuse a very volatile domestic situation. The suspect had assaulted his wife and was unable to leave the residence or even unlock the door to allow the officers entry. The suspect was very violent and armed with a baseball bat and knife. The officers discovered that he was in his bedroom with his wife and five year old son. PSO Pickard used his skills as a trained negotiator to calmly secure the safety of the victims including the child, the wife and then the suspect himself. His Sergeant wrote "the transition of emotions eye witnessed on the part of the suspect was impressive and due in no small part to his dedication."

I am proud of this officer and feel privileged to be associated with him at this professional level. Above all, his character is his best quality. He is an honest, caring, moral individual and fits the definition of a good person. He works well with all people and has many friends. He is a rare employee and is deserving of any recognition he receives. He was recently voted Runner-up in the Best Police Officer category in Clay and Platte County in the Dispatch Newspaper "Best of Northland 2002." Over 13,000 people voted in Clay and Platte County.

Mr. Lyles presented the placard for the *J. EDGAR HOOVER MEMORIAL LAW ENFORCEMENT AWARD* to Public Safety Officer Wick Pickard which states: "J. Edgar Hoover Law Enforcement Award is presented to Officer Wick Pickard in grateful recognition of unyielding adherence to the highest ideals of law enforcement and serving and protecting all citizens.

Along with the J. Edgar Hoover Memorial Law Enforcement Award, the VFW Post gave Mr. Pickard a Certificate of Appreciation as a sincere expression of his service and efforts for crime prevention in our community.

Public Safety Officer Wick Pickard said that he really appreciates the award and acknowledged that he works with a very good team in Public Safety and there are many deserving people.

Mr. Lyles stated that PSO Wick Pickard's name has been submitted to the State of Missouri for the Missouri VFW Award and could even go on to the national level in Washington, D.C.

Mayor Bill Cross also recognized the **ESSAY CONTEST PARTICIPANTS** in the City Open House contest "*If I Were Mayor, I Would...*".

Ashley Volts, a 5th grade student from Oakwood Manor Elementary and **Daniel Chen** a 2nd grade, student at Chapel Hill Elementary were recognized and given a certificate and City Logo key pin for their thoughtful comments in the contest.

Mayor Cross also proclaimed the week of September 23-29, 2002 as "**RACE EQUALITY WEEK**" in the City of Gladstone, joining many municipalities throughout the country as part of the National League of Cities program.

Mayor Cross read a proclamation designating the month of October, 2002 as "**NATIONAL BREAST CANCER AWARENESS MONTH**" in the City of Gladstone.

Mayor Bill Cross stated he and other Council members as well as staff members attended the MML Conference in St. Louis where they participated in seminars and workshops. During the Monday luncheon, Gladstone City Clerk Marilyn Ahnesfeld received the 2002 Missouri Outstanding City Clerk and Finance Officers Award. She has been an employee of the City since 1961 and has been the appointed City Clerk for 26 years. She is an advocate of professionalism in city government, an expert

in her field, takes great pride in serving her community and is well respected by her peers, associates, community, and the entire state. Mayor Cross commented that you only have to spend a few days with her in St. Louis, or with other City Clerks to realize how much she is appreciated and thought of. City Manager Kirk Davis added his compliments to Mrs. Ahnefeld.

City Clerk Marilyn Ahnefeld said she was certainly surprised in St. Louis and that it was so much fun to look out and see the City Council, City Manager Davis and staff and the former Mayor and City Council who nominated her. She thanked the Mayor and Council for their kind comments.

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

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-67**, affirming and ratifying the actions of the City Manager in executing a contract with McConnell & Associates Corporation for tennis and basketball court resurfacing in the amount of \$40,527.51 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-68**, authorizing acceptance of work under contract with Musselman & Hall for the 2002 Intermediate Maintenance Program and authorizing final payment in the amount of \$4,568.21 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-69**, authorizing execution of a contract with McCarran Construction Company for the Mill Creek Sanitary Sewer Improvements project in the amount of \$119,213.00 from the 2002 Combined Waterworks and Sewerage Service Water Revenue Bond Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-70**, adopting certain revisions to the "**WATER AND SEWER UTILITY REGULATIONS**" for the City of Gladstone, Missouri. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mayor Pro Tem Les Smith moved to approve the **FINANCIAL REPORTS** for the month of August, 2002. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

Item 6. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Carol Rudi offered City Clerk Marilyn Ahnefeld her congratulations and said she was sad she could not attend and see her face when she accepted the award. Ms. Rudi told Mrs. Ahnefeld it was a hard secret and that she was so deserving.

Councilman Shirley Smith stated that when she attended the retirement luncheon for Don Mason, she noticed the exterior of the Community Building in need of repair which had been discussed at Council meetings. She has now noticed that it is getting the much-needed new façade.

Ms. Smith stated that Marilyn's celebration in St. Louis was fun and well-deserved and one of the little "jewels" in our lives and she was happy to be a part of it.

Mayor Pro Tem Les Smith congratulated Officer Wick Pickard for the recognition that he received and stated that he is a class individual. Water Plant Supervisor Don Mason just retired and we wish him well. Mayor Pro Tem the award with so many of us attending.

Mayor Bill Cross also congratulated Officer Pickard and retiring City Employee Don Mason.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis stated that Monday, October 28th is a regular City Council Meeting and noted that on that same evening the Missouri Community Betterment (MCB) Award dinner and ceremony will be held in Columbia. Council will recall we had a presentation earlier this month as part of the process for this award. We will not know until about two days before if Gladstone has won. Mr. Davis asked if Council desires to reschedule the Council meeting for Tuesday, October 29th or another date or send a limited group to Columbia.

The Mayor and Council members agreed that ***Tuesday, October 29th*** would work with their schedules. City Manager Davis will check with Councilman Wayne Beer who is absent tonight but tentatively, the Council Meeting is scheduled for Tuesday, October 29th.

Mr. Davis also announced that Gladdest will be upon us next week, from Thursday through Sunday evening. In the past we have closed City Hall at Noon to prepare for Gladdest and clean out workspaces. We will close again this year.

Mr. Davis thanked the MCB participants for their help with the presentations. Everyone did an excellent job and it was fun watching the entire presentation. This is the first year we have entered the contest in many years, it has been a team effort and hopefully will be a winner.

Item 9. on the Agenda.

CONTINUED PUBLIC HEARING on a request for a Site Plan Revision on property located at 6902 N. Oak. Applicant/Owner: Dominic Cuccia. (File #1178)

Mayor Cross stated that this Public Hearing was continued from the June 10, 2002 City Council Meeting and the applicant has now withdrawn this application for Site Plan Revision so there will be no public hearing held.

Item 10. on the Agenda. **CONSIDERATION OF SIGN VARIANCE REQUEST** on property at 6032 NE Antioch Road, Meadowbrook Village Shopping Center. Owner: ARE Real Estate Applicant: Extreme Signs, Inc.

Assistant City Manager Scott Wingerson stated that the applicant has provided a sign variance application to Sign Code Section 25.81c which provides for a maximum copy area design of 100 square feet. The application is requesting the total copy area to be 150 square feet. The purpose of the sign is to provide visibility to tenants in all areas of the shopping center. Over the last few years, the shopping center has received a very in-depth upgrade and is under new ownership. One of the things not updated was the signage.

In Council's packet is a black and white copy of the proposed sign. The shopping center is approximately ten acres, has numerous tenants, all vying for space. This sign request should solve the concerns. The applicant is here tonight if the Council would permit a few words from them to explain in more detail their request.

Mayor Cross stated that they would like to hear from the owners.

Andrew Oman, President of ARE Management and property owner and **Steve Oman**, ARE Real Estate showed a color rendering of the proposed sign which compliments the signs at Prospect Plaza. It is not garish or offensive, but something that they have worked with the City's professional staff to develop. They wish to maximize the potential for their tenants and be consistent with the attempt to upgrade the entire signage along North Antioch. It has a good color combination and will be very well received.

Assistant City Manager Scott Wingerson stated that the current code requires a maximum of 100 square feet regardless of the size of the property and this sign request is 150 square feet, a portion of which is changeable copy for advertising special events.

Councilman Carol Rudi asked if the changeable copy would eliminate the need for banners and flags that businesses put out.

Mr. Steve Oman stated yes, it would eliminate this need, but there could still be special occasions. They have some unique tenants that have done some very nice things in the center. Mr. Oman stated they intend to make a very dedicated effort to upgrade and continue to enhance the tenant population and mix. This is just one component of many they will be attempting to do. Over the next few months there will be other items that will not require variances but will be a nice addition to the City.

Councilman Shirley Smith stated that the drawing looks very nice and she is always happy to see businesses come forward with good things to make the community look better.

Mr. Steve Oman stated that they have complied with many small safety issues as well including the numbering on the businesses which was not done before they took over. He and his son have the philosophy of the old Nichols Company that you maintain a property, you take care of people, you do the right thing, and the property will be better off for it. They also have some new tenants coming in that the City will enjoy.

Mayor Pro Tem Les Smith moved for approval of the Sign Variance Request by ARE Real Estate. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Mr. Steve Oman complimented the City's professional staff of Mr. Wingerson and his department. The way they handle all the little things, not just this issue, but the attitude, the cooperation, the willingness to work and communicate with them. The returned phone calls, things you do not see in other cities and he is very pleased. These things mean a lot to people in our position.

Item 11. on the Agenda. **FIRST READING BILL 02-27**, repealing Section 29-6 of the Gladstone Municipal Code to establish new Water Service Rates for the City of Gladstone and amending the Senior Citizen Discount for water service.

Councilman Shirley Smith moved to place Bill 02-27 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the First Reading of Bill 02-27, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Councilman Shirley Smith moved to accept the Second and Final reading of **Bill 02-27** and enact the Bill as **Ordinance 3.844**. Mayor Pro Tem Les Smith seconded.

Discussion.

Mayor Pro Tem Les Smith stated that the position to raise the water rates by \$.20 was to be able to continue to provide quality water in our City. We have quite a list of water main improvements and replacement projects that need to be completed. Council felt by raising the rates, which would amount to an average increase of \$14 per household per year increase, that we could address some of the projects on the list. Council visited this issue during the budget sessions in May and June and decided to wait until after the summer months to enact the increase in order to hopefully get past the high summer usage. Council wishes to continue senior citizen discounts, but only make it applicable to the senior's primary place of residence and not rental properties which may be owned by the senior citizen. It is a much more fair and equitable manner in approaching the discount for seniors.

Mayor Cross stated that the price of our water and sewer is close to being one of the lowest of area cities.

Roll Call Vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Questions from the News Media -

Dispatch Reporter Amy Newport asked how the senior citizen discount is figured.

Director of Finance Cash Sweiven stated that it is based on a per day, which is about \$.06 and is about \$4.00 per bi-monthly bill at age 65.

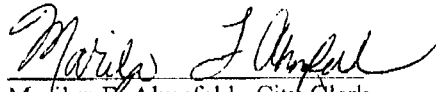
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There being no further business to come before the September 23, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Mayor Pro Tem Les Smith moved to adjourn to Closed Executive Session in the City Manager's Office for Real Estate Discussion pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, and 610.021(3) for Personnel Discussion. Councilman Shirley Smith seconded.

Role Call Vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Respectfully submitted:


Marilyn E. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____

Bill Cross, Mayor

If I Were Mayor, I Would ...?

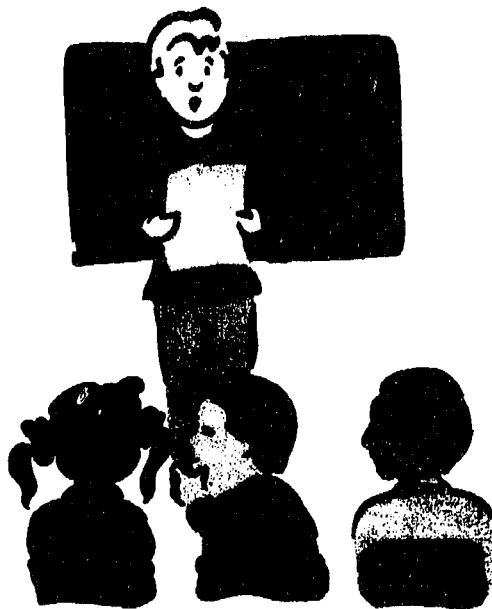
Imagine...

You've just been elected mayor.

City leaders are working on a budget to pay for various services, such as police and fire, road improvements, and parks.

The mayor and council are also discussing the future of your city—its growth, needs, and problems.

You begin to think: What kinds of decisions would I make? How would I plan for my city's future? If I were mayor, what would I do?



Essay Contest Guidelines

**Essay must address the subject and must begin with "If I Were Mayor, I Would..."*

**Essays must not exceed 250 words.*

**Essays will be judged on creativity, clarity, sincerity of thought, and proper use of grammar.*

**Essay categories are: elementary, middle school, high school students, and adults.*

**Essays must be turned in at the "Essay Contest" table by 1:30 pm, September 7th, 2002*

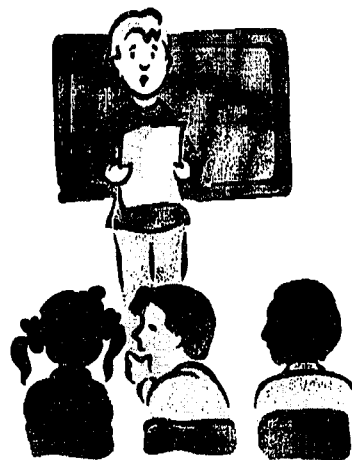
**Winners in each category will be notified by September 17th and will be invited to attend the City Council meeting on Monday, September 23, 2002 at 7:30 pm.*

9-16-02
24th May

City of Gladstone, Missouri

Essay Contest

Name Ashley Volts
Parent's Name Jay Volts
Address 7036 N. Harrison Gladstone
Mo 64118
Phone # (816) 436-1584
School Oakwood Manor Grade 5th



"If I Were Mayor, I Would..."

If I were Mayor, I would start every meeting with prayers. Asking God to help us with every ~~is~~ issue. I would bless the poor and homeless with money and a house to live in.

Ashley Volts

If I Were Mayor, I Would ...?

Imagine...

You've just been elected mayor.

City leaders are working on a budget to pay for various services, such as police and fire, road improvements, and parks.

The mayor and council are also discussing the future of your city—its growth, needs, and problems.

You begin to think: What kinds of decisions would I make? How would I plan for my city's future? If I were mayor, what would I do?



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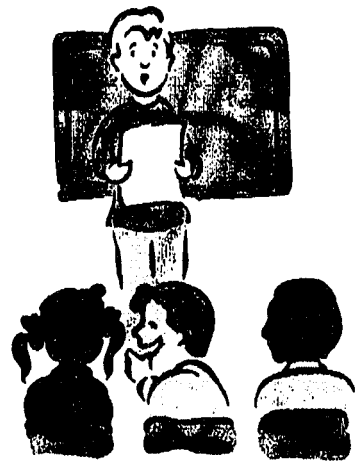
**Essays must be turned in at the "Essay Contest" table by 1:30 pm, September 7th, 2002*

**Winners in each category will be notified by September 17th and will be invited to attend the City Council meeting on Monday, September 23, 2002 at 7:30 pm.*

City of Gladstone, Missouri

Essay Contest

Name Daniel Chen
Parent's Name Jiansheng Chen
Address 3500 NE 67th St
Gladstone MO 64119
Phone # 459-7572
School Chapel Hill Grade 2



"If I Were Mayor, I Would..."

If I were mayor, I would ~~stop~~ donate money
to the poor.

I WAS MAYOR I HELP THE PEOPLE THAT NEED IT

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 14, 2002**

STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 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 September 23, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** designating October 23-31, 2002 as **NATIONAL RED RIBBON WEEK** in Gladstone, Missouri.
5. **CONSENT AGENDA**

RESOLUTION NO. R-02-72, authorizing acceptance of work under contract with Black & Veatch for the design of the Sanitary Sewer improvements to Old Maid's Cave and East Creeks and authorizing final payment in the amount of \$560.00 from the Combined Waterworks & Sewerage Service Revenue Bond Fund. (Project #0290)

RESOLUTION NO. R-02-73, authorizing Change Order No. 1 in the amount of \$30,362.91 to the contract with Superior Bowen Asphalt Co. LLC for the 2002 Street Overlay Program and authorizing acceptance of all work under the contract and final payment in the amount of \$25,426.04 from the Transportation Sales Tax Fund. (Project #0301)

RESOLUTION NO. R-02-74, authorizing acceptance of work under contract with Seal-O-Matic Paving Company for the 2002 Full Depth Street Replacement Program and authorizing final payment in the amount of \$11,822.63 from the Transportation Sales Tax Fund. (Project #0202)

RESOLUTION NO. R-02-75, authorizing the City Manager to enter into an Agreement with the National Civic League (NCL) for professional services in the amount of \$38,757 from the General Fund to conduct a Community Based Strategic Plan.

RESOLUTION NO. R-02-76, authorizing execution of a contract with John F. Lutjen & Associates, Inc. for the design of certain Stormwater Projects for an amount not to exceed \$53,935.00 from the Capital Improvements Sales Tax Fund. (Project #'s 0127,0313,0309,0312)

RESOLUTION NO. R-02-77, authorizing execution of a contract with George Butler & Associates, Inc. for the design turn lanes at 76th & North Oak for an amount not to exceed \$52,000 from the Transportation Sales Tax Fund. (Project #0218)

APPROVAL OF FINANCIAL REPORTS for the month of September, 2002.


APPROVAL OF ONE DAY BEER & WINE LICENSE for St. Charles Borromeo Parish Event on Saturday, November 19, 2002, 804 Shady Lane Drive. 6PM - Midnight.
Managing Officer: Mr. Paul G. Danaher

APPROVAL OF BUILDING PERMIT for Exterior Facelift of Antioch Professional Building, 5601 N Antioch Road. Applicant: Rich Hawkins (BP #02-0727)

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 install a 120' Stealth Flagpole Communication Tower on property at 5870 North Oak. Applicant: Selective Site Consultants, Inc. Owner: Eugene Steffen. File #1183

AUDIENCE NOTE: this Public Hearing will be opened and immediately continued to the Monday, November 25, 2002 City Council Meeting at the request of the applicant at which time the Planning Commission recommendation will be available.

10. **RESOLUTION NO. R-02-78**, amending the 2003 Annual General Fund and Combined Waterworks & Sewerage System Fund Budgets and authorizing the expenditure of funds. (Revised General Fund Budget: Revenues \$12,407,106; Expenditures: \$12,401,219) (Revised CWSS Fund Budget: Revenues \$5,626,697; Expenditures \$5,620,013). 
11. **RESOLUTION NO. R-02-79**, authorizing execution of a contract with Pyramid Excavation & Construction for Water Treatment Plant Basin Cover Improvements for an amount not to exceed \$174,000 from the CWSS Fund and 2000 Water Revenue Bond Fund.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, OCTOBER 14, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Clerk Marilyn Ahnefeld

ABSENT: City Counselor David Ramsay

Mayor Bill Cross opened the Regular October 14, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR SEPTEMBER 23, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular September 23, 2002 City Council Meeting Minutes** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION DESIGNATING OCTOBER 23-31, 2002 AS NATIONAL RED RIBBON WEEK.

Mayor Bill Cross read and presented the proclamation designating **National Red Ribbon Week** to Gladstone School Resource Officer Rom Shatswell who is very active in the Teaching and Reaching Youth (TRY) program in the North Kansas City School District and our community.

Officer Shatswell thanked the City Council on behalf of the Board of TRY and the youth that they work with in the community.

Mayor Cross stated that the proclamation would be entered into the TRY minutes this coming Wednesday during the Board meeting. He commented that the TRY organization has always appreciated the support from the City.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as listed. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer.

Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-72**, authorizing acceptance of work under contract with Black & Veatch for the design of the Sanitary Sewer improvements to Old Maid's Cave and East Creeks and authorizing final payment in the amount of \$560.00 from the Combined Waterworks & Sewerage Service Revenue Bond Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-73**, authorizing Change Order No. 1 in the amount of \$30,362.91 to the contract with Superior Bowen Asphalt Co. LLC for the 2002 Street Overlay Program and authorizing acceptance of all work under the contract and final payment in the amount of \$25,426.04 from the Transportation Sales Tax Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-74**, authorizing acceptance of work under contract with Seal-O-Matic Paving Company for the 2002 Full Depth Street Replacement Program and authorizing final payment in the amount of \$11,822.63 from the Transportation Sales Tax Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-75**, authorizing the City Manager to enter into an Agreement with the National Civic League (NCL) for professional services in the amount of \$38,757 from the General Fund to conduct a Community Based Strategic Plan. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-76**, authorizing execution of a contract with John F. Lutjen & Associates, Inc. for the design of certain Stormwater Projects for an amount not to exceed \$53,935.00 from the Capital Improvements Sales Tax Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-77**, authorizing execution of a contract with George Butler & Associates, Inc. for the design turn lanes at 76th & North Oak for an amount not to exceed \$52,000 from the Transportation Sales Tax Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS** for the month of September, 2002. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5 0)

Councilman Wayne Beer moved to approve the **ONE DAY BEER & WINE LICENSE** for St. Charles Borromeo Parish Event on Saturday, October 19, 2002, 804 Shady Lane Drive. 6PM - Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved for **APPROVAL OF BUILDING PERMIT** for Exterior Facelift of Antioch Professional Building, 5601 N Antioch Road. Applicant: Rich Hawkins Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Terry Hoppenthaler, 2706 NE 57th Terrace, thanked the City and staff on behalf of the Gladstone Chamber of Commerce for a very successful Gladfest celebration this year. She said even though there were a few glitches, the weekend went well.

Ms. Hoppenthaler thanked the City Councilmembers who went over and above in their volunteer efforts. She also thanked Parks and Recreation Director Sheila Lillis and Parks Supervisor Matt Hoops and other staff members for their assistance.

Mayor Bill Cross responded that the City appreciates the great efforts of the Chamber and Terry Hoppenthaler and Bob Barker as co-chairs.

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

Councilman Carol Rudi thanked all those who helped to make Gladfest a success this year and reported she had a great time including working at the Chamber saucy bun booth. Ms. Rudi also mentioned that people have been using the old Texaco property on Antioch Road as a used car lot, but she has since seen a chain barricade across the drive to prevent cars being parked there and appreciates that.

Councilman Wayne Beer stated that at that same location he had seen cars going around the barricades to enter the parking lot and asked that we look into it.

Mr. Beer congratulated the Chamber and Terry Hoppenthaler for the work she has done as well as Bob Barker, Director Sheila Lillis and her staff and all of the volunteers. Gladfest was a very successful event because of the efforts of the City staff and Chamber members.

Councilman Beer also congratulated GEBC and Economic Development Administrator Lynn McClure who won first place in a statewide economic development marketing competition for the recruitment package which he and his staff produced called "Focus on the Future: Your Success is Carved in Gladstone". They also received a second place award from the Missouri Economic Development Council for the "Cornerstone" Newsletter.

Councilman Beer also offered a belated congratulations to Officer Wick Pickard for the Law Enforcement Award he received from VFW Post 10906 and wishes him well in the state and national competition.

Councilman Shirley Smith commented that Gladfest is our big event of the year and was such great fun. The weather was wonderful and she knows our citizens love our Gladfest weekend and hopes we can have this event for many years to come.

Mayor Pro Tem Les Smith welcomed Kyle Croswhite sitting in the audience tonight.

Mayor Pro Tem congratulated Terry Hoppenthaler on a good Gladfest celebration and thanked her for her hard work. He commented that even though there are glitches, the fact that no one noticed is a testimony of how hard she worked.

Mr. Les Smith stated that he heard there was a sewer issue in town last week and it was reported in the newspaper that he had spoken with a resident about it. He said just for the record, he has never spoken to the individual at any time and there is more to the story than what was reported. He does understand staff is on top of this situation.

Mayor Pro Tem Les Smith mentioned that he attended a Workforce Investment Board Conference last week. Something that came out of the conference was the Youth Council that the Governor will eventually appoint. This will include about 1,400 youths across the state who will be involved in every single committee that is involved in state government and he feels that it is a wonderful program. 28% of the population in Missouri are young people 21 and under and it would be good to get them more involved.

Councilman Les Smith stated that he knows students are included in the Parks and Recreation Board and Sister Cities Commission, but would like Council to give some thought to including them in every Board or Commission that serves in the City. They should be able to share their perspective on things that go on in the community in which they live. He does not know what capacity, age, or requirements there might be, but maybe junior high school age and above in an advisory capacity on all the Boards and Commissions. There is a wealth of talent out there that is not tapped because young people do not know how to get involved or think they can get involved in local government. Perhaps we can think about this and discuss at our goal-setting session.

Mayor Bill Cross stated that Mr. Smith's idea is a good one and there are student members on the TRY Board on which he serves. Perhaps the coordinators from the schools could help bring in youth that have this desire to serve in city government.

Mayor Cross confirmed with Mayor Pro Tem Smith that the article in the paper was incorrect in stating that the resident had spoken to Mr. Smith on the sewer problem. Mr. Cross acknowledged that in fact he had talked with the resident but the resident was not satisfied with his answer and stated that she would go to someone else.

Mayor Cross told Terry Hoppenthaler that he had heard nothing but good comments from residents about Gladfest and that it was a huge success. He did receive one call regarding the fireworks on Friday evening.

Mr. Cross commented that Parks and Recreation Director Sheila Lillis had the 5K Scarecrow Run/Walk organized and ready at 7:00 am. There were 140+ participants for the run including Councilman Shirley Smith. People were there at 4:00 am, it was raining hard at that time, but cleared off by 7:00 am. Hy-Vee donated the breakfast of bagels, juice and fruit. A \$5,000 profit was made from this event.

Mayor Cross complimented the spaghetti dinner fundraiser for the Gladstone amphitheatre held at the Elk's Club. The total number attending was 290, with a profit of about \$3,000.

Mr. Cross stated that three council members attended the Public Liability Seminar at Tan-Tar-A and learned a great deal. He appreciates being able to attend these meetings.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis announced that the next Council meeting will be Tuesday, October 29th because of the Missouri Community Betterment Awards banquet in Columbia. He also announced that the Fall Brush Disposal Event is November 1st - 3rd at the Public Works facility.

Mr. Davis thanked Terry Hoppenthaler for the great job as Gladfest Chair and told her the positive comments are certainly due her. He also thanked the Elk's for helping with the fundraiser for the amphitheatre.

City Manager Davis commented that the City's 50th Anniversary Golden Gala is fast approaching with the deadline of October 25th for making reservations.

Mr. Davis stated that Mayor Pro Tem Les Smith commented about Kyle Croswhite's attending the Council meeting this evening. Mr. Davis wanted to recognize that Kyle's grandfather has lived in Gladstone for more than 45 years and has been very active in the community.

Mr. Davis stated that he is glad to see renovations on the Antioch and Englewood Road side of the city with the exterior facelift of the Antioch Professional Building. It will be a big improvement in that area. The upgrading of our economic development efforts are noted with the awards received and part of the result of trying to encourage investment in our city along the commercial corridors.

City Manager Davis stated that the Mid America Regional Council is asking if the City is interested in adopting a resolution in support of the opposition to Amendment #2 coming up on the November 5, 2002 statewide election ballot. The Amendment has to do with mandating that cities enter into agreements with the firefighters union. There is an article from MML in opposition to this issue and he submits the article to the Council for action. The Council action can be made in the form of a motion, a resolution at the next Council meeting, or there is no requirement that we take action on the issue.

The Mayor confirmed that the Council could vote in favor or against or take no action at all. He then asked Council for their thoughts and suggestions on this issue.

Councilman Wayne Beer stated that he would like more time to examine the Amendment.

Mayor Pro Tem Les Smith stated that he appreciated the City Manager bringing this up because he was going to do so under other business. He asked if MARC is looking for direction from members to take a position or to put out a position paper.

Mr. Davis replied, yes that would be correct.

Mr. Les Smith stated that with the election being on November 5th it would do no good to wait until October 29th to give Council's input of yea or nay.

Mr. Davis stated that part of MARC's approach would be local media and if action is taken tonight, it will have more impact at MARC and local coverage would have more benefit before the 29th.

Mayor Pro Tem Les Smith stated that this issue was mentioned by City Counselor David Ramsay a few weeks ago. By its nature it requires a Constitutional Amendment to change the way we do business in Missouri. He is a big supporter of the fire division and as we see it on a local basis, it is Council's responsibility to protect our community. The Public Safety Department enjoys wages that are better than fair market value, enjoy the best training, and the best equipment that money can buy. They have a great benefits package and we should be the stewards for how to spend taxpayers money.

Mr. Smith stated that he is not anti-union, he just does not believe in collective bargaining in the public sector. It is quite different than in the private sector. He feels that management should be allowed to make decisions for the good of the City without any one department in the city having more clout or priority than the rest of the departments. Fundamentally, that is his position. If the Amendment passes it is going to have significant impact on our city budget and it is not necessary. We take care of our employees. We cannot fight this issue on a statewide level, but we can sure stand up for what is right here in Gladstone. It is our responsibility and what we are charged to do as a Council. He stated he thinks we need to oppose the Amendment.

Councilman Beer thanked Mayor Pro Tem Les Smith for his remarks and said it is apparent that he certainly is well-versed on this issue. Mr. Beer stated that he would support Mr. Smith's views after hearing his discussion.

Councilman Carol Rudi stated that she is ready to vote in opposition.

Councilman Shirley Smith said there are arguments for and against it and she does not have a feeling one way or the other on this, she will go with the Council's recommendation.

Mayor Cross stated that he concurs with the way the rest of the Council feels and we can move forward with a motion.

Motion.

Mayor Pro Tem Les Smith moved to take the position of opposition to the Constitutional Amendment #2 and forward it to MARC and MML. Councilman Shirley Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi asked if a resolution would be needed. Mayor Pro Tem Smith stated that we should have one and asked if one has been prepared.

City Manager Davis stated that a resolution had not been prepared, pending which way the Council desired to go on this issue. We can prepare a Resolution of Opposition to Constitutional Amendment #2 that supports the motion and get the needed signatures from Council members.

Mr. Davis stated that Councilman Les Smith was very articulate and what it comes down to is giving Council authority to an arbitrator on the big issues.

Mayor Pro Tem Les Smith stressed that he is a huge supporter of the fire division, he is not anti-union but the public sector is not the place for collective bargaining.

Mayor Cross stated that both he and Mr. Beer have seen these kinds of things in the education world.

Item 9, on the Agenda. **PUBLIC HEARING:** on a request for a Special Use Permit to install a 120' Stealth Flagpole Communication Tower on property at 5870 North Oak. Applicant: Selective Site Consultants, Inc. Owner: Eugene Steffen.

Mayor Cross stated that the Public Hearing will be opened and immediately continued to the Monday, November 25, 2002 City Council Meeting at the request of the applicant at which time the Planning Commission recommendation will be available.

Item 10, on the Agenda. **RESOLUTION NO. R-02-78**, amending the 2003 Annual General Fund and Combined Waterworks & Sewerage System Fund Budgets and authorizing the expenditure of funds. (**Revised General Fund Budget:** Revenues \$12,407,106; Expenditures: \$12,401,219) (**Revised CWSS Fund Budget:** Revenues \$5,626,697; Expenditures \$5,620,013).

Councilman Wayne Beer moved to approve **RESOLUTION NO. R-02-78**. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11, on the Agenda. **RESOLUTION NO. R-02-79**, authorizing execution of a contract with Pyramid Excavation & Construction for Water Treatment Plant Basin Cover Improvements for an amount not to exceed \$174,000 from the CWSS Fund and 2000 Water Revenue Bond Fund.

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-79**. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

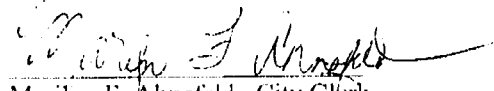
The City Council agreed to continue the **Open Study Session** discussion to finish Item #3 *Discussion of Capital Improvement Project Schedules*.

At the completion of the Study Session, the Mayor announced that there was no further business to come before the October 14, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

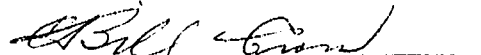
Following adjournment of the Regular Meeting, Councilman Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded.

Role Call Vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____


Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
TUESDAY, OCTOBER 29, 2002**

STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment of the
Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1)
for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate
Acquisition Discussion, 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 October 14, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating November 1, 2002 as "Family Literacy Day" in Gladstone.
Sponsor: William Boydston Chapter National Society Daughters of the American Revolution.
5. **CONSENT AGENDA**

RESOLUTION R-02-80, authorizing execution of a contract with UHL Engineering for the design of the 67th & N Forest Drainage Improvement Project for an amount not to exceed \$42,310.00 from the Capital Improvements Sales Tax Fund. (Project #0208)

RESOLUTION NO. R-02-81, authorizing execution of a contract with Brungardt Honomichl & Company, PA (BHC), for the design of the 76th & North Woodland reconstruction project. For an amount not to exceed \$33,000 from the Transportation Sales Tax Fund. (Project #9409)

RESOLUTION NO. R-02-82, authorizing acceptance of work under contract with Black & Veatch for the design of the sanitary sewer improvements to Mill, Old Maid's, Cave, and East Creeks and authorizing final payment in the amount of \$16,033.00 from the CWSS 2000 Revenue Bond Fund. (Project #0118)

RESOLUTION R-02-83, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Sewer Rehabilitation project for an amount not to exceed \$349,600.00 from the CWSS 2000 Revenue Bond Fund. (Project # 0391)

APPROVAL OF BUILDING PERMIT for Meadowbrook Elementary School, 6301 N Michigan, exterior remodeling. Applicant: ACI/Frangkiser Hutchens, Inc. (File #02-0691)

APPROVAL OF BUILDING PERMIT for Oakwood Manor Elementary School, 5900 N Flora, exterior remodeling. Applicant: ACI/Frangkiser Hutchens, Inc. (File #02-0692)

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. Other Business
10. Questions from the News Media.
11. Adjournment.

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

TUESDAY, OCTOBER 29, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular October 29, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR OCTOBER 14, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular October 14, 2002 City Council Meeting Minutes** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION DESIGNATING NOVEMBER 1, 2002 AS "FAMILY LITERACY DAY" in Gladstone sponsored by the William Boydston Chapter of the National Society of Daughters of the American Revolution.

Mayor Bill Cross read the proclamation designating November 1, 2002 as "Family Literacy Day" in Gladstone and asked City Clerk Marilyn Ahnefeld to deliver the proclamation to a member of the Daughters of the American Revolution.

Item 4b. on the Agenda. SPECIAL PRESENTATION OF RESOLUTION FROM CLAY COUNTY CELEBRATING GLADSTONE'S 50TH ANNIVERSARY.

Clay County Western Commissioner Tom Brown stated that it is a very exciting year for the City of Gladstone and as part of Clay County, it is exciting for them too. The Clay County Commission offers to the citizens of Gladstone Resolution 2002-459 congratulating our city on its 50th Anniversary. (copy attached).

Commissioner Brown presented the Resolution to City Manager Kirk Davis and offered the congratulations of the Commission.

Mayor Bill Cross thanked Mr. Brown for taking the time from his busy schedule to be here tonight.

County of Clay, Missouri

A Resolution of the Clay County Commission

2002-459

October 15, 2002

WHEREAS, the City of Gladstone was incorporated November 19, 1952 and celebrates its 50th anniversary as a city this year; and

WHEREAS, the City of Gladstone has played an significant and essential role in the growth, development and prosperity of Clay County and the Northland; and

WHEREAS, the people of Gladstone have shown great pride in their community through their participation in such activities as Theatre in the Park, Gladstone Blues and Jazz Festival, Gladfest, and other community events; and

WHEREAS, the continued vitality of Clay County and the Northland depends on communities, such as the City of Gladstone, to provide services, programs and events that encourage families to participate in community activities;

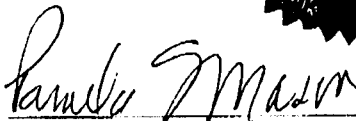
NOW, THEREFORE, BE IT RESOLVED by the County Commission of Clay County, Missouri that this Commission, on behalf of the citizens of Clay County, does hereby recognize the

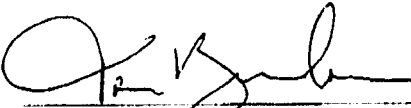
CITY OF GLADSTONE, MISSOURI for 50 Years of Progress in Clay County

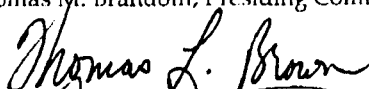
AND BE IT FURTHER RESOLVED, that this Commission does hereby direct the County Clerk to make this resolution a part of the permanent records of Clay County, Missouri.

ATTEST:




Pamela S. Mason, County Clerk


Thomas M. Brandon, Presiding Commissioner


Thomas L. Brown, Western Commissioner


Craig Porter, Eastern Commissioner

Item 5. on the Agenda.

CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith moved to approve the Consent Agenda as listed. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-80**, authorizing execution of a contract with UHL Engineering for the design of the 67th & N Forest Drainage Improvement Project for an amount not to exceed \$42,310.00 from the Capital Improvements Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION NO. R-02-81**, authorizing execution of a contract with Brungardt Honomichl & Company, PA (BHC), for the design of the 76th & North Woodland reconstruction project. For an amount not to exceed \$33,000 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-82**, authorizing acceptance of work under contract with Black & Veatch for the design of the sanitary sewer improvements to Mill, Old maid's, Cave, and East Creeks and authorizing final payment in the amount of \$16,033.00 from the CWSS 2000 Revenue Bond Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-02-83**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Sewer Rehabilitation project for an amount not to exceed \$349,600.00 from the CWSS 2000 Revenue Bond Fund. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved for approval of **BUILDING PERMIT** for Meadowbrook Elementary School, 6201 N. Michigan, exterior remodeling. Applicant: ACI/Frangkiser Hutchens, Inc. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved for approval of **BUILDING PERMIT** for Oakwood Manor Elementary School, 5900 N. Flora, exterior remodeling. Applicant: ACI/Frangkiser Hutchens, Inc. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Carol Rudi stated that the rotation of the 50th Anniversary Memorabilia Display around the city is a great idea. Ms. Rudi also thanked the anonymous donor for the 32 tickets provided to City employees to attend the Gala event.

Councilman Wayne Beer stated that he had several items to discuss, one being the Arts Advisory Committee proposal. This is a good idea and suggests that we proceed with some serious discussions on this subject.

Mr. Beer also commented that Northview Elementary School contributed \$700 to the amphitheatre reconstruction fund through a car wash fundraiser. While Northview is not a Gladstone school, it is a northland school and a prime example of how the amphitheatre has become a fixture in the entire northland and not just Gladstone.

Councilman Beer also thanked the anonymous donor for the 32 Gala tickets and noted it is another example of the fact that Gladstone has so many outstanding citizens because of their generosity and compassion.

Mr. Beer advised that November 19th is the actual date of the 50th anniversary of the incorporation of Gladstone and the City is holding an Incorporation Day reception on that date. Not all of our citizens are able to take part in every celebration planned for Gladstone's 50th anniversary and this is one more event being planned to celebrate.

Councilman Shirley Smith commented that a citizen said to her that we must be doing something right at City Hall because Gladstone is looking better and better all the time. Ms. Smith said we often forget that citizens watch us and they do know when things are good or bad.

Councilman Smith stated that Council members and ten City staff and citizens traveled to Columbia, Missouri for the Missouri Community Betterment Awards Dinner. It was a nice evening to visit and have fun even though we did not win an award.

Mayor Pro Tem Les Smith said he received a call over the weekend from resident Anita Duncan who requested Council support for the Salvation Army shelter/building. Mr. Smith asked if we have received any formal request on this matter.

Mayor Cross stated that he had received a request for money, but advised that the City does not give donations to charitable organizations. He explained they are remodeling the existing building and looking for funding contributions.

Mayor Pro Tem Les Smith stated that the City did not place in the top five for the MCB Award. However, we did have a lot of compliments on the Economic Development package that we had put together. It appears that one thing lacking in the effort is youth involvement. The Governor announced again a youth conference coming up in the future. Mr. Smith stated that if we can get the youth of our community energized, and be a bigger part of what we do here, then perhaps we can be recognized on a state and national level. If we can get some folks to come forward who can work with Council on doing something with the youth of the community, this could go a long way to help us next year.

If we can get as much information as possible on the Governor's new program and piggyback on it, we can do some things with the youth of the community.

Mr. Smith congratulated the staff and others who worked so hard on the presentation. It was very impressive and many communities asked to look at the economic development packet. He asked that the good wishes be forwarded to other staff members.

Mayor Bill Cross stated that he too felt very proud of what has been done even though we did not win. We learn something each time from these events.

Mr. Cross advised that there were now over 300 people with reservations for the Golden Gala. The event will be a great time and fun for everyone.

Mayor Cross also commented that Mayor Bruns from North Kansas City has advised that NKC is willing to make another contribution to the amphitheatre fund and we certainly appreciate this help once more.

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

Mayor Kirk Davis commented that it is nice to see so many employees from the Fire Division in the audience this evening. We do not get to see them very often and they do a good job.

Mr. Davis announced the annual Mayor's Holiday Tree Lighting ceremony is scheduled for Tuesday, November 26th at 6:00 pm at the First Bank of Missouri on Antioch Road.

Mr. Davis advised that Economic Development Administrator Lynn McClure and Gladstone Chamber President Amy Harlin are working jointly on a promotion to encourage citizens to "buy in Gladstone".

City Manager Davis congratulated Pete Hall on receiving the Look North Award. It is not often a Gladstone resident receives such a distinguished award and he is so involved with the city that we can take pride in the fact that he received it.

Mr. Davis reminded everyone of the brush disposal event this weekend at Public Works, from 8-5 pm each day.

City Manager Davis commented on the Gala coming up on November 9th with the Benefactor's reception on the 7th. We do have over 300 reservations for the Gala and more are still coming in. It should be a fun event and he is looking forward to it.

The Public Safety Dispatcher's office area renovation is nearing completion. We are about 99% finished and it is looking good and we will hold a reception when the personnel move back into City Hall. We will invite the Council, staff, and the North Kansas City personnel who graciously accommodated our staff during this time of renovation. We do not have complete details on time and day, but will advise Council when that happens.

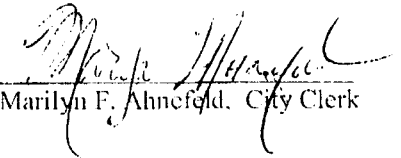
City Manager Davis stated that part of the carousel activity from the Study Session was not completed by each Council member and asked if Council desires to finish this tonight prior to their Closed Executive Session.


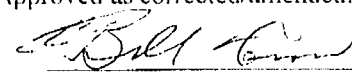
There was no further business to come before the Gladstone City Council and the Mayor and Council agreed to return to the **Open Study Session** Project Carousel activity.

Councilman Wayne Beer moved to return to the Open Study Session, then adjourn the Regular Meeting and go to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded.

Role Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____

Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 11, 2002**

STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, 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 October 29, 2002 City Council Meeting Minutes.
5. **CONSENT AGENDA**

RESOLUTION R-02-84, accepting Permanent and Temporary Easements from property owners required in connection with the installation of Storm Water Improvements at 7211 N. Holmes.

APPROVAL OF FINANCIAL REPORTS for month of October, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **CITY COUNCIL ACCEPTANCE OF FY 2001-2002 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**
10. **FIRST READING BILL 02-28**, adopting the Sewer Service Connection Fee mandated by the State of Missouri for all Gladstone properties with connection to the City Sewer System.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.

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

MONDAY, NOVEMBER 11, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular November 11, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR OCTOBER 29, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular October 29, 2002 City Council Meeting Minutes** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as listed. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-84**, accepting Permanent and Temporary Easements from property owners required in connection with the installation of Storm Water Improvements at 7211 N. Holmes. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS** for the month of October, 2002. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Mary Abbott, 5905 N. Broadway, thanked the City for the wonderful Gala celebration on November 9th and wished the City a Happy Birthday.

Terry Hoppenthaler, 2706 NE 57th Terrace, stated that she hoped everyone enjoyed the Gala last Saturday evening. The Gala Committee, the Memorabilia Committee, and Banner Committee all did such a wonderful job. The Gala Committee certainly outdid themselves. Ms. Hoppenthaler said she truly loves this City and thanked the Council for allowing her to be a part of the City celebration.

Mayor Cross thanked Terry and said he knew how much time and effort was spent on this and appreciates everyone's help.

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

Councilman Carol Rudi congratulated the Gala Committee and the entire 50th Celebration Committee for a great job. It has been a tremendous experience and Saturday night was beautiful and incredible. She knows everyone had a wonderful time.

Councilman Wayne Beer agreed with the other comments about the Gala and stated that he and his wife had a great time. He congratulated Terry Hoppenthaler and Lana Whitton, the two co-chairs of the entire 50th Anniversary Celebration. The other committees included the Gala Committee, co-chaired by Nancy Thompson, Cathy Swenson, and Diane Whitaker; the Memorabilia Committee, co-chaired by Galen Neil and Freddie Nichols. Mary Abbott, who is in attendance tonight, was a part of the Memorabilia Committee and he thanked her for her work. The Banner Committee was chaired by Marilyn Ahnefeld. Mr. Beer said these folks did an excellent job of putting everything together to make a very successful event.

Mr. Beer asked about the status of the property where Creekwood Medical Center had asked for special dispensation regarding a construction and work permit because of unusual circumstances. He has not seen anything happening on this project as he might have expected.

Assistant City Manager Scott Wingerson advised that the property owner is Richard Hawkin and the location is near the intersection of Englewood and Antioch Road. He had asked the Council for expediency in issuance of a building permit for the renovation of the entire facility. They had a construction crew from Iowa, but this crew picked up two other jobs as we were expediting the building permit. Hopefully they will begin in December since the timing went askew during the approval process.

Mr. Beer thanked Mr. Wingerson and stated that it might be hard to think about issuing special dispensations for folks in the future if this is typical.

Councilman Beer stated that he hoped everyone gave thought today about our country's military veterans, both living and dead. Without all of the sacrifices throughout this country's tumultuous past, we most likely would not be gathered here even tonight. We would almost certainly not be able to

enjoy our liberties, freedoms and responsibilities that have been sought throughout our history. Mr. Beer thanked all of our veterans and hopes we will all thank them as well.

Councilman Shirley Smith said when we first discussed the 50th year celebration, we wanted it to be equal to how we all felt about the city, and that has been accomplished this year.

Ms. Smith reported that she attended the Woodbine Health Center open house last week and notes we should be proud that this facility is located in Gladstone.

Councilman Shirley Smith also mentioned that the Council held their goal-setting retreat on Friday. It is not often that we get to visit and talk to each other, but it always results in good things and was a successful retreat.

Mayor Pro Tem Les Smith agreed with Councilman Smith that the retreat session was very productive and he hopes that they gave staff some direction on things they hope to accomplish. We also learned that staff has accomplished most of the objectives that were set the last couple of years which is a good thing.

Mayor Pro Tem Smith asked if anyone besides the Mayor has talked with the Gladstone resident about her fireworks concern from Gladfest that keeps appearing in the *Dispatch Newspaper* Tapes. She is now talking about fiscal irresponsibility and new leadership and that is more than taking a swipe at the Council and everyone. He challenged this lady to give her name and address to City Council so they may have a discussion with her.

Mr. Smith asked Terry Hoppenthaler to pass along to the entire 50th Anniversary Committee and everyone else involved his thanks. It has been a tremendous year of events which will culminate on the Incorporation Day Open House November 19th and hopes everyone will be there that afternoon.

We all have some permanent memories that we will be able to add to incrementally over the years. We have the Memorabilia Display, the Summer 50's Event, the Anniversary Kick-off Event, and it was culminated Saturday night by the Gala Ball which was by absolutely the most wonderful event that he had ever attended since he began volunteering more than 25 years ago. It was just beautiful and everything fell into place. He thanked Terry Hoppenthaler for being a part of it and her committee for allowing him to present the history of the City which was really special to him. We are "50" Gladstone, congratulations.

Mayor Bill Cross commented that he certainly agreed with other Council members' comments regarding the Gala. The Gala planning started in October of last year and he appreciates all those who even worked until the last minute on Saturday, then ran home and changed clothes to get back to enjoy the evening, and then disassembled it all when the event closed at 11:30 pm.

Mayor Cross said he was able to take home two table centerpieces, then took one to Woodbine Health Center today and they were delighted. He was also able to attend their open house last week and present them a congratulatory letter.

Mayor Cross also announced that on November 16th at 9:00 am, a crew will meet and put up the Mayor's Holiday Tree at First Bank of Missouri on Antioch Road. It is a brand new tree and will be lit on November 26th beginning at 6:00 pm. He has also asked Mr. Bryan Busby to join the festivities by doing a live weathercast that night. There are several singing groups lined up and he invited his fellow

Council members to join him in riding on the sleigh to the site. The sleigh will hold about 16 people and he welcomes them to attend.

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

City Manager Kirk Davis also added his kudos to the Gala Committee. It was an awesome event and one that none of us will forget for a long, long time and certainly worthy of our 50th Birthday. There were a lot of folks from way back who had a lot of input in the way Gladstone looks today and they deserve a lot of credit.

Mr. Davis thanked Terry Hoppenthaler and her committees who did a great job in all of the events this year. We could not have asked for more.

Item 9. on the Agenda. CITY COUNCIL ACCEPTANCE OF FY 2001-2002 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.

Councilman Wayne Beer moved to accept the **2001-2002 ANNUAL FINANCIAL REPORT** for the City of Gladstone. Councilman Shirley Smith seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. FIRST READING BILL 02-28, adopting the Sewer Service Connection Fee mandated by the State of Missouri for all Gladstone properties with connection to the City Sewer System.

Mayor Pro Tem Les Smith moved to place Bill 02-28 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-28, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 02-28** and enact the Bill as **Ordinance 3.846**. Councilman Carol Rudi seconded.

Discussion.

Councilman Carol Rudi stated that this fee is mandated by the State of Missouri, and not something that the City has initiated.

Councilman Wayne Beer said that he will be voting for this ordinance, but has a hard time dealing with mandates by the state.

Roll Call Vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. OTHER BUSINESS

City Clerk Marilyn Alnefeld said that she would be remiss if she did not thank the Gala event co-chairs and the City Council for the bouquet of roses she received. As everyone reported earlier, it was a very special evening.

Item 12. on the Agenda. QUESTIONS FROM THE NEWS MEDIA

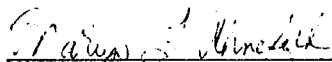
Amy Newport, *Dispatch Newspaper* advised that there will be pictures from the Gala in the Wednesday and Friday editions of the *Dispatch*.

There being no further business to come before the November 11, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Councilman Wayne Beer moved to adjourn the Regular Meeting and go to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded.

Role Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

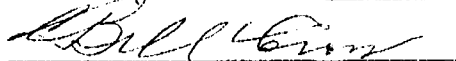
Respectfully submitted:



Marilyn F. Alnefeld, City Clerk

Approved as submitted: _____

Approved as corrected/amended: _____



Bill Cross, Mayor

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 25, 2002**

STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021(2) for Real Estate Acquisition Discussion,
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: Cub Scout Pack #247
4. **Approval of Regular November 11, 2002 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

RESOLUTION R-02-85, authorizing execution of a contract with Olsson Associates for the design of the 76th Street Reconstruction Project from North Troost to North Lydia in the amount of \$49,279.00 with funding from the 2002 Certificates of Participation. (Project #0514)

RESOLUTION R-02-86, adopting a Revised "**Investment Policy**" establishing procedures for investing the financial assets of all funds of the City of Gladstone.

RESOLUTION R-02-87, accepting Temporary Construction and Permanent Maintenance Easements from property owners in conjunction with reconstruction and permanent maintenance of a retaining wall on properties at 7005 and 7007 North Baltimore.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 02-29**, an ordinance imposing a use tax for general revenue purposes at the rate of two and one-fourth percent (2 1/4%) pursuant to the authority granted by and subject to the provisions of sections 144.600 through 144.763 RSMo.; providing that the Use Tax shall be reduced or raised in the same amount as any City Sales Tax may be reduced or raised; providing for the submission of the proposal to the qualified voters of the city for their approval at the Municipal Election called and to be held in the City of Gladstone on Tuesday, February 4, 2003; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

10. **FIRST READING BILL 02-30**, an ordinance calling a General Election for Tuesday, April 8, 2003 for the election of two positions to the Gladstone City Council; describing the form of the ballot; and directing the City Clerk to submit certification of such election to the Clay County Board of Election Commissioners pursuant to RSMo., 115.125.
11. **FIRST READING BILL 02-31**, amending Schedule VIII of the Model Traffic Ordinance to establish a Stop Sign Location at the Northwest Corner of NE 74th Street & N Main.
12. Other Business.
13. Questions from the News Media.
13. Adjournment.

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

MONDAY, NOVEMBER 25, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Clerk Marilyn Ahnefeld

ABSENT: City Manager Kirk Davis
City Counselor David Ramsay

Mayor Bill Cross opened the Regular November 25, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross introduced Cub Scout Pack 247 who presented the Color Guard and led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR NOVEMBER 11, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the **Regular November 11, 2002 City Council Meeting Minutes** as submitted. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as listed. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-85**, authorizing execution of a contract with Olsson Associates for the design of the 76th Street Reconstruction Project from North Troost to North Lydia in the amount of \$49,279.00 with funding from the 2002 Certificates of Participation. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-86**, adopting a Revised **"Investment Policy"** establishing procedures for investing the financial assets of all funds of the City of Gladstone. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer,

Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross.
(5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-87**, accepting Temporary Construction and Permanent Maintenance Easements from property owners in conjunction with reconstruction and permanent maintenance of a retaining wall on properties at 7005 and 7007 North Baltimore. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross.
(5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Carol Rudi requested from staff an insurance report on replacement value of City properties and what we insure. After the amphitheatre fire and those related costs, she would like to see a report and how the city keeps the report current so that we can make sure we are insuring what we have. She has been asked about this process and would like information by January or February.

Councilman Wayne Beer congratulated Officers Pickard, Hays, Easley, and Hayes for their awards of valor which speaks very highly of the caliber of officers we have in the Public Safety Department and the training they receive. He asked Director of Public Safety Bill Adamo to pass along his congratulations.

Mr. Beer praised the great article and information in *Ingram's Magazine* on Clay County and Gladstone. He also thanked Fox Hill Elementary School for their \$450 contribution to the amphitheatre fund which just proves once more that the amphitheatre has become an icon in the northland and not just a Gladstone fixture.

Councilman Beer also congratulated Director Adamo for the FEMA grant which was just awarded in the amount of \$233,000 that will pay for materials, safety equipment, and training that we would have to pay for anyway.

Councilman Beer also thanked the city for a very successful Incorporation Day Open House on November 19th.

Councilman Shirley Smith stated that we are going into the holiday season and asked everyone to please be careful and safe so that we can return after the holidays to begin a new year of work hard for the city.

Mayor Pro Tem Les Smith stated that in the FYIN this week we have a report on a meeting held with the Board of Directors of The Woodlands regarding the traffic concerns. He suggested that we have a study session on this item in the very near future so we can discuss the various options and give staff some direction on the issue.

Mr. Smith stated that he attended the Capital Improvements Program meeting last week and the 68th Street & M-1 Highway detention basin was discussed. The question was asked what they thought we should do with the property. The general consensus was that it would be a passive use area and the road would be torn out.

Mayor Pro Tem Les Smith said we pay a lot of money for our parks, and if Council agrees, he would like staff to consider some passive park usage for the large green space area before we tear out the access road which would be the only point of egress and ingress off of the state highway where they will not allow any more curb cuts. If we research the possibility of putting a hammerhead or some other type of turn-around or cul-de-sac we may be able to use the access drive for parking where people can fly a kite, walk their dog, or throw a football.

Mr. Smith stated that he has spent a lot of time over the years in the Phoenix and Scottsdale area where they actually build golf courses in the detention basins because they are dry most of the year. Whether it be park benches or picnic tables or walking trails, they are all done in concrete and are there for use most of the year for something other than just detention basins. He would like to see us do something like that and it would be an opportunity to have a passive park. The road and asphalt curbs are already there for the most part with someone else's money and we could look further to take advantage of that before we go in and tear it out.

Mayor Cross confirmed that what Mayor Pro Tem Smith is suggesting is that Director of Parks Sheila Lillis investigate the possibilities there. It seems a very worthwhile concept to look at and he appreciates this observation and recommendation possibilities.

Mayor Pro Tem Les Smith said that maybe staff can take some concrete ideas back to the Parks Board and CIP and let them think about it that way. They did not have much opportunity to think of what they wanted to do with it when presented the other night. We can take them some pro-active ideas and see what response it gets. He stated that he would hate for this area to go to waste.

Mayor Bill Cross reported that we will not have a primary election this year because there are only four candidates who for the two Council seats.

Mayor Cross invited everyone to join him in the Mayor's Holiday Lighting ceremony at 6:00 pm and invited Council to ride in the sleigh with him and Mr. and Mrs. Santa Claus at 5:30 pm. He encouraged everyone to dress warm because it will be cold. The Master of Ceremonies is still a go, the live weather report is still on and the singing groups will be ready.

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

Assistant City Manager Scott Wingerson asked Council to provide their recommendation to Director of Finance Cash Sweiven or Director of Parks and Recreation Sheila Lillis on choice of chairs for the Council dais from the samples tried out this evening.

Mr. Wingerson also mentioned upcoming activities including the Chamber Awards Banquet on Friday, December 13th at Tiffany Greens; the City Employee Recognition Dinner Saturday, December 21st and the Mayor's Holiday Tree Lighting tomorrow, the 26th at 6:00 pm.

Assistant City Manager Wingerson stated that the recent goal-setting retreat provided an opportunity to discuss strategic planning and names of those whom Council would recommend to serve on this

committee. If Council will submit their lists, we can contact those people to attend the first meeting on December 12th.

Item 9. on the Agenda. **FIRST READING BILL 02-29**, an ordinance imposing a use tax for general revenue purposes at the rate of two and one-fourth percent (2 1/4%) pursuant to the authority granted by and subject to the provisions of sections 144.600 through 144.763 RSMo.; providing that the Use Tax shall be reduced or raised in the same amount as any City Sales Tax may be reduced or raised; providing for the submission of the proposal to the qualified voters of the city for their approval at the Municipal Election called and to be held in the City of Gladstone on Tuesday, February 4, 2003; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Mayor Pro Tem Les Smith moved to place Bill 02-29 on First Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-29, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 02-29** and enact the Bill as **Ordinance 3.847**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 02-30**, an ordinance calling a General Election for Tuesday, April 8, 2003 for the election of two positions to the Gladstone City Council; describing the form of the ballot; and directing the City Clerk to submit certification of such election to the Clay County Board of Election Commissioners pursuant to RSMo., 115.125.

Councilman Wayne Beer moved to place Bill 02-30 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-30, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of **Bill 02-30** and enact the Bill as **Ordinance 3.848**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 02-31**, amending Schedule VIII of the Model Traffic Ordinance to establish a Stop Sign Location at the Northwest Corner of NE 74th Street & N Main.

Councilman Carol Rudi moved to place Bill 02-31 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 02-31, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of **Bill 02-31** and enact the Bill as **Ordinance 3.849**. Councilman Shirley Smith seconded.

Discussion.

Mayor Pro Tem Les Smith asked about this stop sign being at the entrance to Linden West Elementary and if there is a stop sign on 74th Street as well.

Director of Public Works Andy Noll stated that presently there is no stop sign at the northwest corner of 74th & N Main. Over the years that stop sign was taken down for whatever reason and the ordinance was not revised so we did not need to establish another ordinance to put it back up. The result then will be stop signs to control traffic at both the northwest and northeast corners of 74th & N Main.

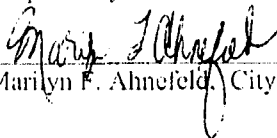
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)


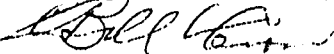
There being no further business to come before the November 25, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Mayor Pro Tem Les Smith moved to adjourn the Regular Meeting and go to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(2) for Real Estate Acquisition Discussion and 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Role Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: 
Approved as corrected/amended: 
Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, DECEMBER 9, 2002**

STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021(1) for Litigation and Privileged Communications Discussion,
610.021(2) for Real Estate Acquisition Discussion, 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: Boy Scout Troop #247 sponsored by Gashland Presbyterian Church.
4. **Approval of Regular November 25, 2002 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of December as "National Drunk and Drugged Driving Prevention Month" and supporting December 20, 2002 as "Missouri Lights on for Life Day". Sponsor: Missouri Division of Highway Safety
5. **CONSENT AGENDA**

RESOLUTION R-02-88, declaring certain City-owned Fire/EMS Bureau equipment as surplus City property and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy.

RESOLUTION R-02-89, authorizing execution of a contract with Wilson Plumbing Company in the amount of \$211,653.00 from the Capital Improvements Sales Tax Fund for the 67th & Garfield Drainage Improvement Project. (Project #0124)

RESOLUTION R-02-90, authorizing acceptance of work under contract with GC Construction for the 72nd Street Reconstruction Project (N Bellefontaine to Old Antioch Road) and authorizing final payment in the amount of \$30,000 from the Capital Improvement Sales Tax Fund. (Project #9417)

RESOLUTION R-02-91, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2002-2003.

RESOLUTION R-02-92, adopting various values, policies and procedures relative to the enforcement of the Property Maintenance Code.

RESOLUTION R-02-93, appointing **Cathy L. Swenson** to the position of City Clerk for the City of Gladstone, Missouri effective January 13, 2003.

APPROVAL OF FINANCIAL REPORTS for the month of November 2002.

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 property at 5800 N Oak Trafficway from C-2 (General Business District) to CP-3 (Planned Commercial District) for proposed Burnett's Lighthouse Frozen Custard. Applicant: Roger J. Burnett. Owner: Auto Trend, Inc. (File #1186)
- 9a. **FIRST READING BILL 02-32**, amending Ordinance No. 2.292 being the Gladstone Zoning Ordinance, to rezone property at 5800 N Oak Trafficway from C-2 (General Business District) to CP-3 (Planned Commercial District). Applicant: Roger J. Burnett. Owner: Auto Trend, Inc. (File #1186)
- 9b. **FIRST READING BILL 02-33**, approving a Site Plan in conjunction with the rezoning of property at 5800 North Oak Trafficway. Applicant: Roger J. Burnett. Owner: Auto Trend, Inc. (File #1186)
- 9c. **APPROVAL OF BUILDING PERMIT** for 1,360 sq. ft. new construction and remodeling of property at 5800 N Oak Trafficway for Burnett's Lighthouse Frozen Custard. (BP 02-0819)
10. **FIRST READING BILL 02-34**, enacting a revised "Schedule of Fees and Charge" for services and activities provided by the City of Gladstone, Missouri.
11. **FIRST READING BILL 02-35**, an ordinance establishing a Community Forestry Plan to provide oversight of the City's planting, maintenance, and removal of trees, shrubs and other plants located within city rights-of-way, parks and other public lands; and 4authorizing the Gladstone Park Board to administer the Community Forestry Plan.
12. **FIRST READING BILL 02-36**, amending Ordinance No. 3.818, being the Gladstone Building and Construction Ordinance (BACO 2000) to add new Section 34.200.050.2(d) to prohibit the establishment or enforcement of restrictive covenants that require the exclusive use of wood shingles or other wood product roof covering materials, either in initial construction or replacement of existing materials, of residential structures within the city.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

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

MONDAY, DECEMBER 9, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular December 9, 2002 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross introduced Cub Scout Pack 247 who presented the Color Guard and led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR NOVEMBER 25, 2002 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular November 25, 2002 City Council Meeting Minutes** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PROCLAMATION: designating the month of December as "National Drunk and Drugged Driving Prevention Month" and supporting December 20, 2002 as "Missouri Lights on for Life Day". Sponsor: Missouri Division of Highway Safety.

Mayor Bill Cross read the proclamation in support of this event, then asked that it be sent on to the Public Safety Department.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Les Smith asked to **remove Resolution R-02-92** and place it on the Regular Agenda as Item 5a. Councilman Wayne Beer seconded.

Councilman Wayne Beer moved to **add Approval of the Liquor License for Prime Time at 6946 North Oak** to the Consent Agenda. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve the Consent Agenda as amended. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-88**, declaring certain City-owned Fire/EMS Bureau equipment as surplus City property and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-89**, authorizing execution of a contract with Wilson Plumbing Company in the amount of \$211,653.00 from the Capital Improvements Sales Tax Fund for the 67th & Garfield Drainage Improvement Project. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-90**, authorizing acceptance of work under contract with GC Construction for the 72nd Street Reconstruction Project (N Bellefontaine to Old Antioch Road) and authorizing final payment in the amount of \$30,000 from the Capital Improvement Sales Tax Fund. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-91**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2002-2003. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-02-93**, appointing **Cathy L. Swenson** to the position of City Clerk for the City of Gladstone, Missouri effective January 13, 2003. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to **APPROVE the FINANCIAL REPORTS** for the month of November 2002. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to **APPROVE THE CHANGE IN OWNERSHIP FOR A SIX DAY A WEEK LIQUOR LICENSE FOR PRIME TIME, 6946 NORTH OAK**, Managing Officer: Bruce M. Jones. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5a. on the Agenda. **RESOLUTION R-02-92**, adopting various values, policies and procedures relative to the enforcement of the Property Maintenance Code.

Mayor Pro Tem Les Smith asked Assistant City Manager Scott Wingerson what action Council needs to take in order to obtain the goal we established earlier.

Assistant City Manager Scott Wingerson stated this Resolution adopts the policies and procedures relative to code enforcement and property maintenance. Council's discussion in Study Session was to delete **Policy Number 9** which has to do with attention attracting devices, **renumber the document** so it is in the appropriate order and consider amending the Sign Code in 2003 to address attention attracting devices.

Mayor Pro Tem Les Smith moved to approve Resolution 02-92 as revised by Mr. Wingerson. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Wayne Beer said that he was privileged to attend the National League of Cities and learned a great deal which he intends to bring forth to the Council at a later time once he has had the opportunity to digest the issues and put his thoughts on paper. Attending the conference was time and money very, very well spent.

Mr. Beer noted that the Mormon Tabernacle Choir conducted a special performance for the NLC attendees in their new 21,000 seat auditorium which was wonderful. They performed an abbreviated concert just for them and they were certainly privileged.

Councilman Carol Rudi commented that she hoped everyone had a safe Thanksgiving and wishes everyone a safe and happy holiday season.

Councilman Rudi said too she had the privilege of attending the National League of Cities Conference in Salt Lake City. She was able to attend two full-day seminars that allowed her to understand the Policy Governance Model that Council has been discussing and Strategic Planning which was very beneficial to her. She was pleased to see how well we are doing as a city because she heard about so many cities that are having many problems, from fights on the City Council to City Staff and Council not getting along. She said we are an amazing city in how well the Council and Staff work together and we should be grateful for that.

Ms. Rudi agreed with Mr. Beer that hearing the Mormon Tabernacle Choir perform was a very moving experience.

She said in one of the seminars she attended it was suggested that that when we have surplus materials or vehicles that we consider the use of E-bay, although we would have to take measures so that it would be without liability.

Councilman Shirley Smith said she had participated in a Parks and Recreation tour to Branson for the holiday festivities and had a very good time. She wishes everyone a happy and safe holiday.

Mayor Pro Tem Les Smith also wished everyone a happy holiday. He asked City Manager Kirk Davis about the Citizen Inquiry Tracking system and when it will be online.

City Manager Kirk Davis deferred to Finance Director Cash Sweiven for an update. Mr. Sweiven reported that the MIS staff has narrowed down the provider to one. They have been in contact with them, reviewed a demo disk and asked many questions. They also did an online demo with the provider and should meet all of the needs of the City, Council, and citizens. There will be a Study Session at the January 27th Council meeting on the web page and the citizen inquiry tracking system. By the end of January, we should have this ready for Council to preview with possibly some minor changes.

Councilman Les Smith also commented that the NLC Conference is a very good one. There is a lot to learn and it can be tedious at times when you sit through seminars all day long. He looks forward to Mr. Beer's report and ideas from NLC.

Mayor Bill Cross advised that the NLC information will be shared by the three Council members who attended the conference and will be used to make Gladstone an even better place to live. Mr. Cross also commented that the Tabernacle Choir was beautiful, the weather was great and City Manager Davis helped direct them to the good sessions.

Mayor Cross stated that the Mayor's Holiday Tree Lighting ceremony this year was probably the largest ever and funds collected so far totaled over \$11,000. He invited everyone to drive by on Antioch Road to see the beautiful tree purchased this year. Mr. Cross also received a letter from Channel 9 newscaster Jim Flink who said he was honored to be able to participate in that event.

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

City Manager Kirk Davis reported that the \$11,000 funds collected for the Mayor's Tree is the most money ever raised and congratulated the Mayor for his work in this effort.

Mr. Davis advised Council that a Use Tax memo is at their table from Finance Director Cash Sweiven regarding potential uses for this tax and requesting feedback on the suggestions. He will be contacting Council members in the next few days so we can move forward on a fast track with this issue.

City Manager Davis mentioned that potential names are needed for the Strategic Planning Committee as soon as possible so that a kick-off meeting could be set for early January. This is a citizen-based project and it is important that this committee begin this process and moving in the right direction.

Mr. Davis reminded that the Gladstone Chamber Banquet is Friday evening, December 13th.

He also advised that there may be a need for a special City Council Meeting next week, but will be closed for Christmas Day only during that week.

City Manager Davis offered his congratulations to Cathy Swenson who will become the City Clerk upon Marilyn Ahnefeld's retirement. He said the Council made a great choice in Cathy and she will be the first new City Clerk in twenty-six years. Cathy comes from the Parks and Recreation Department and will do a great job because there is no one more dedicated to this community.

Item 9. on the Agenda. **PUBLIC HEARING** on a request to rezone property at 5800 N Oak Trafficway from C-2 (General Business District) to CP-3 (Planned Commercial District) for proposed Burnett's Lighthouse Frozen Custard. Applicant: Roger J. Burnett. Owner: Auto Trend, Inc. (File #1186)

Mayor Bill Cross opened the Public Hearing and explained the hearing process that the Applicants will make their presentation, followed by comments from those in Favor and those Opposed, and lastly, the City Staff will make their presentation.

Roger Burnett, applicant for Burnett's Lighthouse Frozen Custard and Deli stated that he and his wife Wilma have been long-time residents of Gladstone and decided to place their business in Gladstone because it is their home turf. Burnett's Custard at the corner of 58th and North Oak will provide several positive benefits for the City and the residents of Gladstone. They will replace the abandoned structure there now with something that is much more consistent with the City goals for the commercial corridor.

The second benefit is that they will provide the residents of Gladstone an opportunity to purchase a local ice cream product without having to go to the competitor down the street in Kansas City.

Mr. Burnett stated that they will provide about twenty part-time jobs for students and others that pay apply. The business makes use of the after dinner off-peak traffic on North Oak, so the main thrust is in the evening, not when North Oak is the busiest.

Mr. Burnett also stated that they would provide an increased tax source. He and his wife have worked with city officials on every possible area to conform with present City planning and development guidelines and it has been done without any type of legal mediations required. They feel this business is something good for Gladstone and look forward to the positive approval of their proposal.

Councilman Shirley Smith asked when the shop will open. Mr. Burnett replied it was entirely up to the Council. Their plans call for about eight weeks construction or so depending on the weather and Council's approval.

Assistant City Manager Scott Wingerson stated that the Planning Commission and staff added one condition which has to do with the guard rail on the west side of the property near the drive-thru lane as well as adding an additional vertical screening in that location to protect the multi-family property to the west from the lights for the drive-thru traffic. This is reflected in the site plan ordinance and the Planning Commission recommended 9-0 that the Council approve the zoning change and site plan review.

Discussion.

Councilman Carol Rudi noted that the property is currently zoned C-2 and C-3 and will be rezoned to CP-3 to make it all one zone. She asked if the C-3 zone is required because of the drive-thru.

Mr. Wingerson stated that the CP-3 was requested by the applicant so that is what officially moves forward and provides consistent zoning. One line of zoning logic says that is an inappropriate classification for zoning in a major commercial arterial. What is minimally necessary is C-1. It is possible for the Council in their deliberation to down-zone the property from CP-3 which was published and notified to adjacent property owners, to something less.

If Council chooses to do something less than the requested CP-3, he suggests C-2 would be the appropriate classification to allow a broader category of retail business on a major arterial on North Oak. It is an option for Council to consider. The applicant is aware of that possibility and as of last week would be supportive if the Council is concerned at all about the C-3 classification and bumping it down to the C-2 or a minimum of C-1.

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

Item 9a. on the Agenda. **FIRST READING BILL 02-32**, amending Ordinance No. 2,292 being the Gladstone Zoning Ordinance, to rezone property at 5800 N Oak Trafficway from C-2 (General Business District) to CP-3 (Planned Commercial District). Applicant: Roger J. Burnett. Owner: Auto Trend, Inc.

Councilman Wayne Beer moved to place Bill 02-32 on First Reading. Mayor Pro Tem Les Smith seconded.

Discussion.

Councilman Carol Rudi stated that she would like to consider rezoning this to a C-2 rather than a CP-3 because properties around this site are zoned C-1, C-2 and residential R-3 and she would like to see a lighter use in place for this property and asked for direction on doing this.

City Manager Davis stated that a motion should be made to amend the request in the Bill to **CP-2**.

Amendment: Councilman Carol Rudi moved to amend the rezoning request in Bill 02-32 from CP-3 to **CP-2 (Planned General Business District)**. Mayor Pro Tem Les Smith seconded the motion.

The vote on the amendment: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross.

The vote on First Reading of the Bill 02-32 as Amended. : All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-32 as Amended, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of **Amended Bill 02-32** and enact the Bill as **Ordinance 3.850**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 9b. on the Agenda. **FIRST READING BILL 02-33**, approving a Site Plan in conjunction with the rezoning of property at 5800 North Oak Trafficway. Applicant: Roger J. Burnett. Owner: Auto Trend, Inc.

Mayor Pro Tem Les Smith moved to place Bill 02-33 on First Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 02-33, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 02-33** and enact the Bill as **Ordinance 3.851**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 9c. on the Agenda. **APPROVAL OF BUILDING PERMIT** for 1,360 sq. ft. new construction and remodeling of property at 5800 N Oak Trafficway for Burnett's Lighthouse Frozen Custard.

Councilman Carol Rudi moved for approval of Building Permit for Burnett's Lighthouse Frozen Custard, 5800 N. Oak Trafficway. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 02-34**, enacting a revised "Schedule of Fees and Charges" for services and activities provided by the City of Gladstone, Missouri.

Councilman Wayne Beer moved to place Bill 02-34 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 02-34, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of **Bill 02-34** and enact the Bill as **Ordinance 3.852**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 02-35**, an ordinance establishing a Community Forestry Plan to provide oversight of the City's planting, maintenance, and removal of trees, shrubs and other plants located within city rights-of-way, parks and other public lands; and authorizing the Gladstone Park Board to administer the Community Forestry Plan.

Councilman Carol Rudi moved to place Bill 02-35 on First Reading. Councilman Wayne Beer seconded.

Discussion.

Councilman Shirley Smith stated that this is a very well-put-together plan and will be a good thing for our city and she is proud that we are taking a stand on making things look better every way we can.

City Counselor David Ramsay stated that there is an amended Page 3 to the original ordinance which changes just one phrase to make it more descriptive and asked that Council substitute the page in the ordinance as Council deliberates and acts upon this ordinance.

Councilman Wayne Beer moved to amend Bill 02-35 to include an amended Page 3 which makes a statement for Section 9 substituting the words "within public rights-of-way or boundaries". Mayor Pro Tem Les Smith seconded the motion. **The vote on the amendment.** All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

The vote on First Reading of Bill 02-35 as Amended: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Amended Bill 02-35, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

Discussion.

Councilman Carol Rudi asked if there is a provision in this that is grandfathering existing trees that do not meet specifications or is that not an issue.

Counselor David Ramsay stated that there is not a grandfathering, but the ordinance relates to trees at any time when the condition of the tree is subject to concern. It is a grandfathering to the extent that we are not going to take down trees that do not meet some of the setback provisions of the new ordinance. Trees are growing and evolving things and if their condition warrants, it will fall under the ordinance.

Councilman Rudi confirmed that if there was an issue of not following the ordinance, they could go to the Park Board and go through the appeal process. Mr. Ramsay replied yes.

The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of amended **Bill 02-35** and enact the Bill as **Ordinance 3.853**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 12, on the Agenda. **FIRST READING BILL 02-36**, amending Ordinance No. 3.818, being the Gladstone Building and Construction Ordinance (BACO 2000) to add new Section 34.200.050.2(d) to prohibit the establishment or enforcement of restrictive covenants that require the exclusive use of wood shingles or other wood product roof covering materials, either in initial construction or replacement of existing materials, of residential structures within the city.

Mayor Pro Tem Les Smith moved to place Bill 02-36 on First Reading. Councilman Shirley Smith seconded.

Discussion.

Mayor Pro Tem Les Smith asked Counselor Ramsay about the phrasing under Legislative Findings, Number 8, and suggested that it be rephrased to read: *"Many owners of residential property in the City whose property is subject to deed restrictions may, if given a choice, elect to use roofing materials other than wood shingles or other wood products, that provide greater protection from the risk of fire."*

Mayor Pro Tem Les Smith moved to amend Bill 02-36, Paragraph 8, to change the word "would" to "may". Councilman Shirley Smith who had seconded the motion was agreeable. The vote on the bill as Amended: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Amended Bill 02-36, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded.

Councilman Carol Rudi stated that she had received a few calls about this and a postcard from R.D. Hall supporting this Bill.

Mayor Pro Tem Les Smith commended Councilman Beer for bringing this Bill forward.

The vote: All "aye" - Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of amended **Bill 02-36** and enact the Bill as **Ordinance 3.854**. Councilman Shirley Smith seconded.

Councilman Wayne Beer stated that if it is passed in final form, it is an ordinance that will significantly increase the public safety of our residents.

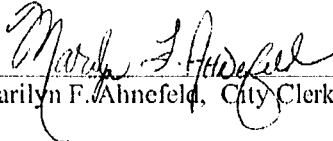
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

There being no further business to come before the December 9, 2002 Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting.

Councilman Carol Rudi moved to adjourn the Regular Meeting and go to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion and 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk, CMC

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


Bill Cross, Mayor



**SPECIAL CITY COUNCIL MEETING
GLADSTONE, MISSOURI
THURSDAY, DECEMBER 19, 2002**

SPECIAL MEETING: 5:30 PM

Closed Executive Session will immediately follow adjournment of the Special Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Privileged Communications Discussion and 610.021(2) for Real Estate Acquisition Discussion

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

REGULAR AGENDA

4. **Communications from the Audience.**
5. **Communications from the City Council.**
6. **Communications from the City Manager.**
7. **RESOLUTION R-02-94**, authorizing execution of a contract in an amount not to exceed \$408,000.00 from the Capital Improvements Sales Tax Fund for the construction of 59th Terrace Drainage Improvements. (Project #0209)
- 7a. (agenda addition) **RESOLUTION R-02-95**, a resolution withdrawing the City Council's order of demolition issued on January 28, 2002, for the building located at 7107 North Kranz Road, and authorizing the City Counselor to enter into an agreement for the dismissal of legal proceedings related thereto.
8. **DISCUSSION OF USE TAX**
9. Other Business.
10. Questions from the News Media.
11. Adjournment.

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

THURSDAY, DECEMBER 19, 2002

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

ABSENT: Councilman Wayne Beer

Mayor Bill Cross opened the Special Thursday, December 19, 2002 City Council Meeting at 5:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE
Mayor Bill Cross led the Pledge of Allegiance to the Flag in which all joined.

Item 4. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.
There were no communications from the audience.

Item 5. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.
City Council members extended best wishes for the holiday season.

Item 6. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.
Mr. Davis reminded everyone of the Employee Recognition Dinner on Saturday, December 21st, beginning with a social hour at 6:30 PM and dinner served at 7:30 PM.

Mr. Davis wished everyone safe and happy holidays and remarked that City Hall will be closed on Christmas Day, but will be open for business on Christmas Eve and the day after Christmas.

Item 7. on the Agenda. RESOLUTION NO. R-02-94, authorizing execution of a contract in an amount not to exceed \$408,000.00 from the Capital Improvements Sales Tax Fund for the construction of 59th Terrace Drainage Improvements. (Project #0209).

Andy Noll, Director of Public Works, thanked City Council members for holding a special meeting to consider the award of this contract. The reason this project is slow in coming forward is that there were many easements to acquire, and Staff wanted to be sure to spend an appropriate amount of time speaking with residents, as there were multiple options that could have been done. It took longer than hoped to come to a resolution on all of the acquisitions. At this time there are agreements or understandings with all the residents from whom easements are needed, although all the easements have not yet been signed. There is a Department of Natural Resource

(DNR) grant available for approximately \$75,000 and a loan for approximately \$183,000. If this project is not awarded by December 31, 2002, the grant will be lost.

City Manager Davis explained that this project was re-designed as a result of input from neighbors. This was somewhat of a controversial issue in Brooktree, but to Staff's credit they worked through the issues with some alternatives that were acceptable to residents and will ultimately assist those in need of this storm drainage project. Staff worked through all the public comments, which took a little longer. The result is a better project.

Mayor Pro Tem Les Smith moved to approve Resolution No. R-02-94, authorizing execution of a contract in an amount not to exceed \$408,000.00 from the Capital Improvements Sales Tax Fund for the construction of 59th Terrace Drainage Improvements. Councilman Shirley Smith seconded.

Mayor Cross asked if there was discussion.

Councilman Carol Rudi, asked, for clarification, is there definitely a loan and a grant for this project?

Director Noll confirmed that is correct, and stated that the loan will require action by the City Council at the second Council meeting in January.

Councilman Rudi asked if the \$408,000 total cost includes the loan and grant amounts.

Director Noll, replied, yes, the total cost to construct the project is \$408,000, plus some minor reimbursements to residents in the area for landscaping.

Mayor Cross asked if there was further discussion. There being none, the vote: All "aye" – Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0). Resolution No. R-02-94 was approved.

Item 7a. on the Agenda. **RESOLUTION R-02-95**, withdrawing the City Council's order of demolition issued on January 28, 2002, for the building located at 7107 North Kranz Road, and authorizing the City Counselor to enter into an agreement for the dismissal of legal proceedings related thereto.

Mayor Cross explained that Resolution R-02-95 is an addition to the Agenda. Mayor Cross invited City Counselor David Ramsay to discuss this resolution.

Mr. Ramsay began by saying that the petition to review the City Council's action in the Order of Demolition of Mr. Robertson's building was set for hearing yesterday morning. Mr. Robertson's attorney indicated that he was confident that all of the repairs had been made to bring the property into compliance with the Dangerous Building Statute. The judge then recessed the proceedings for one day in order to allow City Building Official, Alan Napoli, to inspect the premises. Mr. Napoli inspected the premises at 2:00 PM yesterday afternoon, and found all the concerns he had regarding the one hour fire rated walls and access to the property were now in compliance. Mr. Robertson had also removed the various unauthorized motor vehicles, boats, and trash that the City asked he remove. Based on that, his attorney and Mr. Ramsay called the

judge this morning and informed him that Mr. Robertson is now in compliance and suggested that City Council would be asked to withdraw the Order of Demolition.

The Council's original order on January 28, 2002, stated that if Mr. Robertson was in compliance with the code within 120 days after the decision or by the hearing date of his petition for judicial review, whichever was later, the City Council would withdraw the Demolition Order. Mr. Robertson apparently also intends to do some additional remodeling of the property. The remodeling does not relate to any of the safety items that Mr. Napoli had investigated. Mr. Robertson also has completed the exterior siding of the building and repaired the deck rails so they are safe. Everything on the outside including the removal of unauthorized motor vehicles and other storage items are up to code. He will need to obtain permits to finish the work, but there is no particular time limit on that. Mr. Napoli is satisfied that the property is in good shape. Mr. Ramsay requested that the Council authorize this resolution so that the Court may be advised to have the matter dismissed and bring this litigation to an end.

Councilman Rudi asked if the remodeling Mr. Robertson plans to do will require permits from the City.

Mr. Ramsay replied, yes, Mr. Robertson plans extensive remodeling that will require electrical, plumbing, and the normal building permits. He plans only interior work at this point.

Councilman Rudi asked if Mr. Robertson has applied for these permits.

Mr. Ramsay replied he has applied for an electrical permit, but has not applied for the other permits.

Councilman Rudi asked for an estimate as to the costs to the City over the past year (plus) to go through this process.

Mr. Ramsay replied that as there was not outside Counsel and personnel from our Building and Codes Division of the Department of Community Development handled everything, there were no direct costs other than the cost of time and effort of those people involved.

Councilman Rudi asked that those indirect costs be identified at the next meeting or in a packet.

Mr. Ramsay replied that the costs would be an estimate.

Councilman Rudi stated an estimate would be fine.

Mayor Pro Tem Les Smith asked if there is anything on the code violations that have not been rectified.

Mr. Ramsay replied, no.

Mayor Pro Tem Smith asked what occurred the other day.

Mr. Ramsay replied that it appeared to Mr. Napoli and Assistant City Manager Scott Wingerson, who were at the residence, at 2:00 PM yesterday for the inspection, that there were some items that were only handled at the last minute. Mr. Ramsay, Director Wingerson, and Mr. Napoli left

court about 10:30 AM. Director Wingerson and Mr. Napoli drove by the property on the way back to City Hall. There was no one there, and the motor vehicle, the boat, and other items were still in the yard. At 2:00 PM, when they went back to inspect, those things were gone. Director Wingerson mentioned that it appeared some of the dry wall was very recently installed. It could be that earlier in the week he was not ready for an inspection.

Mayor Cross asked if it is Mayor Pro Tem Smith's recommendation that Staff go back tomorrow to be sure things are still in order.

Mayor Pro Tem Smith remarked, no, however, earlier in the week, Mr. Robertson had asked for some more time and he was reminded that it was Council's intention to proceed, and apparently he made the necessary improvements.

Mr. Ramsay, agreed that he believes that is the case.

Councilman Shirley Smith asked that if the Council releases Mr. Robertson from this, will the City have recourse if he brings back the boat and automobiles?

Mr. Ramsay, replied, certainly. Those are not part of the Dangerous Building violation. They were visible from the street, so he can be sited for such a violation.

Councilman Shirley Smith remarked that the pictures that were shown of the property showed hanging wires. Has that all been taken care of appropriately?

Mr. Ramsay replied Mr. Robertson has had an electrician straightening the wires and he has built fire walls around the furnace and water heater. Additionally the doors are now secured.

Councilman Rudi moved to approve **Resolution No. R-02-95**, authorizing withdrawing the City Council's order of Demolition issued on January 28, 2002 for the building located at 7107 North Kranz Road, and authorizing the City Counselor to enter into an agreement for the dismissal of legal proceedings related thereto.. Mayor Pro Tem Les Smith seconded. All "aye". – Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Item 8. on the Agenda. DISCUSSION OF USE TAX

City Manager Kirk Davis explained that there are two issues that need direction from Council. The first is that Council has asked for some specific recommendations relative to the uses of the proposed Use Tax revenue, and the second issue is in regard to some discussion as to whether the Council wants to move forward with a Committee.

Starting with the first issue, Council has asked Staff for some specific information as to how this new revenue source could be used to be beneficial. There is a plethora of uses that would ultimately benefit the citizens. However, Staff, in discussing this, has ultimately decided upon a recommendation that includes General Fund expenditures going for police services. More specifically, for the hiring of an additional police officer and the purchase of computer aided dispatch (CAD) equipment for law enforcement.

The General Fund is expected to receive annually approximately \$100,000. Staff is suggesting that we are sorely in need of a police officer. While this would be a new position, and it was

suggested that we not use this revenue source for new positions, the need is there. Ultimately this is a position that may be able to accomplish many community goals. At an expected cost of \$50,000, we probably would be able to cover that expenditure.

As you recall from the Fire Sales Tax discussions, it was discussed to purchase a CAD system for Fire Services and Emergency Medical Services. At that time we noted that there are several benefits for purchasing the Law Enforcement CAD at some point in the future to augment the Fire CAD and enhance the public services received from the Public Safety Department. We may be able to use the Use Tax resource to acquire the Law Enforcement portion of the CAD system in the amount of approximately \$300,000.

Anticipating financing and paying for this system over a number of years, it is thought, on an average, these police service expenditures will come in around \$70,000 to \$80,000, which is less than the average \$100,000 we talked about, so it is a rather conservative approach. Some years \$80,000 may not be collected, but other years more may be collected. We need to manage our resources effectively to cover the expenditures.

It was discussed that the Transportation Sales Tax Fund will receive approximately \$50,000 annually from the Use Tax. Staff is recommending this revenue source be used to augment the City's annual Road Maintenance and Overlay Program. This will provide assistance to further improve the City's road system, which is something from which everyone will benefit.

The third aspect is the Capital Improvement Sales Tax, which also would receive a \$50,000 estimated annual revenues. It is Staff's recommendation that this revenue source be dedicated to the City's Stormwater Management Program, which would augment the overall stormwater management plan.

There is little impact on the Fire Sales Tax from the additional revenue. The impact will be less than \$25,000 per year, which would offset the loss in sales tax revenue, which has resulted from the downturn of the economy. However, the additional revenues will not appreciably change the program voters approved in 2001.

The City has many needs, however these basic services impact all of our citizens, and will enhance the efforts of the City to continue to meet the needs of the Gladstone community.

In thinking about a campaign for the February election, it is anticipated to be a rather low key campaign. However, there is a need to educate voters, which is usually accomplished utilizing a citizen committee. Such a committee usually seeks to raise funds for the campaign as well as managing the campaign. It works well to have a public committee support an initiative. We will need to move forward fairly quickly to establish such a committee.

Councilman Rudi asked if the estimated revenue projections include the most recent statistics that indicate that, even over this holiday season, sales are down.

City Manager Davis replied that the estimate has been cut and then cut again. Director of Finance Cash Sweiven researched Use Tax revenues from other cities, including looking at multiple year revenue projections. It is felt this is a conservative approach.

Councilman Shirley Smith agreed that a committee is needed. City staff does not have the time to devote to such a campaign.

City Manager Davis remarked that there are legal issues with Staff involvement in materials put forth to the public. The Mayor has provided a list of names compiled from various sources, which has been provided to City Council members. If there are any additions or deletions to this list, please advise Mayor Cross. Mayor Cross will be working to establish a consensus of twelve to thirteen people to form the committee. It was suggested by Mr. Davis in a memo to City Council the importance of having a cross-section of the community involved.

Mayor Pro Tem Les Smith commented that in the City Manager's memo it is recommended to fund a law enforcement officer. Mr. Smith remarked that he would like to see this position dedicated to traffic, as he feels this is a high priority.

Mr. Smith continued by summarizing the recommendation in the memo from the City Manager as saying \$50,000 would go to the Transportation Sales Tax Fund and \$50,000 would go to the Capital Improvement Sales Tax Fund. A law enforcement position and CAD system would be funded, and it is projected \$100,000 in revenue for the General Fund, on average.

City Manager Davis agreed this is correct and stated that he feels two of the Council's goals are impacted by this recommendation. One is neighborhood services. The second is code enforcement, property maintenance, community oriented policing, and things of this nature. Traffic assistance would be part of the overall neighborhood services.

Mayor Cross noted that if the Use Tax is approved by the voters, then a traffic safety officer could be designated. Improvements to the roads would be visible. Mayor Cross feels that if Mr. Sweiven has put forward this figure, that it is a conservative figure. Anything above that figure would be extra revenue.

Mayor Pro Tem Smith stated that although the Use Tax is paid by a narrower segment of the population than the sales tax, it will be a positive benefit to everyone in the City. It makes good sense.

Mayor Cross invited Council members to mark about ten names on the list provided to them that they would like to see serve on the Use Tax Committee. Mayor Cross will then tabulate Council's recommendations tonight, and present to the City Manager, tomorrow, the ten or twelve names that appear most often. Please keep in mind those that do so much, while thinking about new people as well.

City Manager Davis reported that he has spoken to Councilman Wayne Beer in regard to the recommendations in the memo, and he seemed to be very supportive of them.

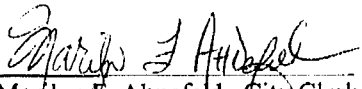
There being no further business, Mayor Cross adjourned the meeting.

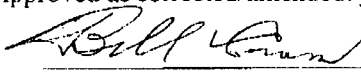
Following adjournment of the Regular Meeting, Councilman Carol Rudi moved to adjourn to Closed Executive Session in the City Manager's Office pursuant to Missouri Open Meeting Act

Exemption 610.02(1) for Litigation and Privileged Communications Discussion and 610.021(2) for Real Estate Acquisition Discussion. Les Smith seconded the motion.

Role Call Vote: All "aye" Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Respectfully submitted:


Marilyn F. Ahnefeld, City Clerk

Approved as submitted: _____
Approved as corrected/amended: _____

Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 13, 2003**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021 (2) for Real Estate Acquisition Discussion and
Exemption 610.021(3) for Personnel Discussion.**

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance: Boy Scout Troop #260 sponsored by North Cross United Methodist Church.
4. **Approval of Regular December 9, 2002 City Council Meeting Minutes and the Special December 19, 2002 City Council Meeting Minutes.**
- 4a. **CITY CLERK OATH OF OFFICE: Cathy L. Swenson.**
5. **CONSENT AGENDA**

RESOLUTION R-03-1, authorizing the City Manager to accept a Bill of Sale from Bellevue Properties, LLC and Havens Construction Company conveying to the City a sanitary sewer line, water line, and storm sewer line built in conjunction with construction of Bellevue Office Building at 4770 N. Bellevue.

RESOLUTION R-03-2, authorizing acceptance of a permanent construction easement in conjunction with the installation of storm water improvements on that part of Rock Creek in Tract "A", Prospect-1.

RESOLUTION R-03-3, authorizing acceptance of work under contract with Metro Asphalt for the 2001 full depth replacement program; and authorizing final payment in the amount of \$18,102.11 from the Transportation Sales Tax Fund. (Project 0102).

RESOLUTION R-03-4, authorizing acceptance of work under contract with Layne Western for the raw water supply, well #6; and authorizing final payment in the amount of \$32,900.35 from the Combined Water and Sewerage System 2000 Revenue Bonds Fund. (Project 0136).

RESOLUTION R-03-5, authorizing acceptance of work under contract with McGarrah Construction for the Mill Creek Sanitary Sewer Improvements; and authorizing final payment in the amount of \$17,108.03 from the Combined Water and Sewerage System 2000 Revenue Bonds Fund. (Project 0390).

RESOLUTION R-03-6, authorizing acceptance of work under contract with Ace Pipe Cleaning for the 2002 Sanitary Sewer Cleaning and Televising; and authorizing final payment in the amount of \$56,679.03 from the Combined Water and Sewerage System Fund. (Project 0205).

RESOLUTION R-03-7, authorizing acceptance of work under contract with Brandy Electric for the 70th Street Beautification, and authorizing final payment in the amount of \$3,405.29 from the Capital Improvement Sales Tax Fund. (Project 0117-A).

RESOLUTION R-03-8, authorizing acceptance of work under design contract with Camp, Dresser, and McKee for the 59th Terrace Drainage Improvements, and authorizing final payment in the amount of \$6,040.00 from the Capital Improvement Sales Tax Fund. (Project 0209).

APPROVAL OF BUILDING PERMIT for remodel of interior hallways and classrooms, as well as installation of new HVAC, and finish of exterior facade of property at 2100 NE 65th Street for Antioch Middle School. (BP 02-0831).

APPROVAL OF PACKAGE LIQUOR LICENSE CHANGE IN OWNERSHIP, K.C. Petroleum, LLC, dba Phillips Fuel Mart #2, 7020 North Oak. Managing Officer: Arfan A. Paroya. (formerly King's Oil)

APPROVAL OF CLASS "A" AND "B" LIQUOR BY DRINK LICENSE CHANGE IN OWNERSHIP, Wasahi, I.I.C. dba Wasahi Japanese Steakhouse. Managing Officer: Truong Quoc Tran.

APPROVAL OF FINANCIAL REPORTS for the month of December, 2002.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-03-9**, adopting the 2003 State Legislative Program.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.

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

MONDAY, JANUARY 13, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Marilyn Ahnefeld

Mayor Bill Cross opened the Regular January 13, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross introduced Cub Scout Pack 260 who presented the Color Guard and led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR DECEMBER 9, 2002 CITY COUNCIL MEETING MINUTES AND THE SPECIAL DECEMBER 19, 2002 CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Les Smith moved to approve the minutes of the **Regular December 9, 2002 City Council Meeting and the Special December 19, 2002 City Council Meeting** as submitted. Councilman Shirley Smith seconded the motion. The vote: All "aye". Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PRESENTATION OF CHECK BY VAN IBSEN TO AMPHITHEATRE FUND.

Van Ibsen of Ibsen Dance Studio began by saying that he and his wife, Susie, have conducted fund raisers for Theatre in the Park for fifteen years. Because of the fire that destroyed the Oak Grove Amphitheatre, Mr. and Mrs. Ibsen decided to donate a production of the "Nutcracker". All proceeds realized from the ticket sales are included in this contribution. On behalf of the 75 students who gave up their Saturdays from October through December to

rehearse, and the volunteers who gave their time to put up the sets, Mr. Ibsen presented a check to Mayor Cross for the Amphitheatre Fund in the amount of \$4,500.00.

Mayor Cross thanked Mr. Ibsen for his generous contribution, and remarked that at the Open Study Session held prior to this Regular Meeting, it was discussed that the bids for the rebuilding of the Amphitheatre came in much higher than expected. This generous contribution and other contributions from groups and organizations, including the City of North Kansas City, will help to offset the approximately \$100,000 overage in anticipated building costs. On behalf of the City, Mayor Cross thanked Mr. Ibsen for his many contributions to the City.

Item 4b. on the Agenda. CITY CLERK OATH OF OFFICE.

City Clerk Marilyn Ahnefeld conducted the City Clerk Oath of Office with Cathy Swenson. Following which, Mayor Cross asked Ms. Swenson's family to please remain standing as he introduced them. Mayor Cross then announced there would be a ten minute break in business to afford the opportunity to those present to congratulate Ms. Swenson in her new role of City Clerk. Mayor Cross invited those present to a reception for Ms. Swenson at 9:30 AM, the next morning, January 14, 2003, at City Hall.

Following the break:

City Manager Davis remarked that Marilyn Ahnefeld has been the City Clerk for Gladstone for 26 years, which represents a quarter of a century of history and outstanding service to the City. Over the next few weeks there will be information regarding special receptions in honor of Ms. Ahnefeld. City Manager Davis then invited Sean Ahnefeld to share a presentation in honor of his mother, Marilyn Ahnefeld.

Mr. Ahnefeld, began by saying, that in honor of his mother's last City Council meeting, he had a small presentation of a frozen chicken dinner, along with a card. When he was young this is the dinner their family often enjoyed on City Council evenings. For the first City Council dinner she does not attend, he wished to purchase her dinner.

Mayor Cross introduced Ms. Ahnefeld's family who were in attendance.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5 0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-1**, authorizing the City Manager to accept a Bill of Sale from Belleview Properties, LLC and Havens Construction

Company conveying to the City a sanitary sewer line, water line, and storm sewer line built in conjunction with construction of the Belleview Office Building at 4770 N. Belleview. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-2**, authorizing acceptance of a permanent construction easement in conjunction with the installation of storm water improvements on that part of Rock Creek in Tract "A", Prospect-1. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-3**, authorizing acceptance of work under contract with Metro Asphalt for the 2001 full depth replacement program; and authorizing final payment in the amount of \$18,102.11 from the Transportation Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-4**, authorizing acceptance of work under contract with Layne Western for the raw water supply, well #6; and authorizing final payment in the amount of \$32,900.35 from the Combined Water and Sewerage System 2000 Revenue Bonds Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-5**, authorizing acceptance of work under contract with McGarrah Construction for the Mill Creek Sanitary Sewer Improvements; and authorizing final payment in the amount of \$17,108.03 from the Combined Water and Sewerage System 2000 Revenue Bonds Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-6**, authorizing acceptance of work under contract with Ace Pipe Cleaning for the 2002 Sanitary Sewer Cleaning and Televising; and authorizing final payment in the amount of \$56,679.03 from the Combined Water and Sewerage System Fund. Councilman Wayne Beer seconded. The vote: All "aye"

Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-7**, authorizing acceptance of work under contract with Brandy Electric for the 70th Street Beautification, and authorizing final payment in the amount of \$3,405.29 from the Capital Improvement Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer,

Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-8**, authorizing acceptance of work under design contract with Camp, Dresser, and McKee for the 59th Terrace Drainage Improvements and authorizing final payment in the amount of \$6,040.00 from the Capital Improvement Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for remodel of interior hallways and classrooms, as well as installation of new HVAC, and finish of exterior façade of property at 2100 NE 65th Street for Antioch Middle School. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to **APPROVE THE PACKAGE LIQUOR LICENSE CHANGE IN OWNERSHIP FOR K.C. PETROLEUM, LLC. DBA PHILLIPS FUEL MART #2, 7020 NORTH OAK**. Managing Officer, Arfan A. Paroya. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to **APPROVE A CLASS "A" AND "B" LIQUOR BY THE DRINK LICENSE CHANGE IN OWNERSHIP FOR WASAHI, LLC. DBA WASHAI JAPANESE STEAKHOUSE, 328 NORTHEAST 72ND STREET**. Managing Officer Truong Quoc Tran. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to **APPROVE THE FINANCIAL REPORTS** for the month of December, 2002. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE

Ms. Anita Newsom, 7401 North Wabash, began by saying that over course of the years when she sat in the City Council seat, there were people who voiced their disagreement with Council decisions. Ms. Newsom stated she wished to endorse the employment of Cathy Swenson as City Clerk. As City Council liaison to the Parks and Recreation Advisory Board, Ms. Newsom worked with Ms. Swenson for a number of years, and Ms. Swenson is a neighbor. Ms. Newsom continued by saying that, although she realizes City Council is

aware, but for the record, Ms. Swenson has outstanding skills, displays tact, and finesse. Another opportunity Ms. Newsom had over recent months was to work with Ms. Swenson on the City's 50th Anniversary Gala Committee. Ms. Ahnefeld is known as the Diva of Decorum; Ms. Swenson is now the Diva of Details, as she does not miss a detail. In working with the hotel and the Gala Committee it became obvious she carries a velvet hammer. Ms. Newsom remarked that, as we move into the new millennium, she feels the Council's selection of Ms. Swenson as City Clerk is a wonderful selection. We will miss Ms. Ahnefeld, terribly, but Ms. Newsom is very pleased with Council's decision and wishes to congratulate the City Council on another very wise decision.

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

Councilman Carol Rudi began by saying that Ms. Ahnefeld will be missed very much, and City Council is excited to work with Ms. Swenson. Ms. Rudi is glad that it is thought City Council made a good decision, and she agrees it was a good decision.

Councilman Beer stated that although Ms. Ahnefeld is retiring, she realizes that it is not an immediate retirement. Her corporate memory will be drawn upon for quite some time. Ms. Ahnefeld has been an invaluable member of City staff and will continue to be, if not on a full-time basis, on a part-time basis, for awhile, which is a good thing. Likewise, Ms. Swenson has been with the City for awhile, and has been through a number of experiences, with the result that she has the City background that Councilman Beer is certain will make a great City Clerk.

Councilman Shirley Smith expressed her wish that everyone had a good holiday season. Although Ms. Ahnefeld, in her retirement will have a different yet wonderful life, City Council, City staff, and the community will be seeing a lot of her. It is interesting that tonight is a momentous occasion. Ms. Swenson will do a good job. It is the changing of the guard.

Mayor Pro Tem Les Smith began by saying that he has known Ms. Swenson for a long time. She has worked hard for this and deserves the position. It will be a pleasure to work with her as it has been for the last few years. There will be opportunities to say good-bye to Ms. Ahnefeld, but only from her position as City Clerk. As information for the Boy Scouts in attendance, Ms. Ahnefeld came to work for the City when Mayor Pro Tem Smith was four years old. Mr. Smith's parents and he, as well as many others, have many fond memories of Ms. Ahnefeld. Mr. Smith stated to Ms. Ahnefeld that she is loved by many in the community, is the conscience of the community, and represents all that is good about the community.

Mayor Pro Tem Smith addressed a question to Staff regarding the re-zoning of Victoria's Learning Center. As part of that re-zoning, the turn radius at Pleasant Valley Road and old Antioch Road was discussed. What is the status of that?

City Manager Davis replied that he met with Assistant Manager Scott Wingerson, last week regarding a different idea for the turn radius, because frankly we haven't come up with a solution that is acceptable, that is 100 percent acceptable to the parties. Mr. Wingerson will be meeting with Public Works Director Andy Noll to prepare some preliminary engineering, which in effect would create a slight curve on the west side of the Victoria's Learning Center, but taking out the drive, which would allow for a little bit of stacking. The question to be answered is how this will affect east bound traffic. City Manager Davis has not had the opportunity to meet with Mr. Wingerson to discuss this further. Mr. Davis noticed that Victoria's Learning Center is in operation, and he intends to find out what is the term of the operation.

Mayor Pro Tem Les Smith thanked Mr. Davis, and mentioned that many may have noticed the construction taking place on 72nd Street between North Oak and Broadway. The significance being that this is the former property of GEBC (Gladstone Economic Betterment Council) that was sold to a private developer who plans to build an office building with some retail space. The proceeds of the sale of this property to GEBC, along with some private contributions, will allow GEBC to start a CDC (Community Development Corporation), which will provide low interest loans to businesses to make improvements to their businesses, whether it be Antioch Road, North Oak Street, or other areas. These improvements could include face-lifts, landscaping or similar improvements. Hopefully there will be an emphasis on North Oak Street, and will help to address our commercial corridors. This is a project many have been trying to get started for ten to twelve years, which is exciting.

Mayor Cross thanked Ms. Newport of the Press Dispatch for the nice article about the Mayor's Christmas Tree Lighting Ceremony. The last report of donated funds to the Mayor's Christmas Tree is \$11,584.00. Next year the same tree will be put up, and hopefully even more money will be raised. It is certainly felt this was a success with a long list of people donating; many with contributions of \$5 or \$10. That is the way our City works, with so many people contributing.

**Item 7a. on the Agenda BOARD & COMMISSION APPOINTMENT
RECOMMENDATIONS.**

Mayor Cross remarked that the five City Council members spent several hours, Saturday, interviewing people, many of whom are here tonight, for positions on the Boards and Commissions. These people are willing to donate their time and efforts to help Gladstone become a better city. The City has over 200 people who volunteer their time on committees. There were five or six openings. Three times that many people volunteered to visit with City Council to see if they could serve on a committee. City Council members made selections on Saturday, and phone calls were made, today, to notify the successful candidates. Some of the new appointees are filling positions of former Board members whose terms have not expired, but who have asked to not continue to serve at this time. Mayor Cross informed the new

Boards and Commission members present that they will have an opportunity to meet their new colleagues at the first meeting of their respective groups.

Mayor Cross announced the City Council recommended appointments of newly appointed and reappointed members of the various Boards and Commissions as follows:

Planning Commission

Reappointment -- Joe Evans. Term expires December, 2006

New Appointments -- Anita Newsom and Mark Revenaugh. Terms expire December, 2006.

Capital Improvements Program

Reappointments -- Pete Hall and Beverly Johnson. Terms expire December, 2005.

New Appointment -- Bill Turnage. Term expires December, 2005.

Pete Hall - Chair.

Board of Zoning Adjustment

Reappointments -- Richard Wagner and Staci Hagen (3rd Alternate). Terms expire June, 2007.

Code Board of Appeals

Reappointment -- Rick Washer. Term expires December, 2005.

Charles Logan - Chair.

Gladstone Industrial Development Authority

Reappointment -- Richard Conn. Term expires December, 2008.

New Appointment -- Lance Turner. Term expires December, 2007.

Parks and Recreation Advisory Board

Reappointment -- Teresa Farley and Donald Harper. Terms expire December, 2005.

New Appointment -- Scott Peper. Term expires December, 2005.

New Appointment, Freshman Student Member -- Kelsey Hake, Winnetonka High School.
Term expires October, 2005.

Cable TV Advisory Board

Reappointment -- Paul Degenhardt. Term expires December, 2005.

Gladstone Recycling and Solid Waste Committee

Reappointment -- Dianne Smith. Term expires December, 2005

New Appointments -- Donna Eisenbarth. Term expires December, 2005.

Carol Fair. Term expires December, 2005.

Mary Jo Payton. Term expires December, 2003.

Lori LeMunyon - Chair

Tax Increment Financing (TIF) Commission

Reappointments - Pete Hall and Brian Hill. Terms expire January, 2007.

Sister Cities Commission

New Appointments -- Teresa Metz. Term expires December, 2003, and Robert Cornick. Term expires December, 2004.

Mayor Cross also announced that a new "visionary committee" is in the process of being established with ten to fifteen members to begin with, but many more will be gradually added later. More about this group will be announced at a later date.

Councilman Wayne Beer moved that the **Board and Commissions Appointment Recommendations** be accepted. Councilman Carol Rudi seconded the motion. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

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

City Manager Kirk Davis announced that Shirley Bell, former Municipal Clerk, was here, tonight, to pay her respects to Ms. Ahnefeld and Ms. Swenson. Ms. Bell served as Municipal Court Clerk prior to Beverly Biegel, and worked with both Ms. Ahnefeld and Ms. Swenson during her tenure.

City Manager Davis continued by saying that City Hall will be closed next Monday for the Martin Luther King holiday.

Item 9. on the Agenda. RESOLUTION R-03-9, ADOPTING THE 2003 STATE LEGISLATIVE PROGRAM.

Mayor Pro Tem Les Smith moved to approve **Resolution R-03-9**, adopting the 2003 State Legislative Program. Councilman Shirley Smith seconded the motion. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. OTHER BUSINESS

There was no other business.

Item 11. on the Agenda. QUESTIONS FROM THE NEWS MEDIA

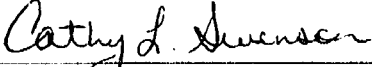
There were no questions from the News Media members. Mayor Bill Cross thanked members of the media for attending tonight's meeting.


Item 12. on the Agenda. ADJOURNMENT

Councilman Wayne Beer made a motion to adjourn the Regular Meeting and go to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemption 610.021 (2) for Real Estate Acquisition Discussion and Exemption 610.021 (3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded the motion.

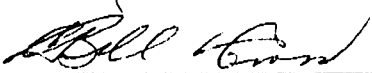
Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0)

Respectfully submitted:


Cathy L. Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended: _____


Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 27, 2003**

OPEN STUDY SESSION: 6:30 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 January 13, 2003, City Council Meeting Minutes.**
- 4a. **Presentation of 2002 Mayor's Community Christmas Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors, Mr. Art Hammen, Executive Director; Northland Christmas Store, Ms. Ikey Harris, Chairman.**
Presenter: Mayor Bill Cross.

5. CONSENT AGENDA

RESOLUTION R-03-10, authorizing acceptance of work under contract with Riggs Recreation for the Meadowbrook Park Playground, and authorizing final payment in the amount of \$1,481.55 from the Capital Improvement Sales Tax Fund. (Project 0219).

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-03-11**, authorizing execution of a contract with Miller-Stauch Construction Company, Incorporated in the amount of \$411,624.00, for the renovation of the Oak Grove Amphitheatre. (Project 0333).
10. Other Business.
11. Questions from the News Media.
12. Adjournment.

**AGENDA REVIEW MEMORANDUM
GLADSTONE CITY COUNCIL MEETING
MONDAY, JANUARY 27, 2003**

4. **JANUARY 13, 2003, CITY COUNCIL MEETING MINUTES** --are enclosed.
- 4a. **PRESENTATION OF 2002 MAYOR'S COMMUNITY CHRISTMAS TREE LIGHTING FUND DRIVE CHECKS** to Gladstone Neighbors Helping Neighbors (\$1,873.73), Art Hammen, Executive Director and to the Northland Christmas Store (\$6,973.73), Ikey Harris, Chairman.
Mayor Bill Cross, Presenter.

5. **CONSENT AGENDA**

RESOLUTION R-03-10/FINAL PAY AUTHORIZATION FOR MEADOWBROOK PLAYGROUND EQUIPMENT.

This resolution authorizes acceptance of work under contract with Riggs Recreation Equipment, Inc., and authorizes final payment in the amount of \$1,481.55. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, and in accordance with specifications.

REGULAR AGENDA

9. **RESOLUTION R-03-11/AWARD OF CONTRACT FOR OAK GROVE AMPHITHEATRE RENOVATION.**

This resolution authorizes execution of a contract with Miller-Stauch Construction Company, Inc., in the amount of \$411,624.00, for the renovation of the Oak Grove Amphitheatre. Three bids were received for this project, and Miller Stauch Construction Company was determined to be the lowest and best bid.

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

MONDAY, JANUARY 27, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular January 27, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JANUARY 13, 2003 CITY COUNCIL MEETING MINUTES.

Councilman Beer moved to approve the minutes of the **Regular January 13, 2003, City Council Meeting** as submitted. Mayor Pro Tem Les Smith seconded the motion. The vote: All "aye". Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. Presentation of 2002 Mayor's Community Christmas Tree Lighting Fund Drive proceeds.

Mayor Bill Cross presented a check in the amount of \$1,873.73 to Mr. Art Hammen, Executive Director of the **Gladstone Neighbors Helping Neighbors** organization. Mayor Cross thanked Mr. Hammen for all his time and outstanding efforts, and continued by saying that this money goes to a very worthwhile organization. On behalf of the Board of Directors, the volunteers, and especially the residents of Gladstone that Gladstone Neighbors Helping Neighbors serves, Mr. Hammen extended thanks to the Mayor and City Council, and to the citizens who made this very generous gift possible. A very aggressive calendar of events will

soon be announced for the year 2003. This money will go a long way toward providing assistance to those residents in need.

Mayor Cross presented a check in the amount of \$6,973.73 to Ms. Ikey Harris, Chairman, of the **Northland Christmas Store**. Funds in the amount of \$5,000.00 were raised at the Scarecrow 5K Walk/Run. Mayor Cross thanked Ms. Harris for her outstanding efforts and for the efforts of all who contribute to such a worthy organization. Ms. Harris thanked the Mayor and City Council and commented that this will help to pay bills that have been recently received. This past year, 1,153 families were served. This was accomplished thanks to generous contributions such as this and to the many volunteers who contribute their time. The Parks and Recreation staff have been marvelous to help, and Ms. Harris appreciates the efforts of Parks and Recreation Director Sheila Lillis, who always responds when needed.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-10**, authorizing acceptance of work under contract with Riggs Recreation for the Meadowbrook Park Playground, and authorizing final payment in the amount of \$1,481.55 from the Capital Improvement Sales Tax Fund. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE

There were no communications from the audience.

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

Councilman Carol Rudi congratulated Finance Director Cash Sweiven and his staff on The Distinguished Budget Award they received again this year. Director does a very good job of answering any questions that come forward from City Council, which is very much appreciated.

Councilman Wayne Beer agreed and offered his congratulations on a job well done.

Councilman Shirley Smith stated that she feels that this will be a great year. The City's new property codes will go into effect, the new fire station will start to take shape, the amphitheatre will be rebuilt, and Gladfest and all the other wonderful activities will continue. We have much to look forward to this next year.

Mayor Pro Tem Les Smith congratulated Director Sweiven and his staff on the Budget Award. Councilman Smith thanked City Counselor Dave Ramsay for the memorandum regarding the Noise Ordinance, which was included in Council's packet, and asked if this could be scheduled for a study session item at the next meeting, if that is acceptable with City Council.

Mayor Bill Cross extended his congratulations to Director Sweiven and his staff and expressed his confidence that Director Sweiven will again present a budget package that will meet the City's needs for the next year. Mayor Cross encouraged all to vote next week. The Use Tax will be on the ballot.

Mayor Cross expressed his appreciation for the outstanding job City Manager Davis did last week in a presentation at the North Kansas City Council meeting. Mayor Cross feels confident North Kansas City will donate at least \$50,000 to the Oak Grove Amphitheatre Fund.

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

City Manager Kirk Davis encouraged all to vote Tuesday, February 4th. Information will be coming out in the Thursday packet regarding an election results watch. February 7th is the Boards and Commissions Banquet, and City Manager Davis encouraged all to attend.

Item 9. on the Agenda. RESOLUTION R-03-11, authorizing execution of a contract with Miller Stauch Construction Company, Incorporated in the amount \$411,624.00, for the renovation of the Oak Grove Amphitheatre.

Mayor Pro Tem Les Smith moved to approve **Resolution R-03-11**, authorizing execution of a contract with Miller Stauch Construction Company, Incorporated in the amount of \$411,624.00, for the renovation of the Oak Grove Amphitheatre. Councilman Shirley Smith seconded the motion. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. OTHER BUSINESS

There was no other business.

Item 11. on the Agenda. QUESTIONS FROM THE NEWS MEDIA

Amy Newport, of the Dispatch-Tribune Newspapers asked for information on The Distinguished Budget Award. Director Sweiven explained that it is an award presented through the Government Finance Officers Association (GFOA). There is certain criteria that must be met. There must be an operational document, a communications document, and a policy document, and certain criteria must be met in each one of these fields. There is a review by three independent reviewers. If the score is high enough, an award is then presented.

Item 12. on the Agenda. ADJOURNMENT

Councilman Wayne Beer made a motion to adjourn the Regular Meeting and return to the remaining business under the Open Study Session. Councilman Carol Rudi seconded. The Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0)

Respectfully submitted:

Cathy L. Swenson, City Clerk
Cathy L. Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended: _____

Bill Cross

Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 10, 2003**

OPEN STUDY SESSION: 6:15 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021(1) for Litigation and Privileged Communications Discussion,
610.021(2) for Real Estate Acquisition Discussion, 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, 2003, City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION BY THE MAYOR AND CITY COUNCIL.**
- 4b. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

William Duncan, Planning Commission
January 1991 - December 2002

David Sanford, Capital Improvements Program Committee
January 2000 - December 2002

Phil Summers, Parks and Recreation Advisory Board
January 1998 - December 2002

Bonnie Wilson, Parks and Recreation Advisory Board
October 2000 - October 2002

Nettie Schwartzbauer, Recycling and Solid Waste Committee
July 1997 - December 2002

Bob Frank, Recycling and Solid Waste Committee
August 2001 - December 2002

5. **CONSENT AGENDA**

RESOLUTION R-03-12, authorizing acceptance of work under contract with Haren & Laughlin Construction Company for the Public Safety Communications Center Modification and authorizing final payment in the amount of \$26,057.90 from the Fire/FMS Sales Tax Fund. (Project 025603-A).

RESOLUTION R-03-13, authorizing acceptance of work under contract with Pyramid Excavation & Construction, Incorporated for the Mill Creek Watershed Drainage Improvements (Meadowbrook Drainage), and authorizing final payment in the amount of \$10,185.68 from the Stormwater Improvement Fund. (Project 0119).

APPROVAL OF NEW LIQUOR LICENSE, CLASS "A" AND "B", RJD Food Sources, Incorporated, dba Smokin Joe's BBQ, 6005 NE Antioch Road. Managing Officer, Paul J. Heide.

APPROVAL OF FINANCIAL REPORT for the month of January, 2003.

REGULAR AGENDA

6. **Communications from the Audience.**

7. **Communications from the City Council.**

8. **Communications from the City Manager.**

9. **RESOLUTION R-03-14**, approval of amendments to the telecommunications tower leases with Verizon to allow placement of emergency generators at the Antioch Water Tower and Water Plant sites.

10. **FIRST READING BILL 03-1**, declaring the results of the **Tuesday, February 4, 2003 Gladstone Municipal Election** at which election the following question was submitted to the qualified voters to wit: " Shall the City of Gladstone, Missouri, impose a local use tax at the same rate as the local sales tax, currently two and one-quarter percent (2 ¼%), provided that if any local sales tax is reduced or raised by voter approval, the respective local use tax shall also be reduced or raised by the same action?"
(Certified Results: Yes 727 - No 533)

11. **Other Business.**

12. **Questions from the News Media.**

13. **Adjournment.**

**AGENDA REVIEW MEMORANDUM
GLADSTONE CITY COUNCIL MEETING
MONDAY, FEBRUARY 10, 2003**

4. **JANUARY 27, 2003, CITY COUNCIL MEETING MINUTES** -- are enclosed.

4a. **SPECIAL PRESENTATION BY THE MAYOR AND CITY COUNCIL.**

4b. **BOARD AND COMMISSION APPRECIATION PLAQUES**

Recognition plaques have been prepared for William Duncan recognizing his service on the **Planning Commission**; David Sanford recognizing his service on the **Capital Improvements Program Committee**; Phil Summers and Bonnie Wilson recognizing their service on the **Parks and Recreation Advisory Board**; and Nettie Schwartzbauer and Bob Frank recognizing their service on the **Recycling and Solid Waste Committee**. All recipients were invited to Monday's City Council meeting.

5. **CONSENT AGENDA**

RESOLUTION R-03-12/FINAL PAY AUTHORIZATION THE PUBLIC SAFETY COMMUNICATIONS CENTER MODIFICATION.

This resolution authorizes acceptance of work under contract with Haren & Laughlin Construction Company, and authorizes final payment. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, and in accordance with specifications.

RESOLUTION R-03-13/FINAL PAY AUTHORIZATION FOR THE MILL CREEK WATERSHED DRAINAGE IMPROVEMENTS (MEADOWBROOK DRAINAGE).

This resolution accepts all work under the contract with Pyramid Excavation & Construction, Incorporated for the Mill Creek Watershed Drainage Improvements (Meadowbrook Drainage) project as reviewed in the attached memorandum from Construction Contracts Coordinator Lou Oesterle. All required lien waivers have been filed and final payment is recommended.

APPROVAL OF NEW LIQUOR LICENSE, CLASS "A" AND "B", RJD Food Sources, Incorporated, dba Smokin Joe's BBQ, 6005 NE Antioch Road. Managing Officer, Paul J. Heide. Gladstone Public Safety has conducted their customary review of the application and recommends approval.

APPROVAL OF FINANCIAL REPORTS FOR THE MONTH OF JANUARY, 2003 - are enclosed.

REGULAR AGENDA

9. **RESOLUTION R-03-14, APPROVING AMENDMENTS TO THE
VERIZON ANTENNA SITE LEASES.**

This resolution approves amendments to the Tower Communications Tower Leases with Verizon to allow placement of emergency generators at the Antioch Water Tower and Water Plant sites. Please refer to City Counselor David Ramsay's attached memorandum, which reviews the provisions of the lease amendments.

10. **FIRST READING BILL 03-01/CITY MUNICIPAL USE TAX ELECTION**

This ordinance records the official results of the Tuesday, February 4, 2003, City Municipal Use Tax Election results, as certified by the Clay County Board of Election Commissioners, and includes an attached precinct breakdown.

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

MONDAY, FEBRUARY 10, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular February 10, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

Mayor Bill Cross led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR JANUARY 27, 2003, CITY COUNCIL MEETING MINUTES

Councilman Carol Rudi moved to approve the minutes of the **Regular January 27, 2003, City Council Meeting** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. SPECIAL PRESENTATION BY THE MAYOR AND CITY COUNCIL

Mayor Bill Cross and City Council members stepped down from the council dais, and Mayor Cross invited retiring City Clerk Marilyn Ahnefeld to join them near the podium.

Mayor Bill Cross read a PROCLAMATION designating Tuesday, February 18, 2003 as "**Marilyn F. Ahnefeld Recognition Day**" in Gladstone, Missouri in tribute to Marilyn Ahnefeld following forty-one years of service to the City of Gladstone.

Following a standing ovation and applause, Mayor Bill Cross presented the Proclamation to Marilyn Ahnefeld and thanked her for the exceptional public service she provided during her tenure spanning four decades.

Mayor Cross invited Mr. Mike Steffens to come forward.

Mr. Steffens stated that on behalf of the Gladstone Area Chamber of Commerce, he wished to present a bouquet of flowers in appreciation to Ms. Ahnefeld.

Mayor Cross invited Mr. Sean Ahnefeld to come forward.

Mr. Ahnefeld, Ms. Ahnefeld's son, displayed a professionally made sign congratulating his mother on her retirement and recognizing her 41 years of service to the City.

Mayor Cross presented to Ms. Ahnefeld a "Key to the City" plaque, and stated that the "Key to the City" is given only on rare occasions, and Marilyn Ahnefeld is such a deserving recipient. Mayor Cross then remarked how many former mayors and city council members were in attendance at this meeting in honor of Ms. Ahnefeld.

Councilman Wayne Beer, on behalf of City Council members, presented a bouquet of flowers to Ms. Ahnefeld.

Mayor Cross invited all former Councilmen and Mayors to join him, the current City Council, and Ms. Ahnefeld for a group picture.

Following the group picture, Mayor Cross stated that Ms. Ahnefeld's husband, Bud Ahnefeld, has worked so hard for the City, and invited Mr. Ahnefeld to step forward.

Mayor Cross presented to Bud Ahnefeld an Eagle plaque thanking him for his dedicated service to the City of Gladstone.

Mr. Ahnefeld thanked Mayor Cross, City Council members, and the City.

Marilyn Ahnefeld thanked Mayor Cross, City Council members and the City for the presentations, well wishes, and affection, and stated that the "Key to the City" means so much to her, and it is such an honor. Ms. Ahnefeld stated that she is blessed with a husband who has supported her in her career and shared with her a love for the City. Ms. Ahnefeld also thanked her children, Sean and Lisa, who have been so supportive and have understood over the years, when she has devoted time to attend ribbon cuttings and other City functions. Ms. Ahnefeld thanked City staff for their efforts and the Gladstone Area Chamber of Commerce with whom she has enjoyed a wonderful association.

Milton Wallace asked Ms. Ahnefeld if she remembered when she was first hired by the City in 1961. Mr. Wallace served on the City Council that hired Ms. Ahnefeld.

Ms. Ahnefeld replied she did remember, and offered her thanks to the past and present Council members and Mayors present and all those with whom she worked over the years.

Mayor Cross stated that Ms. Ahnefeld is a walking City archive, and can tell you the whereabouts of every past Councilman, Mayor, and City Manager. She does a very good job of keeping track of them and remembering them.

Ms. Ahnefeld stated that she has had wonderful opportunities during her tenure to work with eight City Managers, and has enjoyed all of them. It is with them that she has such a close day to day relationship. Ms. Ahnefeld thanked City Manager Kirk Davis for so many wonderful opportunities.

Item 4b. on the Agenda. PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES

Mayor Cross remarked that the City is blessed to have over 200 citizens of Gladstone who serve on the various Boards and Commissions. Last Friday a banquet was given in their honor where there was an opportunity to thank them for their service and to share wonderful memories.

Mayor Cross presented appreciation plaques to outgoing Board and Commission members in recognition of their service to the City as follows: **David Sanford, Capital Improvements Program Committee**, January 2000 - December 2002; **Bonnie Wilson, Parks and Recreation Advisory Board**, October 2000 - October 2002; **Nettie Schwartzbauer, Recycling and Solid Waste Committee**, July 1997 - December 2002.

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Rudi asked City Manager Davis, in regard to Resolution R-03-12, accepting work for the Public Safety Communications Center, to please provide information about any guarantees there are on the equipment that was purchased.

City Manager Davis stated that there is a twelve month warranty on the equipment from the point of installation. Regarding the work being done, there are Performance Bonds in place to guarantee the work.

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-12**, authorizing acceptance of work under contract with Haren & Laughlin Construction Company for the Public Safety Communications Center Modification and authorizing final payment in the amount of \$26,057.90 from the Fire/EMS Sales Tax Fund. (Project 025603-A). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-13**, authorizing acceptance of work under contract with Pyramid Excavation & Construction, Incorporated for the Mill Creek Watershed Drainage Improvements (Meadowbrook Drainage), and authorizing final payment in the amount of \$10,185.68 from the Stormwater Improvement Fund. (Project 0119). Councilman Carol Rudi seconded. The vote: All "aye"

Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve a **NEW LIQUOR LICENSE, CLASS "A" AND "B"**, RJD Food Services, Incorporated, dba Smokin Joe's BBQ, 6005 NE Antioch Road. Managing Officer, Paul J. Heide. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE

There was no communications from the audience.

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

Councilman Carol Rudi thanked City staff on an excellent dinner, Friday night. Staff did a great job and everyone had a great time. Councilman Rudi continued by congratulating both Marilyn Ahnefeld and her husband, Bud. They deserve their retirement and both have worked very hard. Councilman Rudi hopes they have a very happy retirement, and that we will see them often.

Councilman Wayne Beer agreed with Councilman Rudi's comments.

Councilman Shirley Smith thanked the citizens of Gladstone for passing the Use Tax and for believing in City Council members. The dinner, Friday night was wonderful, and reflective of how many great quality citizens we have that are helping to run the city.

Mayor Pro Tem Les Smith thanked citizens and Staff members who worked so hard on the Use Tax, and congratulated Marilyn and Bud Ahnefeld. The dinner Friday night exemplified how many people we have in this community who really work hard to make the community what it is. Councilman Smith thanked the many citizens that serve on the Boards and Commissions.

Mayor Bill Cross stated he wished to reinforce what fellow Council Members have said. The events over the past two weeks have been so enjoyable and beneficial to the City of Gladstone.

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

City Manager Davis reported that City Hall will be closed Presidents' Day, Monday, February 17, 2003. An employee luncheon honoring retiring City Clerk Marilyn Ahnefeld, will be held 11:30 AM to 1:30 PM, on Tuesday, February 18, 2003. City Council members

are cordially invited. There will be a public reception honoring Ms. Ahnefeld on Friday, February 28, 2003, from 4:00 PM to 6:30 PM.

Item 9. on the Agenda. **RESOLUTION R-03-14**, approval of amendments to the telecommunications tower leases with Verizon to allow placement of emergency generators at the Antioch Water Tower and Water Plant sites.

Councilman Wayne Beer moved to approve **Resolution R-03-14**, approving amendments to the telecommunications tower leases with Verizon to allow placement of emergency generators at the Antioch Tower and Water Plant Sites. Mayor Pro Tem Les Smith seconded the motion.

Councilman Beer inquired into the documents that were in place at the Council members' seats.

City Counselor David Ramsay replied that the documents are copies of amendments to the leases, themselves. When the resolution and memo were prepared, Staff did not have copies of the actual amendments. Mr. Ramsay was aware of what the contents of the amendments would be, so he explained that in the memo. Earlier today the lease amendments, themselves, were received. There is one for the Antioch Tower and a separate one for the Water Plant location. These are the recent amendments that will be executed by the City, based on approval by City Council.

Councilman Beer thanked Mr. Ramsay for answering his question.

Councilman Rudi asked if these amendments are substantially the same thing that was presented in the packets as far as information.

City Counselor Ramsay replied that is correct. The amendments provide for placement of emergency generators at the both the Antioch Tower and the Water Plant Tower, at the rent increase of \$2,400 per year for each site from Verizon Wireless Company. There are some restrictions on non-emergency operation and also provision for some planting of White Pines at the Water Plant location to screen the tower facility from the line of sight from 169 Highway.

Mayor Cross asked City Counselor Ramsay to inform the audience how much income these two towers will provide the City of Gladstone, and also what provision they will give to beautify the area.

City Counselor Ramsay replied that total annual rent for the Water Plant location will be \$34,000 per year, and the total for the Antioch location will be \$24,500 per year. The reason for the difference is that at the Water Plant, Verizon constructed a free standing tower, and they sublease space on the tower to Nextel. The City shares in that extra rent. The Water Plant site will be significantly visually improved by the planting of ten White Pines that will line the western side of the site. As they mature they will block from view the equipment, building, and the generator, and improve the appearance considerably. The generator,

themselves, will be covered with soundproof and weatherproof covers to further reduce any noise that might emanate and bother neighboring residents, and are placed on locations at the sites where there will be minimum noise to the neighboring residential areas.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 03-1**, declaring the results of the **Tuesday, February 4, 2003 Gladstone Municipal Election** at which election the following question was submitted to the qualified voters to wit: "Shall the City of Gladstone, Missouri impose a local use tax at the same rate as the local sales tax, currently two and one-quarter percent (2 ¼%), provided that if any sales tax is reduced or raised by voter approval, the respective local use tax shall also be reduced or raised by the same action?"
(Certified Results: Yes 727 – No 533).

Mayor Pro Tem Les Smith moved to place Bill 03-1 on First Reading. Councilman Shirley Smith seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 03-1, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded.

The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 03-1** and enact the Bill as **Ordinance 3.855**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **OTHER BUSINESS**

There was no other business.

Item 12. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA**

There were no questions from the News Media members.

Item 13. on the Agenda. **ADJOURNMENT**

Mayor Pro Tem Les Smith made a motion to adjourn the Regular Meeting and go to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Privileged Communications Discussion, 610.021 (2) for Real Estate

Acquisition Discussion, and Exemption 610.021 (3) for Personnel Discussion. Councilman Shirley Smith seconded the motion.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0)

Respectfully submitted:

Cathy L. Swenson
Cathy L. Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended _____

Bill Cross
Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 24, 2003**

OPEN STUDY SESSION: 5:30 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 10, 2003, City Council Meeting Minutes.**
- 4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUE.**

William Duncan, Planning Commission
January 1991 - December 2002

- 4b. **PRESENTATION OF CITIZENS FOR BETTER GOVERNMENT COMMITTEE APPRECIATION PLAQUES.**

Larry Whitton, Co-Chairman
Dick Davis, Co-Chairman

5. **CONSENT AGENDA.**

RESOLUTION R-03-15, authorizing acceptance of work under contract with Musselman & Hall Contractors for the 71st & Locust Street Reconstruction, and authorizing final payment in the amount of \$6,111.49 from the Transportation Sales Tax Fund. (Project 0223).

RESOLUTION R-03-16, accepting permanent and temporary construction easements from Property owners in conjunction with the 67th & Garfield Drainage Improvements. (Project 0124).

RESOLUTION R-03-17, authorizing acceptance of work under contract with H2O'C Engineering, LLC for the 2003 Water Distribution Study and Hydraulic Model, and authorizing Final payment in the amount of \$12,500.00 from the CWSS 2000 Revenue Bonds. (Project 0293).

REGULAR AGENDA.

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION R-03-18**, amending the 2003 annual General Fund Budget and the Combined Water and Sewerage System Fund Budget, and authorizing funds.
10. **MOTION TO EXTEND BUILDING PERMIT 98-0376** to allow temporary modular Building located at St. Charles School, 900 NE Shady Lane Drive, to remain an additional Five years.
11. **FIRST READING BILL 03-02**, repealing Ordinance Numbers 1.935, 2.049 and 2.711 and enacting in lieu thereof, eight new sections of the Gladstone City Code regulating the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**

INTEROFFICE MEMORANDUM

TO: MAYOR CROSS
MAYOR PRO TEM LES SMITH
COUNCILMAN SHIRLEY SMITH
COUNCILMAN CAROL RUDI
COUNCILMAN WAYNE BEER

FROM: CITY CLERK CATHY SWENSON

SUBJECT: ADDITION TO CITY COUNCIL REGULAR MEETING AGENDA

DATE: 2/25/03

CC: CITY MANAGER KIRK DAVIS
ASSISTANT CITY MANAGER SCOTT WINGERSON
CITY COUNSELOR DAVID RAMSAY

Please find following a liquor license change in ownership request to be added to tonight's Regular Meeting agenda (Item 10a). Public Safety has conducted a background check, and recommends acceptance of this application. City staff asks that a motion regarding the request be made under "Communications from the City Council". Thank you!

APPROVAL OF PACKAGE LIQUOR LICENSE CHANGE IN OWNERSHIP,
Kesar Petroleum, Inc., dba Gladstone Mart & Liquor, 7020 North Oak. Managing Officer:
Patel Dipika. (formerly King's Oil)

**AGENDA REVIEW MEMORANDUM
GLADSTONE CITY COUNCIL MEETING
MONDAY, FEBRUARY 24, 2003**

4. **FEBRUARY 10, 2003, CITY COUNCIL MEETING MINUTES** -- are enclosed.

4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUE**

A recognition plaque has been prepared for William Duncan, of the Planning Commission, who served from January 1991 through December, 2002.

4b. **PRESENTATION OF CITIZENS FOR BETTER GOVERNMENT COMMITTEE APPRECIATION PLAQUES**

Recognition plaques have been prepared for Larry Whitton and Dick Davis, Co-Chairmen.

5. **CONSENT AGENDA**

RESOLUTION R-03-15/AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH MUSSELMAN & HALL CONTRACTORS AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$6,111.49 FOR THE 71ST & LOCUST STREET RECONSTRUCTION.

This resolution authorizes acceptance of work under contract with Musselman & Hall Contractors, and authorizes final payment. Staff has conducted a final inspection and determined the work to be completed in a satisfactory manner, and in accordance with specifications.

RESOLUTION R-03-16/ACCEPTING PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS FROM PROPERTY OWNERS IN CONJUNCTION WITH THE 67TH & GARFIELD DRAINAGE IMPROVEMENTS.

This resolution accepts two permanent and two temporary construction easements from property owners in conjunction with the 67th & Garfield Drainage Improvements as outlined in the attached memorandum from Construction Contracts Coordinator Lou Oesterle.

RESOLUTION R-03-17/AUTHORIZING ACCEPTANCE OF WORK UNDER CONTRACT WITH H2O'C ENGINEERING, LLC FOR THE 2003 WATER DISTRIBUTION STUDY AND HYDRAULIC MODEL, AND AUTHORIZING FINAL PAYMENT IN THE AMOUNT OF \$12,500.00 FROM THE CWSS 2000 REVENUE BONDS.

This resolution accepts work completed under contract with H2O'C Engineering, LLC for the 2003 Water Distribution Study and Hydraulic Model, and authorizes final payment as reviewed in the attached memorandum from Director of Public Works Andy Noll.

REGULAR AGENDA

9. **RESOLUTION R-03-18, AMENDING THE 2003 ANNUAL GENERAL FUND BUDGET AND THE COMBINED WATER AND SEWERAGE SYSTEM FUND BUDGET, AND AUTHORIZING FUNDS.**

This resolution amends the 2003 Annual General Fund Budget and the Combined Water and Sewerage System Fund Budget and authorizes funds as reviewed in an attached memorandum From Finance Director Cash Sweiven.

10. **MOTION TO EXTEND BUILDING PERMIT 98-0376 TO ALLOW TEMPORARY MODULAR BUILDING LOCATED AT ST. CHARLES SCHOOL, 900 NE SHADY LANE DRIVE, TO REMAIN AN ADDITIONAL FIVE YEARS.**

As outlined in the memorandum from Assistant City Manager Scott Wingerson, St. Charles Church requests an extension to Building Permit 98-0376 to allow a temporary modular building located at St. Charles School to remain an additional five years.

11. **FIRST READING BILL 03-2, REPEALING ORDINANCE NUMBERS 1.935, 2.049, AND 2.711 AND ENACTING IN LIEU THEROF, EIGHT NEW SECTIONS OF THE GLADSTONE CITY CODE REGULATING THE REDUCTION, CONTROL AND PREVENTION OF LOUD AND RAUCOUS NOISE, OR ANY NOISE WHICH UNREASONABLY DISTURBS, INJURES, OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF REASONABLE PERSONS.**

This Bill amends the Noise Ordinance as reviewed in the attached memorandum from City Counselor, David Ramsay.

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

MONDAY, FEBRUARY 24, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular February 24, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Bill Cross led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR FEBRUARY 10, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the minutes of the **Regular February 10, 2003, City Council Meeting** as submitted. Councilman Wayne Beer seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 4a. on the Agenda. PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUE.

Mayor Cross presented an appreciation plaque to William Duncan, who is retiring from the Planning Commission. Mr. Duncan served on the Commission from January, 1991 to December, 2002. Mayor Cross thanked Mr. Duncan for his outstanding service and stated that he will be missed on the Planning Commission. There are members of the current City Council who served with Mr. Duncan on the Planning Commission.

Councilman Carol Rudi remarked that she remembers many site visits while serving on the Planning Commission. Mr. Duncan was a valuable member of the Commission and was very helpful to his fellow Planning Commission members.

Councilman Wayne Beer agreed with Councilman Rudi's comments.

Item 4b. on the Agenda. PRESENTATION OF CITIZENS FOR BETTER GOVERNMENT COMMITTEE APPRECIATION PLAQUES.

Mayor Cross invited **Dick Davis** and **Larry Whitton**, co-chairmen of the **Better Government Committee** to step forward to accept appreciation plaques for their work on the Committee that supported the Use Tax initiative. Mayor Cross stated that Mr. Davis and Mr. Whitton were responsible for getting a volunteer group together to work for a period of six to eight weeks to support this worthwhile effort. Mayor Cross thanked Mr. Davis and Mr. Whitton for their hard work and outstanding contribution to the City of Gladstone.

Mr. Dick Davis thanked Mayor Cross and City Council members, and remarked that it was an honor and a privilege to serve on this committee which was supported by a great City Council, City staff, Department Heads, and Tamie Mills, Public Information Coordinator. The positive vote represents the citizens' confidence in our City Council, City staff, and leadership.

Mr. Larry Whitton thanked Mayor Cross and City Council members, and stated that credit goes to Mr. Dick Davis for his hard work.

Councilman Wayne Beer expressed his appreciation to Mr. Davis and Mr. Whitton, and stated that because of their leadership, the Use Tax was approved by the voters. Councilman Beer stated that simply saying "thanks" is not enough, but offered a sincere thank you to these two gentlemen.

Councilman Carol Rudi stated that she would like to express her admiration for two people willing to take on something that includes the word "tax". Councilman Rudi extended her thanks to Mr. Davis and Mr. Whitton.

Councilman Shirley Smith thanked Mr. Davis and Mr. Whitton for a superb job in leading this Committee, and remarked that the City has been very fortunate, now and in the past, in having such outstanding committees who have gone out to the public to provide information and solicit support for initiatives.

Mayor Pro Tem Les Smith thanked Mr. Davis for his kind words, and expressed his appreciation of the professional manner of Mr. Davis. Councilman Smith continued by saying it is a pleasure to be involved in government with Mr. Davis. Mr. Davis deserves all the accolades he receives. Councilman Smith thanked Mr. Whitton, and stated that he knows Mr. Whitton worked very hard on this committee. The Use Tax revenues will certainly be appreciated by the citizens of the community.

Mayor Cross stated that it is good to know that the City Manager can be depended upon to select very competent and capable people whenever the need arises.

City Manager Kirk Davis stated that he is certainly glad that these two gentlemen (Mr. Davis and Mr. Whitton) live in our community, are dedicated to the community on a whole, and were willing to take on this task. They both provided great leadership and it was a pleasure to work with them.

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

Following the Clerk's reading, Councilman Rudi remarked that Staff did a very good job in acquiring the easements from property owners in conjunction with the 67th and Garfield Drainage Improvements.

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-15**, authorizing acceptance of work under contract with Musselman & Hall Contractors for the 71st & Locust Street Reconstruction, and authorizing final payment in the amount of \$6,111.49 from the Transportation Sales Tax Fund (Project 0223). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-16**, accepting permanent and temporary construction easements from property owners in conjunction with the 67th & Garfield Drainage Improvements. (Project 0124). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-17**, authorizing acceptance of work under contract with H2O'C Engineering, LLC for the 2003 Water Distribution Study and Hydraulic Model, and authorizing final payment in the amount of \$12,500.00 from the CWSS 2000 Revenue Bonds. (Project 0293). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

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

Councilman Shirley Smith stated that she is happy to see there are more festivities planned for retired City Clerk Marilyn Ahnefeld. After her many years of service to the City, it is only fair to give her a proper "send off". Councilman Smith continued by saying she is

looking forward to the upcoming trip to Jefferson City for the Missouri Municipal League Legislative Conference. It is hoped to meet with legislators on issues that will benefit Gladstone residents. Councilman Smith concluded by saying that although tomorrow's election is for Kansas City residents, Kansas City does surround Gladstone, and many decisions made by Kansas City do have an influence on our City, and we will be watching the outcome of the election.

Mayor Pro Tem Les Smith remarked that the new microphones are quite nice, and thanked whoever is responsible for installing them. Councilman Smith continued by saying that he is concerned about the temporary signs that go up about Midnight on Friday night that advertise furniture stores and so forth. When they are on the right of way by his business property, he removes them. Now that the City has two Code Enforcement Officers, what is the policy for weekend work. Not only are the signs unsightly, but they advertise for businesses outside the City. Sales tax may be lost by businesses in our City.

Assistant City Manager Scott Wingerson agreed that the signs are put up at Midnight on Friday or Saturday and removed by the business owners on Sunday. City Staff tries to collect the signs over the weekend on behalf of the business and dispose of them properly. It is the City's policy to try to have a Code Enforcement Officer on duty at least two hours, and usually four hours, every Saturday, especially now that there are two Code Enforcement Officers. However schedules did not allow for this over this past weekend. There was someone on duty for approximately an hour and fifteen minutes, but unfortunately there was not enough time to get all the signs removed. City staff is following up with two groups of people when these types of signs are found. One is the business owner, whether or not it is inside our City, and the other is the marketing public relations people. Courtesy notices and warnings are provided in accordance with City Council's policy. If the violation continues, the business owners will eventually receive a summons to appear in municipal court.

Mayor Pro Tem Smith stated that one of the issues he hopes is discussed in Jefferson City, at the Legislative Conference, is the idea of a sales tax holiday. A lot has been written about this by the MML (Missouri Municipal League). There will be an opportunity to meet with some of our state representatives and a state senator. Councilman Smith remarked that, for those in the audience who may not be familiar, President Pro Tem of the Senate, Pete Kinder, is sponsoring legislation that in effect would allow a sales tax-free shopping weekend for certain purchases. This would place a burden on local communities as they will not be able to collect sales tax on those sales. There are three options: first, not do it; the second is some provision to allow communities to opt out of the sales tax weekend; and the third is the option to participate in the sales tax weekend. There are various bills proposed that will affect our revenues, such as a property tax freeze for certain segments of our population. If City Council and Staff do their homework and look over the legislative packet that City Counselor Ramsay has prepared, we can see the effects such issues will have on our local economy, and keep this in mind when we attend the conference on Wednesday and Thursday.

Mayor Bill Cross stated that there will be an opportunity Wednesday evening to express our feelings to our three state representatives and state senator.

Mayor Cross mentioned that City Council members have before them an addition to the Regular Agenda in the form of approval of a liquor license, which will be identified as 10a under the Regular Agenda.

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

City Manager Kirk Davis reminded Mayor Cross, City Council members, and those present of the reception planned in honor of retired City Clerk Marilyn Ahnefeld, which will be held Friday, February 28th, from 4:00 PM to 6:30 PM, in the City Hall Council Chambers.

Item 9. on the Agenda. **RESOLUTION R-03-18**, amending the 2003 Annual General Fund Budget and the Combined Water and Sewerage System Fund Budget and authorizing funds.

Councilman Wayne Beer moved to approve **Resolution R-03-18**, amending the 2003 Annual General Fund Budget and the Combined Water and Sewerage System Fund Budget and authorizing funds. Councilman Carol Rudi seconded the motion.

Councilman Rudi remarked that the City is facing a shortage in our sales tax and encouraged everyone to spend their money in Gladstone. Councilman Rudi asked everyone to remember that when we pay taxes we are helping the City.

Councilman Wayne Beer stated that the City's sales tax revenue is close to 50 percent of our General Fund revenues. A little bit of sales tax loss is significant to our General Fund. City Council is wrestling with those issues now, thus the motion tonight and the full hour and fifteen minutes of Open Study Session previous to this City Council meeting. This is an issue of vital importance to the City of Gladstone, and needs to be mentioned one more time.

Mayor Pro Tem Les Smith agreed with Councilman Rudi and Councilman Beer, and commented that credit goes to the leadership of the City Manager and his staff and to the Mayor and his leadership of the Council that we are approving a mid-year budget that maintains our basic city services. It does not affect the quality of life for the City of Gladstone, maintains our 20 percent fund balance, and has already put us in a position to begin looking towards the next fiscal year's budget. By a very professional and responsible City staff and great leadership of City Council, we are weathering the storm to this point. It may sound like doom and gloom, but there is light at the end of the tunnel, thanks to the professional management we have in the City.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **MOTION TO EXTEND BUILDING PERMIT 98-0376** to allow a temporary modular building located at St. Charles School, 900 NE Shady Lane Drive, to remain an additional five years.

Mayor Pro Tem Smith moved to extend the building permit 98-0376 to allow a temporary modular building located at St. Charles School, 900 NE Shady Lane Drive, to remain an additional five years. Councilman Rudi seconded the motion.

Councilman Wayne Beer remarked that having been in a similar situation as St. Charles, while working for the North Kansas City School District, he can appreciate their issue. On the one hand it is nice to have the issue of growth; on the other hand it is difficult to provide the facilities for that growth. This is one viable way that this growth may be handled on a short term basis, while they attempt to deal with it on a long term basis. Councilman Beer urged approval of this motion.

Councilman Smith asked that as the Gladstone Plaza property abuts the St. Charles property, how close is the modular building to the property line.

Assistant City Manager Scott Wingerson replied that he is uncertain as to the exact distance, but it is a good distance from the modular building to the north property line of the church and then to the vacant property of Gladstone Plaza.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0).

Item 10a. on the Agenda. **APPROVAL OF PACKAGE LIQUOR LICENSE CHANGE IN OWNERSHIP**, Kesar Petroleum, Inc. dba Gladstone Mart & Liquor, 7020 North Oak. Managing Officer: Patel Dipika. (formerly King's Oil).

Mayor Pro Tem Les Smith moved to approve the Package Liquor License Change in Ownership, for Kesar Petroleum, Inc. dba Gladstone Mart & Liquor, 7020 North Oak. Managing Officer: Patel Dipika. Councilman Wayne Beer seconded the motion. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0).

Item 11. on the Agenda. **FIRST READING BILL 03-02**, repealing Ordinance Numbers 1.935, 2.049, and 2.711 and enacting in lieu thereof, eight new sections of the Gladstone City Code regulating the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons.

Mayor Pro Tem Les Smith moved to place the **revised** Bill 03-02 on First Reading. Councilman Carol Rudi seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 03-02, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 03-02** and enact the Bill as **Ordinance 3.856**. Councilman Carol Rudi seconded.

Discussion

Mayor Pro Tem Smith thanked Counselor David Ramsay for his work on this Bill, today. Mayor Pro Tem Smith brought a couple of ideas to him this morning that Mr. Ramsay felt significant enough to incorporate and Mr. Ramsay did that revision today, in order to have it on the agenda for tonight's meeting.

Councilman Wayne Beer stated that he feels that this is a reasonable ordinance. One of the key phrases is "to reasonable people". Some may feel that this language is not strong enough, but Councilman Beer feels confident that there is enough precedent in other communities and other situations that this is a workable ordinance and deserves our positive votes.

Mayor Cross remarked that he hopes this ordinance will give Law Enforcement officers better grounds when they have to enforce noise violations.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no other business.

Item 13. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media members.

Item 14. on the Agenda. **ADJOURNMENT.**

Councilman Wayne Beer moved to adjourn the meeting. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0).

Mayor Cross stated the Regular City Council meeting is adjourned to Open Study Session Item Number 3.

Respectfully submitted:

Cathy L. Swenson
Cathy L. Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended _____

Bill Cross
Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 10, 2003**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

**Closed Executive Session will immediately follow adjournment
of the Regular Meeting pursuant to Missouri Open Meeting Act
Exemption 610.021(1) for Litigation and Privileged Communications Discussion,
610.021(2) for Real Estate Acquisition Discussion, 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 24, 2003, City Council Meeting Minutes.**
5. **CONSENT AGENDA.**

RESOLUTION 03-19, authorizing the City Manager to purchase two (2) 2003 Chevrolet Impala Patrol Vehicles from Robert's Auto Plaza for a total purchase amount of \$33,680 from the General Fund.

RESOLUTION 03-20, authorizing execution of a contract with Bob Muchlberger Construction for the 2002 Arterial Sidewalk Program in the amount of \$22,685.00 from the Transportation Sales Tax Fund. (Project 025011).

RESOLUTION 03-21, expressing the support of the City Council of the City of Gladstone, Missouri for the passage of House Bill 289 and Senate Bill 253, currently pending before the Missouri General Assembly, enacting the Missouri Downtown Economic Stimulus Act (Modesa).

APPROVAL OF BUILDING PERMIT for the addition of a glazed canopy over the existing Garden Center located on the Wal-Mart property at 7207 N. M-1 Highway. (BP 03-0094).

APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, March 29, 2003. Hours: 6:00 PM - 12:00 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. **FIRST READING BILL 03-03**, amending Section 2 of Ordinance 2.670 codified in Chapter 3 of the City Code, by enacting a new provision prohibiting the purchase or possession of intoxicating liquor, malt liquor, or non-intoxicating beer by minors.
10. **Other Business**
11. **Questions from the News Media**
12. **Adjournment.**

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

MONDAY, MARCH 10, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular March 10, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Bill Cross led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR FEBRUARY 24, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the minutes of the **Regular February 24, 2003, City Council Meeting** as submitted. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Councilman Rudi asked if there is an elevation that Council may see of the cover proposed for the Garden Center located on the Wal-Mart property, 7207 N. M-1 Highway, (Building Permit 03-0094), and asked for an explanation of a "glazed canopy".

Assistant City Manager Scott Wingerson made available to City Council members the cover elevation as requested. As Council members reviewed the elevation, Mr. Wingerson explained that a glazed canopy is a steel structure designed so that during appropriate times of the year it may be open on the sides. It will have panels that are a plexiglass or a similar material that will close, so that the greenhouse will be a functional retail space during inclement weather. In nice weather the panels may be opened to allow fresh air into the garden center. The roof will be a standing seamed type of material, although not technically standing seam, but a corrugated metal type construction. The canopy that exists over the garden center at the I-29 and Barry Road store near the Boardwalk Square Shopping Center,

has this type of installation. This type of cover is generally regarded as attractive and a more functional garden space technology for the Wal-Mart stores.

Councilman Rudi commented that there are a number of staff recommendations, and asked if this Building Permit is approved under the Consent Agenda, will those recommendations be included in the Building Permit.

Assistant City Manager Wingerson replied, yes, and in fact Wal-Mart has agreed with all the conditions and has contracted with a company to repair the safety hazard on the parapet wall that Councilman Beer raised four weeks ago. That has been contracted to be repaired immediately, separate from this project. Wal-Mart has agreed to fix the fountain at the corner of 72nd and M-1, and to comply with the few safety comments that Building Official Alan Napoli has indicated in his staff report.

Councilman Beer remarked he had some of the same questions as Councilman Rudi, and stated he had two questions, one being in regard to Resolution 03-19, the purchase of two Patrol vehicles. Councilman Beer recalled that recently there was a budget amendment whereby the Patrol vehicle purchase was reduced from four to two vehicles, and asked if that is where this purchase originated and were there trade-in cars involved in the purchase.

City Manager Kirk Davis replied to Councilman Beer that he is correct, these are the two vehicles approved for purchase, and there were no trade-in cars. The Patrol cars are rotated between City Departments which ultimately results in a couple of cars being declared surplus property and being sold at the City auction in May.

Councilman Beer stated that it appears that these are good prices for the cars and a favorable purchase for the City.

Councilman Beer asked in regard to Resolution 03-20, which seeks approval of the 2002 Arterial Sidewalk Program, where the sidewalks are located for this contract.

City Manager Davis replied there are two sections. One is roughly at 63rd and Antioch, between the Quik Trip and McDonalds. The other one is also on Antioch, but on the other side of the street, between Conoco and the strip center where Tortilla Flats is located.

Councilman Beer inquired into the linear footage for both of the sidewalk projects.

City Manager Davis replied the linear footage is approximately 300 feet for a cost of \$22,685.00.

Public Works Director Andy Noll reported that this project has a rather high per linear foot cost, because although the section between the Quik Trip and McDonalds is rather short, it has fire hydrants that have to be addressed, drainage issues, and quite a few peculiarities that drive the price up significantly in this section. The other section is longer but is rather straight forward. The original estimate was \$18,000.00, but the bids came in a little higher. Staff realized that the area between the Quik Trip and McDonalds would be costly, but as

people have difficulty in this area, Staff thought it was important to install this last segment of sidewalk in the area.

Councilman Beer calculated the cost per linear foot is approximately \$75.00, and asked if the proposed sidewalks are four foot or five foot in width.

Public Works Director Noll replied he is uncertain, but would check the file and come back with an answer.

Mayor Pro Tem Les Smith stated that a building addition was discussed that would cost \$50 per square foot.

Public Works Director Andy Noll stated that it is expensive, which is why this section has been put off for quite a while. It was felt that it is time to get this section completed.

Mayor Pro Tem Les Smith requested that **Resolution 03-20**, authorizing execution of a contract with Bob Muehlberger Construction for the 2002 Arterial Sidewalk Program be removed from the Consent Agenda for further discussion and placed on the Regular Agenda as Item 5a.

Councilman Wayne Beer moved to approve the Consent Agenda as modified, removing **Resolution 03-20** from the Consent Agenda and adding it as Item 5a. on the Regular Agenda. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-19**, authorizing the City Manager to purchase two (2) 2003 Chevrolet Impala Patrol Vehicles from Robert's Auto Plaza for a total purchase amount of \$33,680 from the General Fund. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-21**, expressing the support of the City Council of the City of Gladstone, Missouri for the passage of House Bill 289 and Senate Bill 253, currently pending before the Missouri General Assembly, enacting the Missouri Downtown Economic Stimulus Act (Modesa). Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for the addition of a glazed canopy over the existing Garden Center located on the Wal-Mart property at 7207 N. M-1 Highway. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to **APPROVE A LIMITED ONE DAY BEER & WINE LICENSE TO ST. CHARLES BORROMEO CHURCH, 804 SHADY LANE DRIVE**, for a parish event on Saturday, March 29, 2003. Hours: 6:00 PM-12:00 Midnight. Managing Officer: Mr. Paul G. Danaher. Mayor Pro Tem Les Smith seconded. The vote: All "aye" — Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. **RESOLUTION 03-20**, authorizing execution of a contract with Bob Muehlberger Construction for the 2002 Arterial Sidewalk Program in the amount of \$22,685.00 from the Transportation Sales Tax Fund. (Project 025011).

Mayor Pro Tem Les Smith moved to approve **Resolution 03-20**, authorizing the execution of a contract with Bob Muehlberger Construction for the 2002 Arterial Sidewalk Program in the amount of \$22,685.00 from the Transportation Sales Tax Fund. Councilman Shirley Smith seconded.

Councilman Beer remarked that if the sidewalks are five foot sidewalks, that would make the cost \$15 per square foot, which is a little high. If they are four foot sidewalks, that makes the square foot cost even higher.

Councilman Les Smith asked Counselor David Ramsay about a proposed Bill that was discussed at the Missouri Municipal League Legislative Conference which would exempt certain public improvements from prevailing wage requirements. Would this type of project fall under this proposed bill?

Counselor Ramsay replied that he would need to review the Bill, but he believes that there may be cost restrictions as well as other restrictions. Prevailing Wage generally applies to construction projects, but does not apply to supply contracts, or computer equipment, service contracts and so forth.

Assistant City Manager Scott Wingerson stated that in the absence of Public Works Director Noll, he would like to seek to explain the conditions specifically as it relates to the area between McDonalds and the Quik Trip. Mr. Wingerson stated that if Mr. Noll locates the contract bid tabulation, he believes that it will show that the actual concrete costs are very competitive to anything seen in the market. What happens between McDonalds to the south and the Quik Trip to the north is a very small area between the two driveways — the northern McDonalds driveway and the southern Quik Trip driveway. In that area are a lot of utility corridors, a fire hydrant, and a steep slope. People who walk through that area do so gingerly, due to the steep slope. A majority of the \$22,685.00 project cost is involved in reconstructing that slope and ensuring that the sidewalk is wide enough and flat enough to allow safe pedestrian access, and not in the concrete cost. The other thing is that the traffic control in this area will be rather significant. That cost is included in the total project cost.

Traffic control at this location on M-1 Highway, while preserving access to the two businesses, will be rather complicated and significantly expensive.

Public Works Director Noll addressed City Council by saying that between McDonalds and the Quik Trip are two drainage structures. The project includes removing and replacing the corner edges of their drive approaches, which are 50 feet between McDonalds and Quik Trip. The price received on the actual sidewalk portion is right in line with what is normally received at \$5.50 per square foot for four foot sidewalks. Everything else is in line; it is just the appurtenances that are in the project, such as the drainage pipe, that makes this an expensive project.

Councilman Beer remarked that he hopes that it is not believed that City Council is trying to micro-manage a project. It is certainly not his intent, but the project did appear to be costly.

Mr. Noll commented that five bids were received ranging from \$22,000 to \$34,000. Previously Staff thought the project would be less than \$20,000. Proposals were requested, and four proposals were received ranging from \$21,000 to \$25,000. Of those four companies, none proceeded through the bid process. All together nine bids have been received ranging from \$21,000 to \$34,000, so it is felt the prices are in line. It is just a lot more than the sidewalk that is required in this project.

Councilman Les Smith agreed with Councilman Beer and remarked that he was interested in hearing what the cost is for a normal sidewalk project.

Mr. Noll replied that typically the cost is \$4.50 to \$6.00 per square foot for a sidewalk project. The winning contractor's bid was at \$5.50 per square foot.

City Manager Davis thanked the City Council for their indulgence in allowing the time for Staff to find the answer to these questions, hopefully in a satisfactory fashion, and provide the information needed for City Council to make a decision on this resolution.

Mayor Bill Cross asked if this resolution is approved this evening, will this project start right away.

Mr. Noll replied that all that would need to be done is execute the contract, conduct a pre-construction meeting, with actual work beginning in three to four weeks.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Carol Rudi remarked that she enjoyed the reception for retired City Clerk Marilyn Ahnefeld. It was a great event and whoever coordinated the event did a wonderful job. Councilman Rudi agreed with Councilman Beer that City Council does not want to micro-manage, but she is still learning and so does ask questions.

Councilman Wayne Beer offered congratulations to City Counselor David Ramsay regarding his election as Director of the Missouri Chapter of the National Association of Telecommunications Officers and Administrators. Although Mr. Ramsay says that the weather affected attendance and thus his election, Councilman Beer stated he is confident that if the entire state of Missouri had been in attendance, Mr. Ramsay would still have been elected.

Councilman Beer commented that he realized that it has been only a short time since Neighbors Helping Neighbors received funds from Gladstone's 50th Anniversary Gala Fund and from the Mayor's Holiday Tree Fund, however he would like to hear in the near future the status of Neighbors Helping Neighbors projects, how long is the list of projects, and what kind of progress is being made to reduce the list of projects, if it is a significant list. Northland Neighbors, Incorporated was providing some help that has ceased while awaiting grants. Have those grants been awarded or are we still waiting. If we are still waiting, then that will have an impact as to what Neighbors Helping Neighbors can do. Councilman Beer continued by inquiring as to the pool of volunteers. Do we have a good pool of volunteers, or is there difficulty in getting volunteers, which would have an impact as to what Neighbors Helping Neighbors can do.

City Manager Davis stated that Staff would be happy to invite Mr. Art Hammen, Executive Director of Neighbors Helping Neighbors, to a City Council meeting to provide an update as to what Neighbors Helping Neighbors is doing.

Assistant City Manager Wingerson gave a brief update by saying that progress is slow, and the list of projects is long. There are currently thirteen projects approved by the Neighbors Helping Neighbors Board. They are scheduled one each month, on the third Saturday of the month, in order to complete them in a calendar year. That assumes a lot of things - number one, that the volunteer pool is recruited and available. Currently service groups are being focused on, such as Rotary, Sertoma, church groups, and so forth. Number two, Northland Neighborhoods application was not approved in the last round of grants from the Federal Home Loan Bank, which Councilman Beer referred to. They are reapplying now in the secondary cycle for funds.

Mr. Wingerson continued by saying that Neighbors Helping Neighbors and the Gladstone Economic Betterment Council are now and continuously have provided letters of support and documentation of the good that it does for Gladstone residents when Northland Neighbors receives grant money. This would be the third application process that they have not been approved. The volunteers, themselves, are fantastic. Unfortunately there is not a pool of physical labor to do some of the projects that are being requested. The list of projects is growing. Part of that growth is due to some policies that City Council adopted effective the first of the year, having to do with code enforcement, inspections, and those sorts of things.

Neighbors Helping Neighbors does have a challenge. Mr. Wingerson stated that Mr. Hammen will be much more articulate in providing an update for Neighbors Helping Neighbors. The group is working very hard and there is a long list of needs in the community that are not being filled by any other agency.

Councilman Rudi inquired into how one finds out about the projects, when to volunteer, and where to go.

Mr. Wingerson replied that there are 1.5 volunteer coordinators. One volunteer coordinator is working with the civic groups. There is also a volunteer call list that is called when a project is available that meets the time constraints and skill levels of the volunteers. Some projects require rather skilled volunteers, some projects require heavy labor, and some projects are just mowing grass. There is something for everyone when spread across the projects, but every project may not provide an opportunity for every volunteer as to where they are comfortable in working.

Councilman Rudi asked who does someone contact if they are interested in being on the call list.

Mr. Wingerson replied, anyone interested in being on the call list should contact Mr. Hammen or any of the Neighbors Helping Neighbors Board members.

Councilman Beer asked, thinking about the City's Use Tax and Sales Tax, how is it known that Gladstone is receiving the sales tax revenue that it is due, specifically large purchase taxes, such as on a vehicle. Many Gladstone citizens, when they make a purchase, either knowingly or unknowingly, state their address as Kansas City. The tax is collected by the state and distributed by the state to the tax collecting entities. In the case of someone who says their address is Kansas City, when in reality it is Gladstone, how does the City know that those taxes are actually paid to Gladstone.

City Manager Davis replied that we are privileged to have with us tonight a former state auditor who can help us answer that question. Mr. Davis stated he would attempt to answer the question, and then ask Finance Director Cash Sweiven to further elaborate. Mr. Davis stated that there are audits performed by the state. There are people with the state who check income tax returns and sales tax payments, and Mr. Davis believes that the state has its own auditing system to check businesses. Mr. Davis invited Mr. Sweiven to further explain the sales tax process.

Finance Director Cash Sweiven stated that, as Council is aware, in the case of sales tax, it is not an issue where the person lives, but rather where the item legally passes. So sales tax is not an issue as to address.

Councilman Beer stated he agreed, except in the case of cars and possibly other large purchases.

Mr. Sweiven remarked that, as an example, the Missouri License Bureau uses a code of 22 for Gladstone. Their system is based on street addresses and identifies a Gladstone street address as a code 22.

Councilman Beer asked if there is someone who actually checks that the street address is in fact in the appropriate city, whether it is Gladstone or any other city.

Mr. Sweiven replied, yes, that is his understanding. Although it is not one person who checks that a street address is in the appropriate city, but the system has been programmed to identify the city by the street address. As an example, Mr. Sweiven used to live in Pleasant Valley, but his address was Liberty. When he asked this same question at the Missouri License Bureau office, he was actually shown the computer screen and provided this explanation.

Mayor Pro Tem Les Smith asked how long this system has been in place, because he believes that it used to be if a person wrote down a city, that city's code was taken from the chart, and that was the city that received the sales tax revenue.

Mr. Sweiven believes the system was implemented approximately four years ago, but he will be happy to check to see if the system has been updated or changed.

Councilman Beer and Councilman Les Smith stated they would appreciate that information.

Councilman Les Smith remarked that he believes there is a Bill pending that would force purchasers of large boats in the state to pay sales tax versus what they do now, which is document the purchase. What that means, as an example, on a \$50,000 boat, instead of paying \$3,500 in sales tax, an approximately \$800 documentation fee is paid. This allows the government to use the vessel in times of, for example, an invasion. These types of changes could benefit communities, although maybe not Gladstone.

Councilman Les Smith stated that Councilman Beer made a good point inquiring into the City receiving its correct sales tax revenue, and agreed that he looks forward to receiving further information from Finance Director Sweiven.

Mr. Sweiven commented that he will find an answer to Council's questions and report back with that answer.

Councilman Shirley Smith remarked that she was present when City Counselor David Ramsay was elected Director of the Missouri Chapter of the National Association of Telecommunications Officers and Administrators. The weather was not that bad, and Councilman Smith found it interesting that Mr. Ramsay provided that information as a note in the middle of a memo to City Council. Another Management Team member did the same thing. Mr. Lynn McClure mentioned in a memo to City Council that he had been elected President of the Coalition of the Northland Development Organization for the year 2003. Councilman Smith continued by saying we have two Management Team members who have

been elected by their peers to an office. It does show the caliber of people we have on the Management Team and we should be very proud of that.

Mayor Bill Cross and Mayor Pro Tem Les Smith agreed with Councilman Shirley Smith.

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

City Manager Kirk Davis had no comments at this time.

Item 9. on the Agenda. FIRST READING BILL 03-03, amending Section 2 of Ordinance 2.670 codified in Chapter 3 of the City Code, by enacting a new provision prohibiting the purchase or possession of intoxicating liquor, malt liquor, or non-intoxicating beer by minors.

Mayor Pro Tem Les Smith moved to place Bill 03-03 on First Reading. Councilman Wayne Beer seconded.

Discussion

Councilman Carol Rudi asked how this ordinance is different from ordinances already in place.

City Counselor David Ramsay replied principally this ordinance expands the definition of possession to include consumption. The idea being that if a person consumes alcohol then they have within their system alcohol which in effect is possessed. Mr. Ramsay has been unable to find anything specifically in Missouri Law that would suggest that can't be done. In illegal drug cases, a urine test or a blood test for marijuana for instance, may be conducted, but the fact that you tested positive for that substance does not automatically make you subject to prosecution for possession of marijuana. This is a bit of a unique approach.

Mr. Ramsay shared an anecdotal story that came to him via e-mail from the Missouri Youth Adult Alliance in Jefferson City, which is a group similar to TRY (Teaching and Reaching Youth). These groups try to focus on these types of problems. The story is that a car full of teenagers was stopped in a local town. The designated driver was not intoxicated, however there was an open container of beer found in the car and there were three girls in the car that appeared to be intoxicated. Being inside the car, they were not guilty of public intoxication. Because of Missouri's lack of an enforceable open container law, they could not be mutually responsible for the open container. The story goes that a police officer had the dilemma of who to charge and what to charge, so he let them go, and the consequence later was that one of the girls did not arrive safely and was killed. The story does not say how, other than her death was directly attributable to being a teenager under the influence. The story indicated that the officer had no way of detaining that teenager, even for their own safety.

Mayor Bill Cross stated that in the case Mr. Ramsay refers to, what happened after the officer stopped the vehicle, and couldn't do anything about the apparently intoxicated girls, was the designated driver took a girl to her car and she was so intoxicated that she did not

know what she was doing or where she was going. It was a sad situation. At this time there is only one other city that has passed this particular Bill. This Bill will help Law Enforcement officers address a situation where a teenage person is in a car and has been drinking, they can be cited. Mayor Cross stated he is the one that has been pushing this through TRY and asked Mr. Ramsay to prepare a Bill, so Gladstone Law Enforcement officers may address a situation where there are apparently intoxicated people under 21 years of age.

Councilman Shirley Smith asked if she is correct in that this does not have to do with the changes of penalty, but just the expansion of the meaning of possession; the penalties would remain the same.

Councilor Ramsay replied, that is correct.

Councilman Shirley Smith asked what is the likelihood that someone would appeal this ordinance.

Counselor Ramsay replied that someone might appeal the ordinance, if they were particularly irate and wanted an attorney to appeal this ordinance or some civil rights group might decide it was worth challenging. The City is not looking at a great deal of expense if it were challenged. This would be a municipal court prosecution. If an individual pled not guilty and was found guilty, and wanted to appeal, it is a pretty straight forward matter to go to a court of appeals. Counselor Ramsay believes that the City prosecutor would be assigned to handle it, and it probably would not be a prohibitive expense.

Counselor Ramsay mentioned that he provided City Council members with both a draft Ordinance and the TRY suggested ordinance, which Counselor Ramsay felt was wanting in specifics. Mr. Ramsay included in the proposed ordinance a requirement that a chemical blood-alcohol test reflect a minimum of two hundredths of one percent blood-alcohol content. This is the standard used in the Missouri statutes relating to minors driving under the influence. There is a special section that basically provides that their license may be revoked for a period of time for driving with a two hundredths of one percent blood alcohol content opposed to the normal adult level of eight hundredths.

Counselor Ramsay stated he is concerned about the issue of consumption being possession. It is somewhat unique and is indefinite in Missouri law. Mr. Ramsay has discussed these provisions with a couple of very experienced defense attorneys that he knows. They raised the same issue that they were not sure consumption could be equated with possession, but they could not tell Mr. Ramsay that they have seen that issue. This may be appealed and may be found to be unconstitutional.

Councilman Beer commented that Counselor Ramsay mentioned in his memorandum to City Council that this ordinance could lead to a future court challenge. Nevertheless, whether it is likely or not this is challenged, Councilman Beer feels that the City would be derelict if every reasonable effort was not made to prevent purchase and consumption of alcohol by under age individuals. Not to be retributive to young people drinking alcohol, but young people are

still developing and it has been well documented that alcohol can be damaging to the development of developing bodies. Because of the age and the lack of previous experience, alcohol has a greater effect upon young people. Couple that with young people's feelings of indestructibility, Councilman Beer feels that the City would be derelict in not making reasonable efforts to reduce or stop underage purchase and consumption of alcohol.

Mayor Pro Tem Les Smith asked if he is correct, that consumption defining possession can only be used in the case that a person has been determined to be intoxicated.

Counselor Ramsay replied, yes, the ordinance does create a presumption that if a person has blood alcohol content by a breathalyzer test of two hundredths of one percent or more then they are presumed to be under the influence of alcohol for purposes of this ordinance and possession.

Mayor Pro Tem Smith asked if a 20 year old person is taking beer home in the trunk of his car because he went to the store with his parents, and is taking it to their house, is this person in possession of alcohol.

Counselor Ramsay replied they would be, if the officer had reasonable grounds to search the vehicle and found it. If the twenty year old is riding with his parents, then obviously the parents would be claiming possession and the 20 year old would not be subject to prosecution in that situation. In a practical matter, a twenty year old should not be allowed to go to a store in Gladstone and buy beer for his mom or dad.

Councilman Les Smith mentioned that he has gone into a store with his 20 year old son, and Councilman Smith has had to go one direction and his son has taken the groceries home with beer in the trunk of the car. His son was not in possession of the alcohol for any purpose other than taking it home. Councilman Smith supports the intent, but does not want to get to the point where government basically and totally dictates everything we do and the decisions a parent makes with their child.

Councilman Beer remarked it would seem if the beer is in the truck with other groceries, that puts the situation in a different light.

Councilman Les Smith commented as he understands it, by definition of this ordinance, wherever beer or alcohol is in the car, and if an officer sees it, that young person would be in possession of alcohol.

Counselor Ramsay stated that situation would be a violation under the present ordinance, as well, because the City currently has a minor in possession ordinance. It simply doesn't incorporate consumption as being under the influence. As a practical matter, if Councilman Smith's son or daughter were issued a citation, and a parent came to court with them and explained the circumstances to the judge, it is doubtful a conviction would be found. It would be a technical violation.

Councilman Shirley Smith commented that it would be interesting for the City to go ahead and approve this Bill and make it a City ordinance. If it should come to an appeal and it were decided that it were constitutional, it would give other cities the precedent to adopt similar ordinances, which might cut down some of the teenage drinking.

Counselor Ramsay commented that it seems to him, within the context of the story that was discussed, that this ordinance would provide police officers with a practical tool to protect young people. A police officer would be able to detain them without being overly technical or prosecutorial, but simply give the officer an opportunity to take a car load of young people to the police station to sober up, call the parents, or whatever practical results the officer might consider. This ordinance gives a police officer some means to address a situation, rather than simply having to let intoxicated young people go, because they have not violated an ordinance, even though it might be apparent they are 17 or 18 years of age and intoxicated. Mr. Ramsay stated he believes the City's police officers would use the ordinance in practical terms. It is a small price to pay to have young people stay in the police station for a couple of hours while they sober up, versus possibly being injured or worse in an accident.

Councilman Les Smith agreed, with the exception of the provision of which he has already stated his opinion. Councilman Smith stated he is aghast that the State does not have an open container law. The fact of the matter is the "brewers" in St. Louis have better lobbying efforts and deep pockets. Councilman Smith wished to make it clear that he supports the ordinance except for the provision as discussed. Councilman Smith stated he has always supported what the City has done to protect young people, and suggested to Mr. Ramsay, that if this ordinance is passed, to share a copy of the ordinance with other cities, through Mayor Cross, who are looking at adopting the TRY's ordinance. It might make the ordinance more enforceable for the communities, and help those communities.

Mayor Cross stated that he believes that other cities will adopt such an ordinance as a result of the efforts of TRY.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 03-03, Waive the Rule and place the Bill on Second and Final Reading. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 03-03** and enact the Bill as **Ordinance 3.857**. Councilman Shirley Smith seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. OTHER BUSINESS.

There was no other business.

Item 11. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

Amy Newport, a reporter of the Dispatch Tribune newspaper commented that she thought it was illegal for anyone, regardless of their age, to drive intoxicated.

Public Safety Director Bill Adamo stated that is correct.

Ms. Newport stated that she finds it incredible that in the circumstance of a carload of teenagers who are intoxicated, and one is the driver, that the driver cannot be detained.

Counselor Ramsay stated that only the driver can be detained, if the driver appeared to be drinking. In the particular story that was discussed, they did have the good sense to have a designated driver, and the police officer determined that the driver had not been drinking.

Mayor Pro Tem Les Smith remarked that because the driver had not been drinking, the officer had no authority to detain the teenagers who were intoxicated.

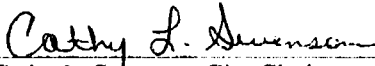
Mayor Cross stated this ordinance will address such a situation where an underage person who is not driving, but has been drinking, may be detained by a police officer. Mayor Cross thanked Ms. Newport for her good question.


Item 12. on the Agenda. ADJOURNMENT.

Councilman Wayne Beer made a motion to adjourn the Regular Meeting and go to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Privileged Communications Discussion, 610.021 (2) for Real Estate Acquisition Discussion, and Exemption 610.021 (3) for Personnel Discussion. Councilman Shirley Smith seconded the motion.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0)

Respectfully submitted:


Cathy L. Swenson, City Clerk

Approved as submitted: 
Approved as corrected/amended: _____


Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MARCH 24, 2003**

CLOSED EXECUTIVE SESSION: 5:30 PM

The City Council will hold a Closed Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion.

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 March 10, 2003, City Council Meeting Minutes.**
 - 4a. **PROCLAMATION:** congratulating **BRITTANY SANDERS** on her selection as a State Finalist in the Pre-Teen America Scholarship and Recognition Program.
 - 4b. **PROCLAMATION:** designating April 6th - 12th, 2003, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council.
 - 4c. **PROCLAMATION:** designating April 4th, 2003 as "**ARBOR DAY**" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.
 - 4d. **PROCLAMATION:** in recognition of the **GROUNDBREAKING OF THE NEW OAK GROVE AMPHITHEATRE** which will be held Saturday, March 22, 2003 in Oak Grove Park in Gladstone, Missouri.
 5. **CONSENT AGENDA.**
- RESOLUTION 03 -22,** authorizing the City Manager to purchase a Scott Model 50 Self contained Breathing Apparatus and related equipment for a total purchase amount of \$97,214.25 from the General Fund.

RESOLUTION 03-23, authorizing execution of a contract with Miller Paving & Construction for a contract amount of \$132,148.40 for the 2003 Curb & Sidewalk Program; Project 035007.

APPROVAL OF BUILDING PERMIT for an addition to and remodeling of the cafeteria kitchen for St. Andrew The Apostle Church located at 6415 N. Antioch Road. (BP 03-0108)

APPROVAL OF FINANCIAL REPORT for the month of February, 2003.

REGULAR AGENDA.

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 03-04**, amending Schedule VIII of the Model Traffic Ordinance (City Code Section 18-12) to establish "STOP" sign locations at Northeast 63rd Terrace and Northeast 64th Street and Northwest 59th Place and North Wyandotte.
10. **FIRST READING BILL 03-05**, an ordinance amending section 13 of Ordinance number 1.133, codified in chapter 22 of the City Code, by repealing such section and enacting in lieu thereof new provisions for the adoption and amendment of personnel policies and the administration of personnel matters.
11. **RESOLUTION 03-24**, adopting a new Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri.
12. **RESOLUTION 03-25**, authorizing the City's participation in the Gladstone Community Development Corporation, Inc., and providing a contribution of \$40,000 by the City to fund the Community Development Corporation, Inc.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**

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

MONDAY, MARCH 24, 2003

CLOSED EXECUTIVE SESSION

Mayor Bill Cross opened the Public Meeting at 5:30 PM in the Gladstone City Council Chambers. City Council members present were: Mayor Bill Cross, Councilman Carol Rudi, and Councilman Wayne Beer.

Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion. Councilman Wayne Beer seconded the motion.

Roll Call Vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Mayor Bill Cross (3-0)

City Council members present at the Closed Executive Session were: Mayor Bill Cross, Mayor Pro Tem Les Smith, Councilman Shirley Smith, Councilman Carol Rudi, and Councilman Wayne Beer.

Mayor Bill Cross opened the **Regular March 24, 2003, City Council Meeting** at 7:30 PM in the Gladstone City Council Chambers.

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Carol Rudi
Councilman Wayne Beer

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Bill Cross led the Pledge of Allegiance to the Flag, in which all joined.

Item 4. on the Agenda. APPROVAL OF REGULAR MARCH 10, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Wayne Beer moved to approve the minutes of the **Regular March 10, 2003, City Council Meeting** as submitted. Councilman Carol Rudi seconded the motion. The

vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

SPECIAL PRESENTATION

Mayor Cross stated that he and his fellow City Council members have a special presentation that they feel is very important to make. This is an addition to the Agenda.

Mayor Cross invited Kelly Galloway and members of her family to please come forward and join him and Councilman Beer. Kelly Galloway and her mother, Jeneane Penland, joined Mayor Cross and Councilman Beer in front of the Council dais. Mayor Cross presented to Ms. Galloway a Certificate of Appreciation from the Mayor, City Council, and all of Gladstone in honor of her son, **Sgt. Erik Galloway**, of the 82nd Airborne Division, and all Gladstone residents who have family members serving our country in **Operation Iraqi Freedom**.

Councilman Beer began by saying that he is wearing two hats, tonight. One as a City Councilman and one as a member of Gladstone's Bennett and Dennis Herrick Memorial American Legion Post 626. Councilman Beer shared some of the history of the **Blue Star Service Banner** by saying that the Blue Star Service Banner was designed by World War I Army Captain Robert Queissner, who had two sons serving in the front lines. It quickly became the unofficial symbol of a family with a child in the service. In World War II, the Department of Defense (at that time called the Department of War) issued specifications on the manufacturing of the banner as well as guidelines indicating when and by whom the service banner could be flown.

Councilman Beer continued by saying, today, Blue Star Service Banners are displayed by families who have a family member serving in the armed forces, including activated members of the National Guard and the Reserves, whether the family member is a son, daughter, brother, sister, wife, husband, cousin, grandchild, and so forth. The Blue Star Service Banner is a way for the families who are left behind to display their pride and to be recognized by their neighborhoods and community for the sacrifices of the men and women who are serving in the Armed Forces. The Blue Star Service Banner was very popular in World War II and faded in popularity during the Korea and Vietnam Wars. A few were displayed during the Persian Gulf War. The American Legion is mounting a patriotic push to bring them back.

Councilman Beer displayed a Blue Star Service Banner and stated tonight, we are here to honor one of Gladstone's own. The intent is not to single him out, but for our presentation to be representative of all the men and women in the Gladstone area who are serving in active duty in defense of our country. Councilman Beer became aware of Sergeant Galloway through a news report that was on Channel 9 News, last Thursday evening. Sergeant Galloway, of the 82nd Airborne Division, is currently serving in Kuwait, and had previously been in Kosovo for 36 months. He has been in the military for ten years, seven years in the National Guard and three years in active duty. Sergeant Galloway has extended his enlistment for an additional six years.

Councilman Beer introduced members of American Legion Post 626: Mark Hall, Post Commander, who is an Army Reserves Combat Chaplain, who served in Bosnia and the Persian Gulf, and has recently received a promotion to Major; Ray Ross, the Post Historian; Roger Kohrs, Post Adjutant; and Cliff Burris, Sergeant of Arms.

Councilman Beer presented a Blue Star Service Banner to Kelly Galloway and a Banner to Jeneane Penland as recognition of Erik Galloway's service and the family's sacrifice as he serves his country. Councilman Beer continued by saying that he wants them to know how proud our City and the Post are of Erik and their family for what they are doing for our country.

Mrs. Penland and Mrs. Galloway expressed their thanks, and Mrs. Penland stated she has a lot of traffic by her house and she would be very proud to display the Banner. She has three yellow ribbons around trees in her front yard.

As final remarks, Councilman Beer stated he wished to paraphrase a press release from Richard Zantos, the immediate past National Commander of the American Legion, as follows, "No Americans are more deserving of honor than the men and women of the U.S. Armed Forces. We pause tonight to reflect upon the sacrifice that preserves our freedom, and rids the world of terrorist threats. From peacekeeping, to uprooting terrorists' networks, the more than two million men and women of the active duty National Guard and Reserve forces have formed a bulwark of peace and freedom. They are willing to lay down their lives in our defense, and we should mark every day as their day of honor, with gestures of thanksgiving. As an example, if you know a family that has a family member in active duty, please encourage them to display a Blue Star Banner in their front window. Write letters and encourage our children to write letters to friends and family serving our great nation, away from home. An e-card may be sent from the American Legion website to servicemen who are on-line. Call, write, or e-mail members of congress, encouraging them to support our troops with adequate defense spending. Include our servicemen in our prayers, and if you see a member of the armed forces, thank them for serving."

Councilman Beer stated that on Armed Forces Day in 1962, President John F. Kennedy said, "Guard zealously your right to serve in the armed forces, for without them, there would be no other rights to guard." Councilman Beer encouraged all to make each day special for the men and women who serve. The American Legion makes Blue Star Banners available for \$6.95 plus shipping. American Legion Post 626 makes the banners available at no cost to families in the Gladstone area. Commitments have been received from some individuals and a Gladstone service organization to contribute money to further promote this effort.

Councilman Beer thanked Mayor Cross, City Manager Davis, and his fellow councilmen for allowing the time to honor the Galloway family and all the men and women who serve. Councilman Beer commented that he knows there are a number of Gladstone employees who have family members serving in active duty, and he hopes we can honor them in the near future.

The Galloway family was seated following a standing ovation.

Mayor Cross thanked the Galloway family and the members of the American Legion who were in attendance, and asked the American Legion members to keep City Council members informed if they learn of any more Gladstone residents with family members serving in the armed forces.

Item 4a. on the Agenda. Mayor Bill Cross read a **PROCLAMATION** congratulating **BRITTANY SANDERS** on her selection as a State Finalist in the Pre-Teen America Scholarship and Recognition Program. The Mayor expressed appreciation on behalf of all Gladstone, and encouraged Ms. Sanders to continue her good work.

Ms. Sanders accepted the proclamation from the Mayor and commented that she is involved with a service organization for young people and their current project is collecting money for smoke detectors for the hearing impaired. Ms. Sanders hopes to present a check for \$1,500 for smoke detectors at the next City Council meeting. Ms. Sanders attends St. Charles School.

Item 4b. on the Agenda. Mayor Bill Cross read a **PROCLAMATION** designating April 6th - 12th, 2003, as **BUILDING SAFETY WEEK** in Gladstone, Missouri, and promoting the use of building and construction codes today, for a lifetime of building safety. Gladstone Codes Supervisor Alan Napoli was present to accept the proclamation from the Mayor.

Item 4c. on the Agenda. Mayor Bill Cross read a **PROCLAMATION** designating April 4th, 2003 as **ARBOR DAY** in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees. Parks and Recreation Director Sheila Lillis was present to accept the proclamation from the Mayor, and encouraged all to attend Gladstone's Arbor Day celebration, 10:30 AM, Friday, April 4, 2003, at Meadowbrook Park. Director Lillis reported that a new playground structure has been installed at Meadowbrook Park, along with tennis court resurfacing, and storm drainage improvements. A new drinking fountain will soon be installed. Third and Fourth Grade students from Meadowbrook Elementary School will be in attendance at the Arbor Day celebration.

Item 4d. on the Agenda. Mayor Bill Cross read a **PROCLAMATION** in recognition of the **GROUNDBREAKING OF THE NEW OAK GROVE PARK AMPHITHEATRE**, which was held Saturday, March 22, 2003 in Oak Grove Park. Parks and Recreation Director Sheila Lillis accepted the proclamation from the Mayor.

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

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-03-22**, authorizing the City Manager to purchase a Scott Model 50 Self Contained Breathing Apparatus and related equipment for a total purchase amount of \$97,214.25. Councilman Shirley Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-03-23**, authorizing execution of a contract with Miller Paving & Construction for a contract amount of \$132,148.40 for the 2003 Curb & Sidewalk Program. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved to approve a **BUILDING PERMIT** for an addition to and remodeling of the cafeteria kitchen for St. Andrew the Apostle Church, located at 6415 N. Antioch Road. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Mayor Pro Tem Les Smith moved for approval of the **FINANCIAL REPORT FOR THE MONTH OF FEBRUARY, 2003**. Councilman Shirley Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Carol Rudi encouraged everyone to support our troops, not only the ones across the sea, but the ones who are also stationed in our country. Councilman Rudi asked if anyone present knew of a family with a family member in the service, to please contact Councilman Beer, so they may receive a Blue Star Service Banner. Councilman Rudi commended Brittany Sanders by saying she is a very fine young lady, who has been involved in many activities and serves as an excellent role model, not only for young people, but for adults, as well. Councilman Rudi congratulated Brittany Sanders' mother for raising such a fine young lady.

Councilman Wayne Beer stated he has a couple of questions regarding the Consent Agenda, and began by commenting that in regard to Resolution 03-22, authorizing the purchase of a Scott Model 50 Self Contained Breathing Apparatus and related equipment, this seems to be a high dollar cost. Councilman Beer asked City Manager Davis to talk about what this purchase entails, and let the audience know a little more about this purchase.

City Manager Davis replied that this purchase is part of a large grant that was received by the City, and invited Public Safety Director Bill Adamo to step forward to further explain the purchase.

Public Safety Director Bill Adamo explained that the purchase includes individualized face masks and self-contained breathing apparatus equipment for everyone in the Fire/EMS

Bureau. It is equipment that the Department would have had to purchase this year, anyway. The City was fortunate to get this grant. Funds in the amount of \$110,000 were budgeted and the accepted bid came in at \$97,214.25. The remaining funds will go toward other equipment purchases that are allowed under the grant application.

Councilman Beer remarked that this is a life safety issue for our officers, when they have to enter a hazardous environment.

Director Adamo agreed and stated that this is the finest equipment that can be purchased.

Councilman Beer commented that in the City's budget, the expenditures are beginning to exceed our receipts by fairly small amounts; is it possible the City may run out of money before we run out of expenditures?

City Manager Davis replied, "No", which is the short answer. Actually as shown by February's Financial Report, at approximately 66.7 percent of the fiscal year, the total revenues for the General Fund are up one percent from this time last year. We have received about 70 percent of our budgeted revenues, and have expended about 59 percent of our budgeted expenditures. That said, the revenues are being monitored very closely. The City is approximately \$1.4 million in revenues over expenditures so far this year. At the end of the year we will make up, unfortunately, part of that ground, so we have to watch our budget very closely. A big item is sales tax, and we are approximately one percent above last year's sales tax received at this same time. That is a nice change from what we have seen in the last 18 months.

At this point in time, City Manager Davis said, he feels good about how costs have been controlled. At the end of the year, we should be in relatively good shape. The budget process has begun for next year with a fairly conservative approach being taken, based on the past two years.

Councilman Shirley Smith stated, that one item on the agenda, the new Employee Handbook revision, has been such a huge project, it was addressed in three sections and it has taken almost three years to accomplish this project, and a lot of employee input was involved. We now have a handbook, as we approve it tonight, that is legally sound, fair to employees, and certainly lets a new employee know where the City stands on issues. Other municipalities may want to use our Employee Handbook as a standard for their own; that is how good it is. Councilman Smith said she is very proud of the new Handbook, and as it is approved tonight, it represents a lot of work and great things for the future of this City.

Mayor Pro Tem Les Smith began by congratulating City Manager Kirk Davis and Assistant City Manager Scott Wingerson for the fact there were no signs on the corners of Gladstone this weekend advertising Original Hardwood Furniture. Councilman Smith explained that the City has implemented code enforcement on the weekends to address such signage. As a result there were no signs this past weekend. City staff is to be commended. The owner of that company has been cited and will appear in court. The issue with this type of signage is that Gladstone City right-of-way was being used for a Kansas City business. Councilman

Smith thanked City staff for addressing this concern, and in regard to code enforcement, Councilman Smith noticed in a report from Code Enforcement Officer Dave Reyburn, that 50 percent of the infractions listed were granted continuances, and asked City Manager Davis, if this is just happenstance or are we not getting our point made to the judge.

City Manager Davis replied that there have been several meetings with the City Prosecutor, discussing goals and directives of the City Council. City Manager Davis stated he would have to look at the individual cases to see why they were deferred, and asked Assistant City Manager Wingerson, who works with Mr. Reyburn with these cases, to elaborate.

Assistant City Manager Scott Wingerson stated that many of the cases in the report are a first in a series of court action. This is really the first docket that included cases presented under the new policies of the City Council. It is believed that this is a normal procedure to allow a continuance and appropriate legal representation. In fact we want that to occur to reduce the level of appeal, and potentially increase the prosecution rate. Mr. Wingerson stated that there were two memos in the packet that Councilman Les Smith referred to, and he believes there was a total of about 18 court cases before the judge. That is a record for any docket relative to code enforcement, in Mr. Wingerson's tenure with the City. Staff is encouraged by the progress and very pleased with the work of Counselor Ramsay, the two City prosecutors, as well as the entire court system.

Mayor Pro Tem Les Smith thanked Mr. Wingerson, and mentioned that he noticed in Code Enforcement Officer Jason Metten's report that if people do not appear in court, they are issued warrants. That indicates that the City is taking this seriously. Councilman Smith was just concerned about the number of continuances on the one report.

Mayor Pro Tem Smith stated he believes he is correct that the City trees are the Bradford Pear and the Purple Leaf Plum, and at least the Bradford Pear was on the recommended "no plant" list. The Purple Leaf Plum was nowhere to be found. Should we be considering a new City tree?

City Manager Kirk Davis replied that the Bradford Pear tree is probably one of the softest trees around. Unfortunately, they suffered a lot of damage last year in the ice storm, and typically in wind storms, they are pretty soft. As a result Staff is moving away from planting them. If City Council is interested, Staff will pursue an additional City tree.

Mayor Pro Tem Smith recalled when the Bradford Pear was adopted as the original City tree, and shortly after that, there was a nation-wide epidemic that was destroying many Bradford Pear trees. As a result, the Purple Leaf Plum tree was adopted as a substitute, but Councilman Smith's understanding is that may not be an appropriate tree, either. If we are going to have a City tree, we should have a good tree. This may be a project for next year.

City Manager Davis commented that the City is now in the Tree City USA Program, and he is confident that we will be successful in this and this issue can be looked at in this program.

Mayor Pro Tem Smith remarked that the Northland Regional Chamber of Commerce had a graduating Youth Leadership class. To keep in tune with some of the issues that we have brought up with youth in government, it might be a good idea to see if some of those young people might be residents of Gladstone. Perhaps we could get a list of the graduating members of that class.

Mayor Bill Cross thanked Mayor Pro Tem Smith and commented that he had the honor of speaking to the Youth Leadership class, and there were several who were Gladstone residents. Mayor Cross thanked those who attended the Oak Grove Amphitheatre rededication, and encouraged all to attend the Arbor Day celebration, April 4th, at 10:30 AM, in Meadowbrook Park. Mayor Cross stated that tomorrow is an election day in Kansas City, where residents may vote for their Mayor and City Council members. It is estimated that 20 percent will vote. Mayor Cross hopes that two week from tomorrow, at Gladstone's election that we will have a higher percentage of voters, so there will be a good representation for the issues that will be on the ballot. Mayor Cross continued by encouraging everyone to support their City by spending their money in Gladstone, which will help the sales tax revenue. Mayor Cross agreed with Mayor Pro Tem Smith that City staff did a good job over the week-end; he noticed that Staff had picked up many signs.

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

City Manager Kirk Davis had no comments at this time.

Item 9. on the Agenda. **FIRST READING BILL 03-04**, amending Schedule VIII of the Model Traffic Ordinance (City Code Section 18-12) to establish "STOP" sign locations at Northeast 63rd Terrace and Northeast 64th Street and Northwest 59th Place and North Wyandotte.

Councilman Wayne Beer moved to place Bill 03-04 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 03-4, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of **Bill 03-4** and enact the Bill as **Ordinance 3.858**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 03-05**, an ordinance amending Section 13 of Ordinance number 1.133, codified in Chapter 22 of the City Code, by repealing such

section and enacting in lieu thereof new provisions for the adoption and amendment of personnel policies and the administration of personnel matters.

Mayor Pro Tem Les Smith moved to place Bill 03-05 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 03-5, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

Discussion

Mayor Pro Tem Les Smith asked Counselor Ramsay to briefly explain this Bill. It is Mayor Pro Tem Smith's understanding that this Bill basically changes the manner in which we would adopt the Employee Handbook.

Counselor Ramsay replied that the original section of this Ordinance that is being changed was adopted in 1962, and it simply provided for the adoption of a Personnel Manual for the City as an incorporated part of the City Code. It did not provide for any manner of periodic amendment, revision, or implementation of those policies. What is suggested in this Ordinance is that the City adopt a more expansive description of how those personnel policies are to be adopted and how they are to be administered once adopted. This is consistent with Section 78-600 of State Statutes which governs the administration of 3rd Class cities with a Manager and Council form of government, as Gladstone has, which gives the Council the authority and responsibility to adopt personnel policies, and directs the City Manager to carry out those policies.

Counselor Ramsay continued by saying that this entire section of the Code, which was initially adopted in 1962, contained a lot of detail about how personnel would be managed, such as sick leave, vacation leave, and so forth. Those items were removed by amendment in 1978 and supplanted with the Personnel Manual. We are retaining one section of that original ordinance, which sets forth a good policy for the fair administration of hiring, firing, and other personnel matters, other than that, the details of the personnel policies have been taken out and placed in what will now be known as the Employee Handbook.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of **Bill 03-5** and enact the Bill as **Ordinance 3.859**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 11. on the Agenda. **RESOLUTION 03-24**, adopting a new Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri.

Councilman Wayne Beer moved to approve **RESOLUTION R-03-24** adopting a new Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri. Councilman Carol Rudi seconded.

Discussion

Mayor Pro Tem Les Smith offered kudos to City Manager Kirk Davis, the Management Team and Human Resources Administrator Charlene Leslie. This is one of the issues that came out of the Organizational Health Survey. As Councilman Shirley Smith alluded to, earlier, this is a work of art that has been in process for a long time. We have spent a lot of time on this document and it is very comprehensive, straight forward, and most importantly, it is fair. Mayor Pro Tem Smith commended Mayor Cross, City Council, Staff, and Ms. Leslie in particular for all the work that has gone into this handbook.

Councilman Shirley Smith stated she is pleased that this is being done on her last active night as a councilmember. This is one objective she wished to see accomplished before her term as City Councilman was over. It is very gratifying to see this accomplished.

Mayor Cross remarked that this is an issue that has been worked on for three years and we appreciate the input and help of all current Council members and past Council members. There were many issues that were discussed at length, and we have accomplished something very worthwhile.

Councilman Wayne Beer wished to tag on to the comments of Mayor Cross, and stated that it has been a long process. The staff has done an outstanding job of putting together an employees manual that is excellent in design and execution, and most importantly fair. Staff is to be commended.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 12. on the Agenda. **RESOLUTION 03-25**, authorizing the City's participation in the Gladstone Community Development Corporation, Inc., and providing a contribution of \$40,000 by the City to fund the Community Development Corporation, Inc.

Mayor Pro Tem Les Smith moved to approve **RESOLUTION R-03-25**, authorizing the City's participation in the Gladstone Community Development Corporation, Inc., and providing a contribution of \$40,000 by the City to fund the Community Development Corporation, Inc. Councilman Wayne Beer seconded.

Discussion

Councilman Wayne Beer stated he realized that this is an issue whereby \$40,000 will be expended in a tight budget year. One of the things that we have been concerned about for a significant amount of time is how we can help our businesses, especially our small businesses, to improve in such a way that they may increase their sales and services, which would ultimately provide more taxes to the City of Gladstone. This would provide seed money for a revolving low interest loan for businesses. Councilman Beer stated he believes that these loans will pay off dividends whereby, the City, the citizens, and those who shop in the City will be greatly benefited.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Item 13. on the Agenda. OTHER BUSINESS.

There was no other business.

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

There were no questions from the News Media.

Item 15. on the Agenda. ADJOURNMENT.

Councilman Wayne Beer made a motion to adjourn the Regular Meeting. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross (5-0)

Mayor Bill Cross adjourned the meeting.

Respectfully submitted:

Cathy L. Swenson
Cathy L. Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended ☐

Bill Cross

Bill Cross, Mayor



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 14, 2003**

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, 2003, City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of April, 2003 as "National Child Abuse Prevention Month" in Gladstone, Missouri.
5. **FIRST READING BILL 03-06**, declaring the results of the Tuesday, April 8, 2003 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Bill Cross** and **Joe Evans** have been elected to Three Year Terms on the Gladstone City Council.
6. REMARKS from the City Council.
7. CITY COUNCIL OATH OF OFFICE: Bill Cross and Joe Evans
8. REMARKS from the City Council.
9. ELECTION OF MAYOR AND OATH OF OFFICE
10. ELECTION OF MAYOR PRO-TEM
11. SPECIAL PRESENTATION to Shirley Smith recognizing her service to the City of Gladstone as Councilman.
12. **CONSENT AGENDA.**

RESOLUTION 03-26, authorizing execution of a contract with Seal-O-Matic Paving Company, Incorporated, for the 2003 Full Depth Replacement Program. (Project 035002)

RESOLUTION 03-27, authorizing execution of a contract with O'Donnell-Way Construction, Incorporated for the 2003 Street Overlay. (Project 045001)

RESOLUTION 03-28, authorizing execution of a contract with Ace Pipe Cleaning, Incorporated for the 2003 Sanitary Sewer Cleaning and Televising. (Project 034005)

RESOLUTION 03-29, authorizing execution of a contract with Dobson-Davis Company for the Mill Creek Sanitary Sewer Manhole Rehabilitation. (Project 034092)

RESOLUTION 03-30, authorizing execution of a contract with Vance Brothers, Incorporated for the 2003 Intermediate Maintenance Program (Slurry Seal). (Project 035003)

APPROVAL OF BUILDING PERMIT for construction of vestibule additions at the North and South doors of the existing McDonald's building, located at 6305 N. Antioch Road.
(BP 03-0209)

APPROVAL OF LIMITED LIQUOR BY THE DRINK LICENSE to Oakhill Day School, 7019 North Cherry, for a school event on Saturday, May 17, 2003. Hours: 5:30 PM - 11:00 PM. Managing Officer: Kathleen Knechtel.

APPROVAL OF FINANCIAL REPORT for the month of March, 2003.

REGULAR AGENDA.

13. **Communications from the Audience.**
 14. **Communications from the City Council.**
 - 14a. Special Presentation by Councilman Wayne Beer on behalf of Gladstone's Bennet and Dennis Herrick Memorial American Legion Post 626 to Public Safety Officer Kelly Kirk and his family in recognition of Officer Kirk's service to his country as an Active Drilling Reservist Petty Officer.
 15. **Communications from the City Manager.**
 16. **PUBLIC HEARING** on a request for a Special Use Permit to operate a bingo game two nights a week at the Knights of Columbus Hall located at 1500 NE Englewood Road.
Applicant: Fr. Hager Council #7064. Owners: Fr. Hager Council #7064. (File #1187)
- AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, April 28, 2003, City Council Meeting at the request of Staff.
17. **Other Business.**
 18. **Questions from the News Media.**
 19. **Adjournment.**

Following the Adjournment of the Regular Council Meeting
You are cordially invited to a 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 14, 2003

PRESENT: Mayor Bill Cross
Mayor Pro Tem Les Smith
Councilman Shirley Smith
Councilman Wayne Beer

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Councilman Carol Rudi

Mayor Bill Cross opened the Regular April 14, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR MARCH 24, 2003, CITY COUNCIL MEETING MINUTES

Councilman Wayne Beer moved to approve the **Regular March 24, 2003, City Council Meeting Minutes** as presented. Mayor Pro Tem Les Smith seconded the motion. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 4a. on the Agenda. Mayor Bill Cross read a **PROCLAMATION** designating the month of April, 2003, as "**National Child Abuse Prevention Month**" in Gladstone, Missouri. Public Safety Director Bill Adamo accepted the proclamation from Mayor Cross.

Item 5. on the Agenda. FIRST READING BILL 03-06, declaring the results of the Tuesday, April 8, 2003, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Bill Cross** and **Joe Evans** have been elected to Three Year Terms on the Gladstone City Council.

Mayor Pro Tem Les Smith moved to place Bill 03-06 on First Reading; Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 03-06, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0) The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 03-06 and enact the Bill as **Ordinance 3.860**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Shirley Smith, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

Item 6. on the Agenda. REMARKS FROM THE CITY COUNCIL.

Councilman Shirley Smith remarked she is going off the City Council, tonight, and her term as Councilman has been a very interesting experience. Councilman Smith has met many interesting people, whose paths she hopes to cross again. Councilman Smith's wish for this Council and future Councils is that they have the wisdom and strength to do what is right for this City and to keep it strong, wonderful, and a good place to live.

Mayor Pro Tem Les Smith stated that the night Shirley Smith was elected was a good lesson in history, as she won the councilmanic election by nine votes. Anyone who might think his vote does not count, is mistaken. That first night, after the election, Councilman Smith told Ms. Smith that he did not support her, but he could work with her, and she graciously returned the favor of those comments a couple of years ago. Councilman Les Smith continued by saying that he and Ms. Smith did not at first know each other all that well, and what they did know about each other, they did not necessarily like all the time. However, Councilman Shirley Smith has earned Councilman Les Smith's respect over the last couple of years. Councilman Shirley Smith brought a lot to the table in the Council meetings, Open Study Sessions, and to the Closed Executive Sessions. She probably asked more pertinent questions than the rest of the Council members. Shirley Smith should leave tonight with her head held high, knowing that she was a good Council person.

Ms. Smith thanked Councilman Les Smith and stated his comments meant a great deal to her.

Councilman Wayne Beer stated that as he has only been on the City Council for a year, he does not have the history with Shirley Smith as does Councilman Les Smith. Councilman Beer stated that Shirley Smith has been an asset and offered his congratulations, commenting that her retirement salary will not be much less than her Council salary. Councilman Beer asked Ms. Smith not to be a stranger and he hopes she visits Council meetings often.

Mayor Cross, on behalf of the entire City Council, thanked Shirley Smith for her service over the past three years, and stated he feels the Council has worked well together. Mayor Cross commented that he was glad to see there was a better voter turn out at this last election than there was when he and Shirley Smith first ran. It is good to see such interest in the voters in getting out and voting. Mayor Cross stated he hopes Ms. Smith will remain active on committees for which she has worked so hard for so many years.

Shirley Smith was applauded as she was seated in the audience.

Item 7. on the Agenda. CITY COUNCIL OATH OF OFFICE: BILL CROSS and JOE EVANS

City Clerk Cathy Swenson gave the Oath of Office to Bill Cross and Joe Evans for three year terms on the Gladstone City Council. The new members were applauded as they took their places at the Council table.

Item 8. on the Agenda. REMARKS FROM THE CITY COUNCIL.

There were no comments at this time.

Item 9. on the Agenda. ELECTION OF MAYOR AND OATH OF OFFICE

Mayor Bill Cross presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Wayne Beer nominated **Les Smith** for Mayor. Councilman Joe Evans seconded the motion. There being no further nominations, Mayor Cross asked for a Roll Call Vote.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Les Smith, Mayor Bill Cross. (4-0)

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Mayor Pro Tem Les Smith.

Mayor Smith stated he would like to introduce his wife, Rhonda, his two heroes, his son Jason, and daughter Jennifer, and his mother Carmelina. Mayor Smith said that he and his wife will soon be married twenty five years. It was about that long ago that Lee Bussinger asked Mayor Smith if he was ready to stop playing politics and go to work. That was the first time Mayor Smith was appointed to a Committee in the City of Gladstone. Growing up, Mayor Smith hoped he would be Mayor, and it appeared that it might happen in 1987, but did not. However Mayor Smith is glad it did not happen then, because he does not know that at 29 or 30 years old one can understand that being Mayor of this community has nothing to do with "me", but it has everything to do with "us".

Mayor Smith continued by saying we have a strong Council this year. Councilman Beer and Councilman Rudi were elected to the City Council last year, after serving this community for years, most notably on the Planning Commission. Dr. Cross knows more people than any ten people Mayor Smith knows. He knows many people and knows what this community needs. From the years that Mayor Smith has known Councilman Joe Evans, he knows he is a good thinker and spent a lot of time working on the Planning Commission and the Capital Improvement Committee. Councilman Evans will also be an asset to this Council. When you combine these things with the knowledge, the experience, and the integrity of City Manager Davis, the Management Team, and staff, and the volunteers in this community who do so much, the City Council cannot help but be able to deal effectively with any and all issues that may come forward over the next twelve months.

Mayor Smith congratulated Councilman Cross and Councilman Evans and stated he looks forward to working with them. Mayor Smith thanked the City Council for the opportunity to be the Mayor, and stated his pledge is to keep them every bit as involved in the process throughout the course of the year as he will be. It will be a team of five, and great things will be accomplished. Mayor Smith thanked the City Council for the opportunity and stated he will honor the position.

Item 10. on the Agenda. ELECTION OF MAYOR PRO-TEM

Mayor Smith invited nominations for the office of Mayor Pro Tem. Councilman Bill Cross nominated **Councilman Wayne Beer**; Councilman Joe Evans seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Bill Cross, Mayor Les Smith. (4-0)

Mayor Smith congratulated Mayor Pro Tem Wayne Beer.

Item 11. on the Agenda. SPECIAL PRESENTATIONS to Shirley Smith recognizing her service to the City of Gladstone as Councilman.

Mayor Smith presented a plaque to Shirley Smith in recognition of her service as Councilman to the City of Gladstone.

Ms. Smith expressed her thanks, stating that this plaque represents a three year period that kept her busy, but was a very interesting and wonderful experience.

Item 12. on the Agenda. CONSENT AGENDA

Following the Clerk's reading, Mayor Pro Tem Beer moved to approve the Consent Agenda as presented. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve **RESOLUTION 03-26**, authorizing execution of a contract with Seal-O-Matic Paving Company, Incorporated, in the amount not to exceed \$226,909.85 for the 2003 Full Depth Replacement Program. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve **RESOLUTION 03-27**, authorizing execution of a contract with O'Donnell-Way Construction, Incorporated, in the total contract amount of \$174,148.50 for the 2003 Street Overlay. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve **RESOLUTION 03-28**, authorizing execution of a contract with Ace Pipe Cleaning, Incorporated in the amount not to exceed \$59,317.00 for the 2003 Sanitary Sewer Cleaning and Televising. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve **RESOLUTION 03-29**, authorizing execution of a contract with Dobson-Davis Company in the amount of \$107,091.00 for the Mill Creek Sanitary Sewer Manhole Rehabilitation. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve **RESOLUTION 03-30**, authorizing execution of a contract with Vance Brothers, Incorporated in the amount of \$130,049.9 for the 2003 Intermediate Maintenance Program (Slurry Seal). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for construction of vestibule additions at the North and South doors of the existing McDonald's building, located at 6305 N. Antioch Road. (BP 03-0209). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to **APPROVE A LIMITED LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for a school event on Saturday, May 17, 2003. Hours: 5:30 PM - 11:00 PM. Managing Officer: Kathleen Knechtel. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to **APPROVE THE FINANCIAL REPORT** for the month of March, 2003. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Smith recognized City Manager Kirk Davis who stated that this night is an evening that is ceremonial and an opportunity for City Council to recognize the results of the recent election, and to recognize each other. City staff does not have a large role tonight other than to enjoy the evening. One thing Staff would like to acknowledge is that during the year Staff spends a great deal of time with the Mayor. The Mayor is the head of the City and is required to attend many functions on behalf of the City, as well as serving as chief advisor. In recognition of that time spent away from home, Staff would like to take the opportunity to present something to the wife of the Mayor.

City Manager Davis asked Mary Cross to step forward, and presented to her a basket of spring flowers. City Manager Davis thanked Mary Cross for her contribution and for the many hours Councilman Cross spent away from home while serving as Mayor.

City Manager Davis asked Rhonda Smith to step forward, and presented to her a basket of spring flowers in recognition of the many hours that Mayor Smith will spend away from home in the upcoming year.

Mayor Smith thanked Mary Cross on behalf of all and stated that the Mayor this past year was a team effort. Councilman Cross and his wife Mary represented the City well during the City's 50th anniversary year, and attended virtually every function on behalf of the City. The choice of Mayor last year was the perfect choice for that year. Mayor Smith thanked Councilman Cross and his wife Mary for all their hard work.

REGULAR AGENDA

Item 13. on the Agenda. Communications from the Audience.

Donald Harper, 1606 NE 68 Terrace, began by saying he is a long time resident of Gladstone, and he feels that thanks should be extended a little more often to the group sitting at the Council table. In the last few years, Mr. Harper has come to realize how much time City Council members spend keeping the City running smoothly. It works like clockwork almost all the time. Too often this may be taken for granted and may seem to be an easy job to do. Mr. Harper has seen for himself that it is not easy. Mr. Harper thanked the City Council and Shirley Smith for their efforts on behalf of the City.

Item 14. on the Agenda. Communications from the City Council.

Councilman Joe Evans stated that first and foremost he wished to thank his wife, Karen, for allowing him to serve as a City Council member. Councilman Evans thanked his children, his friends, fellow Commission members, Terry Hoppenthaler, Anita Newsom, and Mary Abbott for all their help, and stated he will do his best to represent the City well and to be the leader they expect him to be, and will not let them down. Councilman Evans concluded by saying that this will be an invigorating and exciting three years.

Councilman Bill Cross shared a message he had from Councilman Carol Rudi expressing her regret for not being in attendance at tonight's meeting. Councilman Rudi is attending her daughter's wedding out of town, but extends her congratulations to Councilman Evans, as well as to the new Mayor and Mayor Pro Tem. We know that Councilman Rudi is thinking about us at this time.

Councilman Cross noted that there are many past councilmen and volunteers in attendance at tonight's meeting; all of whom have spent many hours on behalf of the City, many of them for more than 20 years. This is special to see so many people attending tonight's ceremony, even though City Council makes so much money, and these people are greatly appreciated. Many of these same people worked hard to get people out to vote at this last election. There are a couple of hundred people who love and work so hard for this City, which is why we have such a great community in which to live.

Mayor Pro Tem Beer remarked that Councilman Cross mentioned how much money City Councilmembers make. Just so there is no misunderstanding, that whole great sum is \$100 per year. A couple of items on the Consent Agenda were interesting. One of the resolutions was to televise sanitary sewers. One can only imagine how one must be energized when looking at all the sewer pipes being televised. Another resolution was to provide a temporary one day liquor license to a school.

Item 14a. on the Agenda Special Presentation by Councilman Wayne Beer on behalf of Gladstone's Bennet and Dennis Herrick Memorial American Legion Post 626 to Public Safety Officer Kelly Kirk and his family in recognition of Officer Kirk's service to his country as an Active Drilling Reservist Petty Officer.

Mayor Smith stated that unfortunately Officer Kirk and his family were unable to attend tonight, so this presentation will be rescheduled.

Item 15. on the Agenda. Communications from the City Manager.

City Manager Kirk Davis remarked that the sanitary sewer televising is the City's version of reality TV. City Manager Davis reported that the Beautification event is coming up April 25th, 26th, and 27th, from 8:00 AM to 5:00 PM, in Central Park. The first Park Watch Program will be at Flora Park at 6:30 PM, on April 22nd. City Manager Davis congratulated the Parks and Recreation Department on their designation as TREE CITY, USA. The Department spent a lot of time on the application and a lot of time on the foliage in the City.

Item 16. on the Agenda. PUBLIC HEARING on a request for a Special Use Permit to operate a bingo game two nights a week at the Knights of Columbus Hall located at 1500 NE Englewood Road. Applicant: Fr. Hager Council #7064. Owners: Fr. Hager Council #7064. (File #1187)

This Public Hearing was opened by Mayor Smith and immediately continued to the Monday, April 28, 2003, City Council Meeting at the request of Staff.

Item 17. Other Business.

There was no Other Business.

Mayor Les Smith stated that he would like to take this opportunity to make the Council liaison appointments to the various Boards and Commissions. Mayor Smith appointed **Mayor Pro Tem Wayne Beer** to the Board of Zoning Adjustment, Special Road District #3, and the Planning Commission; **Councilman Carol Rudi** is appointed to the Sister Cities Commission, Planning Commission, and the Cable TV Advisory Board; **Councilman Bill Cross** is appointed to the Parks and Recreation Advisory Board, the Gladstone Economic Betterment Council, and the Gladstone Industrial Development Authority; and **Councilman Joe Evans** is appointed to the Solid Waste and Recycling Committee, the Capital Improvements Committee, and the Code Board of Appeals. **Mayor Les Smith** will serve as liaison to the Capital Improvements Committee, the Tax Increment Finance Committee, and will attend any meeting that any Council member is unable to attend.

Item 18. Questions from the News Media.

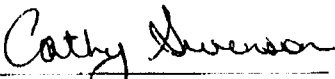
There were no questions from the News Media.

Item 19. Adjournment.


There being no further business to come before the April 14, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting and invited the public to the lobby for

refreshments. Mayor Smith thanked the Gladstone Area Chamber of Commerce, Mr. Mark Tankesley, and City staff who participated in making this reception possible.

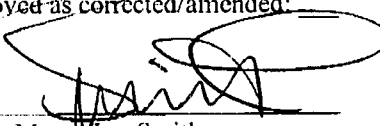
Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: 

~~Approved as corrected/amended:~~



Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, APRIL 28, 2003**

OPEN STUDY SESSION: 5:30 PM

REGULAR MEETING: 7:30 PM

The City Council will hold a Closed Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion.

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 14, 2003 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating Sunday, May 4, 2003 as "**World Laughter Day**" in Gladstone, Missouri. Sponsored by Reverend Paul Stephen Smith, Chaplain, Liberty Hospital.
- 4b. **SPECIAL PRESENTATION** to Charles Carmack recognizing his service on Gladstone Special Road District #3.
- 4c. **Presentation of TREE CITY, USA awards** by Helene Miller, Department of Conservation Urban Forester.
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-31, authorizing the City Manager to purchase forty two (42) 800 MHZ Portable Radios, Six (6) Mobile Radios and related equipment from Custom Radio Communications, Kansas City, Missouri, for a total purchase amount of \$37,562.00.

RESOLUTION NO. R-03-32, declaring certain city property as surplus and authorizing the sale of such property together with certain abandoned and unclaimed property held by the City to the highest bidder at auction or by sealed bid.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**

- 7a. Special Presentation by Councilman Wayne Beer on behalf of Gladstone's Bennet and Dennis Herrick Memorial American Legion Post 626 to Public Safety Officer Kelly Kirk and his family in recognition of Officer Kirk's service to his country as an Active Drilling Reservist Petty Officer.
- 7b. Appointment of Public Works Director Andy Noll as Gladstone's 2003-2004 Management Council Representative to the Mid-America Regional Council (MARC) Solid Waste Management District.
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** on a request for a Special Use Permit to operate a bingo game two nights a week at the Knights of Columbus Hall located at 1500 NE Englewood Road.
Applicant: Fr. Hager Council #7064. Owners: Fr. Hager Council #7064. (File #1187)
- 9a. **FIRST READING BILL 03-7**, granting a Special Use Permit to subject to certain conditions to the Knights of Columbus Fr. Hager Council #7064 for purposes of operating a Bingo game two nights a week in a R-1 Zone at 1500 NE Englewood Road.
10. **PUBLIC HEARING** on a request for a Special Use Permit for operation of a Child Care Center at 5940 North Flora. Applicant: Tina Dillon, Creative Kids Learning Center. Owners: Russell and Ellen Tucker. (File #1189).
- 10a. **FIRST READING BILL 03-8**, granting a Special Use Permit subject to certain conditions to Tina Dillon, Creative Kids Learning Center, for operation of a Child Care Center on property at 5940 North Flora.
11. **FIRST READING BILL 03-9**, repealing Ordinance No. 3.800 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri.
12. **FIRST READING BILL 03-10**, adoption of the 2000 International Property Code, with certain amendments, additions, and deletions, as the Property Maintenance Code for the City.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

**AGENDA REVIEW MEMORANDUM
GLADSTONE CITY COUNCIL MEETING
APRIL 28, 2003**

4. **APRIL 14, 2003 CITY COUNCIL MEETING MINUTES** – are enclosed.

- 4a. **PROCLAMATION/"WORLD LAUGHTER DAY".**

This proclamation designates Sunday, May 4, 2003 as **"World Laughter Day"** in Gladstone, Missouri and urges all citizens, community agencies, and organizations to develop ways and means to use humor and laughter for health, peace, and productivity, thereby strengthening the community in which we live. Sponsored by Reverend Paul Stephen Smith, Chaplain, Liberty Hospital.

5. **CONSENT AGENDA**

RESOLUTION NO. R-03-31/AUTHORIZING THE PURCHASE OF RADIOS AND EQUIPMENT.

This Resolution authorizes the purchase of forty two (42) 800 MHZ Portable Radios, six (6) Mobile Radios, and related equipment from Custom Radio Communication for the Gladstone Public Safety Fire Division for a total purchase amount of \$37,562.00 from the Fire Safety Grant Fund.

RESOLUTION NO. R-03-32/DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING SALE OF SUCH PROPERTY.

This Resolution declares certain city property as surplus and authorizes the sale of such property together with certain abandoned and unclaimed property held by the City to the highest bidder at auction or by sealed bid.

REGULAR AGENDA

- 7a. **SPECIAL PRESENTATION BY COUNCILMAN BEER TO PUBLIC SAFETY OFFICER, KELLY KIRK.**

Councilman Beer will be presenting Public Safety Officer Kelly Kirk and his family with a Blue Star Service Banner and Certificate in recognition of Officer Kirk's service to his country as an active Drilling Reservist Petty Officer.

- 7b. **APPOINTMENT OF PUBLIC WORKS DIRECTOR ANDY NOLL AS GLADSTONE'S 2003-2004 MANAGEMENT COUNCIL REPRESENTATIVE TO THE MID-AMERICA REGIONAL COUNCIL (MARC) SOLID WASTE MANAGEMENT DISTRICT.**

This Management Council is made up of one representative from each city over 500 population, two representatives from each county, and four representatives from the City of Kansas City, Missouri. Representatives are voting members serving two-year terms and may be reappointed thereafter.

9. **PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT TO THE FR. HAGER COUNCIL, #7064 FOR THE KNIGHTS OF COLUMBUS HALL.**
9a. **FIRST READING BILL 03-7 SPECIAL USE APPROVAL**

This Public Hearing is to consider a request for a Special Use Permit to the Fr. Hager Council, #7064 to operate a Bingo Game two nights a week at the Knights of Columbus Hall located at 1500 NE Englewood Road. The Planning Commission recommended approval by a 11-0 vote subject to the recommended conditions listed on Bill No. 03-7. Please refer to the enclosed staff report and Planning Commission minutes.

10. **PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT FOR OPERATION OF A CHILD CARE CENTER AT 5940 NORTH FLORA.**
10a. **FIRST READING BILL 03-8/SPECIAL USE APPROVAL TO TINA DILLON, CREATIVE KIDS LEARNING CENTER.**

This Public Hearing is to consider a request for a Special Use Permit for operation of a Child Care Center at 5940 North Flora. The Planning Commission recommended approval by a 8-1 vote (1 abstain) subject to the recommended conditions listed on Bill No. 03-8. Please refer to the enclosed staff report and Planning Commission minutes.

11. **FIRST READING BILL 03-9/REPEALING ORDINANCE NO. 3.800 AND ENACTING A NEW ORDINANCE LEVYING SEWER BILLING AND COMMODITY CHARGES FOR THE CITY OF GLADSTONE, MISSOURI.**

This ordinance adjusts Gladstone's sewer service charges and commodity rate charges due to the new Kansas City, Missouri rates as described in the attached detailed memorandum from Finance Director Cash Sweiven. The adjusted rates will be effective May 1, 2003.

12. **FIRST READING BILL 03-10/ADOPTION OF THE 2000 INTERNATIONAL PROPERTY CODE, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS AS THE PROPERTY MAINTENANCE CODE FOR THE CITY.**

This ordinance adopts the 2000 International Property Code with certain amendments, additions, and deletions as the Property Maintenance Code for the City as discussed in the attached memorandum from Assistant City Manager, Scott Wingerson.

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

MONDAY, APRIL 28, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular April 28, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3, on the Agenda. PLEDGE OF ALLEGIANCE

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

Item 4, on the Agenda. APPROVAL OF THE REGULAR APRIL 14, 2003, CITY COUNCIL MEETING MINUTES

Councilman Bill Cross moved to approve the **Regular April 14, 2003, City Council Meeting Minutes** as presented. Mayor Pro Tem Wayne Beer seconded the motion. The vote: "Aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith; "Abstain" - Councilman Carol Rudi (4-1)

Item 4a. on the Agenda. Mayor Les Smith read a **PROCLAMATION** designating Sunday, May 4, 2003, as "**World Laughter Day**" in Gladstone, Missouri. The proclamation was sponsored by Reverend Paul Stephen Smith, Chaplain, Liberty Hospital.

Item 4b. on the Agenda. **SPECIAL. PRESENTATION TO CHARLES CARMACK** recognizing his service on the Gladstone Special Road District #3.

Mayor Smith invited Mr. Charles Carmack to join him in front of the Council dais, where Mayor Smith presented to Mr. Carmack a plaque in appreciation of his service on the Gladstone Special Road District #3. Mayor Smith remarked that Mr. Carmack is truly a kind individual and a true gentleman, and asked Mr. Carmack to say a few words.

Mr. Carmack began by saying he became involved in the Road District through Mr. Bill Reynolds, who was a City Councilman at that time. Mr. Carmack has lived in Gladstone for 41

years, and really appreciates living in Gladstone. Good people are running the City, along with a good staff, and good Boards and Commissions, who do a wonderful job. Mr. Carmack expressed his appreciation for the plaque and stated he will hang it on the wall at home, where he can look at it every day.

Item 4c. on the Agenda. Presentation of **TREE CITY, USA** award by Helene Miller, Department of Conservation Urban Forester.

Mayor Smith invited Helene Miller, Department of Conservation Urban Forester, to step forward for her presentation.

Ms. Miller stated that over the past year City staff, including Parks and Recreation Director Sheila Lillis and GIS Manager Kreg Cox, along with some local citizens, have been working to pay special attention to the trees in Gladstone. Ms. Miller continued by saying that a healthy urban forest does not happen by accident. People are taking steps to make sure that Gladstone continues to have healthy trees. Trees are important, not only environmentally, but also economically, as well as socially. It has been found that businesses with trees do better business. Ms. Miller said that there is research showing that trees help to reduce crime, as well as reduce the stress level in people. Not only do trees make people healthier and happier, but they give a sense of community.

Ms. Miller reported that the City has completed the four requirements for Gladstone to be a Tree City. The four requirements included a City celebration of Arbor Day, an adopted Tree Ordinance, a Tree Board - the Gladstone Parks and Recreation Advisory Board is acting as the City's Tree Board, and over \$2.00 per capital must be spent on trees.

Ms. Miller presented to the City of Gladstone a Tree City flag, a road sign, and a plaque for City Hall. Ms. Miller reminded City staff that the City will have to re-qualify every year, but the first year is the hardest one. Ms. Miller concluded by congratulating the City of Gladstone on becoming a member of Tree City, USA.

Mayor Smith congratulated Parks and Recreation Director Lillis, and asked her to please share the presented items with the Parks and Recreation Advisory Board.

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

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as read; Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-31**, authorizing the City Manager to purchase forty-two 800 MHZ. portable radios, six Mobile Radios, and related equipment from Custom Radio Communications, Kansas City, Missouri, for a total purchase amount of \$37,562.00. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman

Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-32**, declaring certain City property as surplus and authorizing the sale of such property together with certain abandoned and unclaimed property held by the City to the highest bidder at auction or by sealed bid. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE

Mr. Kenny Bell, 5801 North Broadway, stated that he has a piece of property next to the Sharhag development. He has water concerns and flooding. Water is going across his front yard, there is gravel where grass used to be, and two big concrete culverts have been installed. It appears that one culvert does not catch water, but rather the water from Broadway misses it, and causes a pond in Mr. Bell's driveway. Mr. Bell stated that this past year, he was promised by Assistant City Manager Scott Wingerson that his property, along with three neighbors to the north, would be curbed and guttered, with sidewalks installed. The "fix" that is there now is called temporary by Mr. Wingerson and by Dan Quinlin, the project manager of the Sharhag project. Mr. Bell said he was also told that his entire driveway to the house would be replaced at no cost to him. Mr. Bell continued by saying that he was most disappointed that he did not see these improvements on the list of projects scheduled to be done in Gladstone.

Mr. Bell stated he has not received a response as of this time to his inquiries regarding these improvements. Mr. Quinlin told Mr. Bell he submitted a bid last year to the City for the improvements, but has not received a response. However, Mr. Quinlin has told Mr. Bell he can still do the work at this time. Mr. Bell said that the Sharhag project will be completed in four weeks to six weeks at the latest, if there is inclement weather. Mr. Bell asked for an answer as to when the improvements will be done.

Mayor Les Smith asked Assistant City Manager Scott Wingerson to provide an update on this project.

Assistant City Manager Scott Wingerson began by thanking Mr. Bell for attending the Council meeting, and stated he agreed in great measure with Mr. Bell's comments. Mr. Wingerson reported that the improvements as committed to Mr. Bell and his neighbors are not done. The solution that currently exists is in fact temporary, exactly as Mr. Bell explained. Temporary Occupancy or Final Occupancy of the structure will be dependent on about fifteen punch list items. Mr. Wingerson reported that one punch list item is resolution of Mr. Bell's concern, which is really two fold; one is the stormwater concern, which is clearly the developer's obligation, and the other is a road improvement concern, which is the curb and gutter that Mr. Bell talked about, which is vague as it relates to a developer responsibility. Mr. Wingerson stated that certainly it is the developer's responsibility to repair the street to the extent that the storm improvements impact the street.

Mr. Wingerson stated that Mr. Bell indicates that the project is four weeks away from occupancy. The developer may be ready for the occupancy inspection in four weeks, but until a significant number of public improvements are completed, two of which far exceed in scope the scale of Mr. Bell's concerns, temporary occupancy of this facility will not be allowed. Current communications are ongoing with the developer of the project, AHM Development, located in Dallas, Texas, to negotiate the resolution of all the Temporary Occupancy issues. The primary issue being discussed is the construction of North Central, a roadway to the west. Other concerns include the resolution of sedimentation of the Leimkuehler pond, and the roadway improvements to North Broadway and the associated stormwater improvements for the Bells, including replacement of the driveway from their garage to North Broadway. Mr. Wingerson said he hopes this addresses Mr. Bell's concerns, and noted that this project is taking longer than expected.

Mayor Smith asked Mr. Bell if he is getting water in his house.

Mr. Bell replied he is not getting water in his house.

Councilman Cross remarked that the water is washing across Mr. Bell's front yard, bringing silt, dirt, and rock with it.

Mr. Bell explained that he has constructed a small dam to slow down the water and divert it to the other side of the plastic along the side of his yard, which was a ditch that was filled in with sod. Where the drive is being dug up, new ditches are being formed next to the road, where the area was not sodded. These new ditches are going directly to the end of Mr. Bell's drive.

Mayor Smith asked Mr. Bell if he was satisfied with Mr. Wingerson's comments.

Mr. Bell replied he was happy with Mr. Wingerson's response.

Mr. Gene Smith, 704 NE 71st Street, stated he was interested in Items #11 and #12 on the agenda and would like to reserve the ability to comment upon them after finding out more information about these items.

Mayor Smith agreed with Mr. Gene Smith's request.

Galen Neill, 6010 North Wyandotte, stated, as a member of this City, he was happy to hear that City staff will address Mr. and Mrs. Bell's property concerns. Mr. Neill stated he is familiar with this project and feels that the Bells have gone through quite an ordeal with the water run-off and the damage to their driveway.

Mayor Smith remarked that Mr. and Mrs. Bell have been very good throughout this project, even though it has been a long process.

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

Councilman Joe Evans had no comments at this time.

Councilman Carol Rudi thanked Mr. Carmack for his years of service. Councilman Rudi continued by saying that in regard to Resolution No. R-03-31, authorizing the purchase of radios

and equipment for the Public Safety Department, part of that money was from a Grant and the purchase itself came in under budget.

Councilman Bill Cross had no comments at this time.

Mayor Pro Tem Wayne Beer had no comments at this time.

Mayor Les Smith commented that he had the opportunity to work at the Beautification event, and extended kudos to Public Works Director Andy Noll, Matt Hoops and the crew for the work they did over the weekend. This is a service heavily utilized by the citizens, with cars lined up to North Troost all weekend.

Mayor Smith asked Councilman Bill Cross to continue to attend the meetings of the First Tier Suburbs, and remain involved in that effort as the City representative.

Councilman Cross stated it has been very interesting being involved with other First Tier Suburbs cities; he has learned a lot, and is happy to continue to attend the meetings.

Mayor Smith asked Parks and Recreation Director Sheila Lillis to talk about the MIAA Softball Tournament being held this weekend.

Parks and Recreation Director Sheila Lillis began by saying the MIAA (Missouri Intercollegiate Athletic Association) Softball Conference Tournament will be held Friday, May 2nd and Saturday, May 3rd, beginning at 12:00 Noon. It will feature eight teams from the MIAA Conference. The tournament will be on four fields and will go through the day on Friday, with the last game beginning at 6:00 PM. The tournament will resume on Saturday at noon. Prior to the start of the tournament on Saturday, there will be a MIAA Youth Education Through Sports (YES) Softball Clinic, which is a free clinic for youth 10 to 18 years of age. The clinic will include the fundamentals of softball and instruction as to how to be recruited on the college level.

Mayor Smith remarked that this is Women's Fast Pitch Softball, and encouraged all to attend. It is a very good softball tournament. Mayor Smith will be throwing out the first pitch.

Director Lillis invited City Council to join in a meal that will be served from 3:30 PM to approximately 5:30 PM.

Councilman Carol Rudi thanked Director Lillis for the positive economic impact this tournament has for the City. Director Lillis brought this tournament to Gladstone last year, and has been able to bring it back this year. Councilman Rudi continued by saying this tournament brings a lot of people to Gladstone, who shop and eat at our businesses.

Mayor Smith commented that Kansas City has a water line repair on North Oak Street at about Englewood Road, and like last time, they repaired the water main, but have not finished repairs in the area. Mayor Smith asked City Manager Davis if he has had communications with Kansas City regarding this.

City Manager Davis replied that he has not had communications with Kansas City regarding this water break, but he will be happy to contact Kansas City to inquire into their schedule to completely repair the area, including backfill and asphalt.

Item 7a. on the Agenda. **Special Presentation by Councilman Wayne Beer** on behalf of Gladstone's Bennett and Dennis Herrick Memorial American Legion Post 626 to Public Safety Officer Kelly Kirk and his family in recognition of Officer Kirk's service to his country as Active Drilling Reservist Petty Officer.

Mayor Smith asked Gladstone Public Safety Officer Kelly Kirk and his family to join him in front of the Council dais as he presented a Certificate of Appreciation to Officer Kirk for his service as a Navy Reservist. Mayor Smith thanked Officer Kirk and his family for their service to our country.

Mayor Pro Tem Wayne Beer joined Mayor Smith and Officer Kirk, and displayed a Blue Star Service Banner. Councilman Beer stated that he was wearing two hats this evening - one as a Councilman and one as a member of the Bennett and Dennis Herrick American Legion Memorial Post 626.

Councilman Beer shared some of the history of the **Blue Star Service Banner** by saying that the Blue Star Service Banner was designed by World War I Army Captain Robert Queissner, who had two sons serving in the front lines. It quickly became the unofficial symbol of a family with a child in the service. In World War II, the Department of Defense (at that time called the Department of War) issued specifications on the manufacturing of the banner as well as guidelines indicating when and by whom the service banner could be flown.

Councilman Beer continued by saying, today, Blue Star Service Banners are displayed by families who have a family member serving in the armed forces, including activated members of the National Guard and the Reserves, whether the family member is a son, daughter, brother, sister, wife, husband, cousin, grandchild, and so forth. The Blue Star Service Banner is a way for the families who are left behind to display their pride and to be recognized by their neighborhoods and community for the sacrifices of the men and women who are serving in the Armed Forces. The Blue Star Service Banner was very popular in World War II and faded in popularity during the Korea and Vietnam Wars. A few were displayed during the Persian Gulf War. The American Legion is mounting a patriotic push to bring them back.

Councilman Beer stated, tonight, we are here to honor one of Gladstone's own. The intent is not to single him out, but for our presentation to be representative of all the men and women in the Gladstone area, and those who are employed by the City of Gladstone, who are serving in active duty in defense of our country. Councilman Beer stated that Officer Kirk is a Navy Reservist serving in the Construction Battalion (Sea Bees) located in Belton, Missouri. He is a Petty Officer, 2nd Class, carrying the classification of Construction Mechanic Second Class with Surface Warfare Designation. Councilman Beer introduced Officer Kirk's wife, Rhonda and presented to Officer Kirk the Blue Star Service Banner on behalf of the Bennett and Dennis Herrick American Legion Memorial Post 626, as recognition of Officer Kirk's service and his family's sacrifice due to his service. Councilman Beer thanked Officer Kirk for his service.

Councilman Beer asked Don Mason to join him at the podium, and stated that Mr. Mason is a retired employee of the City of Gladstone. Mr. Mason's son is an Army Staff Sergeant, a medic, who just came home from Germany today. Councilman Beer presented to Mr. Mason a Blue Star Service Banner in recognition of his son's service, and thanked Mr. Mason.

As final remarks, Councilman Beer stated he wished to paraphrase a press release from Richard Zantos, the immediate past National Commander of the American Legion, as follows, "No Americans are more deserving of honor than the men and women of the U.S. Armed Forces. We pause tonight to reflect upon the sacrifice that preserves our freedom, and rids the world of terrorist threats. From peacekeeping, to uprooting terrorists' networks, the more than two million men and women of the active duty National Guard and Reserve forces have formed a bulwark of peace and freedom. They are willing to lay down their lives in our defense, and we should mark every day as their day of honor, with gestures of thanksgiving. As an example, if you know someone that has a family member in active duty, please encourage them to display a Blue Star Banner in their front window. Write letters and encourage our children to write letters to friends and family serving our great nation, away from home. An e-card may be sent from the American Legion website to servicemen who are on-line. Call, write, or e-mail members of Congress, encouraging them to support our troops with adequate defense spending. Include our servicemen in our prayers, and if you see a member of the armed forces, thank them for serving."

Councilman Beer stated that on Armed Forces Day in 1962, President John F. Kennedy said, "Guard zealously your right to serve in the armed forces, for without them, there would be no other rights to guard." Councilman Beer encouraged all to make each day special for the men and women who serve, and stated there are commercial outlets that sell the Blue Star Service Banner for \$13 to \$16. They are also available at the Museum at Fort Leavenworth for approximately \$13. The American Legion makes Blue Star Banners available for \$6.95 plus shipping. American Legion Post 626 makes the banners available at no cost to families in the Gladstone area. Councilman Beer thanked Mayor Smith and City Manager Davis for allowing the time to honor those in the service of their country.

Item 7b. on the Agenda. **APPOINTMENT OF PUBLIC WORKS DIRECTOR ANDY NOLL** as Gladstone's 2003-2004 Management Council Representative to the Mid-America Regional Council (MARC) Solid Waste Management District.

Councilman Bill Cross moved to approve the appointment of Public Works Director Andy Noll as Gladstone's 2003-2004 Management Council Representative to the Mid-America Regional Council Solid Waste Management District. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

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

City Manager Kirk Davis reported 1,300 cars utilized the Beautification event this weekend. The Spring Brush Disposal event is this weekend, May 2nd, 3rd, and 4th, 8:00 AM to 5:00 PM at the Public Works site. The Park Watch meeting will be April 29th, at Meadowbrook Park, at 6:30 PM.

Item 9. on the Agenda.

PUBLIC HEARING on a request for a Special Use Permit to operate a Bingo game two nights a week at the Knights of Columbus Hall located at 1500 NE Englewood Road. Applicant: Fr. Hager Council #7064. Owners: Fr. Hager Council #7064. (File #1187)

Mayor Smith opened the Public Hearing and explained the hearing process by saying that City staff will make their presentation, followed by a presentation by the applicants, and lastly comments from those in Favor and those Opposed.

Assistant City Manager Scott Wingerson thanked the Knights of Columbus in the scheduling of tonight's Public Hearing. Mr. Wingerson continued by saying that the applicant is requesting an amendment of an existing Special Use Permit to allow the operation of Bingo at their facility two nights a week between the hours of 5:00 PM and 10:00 PM. An original Special Use Permit was issued by the City Council in 1994. That Special Use Permit was extended in 1997 for a period of 25 years. Mr. Wingerson pointed out two conditions in the draft ordinance. Condition Number Three states that hours of operation shall not go past 12:00 AM, Midnight. That is for the business of the Knights and the functions they would have at the meeting hall. Mr. Wingerson continued by saying Condition Number Six states Bingo shall be allowed no more than two nights per week and hours shall be limited to beginning no earlier than 5:00 PM and end at or before 10:00 PM. Bingo games shall not be scheduled or held on two consecutive nights in any given week, and no discernable noise shall be attributed to this use and be audible at the property line at any time. This is a specific condition related to the operation of Bingo at this facility at Flora and Englewood Road. Mr. Wingerson reported that the Planning Commission is forwarding a recommendation for approval for City Council's consideration.

There being no questions from City Council members, Mayor Smith invited the applicant to step forward.

Bill Duensing, 4118 NW Claymont Drive, Kansas City, Missouri, began by saying he was representing Father Hager Council #7064, Knights of Columbus, located at 1500 NE Englewood Road. Mr. Duensing stated that he is here tonight to request a modification of their Special Use Permit, and continued by giving a brief history of their operation of Bingo. The Father Hager Council #7064 has operated a Bingo game in Gladstone since 1984. During that time approximately \$750,000 has been donated to various charities. The last couple of years, for many reasons, the number of patrons of the game have declined, and it was felt it was not economically feasible to operate anymore. The game was closed as of December 31, 2002.

Mr. Duensing explained the proposed plan is to operate a smaller game in their facility, which will allow his Council to control their rent and some other expenses which should allow them to return to profitability. This would allow the Council to continue to make donations. It is felt this can be done with little or no disruption to their neighbors. The Knights of Columbus have occupied their hall for nine years, and Mr. Duensing feels they have been good citizens and good neighbors. The Council provides meeting place for Gladstone Police to do training, a meeting place for the Northland Optimist Club, and a polling place for elections. The Council gets along well with their neighbors as evidenced by the fact two neighbors spoke on behalf of the Council before the Planning Commission.

Mr. Duensing thanked the City Council for considering this application, as well as the staff of the Community Development Department for their help in getting the project this far.

Councilman Cross asked Mr. Duensing how many people the Knights of Columbus hope will attend the Bingo games each night.

Mr. Duensing replied at the most 100 people. When the game was operated previously the average number of people in attendance was 125 to 135 per night, and it was a break even proposition. The rent at that time was \$650 per night.

As there was no further discussion, Mayor Les Smith closed the Public Hearing

Item 9a. on the Agenda. **FIRST READING BILL 03-7**, granting a Special Use Permit subject to certain conditions to the Knights of Columbus Fr. Hager Council #7064 for purposes of operating a Bingo game two nights a week in an R-1 Zone at 1500 NE Englewood Road.

Councilman Bill Cross moved to place Bill 03-7 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-07, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of **Bill 03-07** and enact the Bill as **Ordinance 3.861**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 10. on the Agenda. **PUBLIC HEARING** on a request for a Special Use Permit for operation of a Child Care Center at 5940 North Flora. Applicant Tina Dillon, Creative Kids Learning Center. Owners: Russell and Ellen Tucker. (File #1189).

Mayor Les Smith opened the Public Hearing and stated the same process will be followed as the previous Public Hearing.

Assistant City Manager Scott Wingerson began by saying this application can best be summarized as a change in ownership. In all Special Use Permits there is a transferability clause. If there is a change in ownership, it is required that an application be filed and reviewed by the Planning Commission and the City Council. The applicant is requesting a change in ownership. The conditions of the daycare, which has been operating for 25 years, are the same as they have been in previously approved Special Use Permits. The Planning Commission is submitting a recommendation for approval.

Mayor Pro Tem Wayne Beer asked if the maximum number of children is limited to forty eight.

Mr. Wingerson replied that is correct.

Tina Dillon, 7511 N Kentucky Avenue, Kansas City, Missouri, applicant for Creative Kids Learning Center, stated she is requesting this Special Use Permit to operate a day care center that has been in Gladstone for 25 years, and would like to continue to operate the day care.

There being no further discussion, Mayor Les Smith closed the Public Hearing

Item 10a. on the Agenda. **FIRST READING BILL 03-8**, granting a Special Use Permit subject to certain conditions to Tina Dillon, Creative Kids Learning Center, for operation of a Child Care Center on Property at 5940 North Flora.

Mayor Pro Tem Wayne Beer moved to place Bill 03-8 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-8, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of **Bill 03-8** and enact the Bill as **Ordinance 3.862**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0).

Item 11. on the Agenda. **FIRST READING BILL 03-9**, repealing Ordinance 3.800 and enacting a new ordinance levying Sewer Billing and Commodity Charges for the City of Gladstone, Missouri.

Councilman Carol Rudi moved to place Bill 03-9 on First Reading. Councilman Bill Cross seconded.

Discussion

Mayor Smith asked City Manager Davis to give a brief presentation on this Bill, as there was a question from a member of the audience.

City Manager Davis stated that Kansas City provides a service to Gladstone from a sewer standpoint, and this is an annual sewer rate increase that is passed on to Gladstone from Kansas City each May. The ordinance is on the agenda to allow the City to increase its rate in order to pay the increased rate to Kansas City. City Manager Davis asked Finance Director Cash Sweiven to step forward to give more detail on the rate increase.

Finance Director Cash Sweiven agreed with City Manager Davis that this is a pass-through increase from Kansas City. Every year that Director Sweiven has been with Gladstone, there has been a six percent increase in the sewer charge from Kansas City. The City of Gladstone does

not own its own sewer treatment plant, therefore Gladstone must abide by Kansas City ordinances. Gladstone is essentially a customer of Kansas City in this case. We are proposing to pass the entire six percent increase on to our residents and users. There is a portion of the sewer rate total that is a Gladstone portion, but we are not proposing an increase in the Gladstone portion.

Gene Smith, 704 NE 71 Street, asked why he has to pay 110 percent of his water bill to a sewer to which his home evidently is not connected. Mr. Smith has been to City Hall to attempt to locate existing sewers. There is no record, as the house was built before Gladstone became a City, which is thoroughly understandable. Mr. Smith said he has spent in the last ten years well over \$1,000 trying to keep the sewer clean that does not even run toward the sewer that he has been told is in the street. Mr. Smith feels this is ridiculous and he has tried everything he knows to alleviate his problems, even to the point of renting a 200 foot sewer snake, at quite an expense, to go down the sewer line. This did not alleviate his problem. Mr. Smith does not know if the snake is going out to a septic tank or where it is going. The City employees have been very gracious about coming out and using their water jet in the sewer line, which is across the street from Mr. Smith's home. This did not help Mr. Smith's problem, as his sewer line does not run in that direction from his house. Mr. Smith has dug up 20 feet of his sewer line to the point of being six to eight feet deep, down to his basement floor, and it does not go toward the street. Mr. Smith said this has been an ongoing problem for four or five years, and he feels one of the most grievous things is to contend with a blocked sewer.

City Manager Davis asked for Mr. Smith's address and phone number.

Mr. Smith provided his address and phone number.

City Manager Davis stated that the City is completing a televising contract with Black and Veatch that will have televised every sewer of which the City is aware. Mr. Davis will check to see if we have a camera clip of Mr. Smith's sewer and will see if it can be determined exactly where Mr. Smith's sewerage is going relative to the City's main.

Mr. Smith commented that when he has had contact with City personnel, they have tried their best to supply him with information. Mr. Smith has also had a water supply problem. When Mr. Smith brought water to City Hall, the employees refused to drink it, but yet he is expected to drink it. The water that Mr. Smith brought in to City Hall came from the foundation of his house where the water comes in, not through his water pipes. Mr. Smith has replaced many of his water pipes with copper. Mr. Smith has done all he knows to do. He has asked the City to check his water meter. He has had a water bill of \$100. By City Hall records for four to five years, Mr. Smith uses 6,000 gallons a month, but now it has jumped to 17,000 gallons. The City found the City side of the meter was good, but Mr. Smith's side of the meter was leaking. Mr. Smith repaired that problem, but he still has high water bills. Mr. Smith is trying to find where his water line is; there is no record at City Hall. Mr. Smith said if the City Manager does as he says, he will be very happy, and he will be happy to give access to his property for a camera to go down his sewer to see where it goes. He has fought this problem for ten years and feels this is long enough.

City Manager Davis commented that he will be happy to send City staff to Mr. Smith's house to see if they can resolve his issue.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-9, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of **Bill 03-9** and enact the Bill as **Ordinance 3.863**. Councilman Bill Cross seconded.

Councilman Carol Rudi stated she wished to repeat what Finance Director Sweiven said, this sewer increase is a charge that Gladstone passes on from Kansas City. Gladstone has no control as to the amount of the increase in the rate.

Mayor Smith remarked that it is fortunate our forefathers had the foresight to build our own water plant to treat and handle our own water supply.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0).

Item 12, on the Agenda. **FIRST READING BILL 03-10**, adoption of the 2000 International Property Code, with certain amendments, additions, and deletions, as the Property Maintenance Code for the City.

Mayor Pro Tem Wayne Beer moved to place Bill 03-10 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-10, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Bill Cross. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of **Bill 03-10** and enact the Bill as **Ordinance 3.864**. Councilman Carol Rudi seconded.

Mr. Gene Smith asked if he might hear a little about this bill.

Assistant City Manager Scott Wingerson explained that the 2000 International Property Maintenance Code adopts a standard code for the enforcement and maintenance of property in the City of Gladstone. Changes from current regulations include a restriction on the provision for vehicles for sale by employees of commercial businesses. In residential areas, vehicles for sale will be limited to four per year. Encroachment of vehicles on to the right-of-way is prohibited by this bill. Additional weight restrictions are added relative to commercial vehicles in neighborhoods, which is done through definition and clarification of existing provisions. Tree

trimming requirements of ten feet above sidewalks and right-of-ways have been added, and weed height was changed from 12 inches to 10 inches. Trash cans and similar receptacles on commercial properties are required by ordinance to have a four sided enclosure, constructed primarily of the materials in the main building. In residential areas, refuse and waste cans must be located behind the front building.

Mr. Smith remarked one of the things he was concerned about was that in the minutes of previous meetings of the Planning Commission reference was made to small out-buildings. He did not hear anything about that tonight. Mr. Smith asked if that means they remain as they are. Mr. Smith stated that there was a complaint before the Planning Commission about an out-building at 60th Terrace. It is Mr. Smith's understanding that the man that lives there works on restoring automobiles, and has built a nice size building in his backyard. Mr. Smith looked at the building and felt it was a very attractive building that does not distract from the neighborhood.

Mr. Smith stated another point was the eight-foot set back rule that Gladstone has in existence. This seems fine on the surface, but it seems that is eight feet of private land that is used to store things that everyone does not want to look at. In other words, a trash collector. Mr. Smith has seen this in numerous places around town, and he wonders about the wisdom of the rule. Mr. Smith is not talking about himself, as he has a fair amount of land, but if a person was allowed to put a small building in the corner of his property, it would be easier to maintain, and probably look better in most instances. Mr. Smith continued by saying it takes a lot of work to maintain property, and everyone does not live in apartments. Apartments to Mr. Smith are unattractive for any city to have. It is very seldom that they occupy just 30 percent of the land area they are on, and their height exceeds 35 feet in a lot of cases. A little bit of equality could go a long way. Mr. Smith's main concern, however, is the out-buildings.

Mayor Smith explained that out-buildings are being considered by the Planning Commission and will come back to the City Council.

Assistant City Manager Scott Wingerson explained that out-buildings are part of the Zoning Ordinance and will be reviewed by the Planning Commission at its next meeting on May 5, 2003. This issue has not been published for Public Hearing.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 13. on the Agenda. **OTHER BUSINESS**

Councilman Carol Rudi asked that Mr. Gene Smith be notified of the Public Hearing for the out-buildings.

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

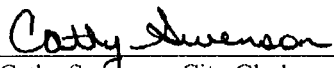
There were no questions from the Media.

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

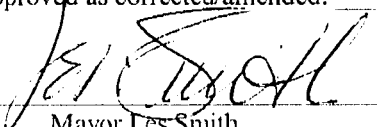
Mayor Smith confirmed with City Manager Davis that there would be no Closed Executive Session following the regular City Council meeting.

Councilman Bill Cross moved that the meeting be adjourned. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: ☒
Approved as corrected/amended:


Mayor Les Smith

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, MAY 12, 2003

OPEN STUDY SESSION: 6:00 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 April 28, 2003 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing the 40th Anniversary of **Antioch Middle School**, in Gladstone, Missouri.
- 4b. **PROCLAMATION:** designating the month of May, 2003, as "**Lyme Disease Awareness Month**" in Gladstone, Missouri. Sponsored by the Lyme Association of Greater Kansas City, Inc.
5. **CONSENT AGENDA**

RESOLUTION NO. R- 03-34, authorizing change order #1 for the 2003 Curb and Sidewalk Program in the amount of \$65,399.00 and authorizing the appropriation of additional funds in such amount from the transportation sales tax fund. (Project #035007).

RESOLUTION NO. R-03-35, accepting a Temporary easement from property owners in conjunction with the Rock Creek channel improvements, Brooktree to Gladstone Lane; (Project #0123).

APPROVAL OF PARK FESTIVAL USE PERMITS for the **7th Annual Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 20-21, 2003, and the **24th Annual Gladfest Celebration** on Friday, Saturday and Sunday, October 3-5, 2003 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone.

APPROVAL OF BEER LICENSE for **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, (2-day license), June 20-21, 2003, Managing Officer: James Shevling; and **Gladfest Celebration** in Gladstone Central Park, 69th & N Holmes, (3 day license), October 3-5, 2003. Managing Officer: James Shevling.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. Boards and Commission Appointments.
8. **Communications from the City Manager.**
9. **Public Hearing for Blight Determination of Gladstone Plaza.**
10. **FIRST READING BILL 03-11**, finding that a certain area is blighted, as defined in Chapter 353, R.S.Mo. 2001; and find that the redevelopment of such area is necessary and in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Gladstone.
- 10a. **FIRST READING BILL 03-12**, establishing the procedures for the redevelopment of the Gladstone Plaza Redevelopment Area, providing for financial reporting by an urban redevelopment corporation to the City of Gladstone; establishing the duties of the Executive Branch of the City relative thereto; incorporating the "Urban Redevelopment Corporations Law" found at Chapter 353, R.S.Mo. 2001; and containing a severability clause.
11. **RESOLUTION NO. 03-36**, authorizing execution of a contract with the City of Kansas City, Missouri, for emergency storm debris removal in the aftermath of the tornado of May 4, 2003.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

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

MONDAY, May 12, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular May 12, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR APRIL 28, 2003, CITY COUNCIL MEETING MINUTES

Councilman Bill Cross moved to approve the **Regular April 28, 2003, City Council Meeting Minutes** as presented. Mayor Pro Tem Wayne Beer seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 4a. on the Agenda. Mayor Les Smith read a **PROCLAMATION** recognizing the 40th anniversary of **Antioch Middle School** in Gladstone, Missouri. Antioch Middle School Principal Bob Russell was on hand to accept the proclamation. Mayor Smith invited Mr. Russell to say a few words.

Mr. Bob Russell stated that Antioch Middle School appreciates the recognition and he realized that many people present attended Antioch Middle School or are the parents of students who have attended the school. Mr. Russell remarked that the school is very proud of its affiliation with the City of Gladstone, and Gladstone Public Safety is one of the school's long standing business partners. The City of Gladstone sponsors at least one of the school's Business and Education Expectation programs (BE²). Mr. Russell stated he is very proud of Antioch Middle School and would welcome visits from the community. The school feels very much a part of the community as witnessed by the many students who return to school in the evenings to participate in Gladstone Parks and Recreation programs. Mr. Russell continued by saying that the school is

very thankful to the voters in Gladstone who passed a bond issue for the North Kansas City School District that allows air conditioning to be installed in the entire Antioch Middle School building. This is a nice 40th anniversary gift. Mr. Russell invited everyone to visit in September, when the air conditioning project will be completed. On behalf of the Antioch Middle School staff, parents and students, Mr. Russell thanked Mayor Smith, City Council, and the City for honoring Antioch Middle School on their 40th anniversary.

Item 4b. on the Agenda. Mayor Smith read a **PROCLAMATION** designating the month of May, 2003, as "**Lyme Disease Awareness Month**" in Gladstone, Missouri. This proclamation was sponsored by the Lyme Association of Greater Kansas City, Inc.

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

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as read. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-34**, authorizing Change Order Number 1 for the 2003 Curb and Sidewalk Program in the amount of \$65,399.00 and authorizing the appropriation of additional funds in such amount from the Transportation Sales Tax Fund. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-35**, accepting a Temporary Easement from property owners in conjunction with the Rock Creek Channel Improvements, Brooktree to Gladstone Lane; (Project #0123). Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **Park Festival Use Permits** for the 7th **Annual Gladstone Summertime Bluesfest** in Oak Grove Park, 76th and North Troost, Friday and Saturday, June 20-21, 2003, and the 24th **Annual Gladfest Celebration** on Friday, Saturday and Sunday, October 3-5, in Gladstone Central Park, 69th and North Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve a **Beer License** for the **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th and North Troost, (2-day license), June 20-21, 2003, Managing Officer: James Shevling; and for the **Gladfest Celebration** in Gladstone's Central Park, 69th and North Holmes, (3-day license), October 3-5, 2003. Managing Officer: James Shevling. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Mr. Clem Chirpich, 6316 North Camelot, stated that he lives in the area that was struck by a tornado on Sunday, May 4th. Mr. Chirpich thanked the Gladstone Police and Fire Divisions for responding as quickly as they did, and for the additional support from them and other City employees, as residents tried to recover. Mr. Chirpich thanked Mayor Les Smith, Councilman Bill Cross, and all City Council members for moving to restore electricity as quickly as possible on Tuesday when electricity was turned off, after being turned back on only two and one half hours, in the Camelot and Monroe area. Mr. Chirpich also expressed his thanks to Provco, the tree trimming firm who offered their services in the aftermath of the storm, and Mr. Chirpich suggested that if they are offering additional services, the City contract with them to trim additional trees.

Mr. Chirpich stated that on Monday, after the storm, the Gas Company and Kansas City Power and Light disconnected service to severely damaged homes. On Tuesday, Kansas City Power and Light visited each home, pulled the meters from severely damaged homes, and asked remaining residents to turn their main circuit breakers off to avoid power surges. Mr. Chirpich continued by saying by 5:00 PM the power was restored to the houses Kansas City Power and Light felt were safe to have power. Mr. Chirpich reported that at 7:30 PM, Kansas City Power and Light was contacted by the City of Gladstone, who requested them to turn off the power, because the area was unsafe. The rumor was the reason for requesting the power turned off was to encourage the residents to vacate the area. Mr. Chirpich explained this was very disappointing to him as a resident as he had been without power for 48 hours, and it was nice to have the power back on to do the things that needed to be done.

In his area, Mr. Chirpich said, "Do Not Enter" signs were posted that indicated some of the residences were unsafe to occupy. Mr. Chirpich stated that such a notice was put on his house, Tuesday, yet no City employee had entered his house or talked to him. Mr. Chirpich found City employees and asked them about the sign, and the answer was that it was not because of the physical condition of the house, but because another storm was approaching and there was debris in the area that could compromise the safety of people.

Mr. Chirpich, along with his brother, walked into other areas, where there were no signs posted, yet there was debris on their streets, their roofs were damaged, and they had electrical power. Mr. Chirpich continued by saying the signs were not specific as to who had ordered them, there was no telephone number, or a reason for posting the signs. Mr. Chirpich felt that if such signage is used, they should be signed, there should be a telephone number, and there should be a reason as to why the building is unsafe to occupy. Mr. Chirpich said he was sorry to bring this up at this time. He does appreciate the assistance of the Police and Fire people, as well as City Council members, and appreciates the help in recovery.

Mayor Smith asked Assistant City Manager Scott Wingerson to address the concerns of Mr. Chirpich.

Mr. Wingerson thanked Mr. Chirpich for his comments, and thanked Mayor Smith and City Council members for an opportunity to address Mr. Chirpich's concerns. Mr. Wingerson stated that the small sign that Mr. Chirpich mentioned was first utilized Sunday night, right after the storm, between the hours of 8:00 PM and 1:00 AM, in an effort to identify areas of damage in a broad perimeter sweep in the area of Carriage Hill including North Camelot and North Monroe. In terms of the electricity, Mr. Wingerson continued, Mr. Chirpich is correct. The very next day, Wednesday, several teams of inspectors from other cities and Burns and McDonnell inspected the exterior and electric service of homes like Mr. Chirpich's, and authorized the Kansas City Power and Light to restore service immediately. The decision to disconnect power was made for the protection of the residents in Carriage Hill. It was known the power in the general area was to be restored shortly, and the risk could not be taken of providing electric service to homes that should not or could not accept electric service, and create an additional hazard on top of significant hazard that already existed.

Mr. Wingerson apologized to Mr. Chirpich and about six other residents who had a very similar concern, but City staff acted very quickly the very next day, and power was restored that day or the following morning. Mr. Wingerson thanked Mr. Chirpich for his input, and stated his comments are appreciated.

Mayor Smith thanked Mr. Chirpich for his patience, and stated that the City had planned for such an emergency and he felt the City did a very thorough job of doing visual inspections of structures in order to protect the safety of the residents.

Ann Alexander, 6767 North Askew Circle, stated she was blessed to be seven blocks away from the tornado, but wanted to commend the City for blocking off the Carriage Hill area so quickly. Ms. Alexander remarked she was sure that in the long run it saved residences from a lot more damage and injuries. Ms. Alexander thanked the City and stated City staff did a good job.

Galen Neill, 6010 North Wyandotte, asked how roofing permits are issued. He has witnessed a roof being taken off very slowly, and he is concerned that if there is rain, the consumer will not be protected. Mr. Neill asked if when a contractor applies for a permit, is he required to prove to the City that he has insurance, and is the contractor required to have a license with the City.

Assistant City Manager Scott Wingerson thanked Mr. Neill for his question, and stated that roof permits are required in the City of Gladstone for consumer protection against two things; one is to ensure the structure is not overloaded with weight, and the other is contractor licensing. A roofing contractor is required to obtain a City business license, show proof of liability and workers' compensation insurance, and receive several inspections throughout the roofing process. Mr. Wingerson continued by saying that the time in which a contractor completes a project is not something which the City regulates, but if Mr. Neill would provide the necessary information, City staff will investigate this specific case.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans thanked the Public Safety and Public Works personnel for all their work this past week and their assistance to citizens in all damaged areas of Gladstone.

Councilman Carol Rudi thanked City staff, and stated she knows many have worked long hours with little sleep, and have done all they can to make this tornado clean-up go smoothly for everyone. Councilman Rudi asked the audience if they know of anyone who is having problems to call the City, because the City is here to help residents get through this difficult time. Councilman Rudi extended her sympathy to anyone who has suffered in this storm, and hopes they get through this very quickly. She was fortunate not to have damage and feels very fortunate.

Councilman Bill Cross stated he wished to reinforce what his two colleagues have said, and stated he appreciates all the work that City staff has done.

Mayor Pro Tem Wayne Beer agreed with his fellow Council members, and stated that after the storm had abated, he went to City Hall to lend what help he could. He was with members of Public Safety and the Leadership Team until approximately 10:00 PM that night, and came back the following day and was with them until about 10:00 PM that night. Councilman Beer was happy to see the leadership and professionalism displayed. The Leadership Team, Public Works and Public Safety employees were exemplary, as were all City employees. Councilman Beer was very proud of the efforts of City employees in the aftermath of the storm, and the way the City came together to abate as much as possible the storm aftermath. The night of the storm Councilman Beer was with Public Safety when rain and hail had resumed. Public Safety personnel were in the rain and hail securing the storm damaged areas. This past Sunday, Councilman Beer was part of an approximately 200 volunteer effort to assist in storm clean-up. The volunteers were citizens, and people from other cities who volunteered to provide help.

Mayor Les Smith agreed with fellow Council members and stated that there may have been some things that could be improved upon, but in talking with Dick Davis recently, the last time a tornado hit Gladstone was when Dick Davis was Mayor, which would have been about 1971. The fact of the matter is there is an emergency operation plan in place for the City. The City has experienced an ice storm, flooding, and now a tornado. Mayor Smith continued by saying that first and foremost our hearts and prayers go out to those people who are affected; the storm started on the west side of town and ended three miles to the east in Carriage Hill. Mayor Smith remarked that City staff began arriving at City Hall before he was sure it was safe to leave their homes, and by midnight the Carriage Hill area was secured. People were safe, with folks out of their homes that needed to be, and recovery efforts were underway, which was due to the foresight of the people that we pay to deal with these issues. They had the foresight to put together a plan in calmer times and the plan worked.

Mayor Smith commented that he could not be more proud of the City government. In Mayor Smith's opinion government is there to do for people those things that they cannot do for themselves, and that has been proven over the last week. It has been a very long and hectic week, with some people working 18 to 20 hour days. Mayor Smith stated it struck him that City staff was not doing it to earn a paycheck, but rather because they epitomize public service. Mayor Smith addressed City Manager Kirk Davis by saying that he is certain that accolades will soon be coming in as people get their lives together.

Mayor Smith stated that in many parts of the City, before people talk about what they have lost, they express their gratitude for what the City has done for them. There are people who did not shed a tear until they began talking about how the City government has helped them. Mayor

Smith remarked that we, as people, should be very proud, and City Manager Davis should feel very proud. Mayor Smith hopes City Manager Davis will pass this on to all City employees. In regard to volunteers, Mayor Smith stated the Gladstone Church of Christ, who cooked lunch Saturday, fed 400 people, with some of them from Proveo, the company Mr. Chirpich mentioned, and some were from other cities. Those people deserve a lot of credit. Mayor Smith concluded by saying this is a great place to live, we do good things for people and we do them right.

Item 7a. on the Agenda.

Board and Commission Appointments.

Mayor Smith made the following recommendations for appointments to Boards and Commission vacancies:

Sister Cities Commission

Charles Carmack

Scott Archuleta, Student member (as recommended by the Sister Cities Commission)

Cable TV Advisory Board

Tim Robertson

Planning Commission

Dick Davis

Mayor Pro Tem Wayne Beer moved to ratify the appointments as listed. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis reported that the Park Watch Program meeting for Oak Grove Park will be tomorrow night, May 13th, at 6:30 PM at Oak Grove Park, and the Municipal Pool begins its 25th season on May 24th.

City Manager Davis thanked City Council members for their comments, and stated he was very proud of City staff's response to the recent storm. Mr. Davis stated that there will be a wrap-up report in the near future. However, for now, a lot of work needs to be done. Mr. Davis said that City staff tried to err on the side of safety and hopes everyone is understanding of that. It was not always convenient for the residents for a couple of days, but overall the residents' comments to Staff have been very positive, which is appreciated.

According to FEMA (Federal Emergency Management Agency), Mr. Davis reported, 389 homes were damaged in Gladstone, with approximately \$30 million in damages. An Emergency Operation Center (EOC) was initiated at about 6:00 PM, on Sunday, May 4th, the day of the storm. The EOC still exists today, with daily briefings. Mr. Davis explained that in responding to a storm of this magnitude, the response is very complex. City staff was dealing not only with utilities and insurance, but also with unknown safety issues. Mr. Davis continued by saying the winds went through the City at over 200 miles per hour. Search and rescue efforts were taking place in the dark of night to determine if there were casualties; fortunately there were none, but there were five cases of injuries. Considering the damage to the City, that is unbelievable. Mr.

Davis stated that following the storm it was necessary to secure the severely damaged areas, provide medical services, and conduct structural inspections.

The City's Emergency Operation Plan is very complex, but it worked. Mr. Davis stated it worked not only because a plan was in place, but because of dedicated City employees. Mr. Davis expressed his appreciation to the Leadership Team members who gathered resources within minutes, and began applying those resources according to the direction and plan of the EOC. Mr. Davis said he is convinced that a better response could not have been achieved than was achieved by the City of Gladstone. The City is working with residents and insurance companies with demolitions, as well as maintaining security in damaged areas. The City is trying to get neighborhoods back to normalcy as quickly as possible. Mr. Davis expressed his appreciation to Mr. Chirpich for his comments, and apologized for any inconvenience. Mr. Davis thanked the City Council and the City's Leadership Team for their support. Many City Council members were at the EOC the night of the storm. Mr. Davis stated it may have seemed chaotic, but it was organized chaos. Mr. Davis concluded by saying that City staff will continue their efforts until the work is finished.

Mayor Pro Tem Wayne Beer commented that while those in the position of making decisions the night of the storm may have felt there was chaos, his observation was things were under control. Councilman Beer stated he has been in the position of having to make similar types of decisions, and he understands. Some mitigating factors Sunday evening were the City was without power, and many phones were not working. Councilman Beer continued by saying there were emergency generators at City Hall, but calls could not be made to other people in the city, so there was no communication by telephone. The cell towers sustained damage and the cell phone system was overloaded, and no one could make cell phone calls. Councilman Beer said communication was horrible the night of the storm and that was a critical factor. The Police and Fire radios also sustained damage. Even so, Councilman Beer remarked, things went extremely well, and City Manager Davis and all City employees are to be applauded for a job well done.

Following applause from the audience, Mayor Smith stated that Gladstone Neighbors Helping Neighbors is organizing a volunteer effort this Saturday, from 8:00 AM to 12:00 Noon. For more information, please call City Hall at 436-2200. Mayor Smith concluded by saying that Carriage Hill is not the only area affected by the storm. There was damage to the west City limits, and there is still work to be done.

Item 9. on the Agenda.
GLADSTONE PLAZA.

PUBLIC HEARING FOR BLIGHT DETERMINATION OF

**{FOLLOWING IS A TRANSCRIPT OF THE PUBLIC HEARING FOR
BLIGHT DETERMINATION OF GLADSTONE PLAZA AS TRANSCRIBED
BY A CERTIFIED COURT REPORTER.}**

CITY OF GLADSTONE, MISSOURI
CITY COUNCIL MEETING

TRANSCRIPT OF PUBLIC HEARING

May 12th, 2003

City Hall
Gladstone, Missouri

City Council Members:

Mr. Les Smith, Mayor
Mr. Wayne Beer, Mayor Pro Tem
Mr. Bill Cross, Councilman
Ms. Carol Rudi, Councilman
Mr. Joe Evans, Councilman

Attendance:

Mr. Kirk Davis, City Manager
Ms. Cathy Swenson, City Clerk
Mr. Scott Wingerson, Assistant City Manager
Mr. Mark Meyerdirk, Integra
Ms. Christine Bushyhead
Mr. Dave Ramsay, City Attorney
Mr. Lynn McClure, Economic Development Administrator

GLADSTONE CITY COUNCIL

PUBLIC HEARING

MAYOR SMITH: Madam Clerk, would you please notice that the entire Council is present? Our public meeting tonight is to make a blight determination of Gladstone Plaza. Our public hearing process will work as such, first, I will ask for comments from the City Manager, then the Assistant City Manager. At that time, we will include a presentation by representatives from Integra Realty Resources. I will then ask for any comments from the audience and we would like to remind you, and will again at that time, that the topic at hand this evening is the determination of blight for Gladstone Plaza, not necessarily what the future of Gladstone Plaza might hold, but if it, in its present state, should be declared blighted and then last, but not least, a follow-up summary by the staff. So at this time, the public hearing is open. Mr. Davis?

MR. DAVIS: Thanks, Mayor. In 1998, the City Council established a goal that would "encourage owner investment in residential and commercial

neighborhoods." In 1999, the Council initiated another goal to "develop an economic development plan for the city." In 2000, the city initiated a series of economic development summits in which approximately sixty residents and businesses participated. The result of these summits was the creation of an economic development plan. At the same time, the city embarked on a North Oak corridor study. Both of these processes involved significant public input. In October of 2000, the Council established a goal calling for the elimination of blight. At the same time, the Council established an objective to implement the recommendations contained in the North Oak corridor study and implement the goals of the economic summits. Both of these projects highlighted the need for reinvestment along the corridor, identified Gladstone Plaza as an area of focus. In 2001 and 2002, the city began laying the administrative framework to address the issues contained within these two projects, the studies and the Council, through goal setting, reinforced continued progress on the North Oak corridor study

recommendation - recommendations actually.
Tonight, the City Council will consider a declaration of blight at Gladstone Plaza. The declaration is a continuation of efforts to establish the framework for the redevelopment objectives of the city and will allow the city to work with the owner or potential investors toward the redevelopment of the plaza and at this time, I would like to turn the microphone over to Assistant City Manager Scott Wingerson.

MR. WINGERSON: Thank you, Mr. Davis. Thank you, Mayor Smith and members of the City Council. I would like to start by introducing a project team that's been established for this discussion tonight. The project team is led by City Manager Kirk Davis and composed of City Counselor Dave Ramsay, Lynn McClure, our Economic Development Administrator, folks from Integra Realty Resources and Special Counsel with White, Goss, Bowers, March, Schulte & Weisenfels(ph). Staff's presentation tonight will be organized into four parts. The first is planning and appropriate state law, the second is communication and notice,

the third is a discussion of blight, that will be the core of staff's presentation and finally, it will be followed by a section on support and staff's recommendation to the City Council.

Gladstone Plaza was constructed in the 1960's. That was a time in Gladstone before the real growth of Gladstone as we know it today. North Oak was two lanes; it's now five lanes. The center itself is an L-shaped center, generally constructed out of concrete block, flat roofs with square and large retail units. The center itself contains approximately two hundred thousand square feet of general retail and is composed of approximately forty-one acres. The current tenants in Gladstone Plaza consist of secondary retail, service based businesses and not for profits. The remainder of the presentation will seek to provide the City Council with information that exists and has been created for this purpose.

The first is what we're labeling as Exhibit One and I would ask you to look at the notebook we provided to you tonight. We will step through each and every one of the some fourteen Exhibits

that will be presented over the next few minutes.

The first Exhibit is the 1993 comprehensive plan.

The goals of the comprehensive plan are to maintain, promote and enhance the overall quality of life, to implement the location and retention of businesses within Gladstone in a way that goods and services are provided and job opportunities are offered. The '93 comprehensive plan indicates then and reinforced by the 2001 corridor study, that the demographics of that part of the community offer a strong base for retail. Nothing has changed from '93 to today. Overall, provided by the city and state and federal government, business and technical assistance has been and continues to be available for redevelopment and business assistance. Business recruitment has been under way since before 1993 and continues today. Redevelopment tools have been utilized as suggested in the '93 comprehensive plan, specifically at the Home Depot and at Prospect Plaza, so we're familiar with the tools and understand their value in the redevelopment process. There's also marketing materials that

existed shortly after 1993 and updated over the last year to eighteen months that exist to promote the community to business partners and our relationships, as a whole, with the development community are considered to be very, very good. The second Exhibit is a 2001 North Oak corridor study. There's an entire chapter dedicated to Gladstone Plaza and one other catalytic project. Catalytic projects are designed to spur growth and economic development along the entire North Oak corridor. This study is important and it's important in a couple of ways. It's most important because it's witnessed by a significant amount of public input and continued support for the study. It's also important because concurrently with the performance of the 2001 corridor study, were economic development visioning summits. Those processes have been relatively simultaneously. There was some overlap and again, a very important public process including more than a hundred residents of our community. The 2001 North Oak corridor study indicates that we must focus redevelopment efforts

on catalytic areas to spur corridor improvement and secure the future of the area. Since the time of the 2001 North Oak corridor study, anchor tenants have left the Plaza. There's no potential quality tenants that we know of that exist today, no regional drawing capability. The center is mainly made up of discount stores and thrift marts. Overall, the study envisions a strong commercial presence to provide a positive and sustainable presence for the entire corridor. The study envisions medium scale boxes with accessory uses, such as restaurants, banks and pad development and envisions a multifamily development to the east of the existing plaza and maybe most importantly, the market study that was included in the corridor study indicates over a hundred and fifty thousand square feet of retail leakage, meaning that there's an availability of that square footage in that part of the corridor to the benefit of our residents. Overall, the two studies, in combination, indicate that the overall planning efforts, that Gladstone Plaza suffers from an outmoded and outdated design, poor traffic

circulation, lack of maintenance and investment. The center is in need of redevelopment. The first Exhibit in your notebook is Chapter 353, urban redevelopment corporations law. I would like to read two definitions from that law; it's the first Exhibit in your notebook. The definition of area, "That portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, re-planning, rehabilitation or reconstruction thereof is necessary to effectuate the purposes of this law.

Any such area may include buildings or improvements not in themselves blighted and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, re-planning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part." The next definition is blighted area, "That portion of the city within the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become

economic and social liabilities and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes." Those two definitions are the topic of the discussion tonight. I would like to take just a minute and provide those three Exhibits to our court reporter, who is here to provide an accurate record. The second part of the presentation focuses on communication with the ownership and tenants of Gladstone Plaza. In July of 2002, staff and members of the project team met with a gentleman by the name of Ray Byers, he's the historical representative of Gladstone Plaza, who expressed an interest in redevelopment. We followed that conversation up with a letter on March 25th and I would like to read just two paragraphs from that letter, March 25th, 2003, a letter to Mr. Byers, Edith Wolfe, a copy to Mr. Byers by registered mail, "The city is highly interested in partnering with you in an effort to redevelop Gladstone Plaza and prompt new investment along the adjacent portion of North Oak Trafficway. The city has commissioned a blight

study completed recently for the shopping center and adjacent properties in an effort to provide tech skill support for incentive assistance, such as Chapter 353, Chapter 70 and transportation development districts. We believe that after reviewing our redevelopment plan, the amount of financial support the city would be willing to dedicate to the effort and considering the increased value of the site after redevelopment, you will find interest in joining hands with us on this project. Please let me know if you would be interested in discussing with me the redevelopment possibilities for Gladstone Plaza within the next ten days." We have yet to hear a response on that letter. During that meeting, staff shared a lot of information, a lot of planning work, a lot of study work, a lot of blight analysis, a lot of possibilities for the redevelopment of Gladstone Plaza. We attempted to contact Mr. Byers on a couple of occasions after the meeting and prior to the letter being sent and those were unsuccessful; it's almost ten months. We also, in preparation for this public hearing, provided an informational

letter to the tenants of Gladstone Plaza, Exhibit Five in your notebook. On April 14th, staff provided a letter to the tenants and owner of Gladstone Plaza. One paragraph reads, "Unfortunately, Gladstone Plaza has apparently had difficulty attracting tenants to fill vacant spaces. One impression expressed in the retail marketplace is that the quality of the structure and the leasable space is not competitive.

Improving the quality of the structure and leasable space depends upon obtaining both legal and financial support from the current property owner. A partnership between the city and the owner could be extremely important to the success of any redevelopment opportunities for the plaza.

The city has approached the owner on several times to discuss the opportunities to partner regarding redevelopment of the plaza, but to date, the city's efforts have failed to produced any results. In the very near future, the Gladstone City Council will hold a hearing to consider whether a determination of blight should be declared for real property located in and around

Gladstone Plaza at 64th and North Oak. As is required by state legislation, public notice of the hearing will be advertised in the local newspaper. As a courtesy, notice will also be sent via mail to the owners of the subject property, those with a secure interest in the subject property and each of the tenants of the subject property, continued response of our attempt to inform and advise tenants and anybody involved with Gladstone Plaza of the public hearing tonight. On April 24th, the city mailed official notice of the blight hearing as the next Exhibit, Exhibit Six in your packet. Included in that Exhibit, which is a very thick Exhibit in your notebook, is the actual notice, the legal description of the areas that we're discussing tonight, certified mail - or I'm sorry, a list of all the people that were provided notice and certified mail receipts. Exhibit Seven in your notebook is a photocopy of the published legal notice that was provided, published in the Kansas City Star on April 26th, 2003. The core of the presentation tonight will be made by Mark

Meyerdirk. He works for Integra Realty Resources.

Exhibit Eight in your packet, provided on your Thursday's packet, is a copy of the blight study Mr. Meyerdirk will present. Exhibit Nine is the Power Point presentation which you're about to see. I would like to introduce Mark Meyerdirk from Integra Realty Resources and the staff will summarize with community support for action tonight.

MR. MEYERDIRK: Thank you, Mr. Wingerson. My name is Mark - Mr. Mayor and members of the City Council, my name is Mark Meyerdirk. I'm an associate with Integra Realty Resources of Westwood, Kansas. Integra Realty Resources is the largest real estate valuation and appraisal company in the United States with approximately fifty offices in the major markets throughout the United States. I also serve as General Counsel for our Corporate and Public Finance Division of Integra and in doing so, have a lot of experience working with cities and particularly with blight related matters. I have twenty-seven years of practice in law and primarily in real estate,

finance and franchise law and I'm a member of the Kansas Bar. I have written a template, which you have in front of you, which is the Integra blight study, which we use for all of our blight analysis and our company does approximately twenty-five to fifty blight analyses each year. First of all, I'm going to direct your attention to the Exhibit which Mr. Wingerson has provided to you, which is the blight study, and take you briefly through the provision of the different areas. The general information area provides information about the subject matter area and the five parcels in question. The economic analysis, which is the next tab in the blight study, provides economic background and basis upon which our opinion was based. The next tab provides for a property analysis giving specific information, for example, the zoning of the subject area and the next area is the blight analysis itself, which will be the presentation I will make according to the Power Point presentation that we will have for the rest of the evening. At the end of the report are addenda and addendum which provide additional

information and support materials. I would like to draw your attention specifically to the photographs which appear in addendum C and addendum C-1, approximately eighty photographs of the subject area which we believe is significant evidence of blight for the proposed - in the subject area. In determining whether the subject area is a blighted area, we examined the statutory definition of blight and our report utilizes the definition found in two applicable Missouri statutes. The Assistant City Manager has provided you, and I won't read through it again, the definition primary in question here, which is Chapter 353 of the urban redevelopment law and we will focus on our analysis of what the areas of blight are for the subject matter as it relates to that statute, in particular. The other blight statute which we have called upon to review here is commonly known as the TIF statute for 353, which provides other criteria, but very similar to the 353 statute. There are three categories, primary categories of blight, each with identifiable subcategories, all of which contain

quantifiable factors, which if significantly present, either individually or in combination, are indicative of the presence of blight. These primary categories and subcategories are stated shortly hereafter, so I'll go ahead and get into the statutory categories as we see them. The first is health, welfare and social blight. We've broken that category down into two primary subcategories, health, which are areas that effect the conditions which are conducive to ill health, welfare or bad sanitation, menace to public health and transmission of diseases. The second is safety, which provides conditions conducive to crime, safety concerns, fire hazards, social problems or compromising moral or public welfare.

The second primary category is physical blight, conditions which evidence again a subcategory of physical deterioration, physical deterioration because of age or because of deteriorated site improvements and the second subcategory under that area is obsolescence, obsolescence of the area, the platting, the subdivision or outmoded design of the improvements on the subject property. The

third primary area or category is economic blight and if we find evidence which suggests that the taxes are not reasonable relative to other taxes paid in the area or B, where there is an economic liability, such as a need for rehabilitation or redevelopment or there's a retardation of the provision for housing accommodations in the particular area. Again, all of those sub-categorizations and the major categorizations come from our review of the blight statute. So in reviewing the area to provide you some empirical analysis relative to the statute, we looked to see whether these - by reason of a majority of some of these statutory factors, there is evidence of blight in the subject area. With regard to the first major area, health, welfare and social blight, we believe there are several instances in the subject area exhibiting unsanitary conditions which meet the health subcategory definition of blight, as well as unsafe conditions, which meet the safety subcategory of blight. The photographs, only a portion of which will be shown in this presentation, provide evidence of this

fact. The vacant and unimproved areas around the property, around the shopping center area, in particular, are evidence to us of the health, welfare and social blight subcategory reference in the statute. Refuse often collects in the unimproved acreage behind and to the east of the existing deteriorating shopping center and to the south of the shopping center. Overgrown bushes, scrub trees on the north, east and south sides of the property are unsightly and conducive to animals and rodents. The subject property has been the scene of construction dumping and other littering. The site was littered with broken glass, trash, car tires, pallets, dimensional lumber, construction debris throughout and dumping, which is unsanitary, continues to be a problem. The large undeveloped tracts of property harbor insects and vermin which, in an urban setting such as the subject area, are also considered as unsanitary and unhealthy. The photographs on the following pages, as well as the ones in the addendum, which give even more evidence of this, show significant trash, litter

and general unsanitary condition which we believe meets the health subcategory in the primary test of blight. You will see in this photograph some trash and overgrowth. You will see in the next photograph brush and undergrowth throughout the property. The next photograph again shows evidence of dumping and litter. The next photograph also shows dumping and litter. The large vacant areas and those covered by brush and scrub trees make maintenance difficult and the photographs which we showed previously and the ones following show that the brush and tree area which is present along the east side of the subject property. Now, we will move to the actual shopping center itself. This is a photograph showing the property to the northeast from the back of the buildings. This is the subject showing to the east of the property and the proximity of unlighted vacant heavy forestation and rodent infestation on the property near residential and shopping areas does, in our opinion, create an opportunity for nefarious behavior and attracts nuisance. Photographs of

the unlighted remote forested areas evidences the safety hazard and nuisance hazard that exists on the subject property which again, in our opinion, are evidence of blight. Then, we will move next to the area near the shopping center. Safety is also a concern in the vicinity surrounding the existing shopping center. The area around and near the shopping center is not maintained and is littered with broken glass and construction debris. These areas attract nuisance and are a danger to the children in the neighborhood, residential neighborhood to the north of the site who may be enticed to play nearby. This photograph shows glass and trash, piling up of pallets and the alligating parking areas. This one shows trash outside the area. Again, these are just a few photographs illustrative of more blight. I encourage you to look at the other eighty or so photographs which evidence the same information. The second page or category of blight in our review is physical blight. The photographs in section one above were also evidence of physical deterioration on the site, in

particular the site improvements. The following photographs evidence the physical deterioration of the parking lot and the shopping center structure.

They also show obsolescence of the shopping center, which is further evidenced by the vacancy and tenant mix that the center suffers from.

Finally, the entire shopping center is constructed in an outdated and obsolete and outmoded design that further establishes the physical blight of the property. The parking lots on the site are all in disrepair and in need of replacement. They are covered with potholes, alligator surfacing and curb degeneration. The parking design is one large poorly lighted expanse of broken asphalt.

The parking locations are generally unmarked. There are no traffic barriers or curbing to assure traffic flow and safety in the lot and the entire parking lot design is obsolete and fails to conform to current parking design models. If you go into any current or newer shopping center, you will see the things that I'm making reference to.

The photographs are evidence of this particular type of physical blight. The second review of

physical blight has to do with the shopping center structure itself. The shopping center is in need of physical repair, including painting, weatherstripping and reconstruction.

Additionally, the location of the center is well off the main thoroughfare of North Oak Trafficway, which makes it unattractive and difficult for consumers to locate. Additionally, there's no turn signal to the southbound traffic on North Oak, further disadvantaging the design of the improvements of the shopping center as a whole.

The center is inhabited with what we see a class C or lower tenants and much of the center is vacant.

The exterior of the center lacks proper signage and the signage that does exist is not architecturally consistent. The next major category of blight in our analysis has to do with economic blight. Other blighting factors or criteria observed are economic in nature. Does this site contain retardation of the provisions for housing in the area? Does the site present economic liability? Is the site unable to generate reasonable taxes? The site's economic

underutilization is designed in the next three points. It's not necessary that the property be located in what is generally known as a slum to meet the blight standard. The concept of when redevelopment is appropriate has gone far beyond slum clearance and the concept of economic underutilization has become a valid finding in the meeting of the legal definition of blight. The term blighted, for purposes of this analysis, includes inadequate planning, excessive land coverage, lack of proper light, air or open space, defective design or arrangement of buildings, lack of proper sanitation facilities, the existence of buildings which by means or by reason of age, physical deterioration or obsolescence or of an inadequate or outmoded design and have impaired the economic value of the larger area effecting them with blight and such areas are characterized by depreciating values, impaired investment, reduced or negligible income and tax references. One of the factors referenced was inability to pay reasonable taxes, inability to generate real estate taxes at comparable amounts for similar

properties of comparable use mix, the subject site economically underutilized and unable to pay reasonable taxes. The site's tax value and vital statistics are as follows, the three retail blighted properties are parcel one, two and three showing a tax per square foot with the last number on the page there. I'll summarize this at the end. This is what the tax is currently at. Let's go on to the next one. Comparable areas at Seaport Plaza on Highway 169 in Liberty Corners, on 291 Highway show a higher per square footage tax rate. The same thing applies to the multifamily zone blighted property of parcels four and five, with the taxes shown per square foot there. Parcel four is a vacant parcel east of the shopping center zoned for multifamily and parcel five is a single family house which could be acquired for access to the north parcel. Parcel five is not included in the comparable analysis in our report. These are comparable multifamily properties with tax per square footages of substantially higher than those of the ones in question. In summary, relative to retail uses,

the City of Gladstone loses approximately two cents per square foot on a worst case scenario or twenty-five thousand dollars per year in taxes. Relative to multifamily use, the City of Gladstone loses ten cents per square foot, worst case scenario or eighty-three thousand plus dollars per year in taxes. The real estate taxes generated are commensurately lower for the subject site than similarly located retail sites and multifamily sites. Thus, under its current zoning and the potential real estate taxes are adversely effected by these blighted conditions. Economic underutilization is a term used to describe a property that is not producing maximum economic benefit to the community. There are many forms of economic underutilization ranging from allowing a property to remain vacant and unimproved, to operating a property in a manner that is no longer competitive or complementary to properties in the marketplace. Development has occurred almost everywhere in the neighborhood with the exception of the subject property. One would expect, given its location adjacent to North Oak Trafficway, one

of the most heavily trafficked areas in the greater Kansas City metropolitan area, that the subject property would have been one of the first tracts to develop during the economic expansion in the 1980's into 2001, that the subject property was continually passed over for development and redeveloped is due to blighting factors discussed in the previous sections and evidence that it is underutilized for its current - because of its current physical characteristics. When comparing the subject property to many available multifamily sites in Clay County, a higher development cost will result from lack of sufficient access to the property. Obtaining adequate and comparable access will result in additional costs which will not result in higher market rental or lower expenses for the potential apartment development.

Without some means to defray these additional development costs, development of apartment units on this property will result in an investor lower yield than a similarly located Clay County site would without physical constraints for the subject. Topography is also a problem for retail

portion of the subject property. Another issue effecting the property is the very lengthy holding period until the economics improve to the point when the development is feasible, absent development incentives. The site has been continually declining with retail vacancies and the multifamily property has remained undeveloped for a significant period of time. Our conclusion therefore is that the definition of blight encompassed by all of these three major points and their subcategories, as listed above and in our preceding analysis, described areas in which the subject should be considered blighted. My findings are summarized hereafter. Number one, the site is conducive to ill health, sanitation and public health. The vacant parcels, in particular, are presently and historically used for illegal dumping and refuse. Litter, trash and vermin are evidenced throughout the area. Number two, the site is unsafe. The wooded areas with brush and densely foliated are attractive nuisances for children and promote nefarious activities. The broken glass and trash near the

shopping center are a danger to children who live in the residential neighborhood to the north of the site. Physical blight, number one, the physical parking lot of the retail center is significantly damaged with potholes, alligator surfaces, broken curbs and insufficient drainage; the parking design is also obsolete. Number two, the shopping center itself, the structure is in need of significant repair, refurbishing and the building layout and signage are obsolete in their current design and finally, with regard to economic blight, number one, the subject parcels are under taxed compared to comparable properties in the area and number two, with regard to economic liability, the site is underutilized and is an economic burden to the community. The retail center is declining in value as vacancies are increasing, while the quality of tenants is decreasing. The vacant multifamily parcels have been underdeveloped for a significant period and have no effective commercial use. Based on this information as set forth, it is our opinion that the subject property does meet the statutory

definition of blight and should be considered for redevelopment under Chapter 353 of the Missouri Revised Statutes and for tax increment financing, should that be considered, under Chapter 99 of the Missouri Revised Statutes. I appreciate your attention this evening. I would be happy to answer any questions you may have, otherwise I'll turn it back over to Mr. Wingerson.

MR. WINGERSON: Mr. Meyerdirk, thank you very much.

Exhibit Nine was Mr. Meyerdirk's Power Point presentation, which will be entered into the record. So we move into the final phase of the staff's presentation, which is community support and recommendation. I would like to again thank everybody for their involvement. Exhibit Ten is a resolution from the Village of Oakview, who supports efforts to redevelop Gladstone Plaza. Exhibit Eleven, a resolution from the Gladstone Area Chamber of Commerce, again indicating support for the redevelopment of Gladstone Plaza. Exhibit Number Twelve is a resolution from the Gladstone Economic Betterment Council providing support for redevelopment of Gladstone Plaza. Exhibit

Thirteen is the letter from the Clay County Economic Development Council Executive Board indicating support. I believe you will hear some evidence of support from Northland Redevelopment Partners and finally, Exhibit Fourteen is a letter from Mr. Mike Guidry, former tenant of Pizza Street, owner of Pizza Street that will be provided. There will be additional presentation of each of those, I think all of those resolutions during the public comments section of your public hearing tonight. Mayor Smith, I would like to ask that the Exhibit list, items One through Fourteen, be accepted as presented.

MAYOR SMITH: We would note that Exhibits One through Fourteen have been presented and accepted.

MR. WINGERSON: Thank you. It's our recommendation of the staff that the Council declare Gladstone Plaza, an area described in the legal notice as published, as a blighted area. I would be glad to answer any questions that you have at this time.

MR. SMITH: Any questions of Mr. Wingerson? Thank you, Mr. Wingerson. At this point, the staff has made recommendation that the subject property be

declared as blighted, declared blighted. Is there anyone in the audience who would like to make any comments in opposition to this recommendation? If so, please step forward. Give us your name and address for the record.

MR. HOLBROOK: Mayor Smith and members of the Council, good evening. My name is Reed Holbrook. I am a lawyer and I represent Clay County Realty and Edith Wolfe, it's my privilege to do tonight. My address is 757 Armstrong Avenue, Kansas City, Kansas, 66101.

MAYOR SMITH: Thank you.

MR. HOLBROOK: Edith Wolfe is eighty-six years old. In 1965, her husband came to this town, bought the ground and built what we now know as Gladstone Plaza Shopping Center. It has been operated very successfully since then. It has been, very frankly, he built it on what was about plowed ground, two lane road, as previously indicated. Since 1965, which is thirty-seven or -eight years ago, Gladstone Plaza has paid, on an annual basis, all of its real property taxes. Currently, they pay just about seventy-nine thousand dollars a

year in the aggregate real property taxes. They've never been behind, they've never been delinquent and I would submit, if you were interested and you want to go fifteen hundred feet either north or south on North Oak Trafficway, you would probably find more than one retail or owner along there that is, in some way, delinquent or is behind or has been in times past. I'm interested in the findings of Mr. Meyerdirk for a couple reasons. He mentions that there is some kind of an obsolescence about it and I would submit that when you look at the major shopping centers that have been built in the last five or ten years, these would be shopping centers or not covered malls, but open strip type shopping centers, they're all the same. They're either rectangular or square. They have parking out front. They have substantial parking. They have good view from the roadway and that's been the case here. I would respectfully submit that there's not anything obsolete about it at all. There's been mention made that, in some way, it's been allowed to deteriorate and become dilapidated and we would

respectfully submit that that's not the view of the eye of the local Chamber of Commerce. What Mr. Byers is going to present you is an award that was received by Gladstone Plaza from the local chamber commenting and complimenting them for having a fine and a wonderful shopping center. That was about six and a half years ago, but I hope most of you are very well acquainted with what that shopping center looks like. Some of you may have patronized some of the businesses in that particular store, but I find it interesting that this store, in the space of six and a half years, has gone from being the object of an award from the local Chamber of Commerce to a blight study by this company that's been hired. I am interested and find it most interesting that Mr. Meyerdirk would mention that, in some form or another, this shopping center is a menace to the public health.

If that were the case and it was, in fact, a menace to the public health, certainly the Clay County Prosecuting Attorney would have been in here and filed some sort of an action to close it down or stop it or prevent it from continuing to

be a menace to the public health. The State of Missouri has something known as the Division of Health and one of their responsibilities under Missouri statute is to be sure that unhealthy, unsanitary and conditions that might become a menace to the public health are prevented from occurring or cleaned up if indeed; in fact, they are. I haven't seen any evidence like that at all in this presentation. Now, there are a lot of conclusions, very conclusory statements and there's reading of this Missouri statute and because there's trash that's sitting in a trash bin, if you noted carefully and if you looked at one of the photographs about the so-called refuse and debris, it's in trash bins. Now, I drove by the rear end of that shopping center an hour and a half ago. There wasn't any debris out there at all. I don't know when Mr. Meyerdirk or the photographer was out there, but I would think that, among other things, for you to treat this eighty-six year old woman fairly and properly like you maybe hoped she would treat you if your positions were reversed, you would want to see

some real honest to God hardcore facts that somehow this is a menace to public health. I would respectfully submit to you that that has to be present for you to even consider declaring this a blighted area. I've talked about the real estate taxes and there's something mentioned in the Missouri statute about - there's something about immoral or amoral conduct or anything like that. Well, never since 1965 has there ever been any sort of X-rated bookstore or any other similar bookstore. There isn't there now and believe me, if you knew Mrs. Wolfe like I do, there will never be one in that facility as long as she is alive, but if there is something that's amoral about that shopping center or it is creating or contributing to some kind of an amoral atmosphere, where are the complaints from the police department describing that, "We've had twenty-three arrests for this or that or the other", or "We've had incidents." Where's the chief of police in here testifying in front of you saying, "This is a place that's contributing to an amoral atmosphere." I submit to you that in order for

you to make this finding, you have to have hard evidence, not conclusory statements, some little blither read off of the Missouri statute. There is some mention in the statute about disease and this might be a place that could, in fact, create or establish a disease spreading. I have not read anything in the newspapers about any outbreaks of disease in Gladstone, Missouri or Clay County, Missouri, if indeed that is the case. Again, this gets back to the public health issue and where are the representatives of the Division of Health of the State of Missouri or Clay County's Public Health Department that will come in here and offer you honest to God facts and say, "We've been in here. This situation, for whatever reason that might exist, is indeed creating a problem. It is creating a condition or a situation that breeds disease." There's been a total absence of that. I don't know how you can think about or even consider for a moment making a finding that this is a blighted area unless that kind of evidence is present and it's not here. You have a lawyer who lives in Mission Hills, Kansas stand up here and

tell you that this place is diseased, it's blighted, it's out of this, it's out of that and it would respectfully submit it's all conclusory, any statements and photographs. Well, if the place is as blighted as Mr. Meyerdirk seems to suggest to you that it is, the folks that own and operate Bank Midwest must be the biggest fools on the planet because they, very recently, came in here and built a very nice building at the very front end of that facility. My guess is, most bankers are pretty bright folks and if they can't have access to their bank facility from North Oak Trafficway that was reasonable so they could serve their customers, they wouldn't build something there. I think that kind of runs in the face and counter to what is being suggested to you tonight.

Our request is that you open your eyes and think about that. There was another fairly new facility called Advance Auto Parts that's sitting there, access. That's a retail operation. They depend on people walking in, buying the goods that are offered for sale in that particular store and leaving and walking out. It's quick in and quick

out because most of the goods in that store are not terribly high priced, so they have to have a high volume. Most retailers like that do a pretty careful job of determining traffic flows and what the twenty-four hour traffic counts are up and down North Oak Trafficway and what the access is in and out of. Something is not right here. We would respectfully suggest they haven't come close to meeting their burden that this is a blighted area and on behalf of a lovely eighty-six year old woman who owns Clay County Realty and that owns this center and the adjacent parcels, we ask that you say no to their request. Thank you very much.

MAYOR SMITH: Mr. Holbrook, can I ask you just a couple things. First of all, Mr. Byers, if we could, I would like to get a photocopy, if you would walk back with our clerk or something, so that we may enter that plaque as an Exhibit on your behalf.

MR. HOLBROOK: Thank you, Mayor. We will be happy to do that.

MAYOR SMITH: Sure, and secondly, Mr. Holbrook, you--

MR. BYERS: This award was presented at the a banquet and I'm very proud of it.

MAYOR SMITH: Thank you. This will become Exhibit Number Fifteen. Thank you. You addressed some of the issues and I appreciate your diligence in that, but could you take a stab at the issue of economic blight? You mentioned Bank Midwest and Advance Auto Parts, but the total tract consists of about forty or forty-one acres. What would be your opinion of that as compared to other retail areas, for example, and other forty acre tracts that might be doing a little bit more business than they are.

MR. HOLBROOK: The total real estate parcel is large, I agree. I think less than half of the real estate acreage, I think about twenty acres, is it twenty-eight that's undeveloped? Twenty-eight is undeveloped, so that would leave about twenty-three that's either under asphalt or concrete or underneath some kind of a store. I can't tell you what the wisdom of Al Wolfe was in 1965 or acquiring that real estate, whether he intended to expand the center or make it available

for either single or multifamily housing. It's there. It's available for development, but because it is there, that per se doesn't mean that it's somehow created an economic obsolescence in a portion of the City of Gladstone, Missouri; that's as good as I can do.

MAYOR SMITH: Does the Council have any questions of Mr. Holbrook? Thank you, sir.

MR. HOLBROOK: Okay. Thank you very much.

MAYOR SMITH: Is there anyone else who would like to offer any comments in opposition to the staff recommendation that this property be declared blighted? I'm seeing none. I would like to ask anyone in the audience who would like to make any comments in support of the staff recommendation to step forward please. Step to the podium and give us your name and address please.

MR. NORRIS: My name is Roger Norris and I live at 6805 North Walnut. It's been a long time since I've been in this chamber and I notice you've upgraded your chairs and microphones. So I didn't have to come up twice, I would like to extend to the staff my continued pride in the way they've conducted themselves. Mr. Davis, one of the nicest most compassionate men I've ever known. I couldn't have dreamed for a better person to lead the ship during this crisis that we've been under. Thank you so much and your staff. On this blight, as most of you know, I'm not a big TIF supporter and I kind of fall into the school of other things, but there are times when things are needed. If you would listen to the presentation

given by the staff and their representative, you could add the statement and has for years to everything he said and be accurate. We have an obligation, as citizens, to support our businesses. We have an obligation to cities to protect our businesses and give them an environment in which they can grow. We're not so interested in property tax value as we are in sales tax value, when it comes to sales. I used to go and get my hair cut at Clyde's. Clyde McIntyre was my barber and he would complaint, fifteen to twenty years ago, about the inability for himself or the management company to do upgrades on his facility and he was just a little barber. If we look at the bank and the auto parts store out front, maybe even Rod's Hallmark, they generate quite a bit of traffic, but it's hard to not notice the big vacant building on the back side that used to be a grocery store that served those of us that live across the street in Hamilton Heights and the surrounding area. There's always been a trash heap behind that place and as far back as when I was a kid and we were

over there on our minibikes and our motorcycles, there's always been tires and wood, people's trash. That's not going to change and hasn't changed. While I didn't drive behind that center today, I did drive behind that center last weekend and it is a trash dump. It's not painted. It's not kept up and never has been. I would also like to address the giving of the presentation. I remember the discussion around that presentation, I think I was either Mayor Pro Tem or Mayor of this city at the time, and we had hoped that Mrs. Wolfe had finally gotten to the point where she was going to start to upgrade the facility to generate more tax dollars. One of the differences we had between Gladstone Plaza Shopping Center and the Prospect Plaza Shopping Center is we had a developer willing to work with the city. I think we would all agree that's been a successful venture. Home Depot has certainly been a successful venture and I hope that even taking these steps, that this will be a successful venture also. Those of us on the west side of town certainly deserve someplace decent to shop

close to home, certainly would like to see something along the lines of a restaurant, a grocery store that's close. It's an elderly community in Hamilton Heights over there. Many of my neighbors are old and don't like to venture out very far and they find themselves down at Vivion or up at Barry or going all the way through town to get over to the grocery stores on Antioch Road.

I certainly encourage anything that the City Council and the city staff wants to do to that property because I know they have the interests of the citizens of Gladstone and those of myself included in their thought processes. Also, for the record, Mayor, I would like to note that former Mayor Nodler is ill tonight and could not be here, but he certainly echos all of my words and we appreciate your guidance. Thank you very much.

MAYOR SMITH: Very good. Thank you. Anyone else?

MS. ALEXANDER: Ann Alexander, 6767 North Askew Circle. I was privileged to serve on the group that looked at preservation in Gladstone and what had been obvious to me before became very obvious

that we're landlocked. We can only go so far. That shopping center needs help and when I heard that that might be coming, I was enthused. I live close to Prospect Plaza. That's a charming place compared to what it was and to have that would provide more jobs, more business, all of which would benefit Gladstone. I'm in favor of it.

MAYOR SMITH: Thank you.

MR. HALL: Good evening, Mayor, City Council Members. Thank you for the opportunity to speak with you this evening. My name is Pete Hall and I live at 5621 North Clinton Place in Gladstone. Even though it's not entirely on the subject, I too would like to commend the city staff and the volunteers and the Council for serving the Public Safety Department for what they did during this tragedy on May 4th. Be very proud. The residents of this city owe everybody a big thank you. I was not effected directly by that tragedy, but my thanks goes out to Public Safety, city staff and certainly the Council. I'm here on behalf of Northland Redevelopment Partners, public, private partnership. It's made up of the North Kansas

City School District, municipalities, North Kansas City, Kansas City, Missouri, Gladstone, both Clay and Platte County, residents, the neighborhoods in the older part of Clay and Platte County. In fact, Northland Redevelopment Partners focuses its efforts on redevelopment to enhance the quality of life, not just new development and Greenfields. These are much easier to do and we see a lot of it. We're very fortunate in the Northland to see a lot of Greenfield developments, both commercial and residential. It's much more difficult to do redevelopment and this process this evening is a good example of how difficult it really can be. However, the majority of the population in our area in Clay County, certainly in Gladstone, are in areas that have to be redeveloped. We don't have the Greenfields to develop, so we do have to go through uncomfortable situations. Certainly, they're not directed personally at Mrs. Wolfe or any other individual; it's a process. It's a process to allow redevelopment for Mrs. Wolfe or anyone who happens to own that shopping center or that property. Many of you are familiar with

Chouteau Crossing. Last year, Northland Redevelopment Partners focused on Chouteau. We were able to get approximately five million dollars through refinancing TIFs and through applying with the federal government to widen Chouteau Trafficway to a four lane trafficway, as well as get about a million dollars for the neighborhoods that surrounded that new development. We're very proud of that fact and this year, we're focusing on North Oak Trafficway, North Oak, starting in North Kansas City at Burlington, going all the way to the improvements at Kansas City, Missouri to the north side of Gladstone. Gladstone is a portion of that. Gladstone Plaza is a very big portion and it would go a long way towards our efforts to help the redevelopment along North Oak; it's in dire need.

We believe that a diamond could be made out of a cold and deteriorated commercial. It's our hope that this Council will look at this blight study and it certainly is our recommendation that you accept the blight study for what it is and begin the process, the exciting process of redevelopment

for Gladstone Plaza. Thank you.

MAYOR SMITH: Thank you, sir. Is there anyone else who would like to-

MR. DAVIS: Mr. Mayor, members of the Council, I'm Dick Davis, 3612 North Brooktree Circle and today, I'm representing the Gladstone Economic Betterment Council. Several members of that Council are with us tonight. Last week, our Council unanimously endorsed a resolution supporting the designation of blight. I think that our Council was unanimous in support of this. We think the timing is excellent. We think we can't afford the delay. We think that the only reason it's on the agenda today is because you have not received responses from your previous efforts to resolve this without this particular action. We also think that further delay may, in fact, accelerate the problems that you have there, so it's critical that you move ahead and we would recommend your approval.

MAYOR SMITH: Thank you.

MS. POPE: Mayor Smith and Council people, I'm Monica Pope at 8717 Northeast Lathrop Drive. I'm

Chair Elect of the Gladstone Area Chamber of Commerce Board of Directors and the Board of Directors has unanimously adopted the resolution supporting the redevelopment of Gladstone Plaza due to its current condition and the deterioration over the past several years. Thank you.

MAYOR SMITH: Thank you.

MS. Musfeldt: My name is Cindy Musfeldt. I live at 6000 North Main on the west side of Gladstone not far from Gladstone Plaza. I'm here basically just to represent those of us that need a place to put our dollars in Gladstone. Gladstone Plaza has basically become a place to drive by in recent years. There's been no reason to stop, save for an occasional trip to the license bureau and now that's going to be once every two years instead of once every year. It may have received an award six and a half years ago. I remember many years ago when it was an excellent place to shop. I think it was anchored originally by maybe a TG&Y and a Sears Surplus and many places in between. I don't want Gladstone to become a place to drive through to get somewhere else and, Mr. Smith, in

your words, when you were talking about the tornado relief, I think it applies to this when tonight you said, "We do good things here and we do them right." I'm in support of the redevelopment. Thank you.

MAYOR SMITH: Thank you.

MR. HAMPTON: Good evening, Council, staff members.

I'm Jim Hampton, Clay County Economic Development Council. I think you have a very difficult decision before you tonight. I think anytime that you're talking about an area and considering the definition of blight, it's certainly something that shouldn't be taken lightly and I certainly can tell from the paperwork and talking with staff, this has been something that's been under consideration for a great amount of time. As Roger said, for some time, it's an area that's needed work. When we look at the county and the different areas, we certainly want to represent all the county. I would like to tell you and I would like to read a paragraph here from our letter, "We, in Clay County, need to be ever vigilant in our efforts to keep our existing

commercial and business areas as competitive as possible. Only by doing so, can we provide for our residents quality products and services in a safe and convenient area close to the neighborhoods they choose to live in. Neglect of these areas leads to the loss of tax revenues that leads to reduction in service that, in turn, begins a downward cycle that is detrimental to all residents. The Clay County Economic Development Council supports the efforts of the City of Gladstone designed to work with existing property owners and/or others to revitalize and improve the quality of life for all our residents." Thank you.

MAYOR SMITH: Thank you, Mr. Hampton. Anyone else?

MS. SMITH: My name is Shirley Smith. I live at 103 Northeast 67th Street. You all know that I'm an immediate past Council member and I've been involved in this project for a long time. This is a major piece of the puzzle that, when finished, is going to be a beautiful new Gladstone. Councils of the past have taken steps to promote projects that have benefitted this city and we're

still thanking them and appreciate their foresight. This Council now has the opportunity to take a step which will benefit the city for years to come. You have an outstanding staff that has supplied you with all the information you need to make wise decisions. The future of Gladstone Plaza, good or bad, whatever it may be, rests on your determination tonight and your decision and I can't speak for anyone else but myself, but I will tell you, as a citizen, that I will be overjoyed to see this long awaited and needed project finally underway. Thank you.

MAYOR SMITH: Thank you.

MR. McCLURE: Lynn McClure, Economic Development Administrator, reading for you tonight Exhibit Number Fourteen, which was a letter from Mike Guidry, the Pizza Street owner, who's now located in Creekwood Commons. This is written to the Gladstone City Council, "Dear Sirs and Madam, as a former tenant of Gladstone Plaza Shopping Center located at 64th Street and North Oak Trafficway, I would like to share with you some of the conditions I experienced while conducting business

at that location. Operating a business at this shopping center was very challenging for a number of reasons. First, the relationship the owner of the plaza maintained with the tenants was never satisfactory. Second, the location was less than desirable, despite its potential for success. Third, attracting and maintaining a customer base was further diminished due to concerns about security. After operating Pizza Street Restaurant at Gladstone Plaza Shopping Center for five years, I was saddened by the fact that I was forced to leave the area in order to sustain my business. Edith Wolfe of Clay County Realty Company was the owner, but contracted with Ray Byers as a consultant. Although Mr. Byers was a local representative and responsible party for the shopping center, he never behaved as such. The lack of cooperation and concern for the viability of the shopping center by the ownership became increasingly evident. The tenants were left without assistance with day to day maintenance of everything at the plaza from the parking lot to the pylon sign. Because of the condition of the

plaza, it attracted vandals and the dumping of trash, but the owner showed little concern. Trying to contact the owner was a major chore on its own. Achieving resolve for the problems was nearly impossible. The second problem with operations at Gladstone Plaza was the poor level of business generated at the location. A number of conditions existed into a serious detriment to the existing business. Some of these conditions were a lack of traffic generating shops in the plaza, lack of maintenance to the building and property, poor lighting conditions, lack of snow removal in winter, lack of updating to the aging shopping center and poor visibility from the roadway. These conditions continued to compound and drive tenants, as well as customers, away from the plaza, further adding to the problem. It was evident that Mrs. Wolfe was unwilling to leave the past behind and transition into the modern world.

Her emotional attachment to the shopping center as it was constructed by her late husband prevented her from remodeling the facility in any way. The viability of the entire shopping center

has now been compromised as a result. Security was the third difficulty for my business at Gladstone Plaza. As one of the most affordable restaurant options for large groups, Pizza Street attracted a lot of families, sporting teams after games and parties. I was approached and informed by several of the soccer mom patrons that concerns about safety at Gladstone Plaza made them feel uneasy. When a mother tells you she's afraid to drop off her child for a birthday at your restaurant, it's a genuine cause for alarm. Not only was the lack of sense of security caused by graffiti and poor lighting mentioned above, it was a whole part of the image of Gladstone Plaza Shopping Center. The image conveyed by Mrs. Wolfe - Mrs. Wolfe's property was that this was a bad neighborhood and my primary customers, I had to take the complaints of my family oriented customers seriously. In summary, Gladstone Plaza Shopping Center is not a successful venture for the City of Gladstone, nor will it be successful under current circumstances. Although I enjoyed being a part of the community in Gladstone and had

loyalty to stay, I had no choice but to pursue a better location for my business. I have since experienced that operating a business in a shopping center does not have to be such a challenge. My new location for Pizza Street is Creekwood Commons at Englewood and North Oak and has been a tremendous success. The property is very well maintained and kept up to date. The tenant base attracts a wide range of clientele. At Gladstone Plaza where my average client was low to moderate income, the patrons at my Creekwood restaurant range from families to shirt and tie clad professionals on their lunch break. My gross receipts have more than tripled since the relocation. This success has allowed me to spend less money on marketing, less than one percent versus five or ten percent at the old location, and more money on expansion. My business has blossomed from two modest Pizza Street locations to seven located metro-wide. Two additional locations are planned for a total of nine restaurants. The experience of operating at a failed shopping center like Gladstone Plaza and a

successful shopping center like Creekwood Commons has opened my eyes to the possibilities. I hope that by sharing my story, it will open the eyes of the City Council, as well, so that Gladstone can grow and thrive as a community. If you have any questions or wish to discuss further any of this information, please don't hesitate to contact me.

Sincerely, Michael Guidry, owner of Pizza Street Restaurant."

MAYOR SMITH: Thank you, Mr. McClure. Is there anyone else who would like to address the Council in support of the recommendation to declare this property blighted? Final comments and a summary by the staff please.

MR. WINGERTSON: Mr. Smith, I would like to thank everybody who's in attendance tonight and provided information for the City Council's decision making process. We would like to close with two things.

Number one, Mr. Meyerdirk was very modest in his qualifications. Not only is he a lawyer with impeccable qualifications, three-quarters of a page worth in the blight study, he's also a real estate expert. From 1990 to 1995, Mr. Meyerdirk

served as Chief Operating Officer and general counsel for Re/Max regions where he had direct responsibility and management of a seven state master franchise operation with three hundred reporting real estate offices and twenty-five hundred sales associates. From '83 to '90, Mr. Meyerdirk was president and owner of Meyerdirk Title Company, a startup title insurance company sold in 1990 to Stewart Title Guaranty Company, Houston, Texas. Meyerdirk Title was the largest commercial and residential title insurance operation in the greater Kansas City area and specialized in complex commercial real estate transactions, reinsurance structuring and servicing of large residential real estate franchise operations. Mr. Meyerdirk is certainly qualified. The next page of professional qualifications, Mr. Meyerdirk indicated the firms that Integra Real Estate has assisted, their current clients, a full page in very small type. Mayor Smith and members of the City Council, we recommend that the City Council exercise its legislative discretion and authority and declare

the legally published areas generally known as Gladstone Plaza as blighted. Thank you.

MAYOR SMITH: Thank you. With that, we will close the public hearing. I would like to thank everyone who came forward this evening with their testimony.

(End of Public Hearing)

Item ten on the agenda, the first reading of **bill 3-11**, "Finding that a certain area is blighted as defined in Chapter 353 RSMO 2001 and finding that the redevelopment of such area is necessary in the interest of the public health, safety, morals and general welfare of the citizens of the City of Gladstone."

MAYOR PRO TEM BEER: Mayor Smith?

MAYOR SMITH: Mayor Pro Tem Beer?

MAYOR PRO TEM BEER: I would like to move to place bill number 3-11 on its first reading.

COUNCILMAN RUDI: Second.

MAYOR SMITH: Thank you. I have a motion and a second. Any discussion? All in favor, indicate by saying aye.

(All said aye)

MAYOR SMITH: Opposed, the same sign.

(No response)

MAYOR SMITH: Madam Clerk, would you read the bill please?

MS. SWENSON: First reading bill 03-11, "Finding that a certain area is blighted as defined in Chapter 353 of the Revised Statutes of Missouri and find that the redevelopment of such area is necessary and in the interest of public health, safety, morals and general welfare of the citizens of the City of Gladstone."

MAYOR PRO TEM BEER: Mayor Smith?

MAYOR SMITH: Mayor Pro Tem Beer?

MAYOR PRO TEM BEER: I move to accept the first reading of bill number 03-11, to waive the rule and place the bill on its second and final reading.

COUNCILMAN RUDI: Second.

MAYOR SMITH: A motion and a second. Any discussion? All in favor say aye please. (All said aye)

MAYOR SMITH: Opposed, same sign.

(No response)

MAYOR SMITH: Madam Clerk?

MS. SWENSON: Second reading, bill 03-11, "Finding that a certain area is blighted as defined in Chapter 353 of the Revised Statutes of Missouri and find that the redevelopment of such area is necessary in the interest of the public health, safety, morals and general welfare of the citizens of the City of Gladstone."

MAYOR PRO TEM BEER: Mayor Smith?

MAYOR SMITH: Mayor Pro Tem Beer?

MAYOR PRO TEM BEER: I move to accept the second and final reading of bill number 03-11 and to enact the bill as ordinance number 3.865.

COUNCILMAN RUDI: Second.

MAYOR SMITH: A motion and a second. Any discussion? Councilman Rudi?

COUNCILMAN RUDI: I just have one comment. For the past year and a half to almost two years, when other people have asked me what we can do about the situation at Gladstone Plaza. I'm very pleased with what happened at Prospect Plaza and would like to see the same kind of thing take

place here and for those people, I am going to be in favor of this finding.

MAYOR SMITH: Thank you. Anyone else? I would just like to add for the edification of the audience, that establishing this area and declaring it as blighted allows the city, for all intents and purposes, to enter into an offer, if you will, with a developer for private purposes and you've heard some reference to the Prospect Plaza, which is the Hen House/Hobby Lobby Center and to Home Depot and although they were done by a different instrument, both of those projects received some incentives, if you will, some help, some partnering up from the City of Gladstone and have proven to be very fruitful for the community.

Now, I guess I understand that something can look blighted to one person and not another, but that's not what it's about. It's not about opinion.

It's about the cold hard facts and the cold hard facts are that the Gladstone Plaza is underperforming as a retail area and that is kind of the economic engine that drives the entire west side of our city and that eight cylinder engine,

if you will, is operating on about one and a half cylinders. It is time to do something. We need to do that for the well-being of our community. We need to do that to protect those who have made investments, including the ones mentioned by the owners and the representatives and to protect those investments for those people who've made substantial investments on Oak Street and more importantly, to provide services for our residents on the west side of the community. With that, I will be voting in this, as well. Madam Clerk, would you call the role, please?

MS. SWENSON: Certainly. Councilman Joe Evans?

COUNCILMAN EVANS: Aye.

MS. SWENSON: Councilman Carol Rudi?

COUNCILMAN RUDI: Aye.

MS. SWENSON: Councilman Bill Cross?

COUNCILMAN CROSS: Aye.

MS. SWENSON: Mayor Pro Tem Wayne Beer?

MAYOR PRO TEM BEER: Aye.

MS. SWENSON: Mayor Les Smith?

MAYOR SMITH: Aye. Bill 03-11 has been enacted as ordinance number 3.865.

Item 10-A is first reading of **bill 03-12,**

"Establishing the procedure for the redevelopment of the Gladstone Plaza redevelopment area, providing for financial reporting by an urban redevelopment corporation for the City of Gladstone and establishing the duties of the executive branch of the city relative thereto, incorporating the urban redevelopment corporations law found at Chapter 353, Revised Statutes of Missouri, 2001 and containing the severability clause."

COUNCILMAN CROSS: Mayor Smith?

MAYOR SMITH: Councilman Cross?

COUNCILMAN CROSS: I move to place bill 03-12 on the first reading.

MAYOR PRO TEM BEER: Second.

MAYOR SMITH: A motion and a second. Any discussion? All in favor, indicate by saying aye.
(All said aye)

MAYOR SMITH: Opposed, same sign.

(No response)

MAYOR SMITH: Madam Clerk, would you read the bill please?

MS. SWENSON: First reading bill 03-12,
"Establishing the procedure for the redevelopment
of the Gladstone Plaza redevelopment area,
providing for financial reporting by an urban
redevelopment corporation for the City of
Gladstone, establishing the duties of the
executive branch of the city relative thereto,
incorporating the urban redevelopment corporations
law found at Chapter 353, Revised Statutes of
Missouri, 2001 and containing a severability
clause."

COUNCILMAN CROSS: Mayor Smith?

MAYOR SMITH: Councilman Cross.

COUNCILMAN CROSS: I move to accept the first
reading of bill number 03-12, waive the rule and
place the bill on the second and final reading.

MAYOR PRO TEM: Second.

MAYOR SMITH: I have a motion and a second. Any
discussion? All in favor, indicate by saying aye.
(All said aye)

MAYOR SMITH: Opposed, same sign.
(No response)

MAYOR SMITH: Madam Clerk?

MS. SWENSON: Second reading, bill 03-12,
"Establishing the procedure for the redevelopment
of the Gladstone Plaza redevelopment area,
providing for financial reporting by an urban
redevelopment corporation to the City of Gladstone
and establishing the duties of the executive
branch of the city relative thereto, incorporating
the urban redevelopment corporations law found at
Chapter 353, the Revised Statutes of Missouri,
2001 and containing a severability clause."

COUNCILMAN CROSS: Mayor Smith?

MAYOR SMITH: Councilman Cross?

COUNCILMAN CROSS: I move to accept the second
final reading of bill 03-12 and enact the bill as
ordinance number 3.866.

MAYOR PRO TEM: Second.

MAYOR SMITH: A motion and a second. Any
discussion? Call the role please.

MS. SWENSON: Councilman Joe Evans?

COUNCILMAN EVANS: Aye.

MS. SWENSON: Councilman Carol Rudi?

COUNCILMAN RUDI: Aye.

MS. SWENSON: Councilman Bill Cross?

COUNCILMAN CROSS: Aye.

MS. SWENSON: Mayor Pro Tem Wayne Beer?

MAYOR PRO TEM BEER: Yes.

MS. SWENSON: Mayor Les Smith?

MAYOR SMITH: Aye. Bill 03-12 has been enacted as ordinance number 3.866.

Item number eleven is resolution number 03-36, authorizing execution of a contract with the City of Kansas City, Missouri for emergency storm debris removal in the aftermath of the tornado of May 4th, 2003.

COUNCILMAN CROSS: Mayor Smith?

MAYOR SMITH: Councilman Cross?

COUNCILMAN CROSS: I move to adopt resolution 03-36.

MAYOR PRO TEM BEER: Second.

MAYOR SMITH: A motion and a second. Is there any discussion? All in favor, indicate by saying aye.
(All said aye)

MAYOR SMITH: Opposed, same sign.

(No response)

MAYOR SMITH: Resolution 03-36 has been adopted.

Item number twelve is other business.

REPORTER'S CERTIFICATE

I, JANET H. WIMER, Certified Court Reporter, Certified Shorthand Reporter, Certified Verbatim Reporter, do hereby certify that I personally appeared at the taking of the proceeding as set forth in the caption sheet hereof; that I then and there took down by use of the Stenomask closed microphone, the proceedings had at said time and that the foregoing is a full, true and correct transcript of such proceeding.

Janet H. Wimer, CCR-CSR-CVR

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Item 12. on the Agenda.

OTHER BUSINESS

There was no other business.

Item 13. on the Agenda.

QUESTIONS FROM THE NEWS MEDIA

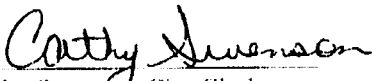
There were no questions from the News Media.

Item 14. on the Agenda.

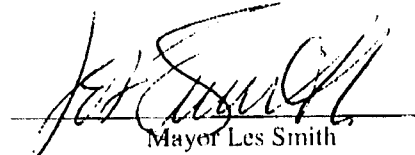
ADJOURNMENT

Mayor Pro Tem Wayne Beer moved to adjourn the meeting. Councilman Carol Rudi seconded. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. Mayor Les Smith. (5-0)

Respectfully submitted:


Cathy Swenson, City Clerk

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


Mayor Les Smith

CITY COUNCIL MEETING
GLADSTONE, MISSOURI
TUESDAY, MAY 27, 2003

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

The City Council will hold a Closed Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel.

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 12, 2003 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing the retirement of **Jeannie Carlile**, Head of School of **Oakhill Day School**, following a career of thirty years.
- 4b. **PROCLAMATION:** in observance of the 20th anniversary of **The Assistance League of Kansas City**.
- 4c. **PROCLAMATION:** of appreciation to the City of Gladstone employees and community volunteers who provided exemplary service to the City of Gladstone following the tornado of May 4, 2003.
- 4d. **PROCLAMATION** of appreciation to the cities and public entities that provided invaluable assistance to the City of Gladstone in the aftermath of the tornado of May 4, 2003,
- 4e. **PROCLAMATION:** designating the month of May 2003 as "**National Public Works Month**" in Gladstone, Missouri, as sponsored by The American Public Works Association.
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-37, ratifying and affirming the actions of the City Manager in executing an agreement with Christopher Contracting & Construction, and one addendum for emergency removal of 40,000 cubic yards of storm debris in the aftermath of the tornado of May 4, 2003.

RESOLUTION NO. R-03-38, authorizing the Mayor and the City Manager to execute a Law Enforcement Traffic Services Grant application with the Missouri Division of Highway Safety.

RESOLUTION NO. R-03-39, ratifying and affirming the actions of the City Manager in executing an agreement for emergency security assistance by the Missouri State Highway Patrol in the aftermath of the tornado of May 4, 2003.

APPROVAL OF FINANCIAL REPORTS for the month of April 2003.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. Community Development Corporation (CDC) Appointment.
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** request to rezone from R-1, Residential to CP-O, Non-Retail Planned District at property at the NW corner of NW 55th Terrace and North Broadway and legally described as Lots 3 & 4, Old Pike Ridge Subdivision. Applicant: City of Gladstone. Owner: City of Gladstone (File #1190)
- 9a. **FIRST READING BILL 03-13**, rezoning property at the NW corner of NW 55th Terrace and North Broadway from R-1 (Residential District) to CP-O (Commercial District-Planned). Applicant: City of Gladstone. Owner: City of Gladstone (File #1190)
- 9b. **FIRST READING BILL 03-14**, approving a Site Plan in Conjunction with a rezoning of property located at the NW corner of NW 55th Terrace and North Broadway subject to certain conditions. Applicant: City of Gladstone. Owner: City of Gladstone (File #1190)
10. **FIRST READING BILL 03-15**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone for west bound traffic from the intersection of Northeast 57th Terrace and M-1 rights-of-way easterly approximately 350 feet and correcting the previous number on a "No Parking" zone on North Indiana.
11. **PUBLIC HEARING:** on the proposed 2003-2004 Annual Operating Budget for the City of Gladstone, Missouri.
12. Other Business
13. Questions from the News Media.
14. Adjournment.

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
TUESDAY, MAY 27, 2003**

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular May 27, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR MAY 12, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the **Regular May 12, 2003, City Council Meeting Minutes** as presented. Councilman Bill Cross seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 4a. on the Agenda. Mayor Les Smith invited City Council members to join him in attending the retirement celebration for Oakhill Day School Head of School, Jeannie Carlile, Thursday, May 29th, at 9:00 AM, at Oakhill Day School. Mayor Smith will present at the celebration a proclamation from City Council and the City recognizing Ms. Carlile's retirement.

Item 4b. on the Agenda. Mayor Les Smith read a **PROCLAMATION** in observance of the 20th anniversary of the Assistance League of Kansas City. Mary Cross of the Assistance League was on hand to accept the proclamation and thanked Mayor Smith, City Council members, and the City for their support of the Assistance League of Kansas City. The Assistance League Center was opened for two days following the tornado of May 4th to assist children from such areas as Northmoor and Chapel Hill.

Item 4c. on the Agenda. Councilman Carol Rudi read a **PROCLAMATION** of appreciation to the City of Gladstone employees and community volunteers who provided

exemplary service to the City of Gladstone following the tornado of May 4, 2003. City Manager Kirk Davis accepted the proclamation.

Mayor Smith remarked that the City employees went far beyond earning a paycheck and exemplified public service. Mayor Smith stated, as a life long resident of Gladstone, he feels this is why people live in our community, and why people whose homes were destroyed are rebuilding in our community. Mayor Smith asked that congratulations on a job well done be passed on to all City employees.

Councilman Carol Rudi asked that this appreciation be shared with the families of the employees, as employees dedicated a great deal of time away from home to assist the community in the aftermath of the storm.

City Manager Kirk Davis thanked Mayor Smith and City Council members and stated that there were employees who did not receive time off from work until the Sunday following the storm. The hard work that many employees performed was critical in the aftermath of the storm, and the City of Gladstone employees exemplified dedication to the community.

Mayor Les Smith stated he wished to commend the City Council members, all of whom assisted people following the storm. Mayor Smith remarked that Councilman Bill Cross, who lives in the area that received much damage from the storm, had people at his door asking questions and requesting assistance. Mayor Smith continued by saying that all City Council members were concerned, informed, and helped people during this time of crisis.

Item 4d. on the Agenda. Mayor Pro Tem Wayne Beer read a **PROCLAMATION** of appreciation to the cities and public entities that provided invaluable assistance to the City of Gladstone in the aftermath of the tornado of May 4, 2003. City Manager Kirk Davis accepted the proclamation.

Mayor Smith remarked that individual proclamations will be taken to the various communities that assisted the City of Gladstone following the storm.

Councilman Bill Cross stated he felt that was a good idea. Councilman Cross continued by saying the Carriage Hill Homeowners Association is having their summer banquet, Sunday, June 1st, and Councilman Cross would like to see a proclamation presented at the banquet.

Item 4e. on the Agenda. Mayor Les Smith read a **PROCLAMATION** designating the month of May 2003 as **"National Public Works Month"** in Gladstone, Missouri, as sponsored by The American Public Works Association. Public Works Director Andy Noll accepted the proclamation.

Mayor Smith congratulated Public Works Director Andy Noll on the good job he has done since becoming the director, and congratulated Mr. Noll on the good work that the Public Works staff does on a regular basis and in particular in the aftermath of the storm.

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

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as read. Mayor Pro Tem Wayne Beer seconded.

Councilman Rudi expressed her thanks to City staff for the Law Enforcement Traffic Services Grant application with the Missouri Division of Highway Safety.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-37**, ratifying and affirming the actions of the City Manager in executing an agreement with Christopher Contracting & Construction, and one addendum for emergency removal of 40,000 cubic yards of storm debris in the aftermath of the tornado of May 4, 2003. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-38**, authorizing the Mayor and the City Manager to execute a Law Enforcement Traffic Services Grant application with the Missouri Division of Highway Safety. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-03-39**, ratifying and affirming the actions of the City Manager in executing an agreement for emergency security assistance by the Missouri State Highway Patrol in the aftermath of the tornado of May 4, 2003. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS** for the month of April 2003. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There was no communications from the audience.

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

Councilman Joe Evans had no comments at this time.

Councilman Carol Rudi stated she hoped everyone had a nice holiday.

Councilman Bill Cross remarked that he visited the new Burnett's Lighthouse Frozen Custard shop and the owners happened to be there. The owners had very positive remarks about City Council members, City staff, and the cooperation they received from the City in establishing and opening their business.

Councilman Cross continued by saying that the Carriage Hill Homeowners Association had a brief meeting and decided to put up a sign thanking the City of Gladstone, the City of Kansas City, and all volunteers for their assistance to the Carriage Hill area following the tornado of May 4th. Mike Steffens, in cooperation with the Carriage Hill Homeowners Association, contacted an individual who donated the sign. Councilman Cross stated he hoped everyone has seen the sign.

Mayor Les Smith thanked Councilman Cross and stated the sign is very much appreciated.

Mayor Pro Tem Wayne Beer had no comments at this time.

Mayor Les Smith stated the City enjoyed a very exciting event – the Mid-American Intercollegiate Athletics Association (MIAA) Women's Softball Tournament, which was held May 3, 2003. Mayor Smith enjoyed the event and the opening ceremonies. Mayor Smith asked Parks and Recreation Director Sheila Lillis to give a brief report about the tournament.

Parks and Recreation Director Sheila Lillis reported that the MIAA hosted eight teams who played a double elimination tournament. Truman State University advanced to the regional tournament. Director Lillis mentioned that she visited with a Gladstone resident who moved into the City about four years ago. The resident happened to visit Happy Rock Park during the MIAA Tournament and stated she had been at many MIAA tournaments before, and she was so pleased with our tournament and stated she was very proud to be a Gladstone resident.

Mayor Smith thanked Director Lillis and the Parks and Recreation staff for a job well done. Mayor Smith mentioned there was one Gladstone resident on the roster of a team, and it was his cousin who attends Northwest Missouri State University.

Mayor Smith remarked that the Oak Grove Park Amphitheatre is looking very good, and construction is coming along very nicely.

Mayor Smith mentioned that he received a phone call from State Representative Dan Bishop who had met with a gentleman from the Department of Natural Resources (DNR) who would like to schedule some time to meet with City Manager Kirk Davis and Assistant City Manager Scott Wingerson regarding DNR redevelopment grants. Mayor Smith asked that contact be made with City Hall to set up a meeting.

Mayor Smith asked City Counselor Dave Ramsay to prepare a summary of the last legislative session to present to the City Council. Of particular note, the state sales tax holiday bill did pass both the House and the Senate, and the Governor intends to sign the bill. Mayor Smith is disappointed that although our city opposed the sales tax holiday bill, State Representative Philip Willoughby championed the cause the last couple of days of the session when the bill was passed. Mayor Smith would be interested in visiting with State Representative Willoughby to see what his thoughts are regarding the sales tax holiday.

7a. on the Agenda.
APPOINTMENT.

COMMUNITY DEVELOPMENT CORPORATION (CDC)

Mayor Les Smith asked City Council members to ratify the appointment of **Mayor Pro Tem Wayne Beer** as the City Council's representative to the *Community Development Corporation (CDC)*.

Councilman Bill Cross moved to ratify the appointment of Mayor Pro Tem Wayne Beer as the City Council's representative to the Community Development Corporation (CDC). Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis reported that from 8:00 AM to 12:00 Noon, discarded tires will be collected at Antioch Shopping Center. This is possibly an effort to deal with the West Nile Virus and to deal with tires that may have blown into people's yards from the recent tornado. Mid America Regional Council (MARC) and Clay County are sponsoring the effort.

Item 9. on the Agenda.

PUBLIC HEARING on a request to rezone from R-1 Residential to CP-O. Non-Retail Planned District, at property at the NW corner of NW 55th Terrace and North Broadway and legally described as Lots 3 & 4, Old Pike Ridge Subdivision. Applicant/Owner: City of Gladstone (File #1190)

Mayor Les Smith opened the Public Hearing and invited Assistant City Manager Scott Wingerson to begin the discussion.

Assistant City Manager Scott Wingerson began by saying that as the agenda notes, Staff is requesting two actions; the first is a zoning change from R-1 to CP-O, for office development; the second is approval of a site plan. Mr. Wingerson stated this is property that the City has owned for quite some time, and was originally acquired for the construction of a fire station. It was determined through a comprehensive analysis that this location was not the most appropriate site for a fire station and the location on North Oak is the more appropriate site to serve the entire community. The fire station will soon be under construction at the North Oak location. Mr. Wingerson stated that Staff requests that City Council declare this property as surplus and offer it for sale should this process move forward.

Mr. Wingerson reported, that in terms of the zoning change, in looking at the surrounding land use, there is an existing office building to the north; a planned office building to the south and to the east; a multi family area located in Kansas City, Missouri, to the west; and one single-family home located to the south. Mr. Wingerson stated it seems to make sense that the CP-O zoning for office development would be a good way to protect the values and livability of that part of the community. By developing the property as Planned Office, hours of operation may be controlled. The property value is too great to expect a single family home to be built. Mr. Wingerson said from a zoning perspective, Staff feels this is the best course to take.

Mr. Wingerson asked City Council members to direct their attention to the packet that was provided for the City Council meeting. The first pieces of information are the two bills that are proposed; the second is the Staff Report; the third is a rough elevation of a structure, which is from microfilm of the office building directly to the north, and is only shown to provide a residential style concept. Mr. Wingerson pointed out in the packet a plat map, which gives an idea of the structures and improvements in the area; an aerial photograph that highlights the subject property; a topographical exhibit that provides the general topography of the land; and finally the proposed site plan.

Mr. Wingerson explained the site plan is designed with a couple of things in mind. First and foremost is the design to protect the adjacent and across the street, single family homes. To that extent there is shown an extraordinary set-back buffer of 45 feet from the parking area. The normal buffer, depending on how the building was oriented, would be between 15 and 30 feet. There is illustrated a hedge row around the parking lot to protect the single family homes to the south, and significant tree planting to make a green corner. A parking lot layout to meet City codes is shown, with 20 foot parking spaces, 24 foot aisle space, and the parking ratio is satisfactory for a single story 3,800 square foot building, which is what is proposed.

Mr. Wingerson said flexibility comes in under Option B, which is summarized in the site plan exhibit. This option would allow for a two-story building to be constructed. Looking north, it would appear to be a single story structure, very similar as the building to the north, but below it would be a second story. A two story building, totaling 7,600 square feet, would require a shared parking agreement with the property owner to the north, and a single point of egress on Broadway, so both parking lots could share a point of access. Mr. Wingerson stated this option is designed to create flexibility to allow a multitude of possible developers to purchase the property and develop it into an office building.

Mr. Wingerson continued by saying the Staff Report follows up with a commitment to protect the neighborhood by limiting the hours of operation from 6:30 AM to 10:00 PM; limit truck delivery to the hours of 8:00 AM to 6:00 PM; trash pick up would be limited to the hours of 8:00 AM to 6:00 PM; prohibits the storage of tractor trailers; requires additional architectural design of exterior lighting to reduce impact; requires a monument style sign that complies with the Sign Code; from a public improvement standpoint, sidewalks would be required on 55th Terrace; and finally a proposed condition is the architectural design of the structure shall be residential in nature with an emphasis on compatibility with surrounding properties. The design would be approved by the City Council as part of the building permit approval process.

Mr. Wingerson remarked that if this is approved by City Council, and the property is offered for bid and sold, and if a developer wishes to develop the property, as in any other new development, the building permit would be presented to City Council for approval before the developer could move forward. The Planning Commission did a site visit and recommends unanimously that this be approved. There was some objection at the Planning Commission Public Hearing from Mr. Huston and Mr. Spottswood. Mr. Spottswood attended the site visit and it is believed he understands the purpose of the request. Mr. McDonald, who is another property owner in the vicinity of the property, is supportive of the process. Mr. Huston's questions were answered with school district information in regard to children being dropped off in the area. It is felt the neighborhood is supportive of this action.

Mayor Smith asked if there are sidewalks along North Broadway.

Mr. Wingerson replied, yes, there are sidewalks along North Broadway.

Mayor Smith asked if there was anyone who wished to speak in favor of this application.

There was no one who wished to speak in favor of the application.

Mayor Smith asked if there was anyone who wished to oppose this application.

There was no one who opposed the application.

As there were no comments from City Council or City staff, **Mayor Smith closed the Public Hearing.**

Item 9a. on the Agenda. **FIRST READING BILL 03-13**, rezoning property at the NW corner of NW 55th Terrace and North Broadway from R-1 (Residential District) to CP-O (Commercial District-Planned). Applicant/Owner: City of Gladstone. (File #1190)

Mayor Pro Tem Wayne Beer moved to place Bill 03-13 on First Reading. Councilman Bill Cross seconded.

Mayor Les Smith stated that as he has an ownership interest in property across the street from this property, although he has no opportunity to benefit directly from this action, he would like to abstain from voting on both Bill 03-13 and Bill 03-14.

The vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" – Mayor Les Smith. (4-1) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-13, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: "Aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" – Mayor Les Smith. (4-1) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of **Bill 03-13** and enact the Bill as **Ordinance 3.867**. Councilman Bill Cross seconded.

Discussion.

Councilman Carol Rudi stated she attended both Planning Commission meetings; the first where the neighbors were actively in opposition; and the second where the neighbors did not attend. Councilman Rudi said she felt the Planning Commission did a very good job in answering all the neighbors' questions.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" - Mayor Les Smith. (4-1)

Item 9b. on the Agenda. **FIRST READING BILL 03-14**, approving a Site Plan in Conjunction with a rezoning of property located at the NW corner of NW 55th Terrace and North Broadway subject to certain conditions. Applicant/Owner: City of Gladstone. (File #1190)

Councilman Carol Rudi moved to place Bill 03-14 on First Reading. Councilman Bill Cross seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" – Mayor Les Smith. (4-1) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-14, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" – Mayor Les Smith. (4-1) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of **Bill 03-14** and enact the Bill as **Ordinance 3.868**. Councilman Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" – Mayor Les Smith. (4-1)

Item 10. on the Agenda. **FIRST READING BILL 03-15**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone for west bound traffic from the intersection of Northeast 57th Terrace and M-1 rights-of-way easterly approximately 350 feet and correcting the previous number on a "No Parking" zone on North Indiana.

Councilman Bill Cross moved to place Bill 03-15 on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-15, Waive the Rule and Place the Bill on Second and Final Reading; Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of **Bill 03-15** and enact the Bill as **Ordinance 3.869**. Mayor Pro Tem Wayne Beer seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **PUBLIC HEARING** on the proposed 2003-2004 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Les Smith invited City Manager Kirk Davis to discuss the proposed 2003-2004 Annual Operating Budget for the City of Gladstone, Missouri.

City Manager Kirk Davis began by saying that as he looked around the room he believed that 99 percent of the people present were involved with 95 percent of the activities pertaining to the budget, so he will be more brief in his report than he would have been if there were more people present who were not involved.

City Manager Davis stated that the proposed Annual Budget for Fiscal Year 2004 represents the strategic, administrative, and financial plan for the City of Gladstone. The budget is a product of a comprehensive team effort from every level of the municipal organization, and is intended to serve as a policy document, a financial plan, an operations guide, and a communications device. City Manager Davis expressed his appreciation for the City Council's willingness to listen to City Staff's thought processes during the recent budget study sessions, and stated this budget was very difficult. City Manager Davis remarked that this budget proposes not only to hold the line on operational expenditures, but to decrease expenditures throughout the line items, and cut programs.

We must be vigilant in monitoring costs for the next year. It has been our objective, City Manager Davis reported, to avoid layoffs, continue to reward employees for their service, to avoid reductions in service, and to be financially responsible. City Manager Davis stated that several positions have been consolidated during the past two to three years, and effort will be made to continue to look for consolidation benefits when positions become open. With the exception of essential Public Safety positions, all vacancies will be frozen until consolidation analyses have been concluded. Departments were asked to cut their line items not once, not twice, but three times during this budget process.

City Manager commented that as has been stated in the past, our city operations are primarily funded by sales taxes, and as such we are very much impacted by the economy. The City has been fortunate in that while times were good, we established some funds that have allowed us to continue to replace fleet, or fund operations. We must be vigilant in protecting those funds, but not at the expense of severe program or service reductions for our citizens. City Manager Davis continued by saying that sales tax revenues have been very stagnant. The City is 90 percent developed, and we must be vigilant in protecting our land uses, especially along our commercial corridors, to make sure we are receiving maximum sales tax value per acreages of developable property. Sales taxes have the advantage of shifting some of the tax burden to non-residents, despite being somewhat recessive in nature. We must be vigilant in protecting our land uses and sales tax base.

City Manager Davis reported that the City of Gladstone is in very intense competition with green spaces to our north and east. Non-resident generated sales tax has been a benefit to our community. As a city, we must be vigilant and focus our efforts on maintaining that business advantage. City Manager Davis discussed that land use decisions should not be made by fiscal analysis, however we must protect our commercial corridors and look for commercial development opportunities.

City Manager Davis said the City must continue to be aggressive in our economic development efforts. Land consolidation and development opportunities must be identified and reviewed even if today they are invisible. Redevelopment will require the City to step forward with incentives and develop partnerships. Land acquisition by whatever means will be obstacles we must face. The fiscal future of this city is at stake and we must be vigilant.

City Manager Davis reported that next year we know that expenses will be at least four percent higher, approximately \$450,000, than this year, and that is without increases in personnel costs, capital, or supplemental costs for Fiscal Year 2005. That said, the City has had new businesses open, or they are soon to open, which will benefit our local economy and provide needed services to our citizens. City Manager Davis stated the City is aggressively looking at development opportunities at major commercial intersections. Our partnership with Home Depot will pay off next year. The citizens of Gladstone did pass a Use Tax this year. There are positive efforts ongoing to help us address some of the issues we need to look at in the next year. City Manager Davis commented, that said, we must be vigilant and watch our financial expenditures.

City Manager Davis suggested that in this next year, local governments must continue to lobby Washington for an internet sales tax. The City's budget this year has been challenging, but we continue to meet objectives, and we will continue to be aggressive in the field of economic development, and make financial adjustments to assure the economic stability of our organization in the future; and we will not jeopardize the fiscal integrity of the City in future years.

The City's General Fund budgeted revenues this year total \$12,090,000, reported City Manager Davis, and are reflective of a struggling economy. This represents a revenue decrease of \$533,461 or 4.2 percent from expected revenues for Fiscal Year 2003. Property tax revenues are projected to increase \$41,834. General Fund sales tax revenue is fairly flat, and is projected to increase by \$25,000, which is roughly equal to Fiscal Year 1999 sales tax revenues, resulting in a cumulative decrease of \$600,000 since Fiscal Year 2001. Despite increasing operational costs, personnel costs, and so forth, the City has still been able to absorb that loss in revenue. City Manager Davis stated the Gross Receipts Tax revenue is projected to increase \$98,127, intergovernmental revenue is estimated to decrease \$274,820, due to receiving a Fire Grant of \$233,000 in Fiscal Year 2003, and reduced payments from the Special Road District in the amount of \$24,000.

City Manager Davis continued by saying that Charges for Services are projected to increase \$79,019 for Fiscal Year 2004, and Miscellaneous Revenue is projected to decrease \$70,497, primarily attributed to a smaller transfer from the Capital Equipment Replacement Fund. Expenditures in the General Fund match revenues in the amount of \$12,090,000 representing a \$533,461 or 4.2 percent decrease compared to the Fiscal Year 2003 Expected Budget. Only the object classification of Personnel Services is going to increase.

City Manager Davis remarked that a lot of time was spent in City Council Study Sessions discussing the budget process. Staff began with \$11,716,100 base revenues, base budgets from departments were obtained in the amount of \$11,893,690, leaving a deficit of \$177,590 at the beginning of the process. Added to the deficit were pay raises, health insurance assessment, police cars, motorcycles, claims payables, some computer replacement, and other expenditures that had to be funded. Revenue sources were identified as spelled out in a table on page 5 of the Public Hearing Budget Memo provided to City Council. The departments were very responsible to review their budgets again and again to help in balancing this budget.

While reducing line items, functions, and programs, City Manager Davis stated, was not an easy task, a balanced budget is presented despite a funding reduction of \$540,461, in addition to increased costs for health insurance and health insurance assessments. City Manager Davis said

it is felt the City was able to achieve most of its objectives through this budget process. The City will not be laying off people, there will be a modest pay increase for employees, and money will be generated for services and programs. That said, Staff has mirrored the 2001 Economic Adjustment Plan regarding things like refinancing debt, the use of reserve funds, position consolidations, spreading capital costs, delaying capital expenditures, selling property, delaying hires, and so forth. The budget was also accomplished by reducing travel and training, with 99 percent of the out of state travel and training cut out of the budget. Street sweeping was eliminated from the budget, except for a one-time sweeping of the major arterial streets, the Household Hazardous Waste program was not funded, and the canine unit was cut from the budget. New resources will be found to assist with the Drug Abuse Resistance Education program (DARE) expenditures. City Manager Davis stated that Staff has started the process of prioritizing some of the basic programs, and that will continue this next fiscal year.

In regard to personnel changes, City Manager Davis reported that there is one significant personnel change, which is moving a part time Parks and Recreation Senior Services Programmer to a full time position. This will help in accomplishing some City Council goals dealing with youth and senior services. Personnel and insurance costs are increasing by \$397,749. This increase consists of \$137,000 in compensation increases; \$120,000 in insurance increases; \$28,000 for reclassifying one position from part time to full time (the Parks and Recreation Senior Service Programmer); and \$112,000 for the additional firefighter budgeted at mid-year 2003, and annual funding for all positions that were vacant at mid-year. This does not, unfortunately, help with the fire staffing plan, but this remains the top priority.

City Manager Davis continued by saying the proposed budget contains the following recommendations for compensation:

1. All employees(except Leadership Team members) will receive a 1% pay increase.
2. A merit pool is established in the amount of 1.5% and will benefit all employees except Leadership Team members.
3. Leadership Team members will receive a fixed \$750 increase, and will not be eligible for a merit increase.

City Manager Davis stated he wished to thank the Leadership Team for their dedication and their willingness to work as hard as they do for the City and recognize the need for this kind of policy decision. The proposed compensation package recognizes some compensation growth for each employee, recognizes that employees will be absorbing increases in health costs, rewards employees for performance, avoids staffing reductions, and yet maintains fiscal responsibility and accountability toward the health of the entire organization and the community.

In regard to Supplemental Expenditures, City Manager Davis said the amount of \$93,000 in the General Fund is the lowest amount since he has been the City Manager, and is made up primarily of two Public Safety patrol vehicles for \$40,000; two Public Safety Harley Davidson motorcycles, which have a net cost of \$200; a \$15,000 computer replacement program; and street light leases in the amount of \$4,000.

City Manager Davis began discussion on the Combined Waterworks and Sewerage System Fund budget by saying the operating revenues and expenses are based on the estimated sale of 906 million gallons of water, which is a two percent increase from the previous year and is based on recent production trends. The budget provides for all operating costs, capital equipment

purchases, bond requirements, and capital improvements. Total revenues and expenses are estimated at \$5,937,674, resulting in a balanced budget. City Manager Davis referenced page 5 of the Public Hearing Budget Memo for more information on the Water Fund's revenues and expenses. City Manager Davis reported that last year the City implemented a 20 cent water rate increase to replace deteriorated 2" water mains. In Fiscal Year 2003, the increase addressed two water main projects, 67th Street from North Campbell to North Forest, and 57th Terrace from North Flora to North Tracy. In Fiscal Year 2004, the previously adopted 20 cent increase will fund water main replacements on 67th Terrace from North Campbell to North Forest (\$84,000), 58th Street from North Flora to North Tracy (\$55,600), and the cul-de-sac at 67th and Bellefontaine Circle (\$34,500). The Fiscal Year 2004 Budget proposes a 10 cent water rate increase to fund three critical areas in the Combined Waterworks and Sewerage System Fund. The areas include a Capital Maintenance Program in the amount of \$40,000, which will be primarily used for maintenance for some of the large equipment at the Water Treatment Plant; a Meter Replacement Program for a cost of \$20,000, to replace approximately 900 meters per year; and \$25,000 for Claims Payable due to the City's liability insurance deductible increase from \$1,000 to \$25,000 this year.

City Manager Davis stated there are no personnel changes projected in the Water Fund. In terms of Capital and Supplemental costs, it is suggested \$50,000 for a Vulnerability Study as required by the Public Health Security and Bioterrorism Preparedness and Response Act, a Lime Machine for a cost of \$62,500, a Capital Maintenance Program for a cost of \$40,000, 2-way radios for a cost of \$9,800, and a water main replacement at 6506 North McGee for a cost of \$5,000.

City Manager Davis reported that there are not many changes projected in the Municipal Swimming Pool Fund. A Master Plan proforma is currently being completed and will be discussed during mid-year budget meetings. The Capital Improvement Program revenues are projected to be \$3.2 million in Fiscal Year 2004. This Program supports capital project construction city-wide as well as debt service for previously issued bonds, and it helps to support the incentive and development agreements with Home Depot and Prospect Plaza. City Manager Davis continued by saying that funding is proposed for \$290,000 in stormwater projects, road improvements at Happy Rock West Park, pond improvements at Oak Grove Park, and assist with the City Hall Storage Building Addition project and the rebuilding of the Baltimore retaining wall.

City Manager Davis reported that the Transportation Sales Tax Fund will be funding the \$570,000 Overlay Program; the Intermediate Maintenance Program – the Slurry Seal Program is projected to be funded in the amount of \$60,000; the Arterial Sidewalk project will receive \$50,000; the Curb, Gutter, and Sidewalk Program will receive \$130,000; \$400,000 is earmarked for turn lanes at 76th and North Oak, \$50,000 is budgeted for design costs at the intersection of 72nd and M-1, funds in the amount of \$25,000 are proposed for Phase 1 of Operation Green Light, and \$20,000 is proposed for slurry seal at Happy Rock Park.

City Manager Davis stated that \$4,000 is budgeted for mulch in the Special Parks and Playground Fund. In conclusion, City Manager Davis recognized the Budget Team members, City Counselor Dave Ramsay, Finance Director Cash Sweiven, Financial Analyst Beth Saluzzi, Assistant City Manager Scott Wingerson, and Finance Department Administrative Assistant Greta Hedrick for all their hard work on the budget. City Manager Davis thanked the Department heads and their staffs who spent hours preparing their budgets. City Manager Davis

thanked City Council members for all the time spent in Study Sessions and all the discussions that have been held on the budget for the last six months. City Manager Davis asked if there were any questions or comments.

Mayor Pro Tem Wayne Beer commented that given the time that City Council has been involved with this budget development, it is miniscule compared to what City Manager Davis and his staff have done. Councilman Beer extended commendations to City staff for the effort that has gone into preparing this budget. It has been a difficult issue and is more difficult every year.

Councilman Cross asked if utility costs go up, will those increases have a worthwhile effect on the fees the City will receive.

Finance Director Cash Sweiven replied that he and Financial Analyst Beth Saluzzi researched this issue and conservatively built those increases into the budget. A favorable impact should be seen in the City's budget.

Mayor Pro Tem Wayne Beer remarked that the flip side of that is that the City has to pay those same utilities.

Item 12. on the Agenda. OTHER BUSINESS.

Mayor Les Smith mentioned he attended the Youth and Government Conference in Indianapolis and received some good information. Perhaps the City can begin crafting our goals for a Youth and Government program. Mayor Smith would like to visit with City Manager Davis about this issue.

Item 13. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

Amy Newport, of the Press Dispatch, asked what happened to the dog from the Public Safety Canine Unit.

Public Safety Director Bill Adamo replied that the dog was given to the officer with whom he worked.

City Manager Davis explained that the dog had been in service for five years, and was six years old, and suffered some medical problems. It was felt the humane thing to do was to give the dog to the officer as essentially the dog was the officer's pet.

Item 14. on the Agenda. ADJOURNMENT.

Mayor Pro Tem Wayne Beer moved to adjourn the Regular Meeting to go to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:

Cathy Swenson
Cathy Swenson, City Clerk

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

Les Smith
Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 9, 2003**

OPEN STUDY SESSION: 6:30 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 27, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PRESENTATION OF CERTIFICATES OF COMPLETION** to graduates of the Gladstone Public Safety Citizens Academy.
- 4b. **PROCLAMATION:** designating the week of June 23, 2003, as Smoke Detector Awareness Week in Gladstone, Missouri.
- 4c. Gladstone Neighbors Helping Neighbors Report by Executive Director Art Hammen.
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-40, authorizing execution of a contract with Mid America Sign Contractors, Inc., including Change Order No. One for the City Signage Master Plan. Project 0110/0210.

RESOLUTION NO. R-03-41, authorizing execution of a contract with Kraus-Anderson Construction Company in the amount of \$1,310,000.00 for the Public Safety Fire Station. Project 025602.

RESOLUTION NO. R-03-42, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2003 through June 30, 2004 for a total Gladstone Local Share not to exceed \$21,800 from the Transportation Sales Tax Fund.

APPROVAL OF CLASS "A" AND "D" LIQUOR BY THE DRINK AND PACKAGE LICENSE CHANGE IN OWNERSHIP, Dominic's Pizza & Pasta, Inc., 6300 North Oak Trafficway. Managing Officer: Josephine Spino.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Hen House, 6475 N Prospect, Package Liquor License
- Osco Drug, 6129 N Antioch Road, 7 day Package Liquor License
- Northland Elks, 7010 N Cherry, Class A&B Liquor by the Drink License

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 located at 4901 Old Pike Road. Applicant: Suter-Sambol, LLC. Owner: Credit Suisse Leasing, c/o the Home Depot. (File # 1191).
- 9a. **FIRST READING BILL 03-16**, approving a Site Plan at 4901 Old Pike Road. (File #1191)
10. **FIRST READING BILL 03-17**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".
11. **FIRST READING BILL 03-18**, amending Ordinance No. 2.919, being section 3-25 (A) of the City Code by increasing the number of authorized liquor licenses for Class A & B License categories to not more than 25 such licenses.
12. **APPROVAL OF NEW LIQUOR LICENSE, CLASS "A" AND "B", LIQUOR BY THE DRINK**, The Peanut of Gladstone, Inc., 6024b North Antioch Road. Managing Officer: Richard Kenny.
13. **RESOLUTION NO. R-03-43**, adopting the 2004 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2003 and ending June 30, 2004, authorizing the expenditure of funds, and approving the Position Classification and Compensation Plan.
14. **FIRST READING BILL 03-19**, enacting new provisions of the City's Traffic Regulations regulating the following of, and yielding the right of way to, an emergency vehicle that is responding to an emergency call.
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
MONDAY, JUNE 9, 2003**

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular June 9, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR MAY 27, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular May 27, 2003, City Council Meeting Minutes as presented. Mayor Pro Tem Wayne Beer seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 4a. on the Agenda. PRESENTATION OF CERTIFICATES OF COMPLETION
to graduates of the Gladstone Public Safety Citizens Academy.

Mayor Les Smith remarked he believes the graduates from the Gladstone Public Safety Citizens Academy enjoyed the academy and he expressed his pride in the program, and in the efforts of Sergeant Richard King, and Public Safety Director Bill Adamo. Mayor Smith stated he was also proud the citizens chose to participate in the program.

Mayor Les Smith, accompanied by City Council members, and with the assistance of City Manager Kirk Davis, Sergeant Richard King and Director Bill Adamo, presented certificates, class pictures, and City seal pins to graduates: Jan Black, Vaughn Brown, Eli Dahdal, Ruth Edwards, Alta Falke, Elzene Gourley, Janie Greathouse, Sharyn Harding, Gloria Hollingsworth, Emilie Mendala, Russ Palmer, Mary Payton, Carol Robey, Barbara Rock, Ray Rock, Karen Sims, Arthur Van Becelaere, Michael Webb, and Pat Wheat.

Mayor Pro Tem Wayne Beer stated he was a member of the second Gladstone Public Safety Citizens Academy, and he believed that all the classes feel strongly about the benefit of the program. Councilman Beer remarked he hopes there are always enough interested citizens to continue the program. This is a good opportunity to learn about Public Safety and the City of Gladstone. Councilman Beer mentioned he hopes some day there can be a graduate level class for those who have already graduated.

Councilman Carol Rudi congratulated the graduates and thanked them for their time. Councilman Rudi was in the second class also, and knows the time and dedication required, and feels we need citizens in our community willing to give such time and dedication. Councilman Rudi continued by saying she believes, by her observation, that this is Sergeant King's favorite class. Councilman Rudi then mentioned that Sergeant King is involved in another program, the Neighborhood Watch Program, and Sergeant King was in Councilman Rudi's neighborhood Sunday night and spent time with the neighbors to set up a Neighborhood Watch Program. If anyone is interested in setting up this excellent program, please call Sergeant King.

Councilman Bill Cross stated it has been his pleasure to be present at all three of the Public Safety Citizens Academy graduations, and as a teacher of 47 years, it reminds him of his classes that he thought were all wonderful, yet each class seems to get better, until someone reminds you of the fun times from 20 years ago. Councilman Cross remarked that it is nice to see the enthusiasm of the program participants, and it is apparent that the citizens of Gladstone are very interested in the City. Councilman Cross commented that the more citizens understand the operation of the City, the more they appreciate City staff.

Councilman Joe Evans thanked all the recent graduates of the Public Safety Citizens Academy, and stated it is invigorating to see that all the graduates are interested in the community. City Council members want to be involved in City government, and it is fantastic to see the Gladstone Public Safety Citizen Academy graduates excited to be a part of our city.

Mayor Les Smith congratulated the graduates and thanked them for being involved and informed citizens. The motto of Gladstone has been "Progress Through People", and it is very true. Gladstone is very much about "community", which was apparent in the aftermath of the recent tornado in the way people came together. Mayor Smith continued by saying Gladstone is all about people, and that is what makes Gladstone special, and encouraged the graduates to become involved in the city.

Item 4b. on the Agenda. Mayor Les Smith read a **PROCLAMATION** designating the week of June 23, 2003 as "**Smoke Detector Awareness Week**" in Gladstone, Missouri. Gladstone Neighbors Helping Neighbors Executive Director Art Hammen accepted the proclamation, and thanked Mayor Smith and City Council members.

Item 4c. on the Agenda. **GLADSTONE NEIGHBORS HELPING NEIGHBORS REPORT** by Executive Director Art Hammen.

Neighbors Helping Neighbors Executive Director Art Hammen introduced himself and stated he lives at 7117 North Norton Avenue in Gladstone. Mr. Hammen expressed his appreciation in having the opportunity to attend this Council meeting and give some background information on Gladstone Neighbors Helping Neighbors, and to report on the activities of the group. Mr.

Hammen began by saying Gladstone Neighbors Helping Neighbors (GNHN) originated in 1999 out of a desire to do more than just find homeowners whose property was in disrepair. Members of the City and volunteers realized that there were many folks in Gladstone who needed help to comply with property maintenance codes.

Mr. Hammen reported that the group is governed by a five member Board of Directors that includes the Chairman of the Gladstone Area Chamber of Commerce; the Chairman of the Gladstone Economic Betterment Council; the Mayor; the Assistant City Manager, Scott Wingerson; and the Executive Director. Gladstone Neighbors Helping Neighbors help Gladstone residents who are physically or financially challenged with maintenance and upkeep of their property. Mr. Hammen explained that requests for assistance are granted based on the applicant's need. Much of the work is done by volunteers, and everything is provided at no cost to the homeowner. The organization has had the good fortune in partnering with many community organizations, such as the Gladstone Area Chamber of Commerce, Rotary, Sertoma Club, Optimists Club, Young Friends of the Northland, the Elks, and many others.

Mr. Hammen continued by saying that all funding for Gladstone Neighbors Helping Neighbors comes from donations in both money and materials. Those donations come from individuals, groups, and businesses. Some examples of work performed for Gladstone residents include plumbing and electrical repairs, painting, roof repairs, yard clean-up, new siding, foundation repairs, weatherization and many other home improvements. Whenever working with an applicant, a special effort is made to check for working smoke detectors. Mr. Hammen reported that in 1999, Gladstone Neighbors Helping Neighbors received the Clay County Economic Development Commission's "Community Keystone Recognition Award". The year 2000 saw sky rocketing gas bills. That year the group leveraged a \$5,000 grant from the City into about \$15,000 worth of insulation and weatherization improvements, providing long term relief from high energy bills for 22 Gladstone homeowners.

In the years 2001 and 2002, Mr. Hammen stated, Gladstone Neighbors Helping Neighbors provided forty Federal Home Loan Bank grants totaling nearly \$140,000 worth of home improvements. Gladstone Neighbors Helping Neighbors paid \$8,000 in administrative fees to secure these grants. Put another way, for every dollar Gladstone Neighbors Helping Neighbors spent, Gladstone residents received over \$17.00 in home repairs and improvements.

Mr. Hammen stated that in addition to individual help, Gladstone Neighbors Helping Neighbors has been involved with three general assistance projects. During the ice storm of February 7, 2002, the City was flooded with calls for assistance. Gladstone Neighbors Helping Neighbors organized and coordinated volunteer clean-up efforts, and over the next week or so, more than 40 volunteers responded to nearly 70 calls for help with tree limb and brush removal.

Mr. Hammen continued by saying that last summer was hot and dry. Gladstone Neighbors Helping Neighbors raised money and distributed free fans to any Gladstone resident who needed relief from the heat. This year the organization will again have fans available for those in need. Most recently, Mr. Hammen reported, on May 4th, Gladstone was devastated by a tornado, where approximately 389 homes suffered damage in a collective amount of approximately \$30 million. During the following two weeks, Gladstone Neighbors Helping Neighbors coordinated the efforts of approximately 300 volunteers who spent approximately 2,900 hours helping Gladstone residents clean up and recover from this awful event, with help from Gladstone residents,

individuals, groups and businesses throughout the metropolitan area, and even people who came from as far away as California. Arrangements were made for people to feed both the volunteers and residents affected by the tornado each of the two Saturdays following the tornado.

Mr. Hammen stated that getting back to individual projects, Gladstone Neighbors Helping Neighbors has a list that would normally take several months to complete, and requests are still coming in. Today, the group met with members of the Central Texas Conference of Youth and Ministries, who recently arrived in our area with eight teams of youth and adult workers. It is anticipated that by the end of this week, they will complete five to seven individual projects, for Neighbors Helping Neighbors, providing not only the labor, but also the materials needed. This will significantly enhance response time to the community.

Mr. Hammen continued by saying that on this night, Gladstone Neighbors Helping Neighbors is also kicking off a campaign to ensure that there are working smoke detectors in every Gladstone residence. Mr. Hammen thanked Mayor Smith for proclaiming the week of June 23, 2003 as Smoke Detector Awareness Week in Gladstone, and remarked that already this year, several people have lost their lives in the metropolitan area as a result of fires in homes with no working smoke detectors. Mr. Hammen commented that this is a preventable tragedy, and it is the goal of Gladstone Neighbors Helping Neighbors to see that every home in Gladstone has working smoke detectors. At a minimum there should be one smoke detector on each level of the home. Current building codes require a smoke detector in each bedroom as well as in the hallways leading to those rooms. Mr. Hammen encouraged everyone to check the batteries in their smoke detectors and to replace them annually. This campaign is a cooperative effort with the Gladstone Public Safety Department and the members of the Northland Optimists Club. The Public Safety Department is providing the smoke detectors for Gladstone Neighbors Helping Neighbors, and the members of the Northland Optimists Club will serve as the volunteers who will go into the community and install the smoke detectors for Gladstone residents. This offer is open to any Gladstone resident who does not have adequate smoke detector protection. Income limitations, in this instance, do not apply.

Mr. Hammen reported that to arrange for smoke detectors to be installed, all a resident needs to do is call Gladstone Neighbors Helping Neighbors 24-hour phone line at 437-2423 by June 20th, and leave their name, address, and phone number. A volunteer will call back to schedule a time to install the smoke detectors during the week of June 23rd. Mr. Hammen remarked that Gladstone Neighbors Helping Neighbors provides an opportunity for Gladstone citizens to show how much they care about our community. It exists solely because of volunteers and donations of money and materials. Mr. Hammen expressed his appreciation for the support that Gladstone Neighbors Helping Neighbors receives from the City of Gladstone and the City Council. Gladstone Neighbors Helping Neighbors' slogan is "Together We Can Make a Difference", and with the help of the City and City Council, this organization certainly does.

Mr. Hammen provided Neighbors Helping Neighbors brochures, and asked if there were any questions.

Councilman Rudi suggested Mr. Hammen inform the audience who to make checks out to and where to send them, when they wish to make a donation.

Mr. Hammen thanked Councilman Rudi, and replied that checks may be made out to Neighbors Helping Neighbors and sent to Gladstone City Hall, 7010 North Holmes, Gladstone, Missouri 64118.

Councilman Rudi asked if someone wishes to volunteer their services, they phone the 437-2423 number.

Mr. Hammen replied, that is correct, that is a 24-hour line with a voice mail message and the opportunity for anyone to leave a message to volunteer or to express a need.

Councilman Bill Cross emphasized that the Smoke Detector Program is for every resident in Gladstone who needs a smoke detector, irregardless of their financial or economic situation. Councilman Cross asked the media present to please report this, so residents who are not present will hear about this program.

Councilman Rudi mentioned that she appreciated the information as to how many smoke detectors are required in a home. This is information many people may not know.

Mayor Pro Tem Wayne Beer remarked that he personally appreciates the efforts of Mr. Hammen and Gladstone Neighbors Helping Neighbors who help residents in Gladstone who need assistance.

Mayor Les Smith thanked Mr. Hammen for his report.

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

Following the Clerk's reading, Councilman Carol Rudi made a motion to remove Resolution R-03-42 from the Consent Agenda and reassign it as Item 5a. for further discussion.

Mayor Pro Tem Wayne Beer moved to approve the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Wayne Beer moved to adopt RESOLUTION NO. R-03-40, authorizing execution of a contract with Mid America Sign Contractors, Inc. including Change Order No. One for the City Signage Master Plan. Project 0110/0210. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Pro Tem Wayne Beer moved to adopt RESOLUTION NO. R-03-41, authorizing execution of a contract and Deduct Alternative #4 with Kraus-Anderson Construction Company in the amount of \$1,306,850.00 for the Public Safety Fire Station. Project 025602. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Pro Tem Wayne Beer moved to approve the ANNUAL LIQUOR LICENSE RENEWALS for Hen House, 6475 North Prospect, Osco Drug, 6129 North Antioch Road, and Northland Elks, 7010 North Cherry. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5a. on the Agenda. **RESOLUTION NO. 03-42**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period of July 1, 2003 through June 30, 2004 for a total Gladstone local share not to exceed \$21,800 from the Transportation Sales Tax Fund.

Councilman Rudi stated that Resolution R-03-42 is to approve a contract with the Kansas City Area Transportation Authority (KCATA). There was a long conversation about this contract last year, with a number of questions from the City Council answered. However, this contract still concerns Councilman Rudi as to the amount of money that is spent for the number of riders. It appears that the revenue per rider in 2002 was \$27.00; for 2003 it is \$23.00, which means our revenue is decreasing. Councilman Rudi said she had some questions, such as who is eligible to pay reduced fares. Councilman Rudi referenced page two of the contract, where there is an estimated total deficit of \$34,256 that is made up of \$14,551, contributed by the Federal and State share, and our local share would be \$21,800. There is a difference of \$2,095, which Councilman Rudi questioned.

Assistant City Manager Scott Wingerson responded that he spoke to KCATA last week, and he will speak to them again about the \$2,095 deficit. In terms of the eligibility, he will also ask KCATA that question. The intention tonight was to place this before City Council. The KCATA is interested in what questions City Council members might have, and Assistant City Manager Wingerson will forward those question to KCATA, and be prepared to bring back the answers at the next City Council meeting.

Councilman Rudi mentioned there is a statement in Mr. Wingerson's memorandum concerning increasing the promotion of ridership. Councilman Rudi believes that may have been discussed last year, and would like to know what happened with that.

Assistant City Manager Scott Wingerson replied he did not see that in reviewing last year's application by KCATA, but based on the statistics trending downwards it terms of Gladstone ridership, effort will be made to promote the service, not only for economic development but for a variety of other reasons for the community. Staff would like to try promoting ridership this year, and report to City Council next year the outcome, knowing that every effort has been made to promote ridership.

Councilman Rudi stated she continues to have a problem with spending \$21,800 for 63 average riders per day. This is quite an expense.

Councilman Carol Rudi moved that Resolution R-03-42 be tabled until the City Council meeting, June 23, 2003. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There was no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans stated he wished to reiterate his thanks to the Gladstone Public Safety Citizens Academy graduates for their interest in the City of Gladstone. This is what makes Gladstone such a great place to live. Councilman Evans thanked Sergeant Richard King and Public Safety Director Bill Adamo for their good work.

Councilman Carol Rudi had no comments at this time.

Councilman Bill Cross encouraged all Gladstone residents to attend the Gladstone Blues Fest, June 21 and June 22, at Oak Grove Park, and to encourage others to attend. Councilman Cross mentioned he hoped that everyone has had the opportunity to drive by the Oak Grove Park Amphitheatre that is being rebuilt, and have seen how beautiful it is.

Mayor Pro Tem Wayne Beer informed those present that the Gladstone Chamber Business After Hours will be held June 18th, from 5:00 PM to 6:30 PM at Oak Grove Park, with a tour of the new Oak Grove Park Amphitheatre, and encouraged everyone to attend. Mayor Pro Tem Beer stated he feels the City has done a good job in rebuilding the amphitheatre, and he hopes that everyone will have an opportunity to enjoy the many upcoming events scheduled to take place at the amphitheatre.

Mayor Les Smith reported that upcoming events planned for the Oak Grove Park Amphitheatre include the Business After Hours Open House in conjunction with the Gladstone Area Chamber of Commerce, that Councilman Beer mentioned, and a formal dedication on Friday, July 11th, at 7:30 PM. Mayor Smith encouraged everyone to drive by the amphitheatre, especially after dark, when the lights are on. It is a fabulous structure. As it is a little bit bigger and better than the previous structure, there is a slight funding deficit. The Amphitheatre Committee has made great progress towards raising funds for the amphitheatre. Mayor Smith thanked the press for the publicity they gave to the carnival, that was sponsored recently by the Amphitheatre Committee, which raised over \$10,000 towards the reconstruction of the amphitheatre.

Mayor Smith remarked that included in the Consent Agenda was the acceptance of a proposal for a contract for the construction of the new fire station on North Oak Trafficway for a cost of \$1,306,850.00. The original budget was projected to be around \$1,400,000.00, so at this point the project appears to be under budget. This project is the result of the Fire Protection Sales Tax that the citizens voted on a couple of years ago. This new fire station will aid in public safety assistance to the community. The fire station should be built by the middle of January, 2004, which is exciting news.

Mayor Smith mentioned that he noticed on the TV News that the Jackson County Sheriff's office is being criticized about a DUI (Driving Under the Influence) check point that they had established on 50 Highway on Memorial Day. The news media reported that seven drivers were

arrested that were driving under the influence of alcohol. Mayor Smith suggested that perhaps City Council members would be willing to give consensus for the City to send a letter of support to the Jackson County Sheriff's office acknowledging that the City of Gladstone supports their efforts in keeping drunk drivers off the road.

The consensus of the City Council members was to send such a letter of support to the Jackson County Sheriff's office, and Mayor Smith asked City Manager Davis to prepare the letter.

Councilman Rudi suggested if anyone wished to contribute towards the reconstruction of the Oak Grove Park Amphitheatre, they may do so by sending a contribution to the City. Councilman Rudi explained the reason she encourages contributions of this sort, is because the City's sales tax revenues are down, and they are not projected to be better in the near future. The only way the City can continue to provide the same kind of programs is through community support.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis reported that in regard to the May 4th tornado response, the brush pick up has been completed, and debris pick up at the curb should be complete in the next couple of days, subject to what happens to certain homes that may be demolished.

Councilman Carol Rudi inquired into the cost to the City for the Tornado clean up.

Finance Director Cash Sweiven replied that total current costs are estimated at \$965,000, with the City's portion being approximately \$100,000.

Mayor Pro Tem Wayne Beer asked what the total count is for the homes that must be demolished.

City Manager Davis replied that 32 homeowners have permits or will be getting permits for demolition. There is still a question on seven or eight houses.

Item 9. on the Agenda.

PUBLIC HEARING on a request for a Site Plan Revision on property located at 4901 Old Pike Road. Applicant: Suter-Sambol LLC. Owner: Credit Suisse Leasing, c/o the Home Depot. (File #1191)

Mayor Les Smith opened the Public Hearing and invited Assistant City Manager Scott Wingerson to begin the discussion.

Assistant City Manager Scott Wingerson began by addressing the two site plans that were included in the City Council packets. The first site plan was submitted by the applicant and suggests the development of a convenience store with six fuel islands on the parcel remaining of the Home Depot plat. This project is directly south of Steak 'N Shake, and is located primarily in Gladstone, however, the eastern section is located in Kansas City, Missouri. Mr. Wingerson stated the second site plan seeks to superimpose the Steak 'N Shake development with this development to give the City Council an idea of how the two projects will work together. In the second site plan, there is seen the same convenience store and gas pumps, and the elimination of the northern driveway to the convenience store replaced by shared access through the Steak 'N Shake lot onto Home Depot property, with access to a single intersection. Steak 'N Shake and

the applicant is supportive of this concept, and the Planning Commission recommends unanimously the applicant's request be approved. Mr. Wingerson reported that Mr. Suter, the applicant, will make a brief presentation to City Council, and a part of that presentation will be to show the type of development he and his company envision for the intersection.

Councilman Carol Rudi mentioned on the second plan it appears there is a drive between Steak 'N Shake and the new development that has been marked out. Councilman Rudi, for clarification, asked if that drive is really open and the north driveway is closed.

Mr. Wingerson replied that is correct, the driveway to the north is closed, with a heavy dark line indicating a curb and landscape area, and the area just to the north and east is the area that would be shared between the Steak 'N Shake and this project.

Mayor Smith invited the applicant to step forward.

The applicant, Mr. Ken Suter, introduced himself, and stated he is the owner of Saco Petroleum, Incorporated, and explained he distributes gasoline and diesel fuel to convenience stores. Mr. Suter stated this property is owned and is seeking to be developed under Suter-Sambol, LLC. Saco Petroleum will be the supplier of the fuel product to the location, and has had an office at 1910 Armour Road in North Kansas City for 34 years. Mr. Suter shared two pictures of a convenience store located at 112th Street, close to the airport. Although the proposed building would be changed somewhat from the pictures, the general image is similar. Mr. Suter stated that based on a market study, it is projected that approximately \$800,000 in products would be sold per year that would be subject to sales tax at this proposed business. It is estimated to sell approximately 1,800,000 gallons of motor fuel per year. This proposed project will also be contributing to the property tax and real estate tax revenues.

Mr. Suter remarked he agrees with most everything in the recommended conditions listed in the Staff Report except that one condition states that truck delivery traffic shall be limited to the hours of 6:00 AM to 10:00 PM; Mr. Suter stated he would like the capability of gasoline delivery 24 hours a day. The reason is the delivery company likes to deliver gasoline late at night due to safety factors, as there is reduced traffic late at night. Mr. Suter mentioned there is an error in that the address of the project is listed in the recommended conditions as 58th and North Oak frontages, and it should be 4901 Old Pike Road.

Mayor Les Smith confirmed that Mr. Suter stated that inside sales are projected to be \$800,000 per year.

Mr. Suter agreed that is correct. That does not include lottery sales.

Councilman Carol Rudi asked where the cash registers will be.

Mr. Suter replied that a very small portion of the building will be in Kansas City, Missouri, but the cash register and front doors are in Gladstone. Mr. Suter said he is encouraged by everything that has been said here, and he wished the business could be opened tomorrow. He would love to be operating a business in Gladstone.

Mayor Smith stated he has little concern with the 24 hour fuel delivery, as there are no nearby residents.

Mr. Wingerson remarked that the Planning Commission had a similar discussion about the fuel trucks delivering during the night, and their recommendation was removal of that condition, and the draft bill does not include that condition. Mr. Wingerson continued by saying that Mr. Suter is correct, the address should read 4901 Old Pike Road.

Mayor Smith asked if there was anyone who wished to speak in favor of this application.

There was no one who wished to speak in favor of the application.

Mayor Smith asked if there was anyone who wished to oppose this application.

There was no one who opposed the application.

As there were no comments from City Council or City staff, Mayor Smith closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 03-16**, approving a Site Plan at 4901 Old Pike Road. (File #1191).

Mayor Pro Tem Wayne Beer moved to place Bill 03-16 on First Reading. Councilman Carol Rudi seconded.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-16, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Carol Rudi seconded.

Discussion

Councilman Rudi stated she was familiar with property owned by the applicant at 112th Street, and feels it is a very nice clean property, and hopes the one in Gladstone will be very much the same.

Mr. Suter replied it would be the same.

The vote: "Aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-16 and enact the Bill as **Ordinance 3.870**. Councilman Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith wished the best of luck to Mr. Suter on his project.

Item 10. on the Agenda. **FIRST READING BILL 03-17**, an annual ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".

Councilman Bill Cross moved to place Bill 03-17 on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-17, Waive the Rule and Place the Bill on Second and Final Reading; Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-17 and enact the Bill as **Ordinance 3.871**. Mayor Pro Tem Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 03-18**, amending Ordinance No. 2.919, being section 3-25 (A) of the City Code by increasing the number of authorized liquor licenses for Class A & B License categories to not more than 25 such licenses.

Mayor Pro Tem Wayne Beer moved to place Bill 03-18 on First Reading. Councilman Bill Cross seconded.

Discussion

Mayor Smith asked for information on this proposed bill.

City Manager Davis replied that a few years ago the Gladstone Area Chamber of Commerce did a survey that asked the citizens of Gladstone what type of businesses they would like to see in the City, and restaurants were at the front of that list. The City has worked hard to obtain restaurants, and the City is at its limit right now, which is 19, of Class "A" and "B" liquor licenses available. There is an application on the agenda, tonight, which would be number 20. There may be another request coming, both of which will be positive additions to our community. Staff wants to offer the City Council more latitude.

Mayor Smith commented that at some point our forefathers wrote into our ordinances a maximum number of liquor licenses that could be issued in the city. As the community continues to grow, we find a need for more licenses.

Councilman Cross asked if the anticipated activity is both restaurants.

City Manager Davis replied that is correct, both licenses would be connected to restaurants.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-18, Waive the Rule and Place the Bill on Second and Final Reading; Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-18 and enact the Bill as **Ordinance 3.872**. Councilman Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 12, on the Agenda. **APPROVAL OF NEW LIQUOR LICENSE, CLASS "A" AND "B" LIQUOR BY THE DRINK**, The Peanut of Gladstone, Inc., 6024b North Antioch Road. Managing Officer: Richard Kenny.

Councilman Bill Cross moved to approve a new liquor license, Class "A" and "B" for The Peanut of Gladstone, Inc. 6024b North Antioch Road. Managing Officer, Richard Kenny. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 13, on the Agenda. **RESOLUTION NO. 03-43**, adopting the 2004 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2003 and ending June 30, 2004, authorizing the expenditure of funds, and approving the Position Classification and Compensation Plan.

Councilman Carol Rudi moved to approve RESOLUTION NO. 03-43, adopting the 2004 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2003 and ending June 30, 2004, authorizing the expenditure of funds, and approving the Position Classification and Compensation Plan. Mayor Pro Tem Wayne Beer seconded.

Discussion

Councilman Bill Cross recognized all the time and effort that has gone into the budget process and asked Finance Director Cash Sweiven how the budget looks, now, two week after a great deal of discussion.

Finance Director Cash Sweiven replied that additional money has not yet been received from the state. It should be received by the end of the week.

Mayor Pro Tem Wayne Beer suggested that the budget is a never ending process, and although this budget is being adopted, it will soon be time to start all over again.

City Manager Davis agreed and said as this budget is tight, and there have been program adjustments, Staff will be watching expenditures very closely. This is a pretty bare bones budget. Every month expenses will be analyzed, and in 90 days the mid year budget process will begin. It is hopeful our economic initiatives will work in improving the outlook for the City.

Mayor Pro Tem Beer stated he believes we are seeing some economic successes and he believes we will see more significant positive results in the future.

City Manager Davis thanked City Council members for their time in analyzing the documents, listening to the presentations, and for their assistance in making it understood the economic situation the City is in.

Mayor Smith remarked that the City's economic attempts are attracting quality businesses to our community, and restaurants are one of the types of businesses that various surveys have shown are desired by the residents. Mayor Smith commented that there have been policy changes such as concerning taking City vehicles home once employees are off duty, and increased individual costs in health insurance with the health plan of the City. City employees are being asked to accept a one percent pay increase, with a 1.5 percent going into a merit pool. Our management personnel are being given a flat \$750 pay increase, when in some instances their health insurance premiums are going up \$660. Mayor Smith continued by saying the unsung heroes are the employees of the City of Gladstone. The City is blessed to have true public servants as employees. Mayor Smith asked the message be conveyed to all the employees regarding the appreciation of the City Council for the employees' willingness to recognize the times the City is in, and the sacrifices the employees are making so programs do not have to be cut for the residents.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 14. on the Agenda. **FIRST READING BILL 03-19**, enacting new provisions of the City's Traffic Regulations regulating the following of, and yielding the right of way to, an emergency vehicle that is responding to an emergency call.

Councilman Carol Rudi moved to place Bill 03-19 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-19, Waive the Rule and Place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-19 and enact the Bill as Ordinance 3.873. Councilman Bill Cross seconded.

Discussion

Councilman Carol Rudi asked for information about this bill. Councilman Rudi was amazed the City did not have an ordinance in place whereby drivers would be forced to move over for emergency vehicles.

City Counselor Dave Ramsay replied that Corporal Jeff Bolin requested this issue be investigated. These two sections were adopted by the State legislature in the last session and became state law effective in August. Mr. Ramsay shares Councilman Rudi's surprise because both instances of following too closely and yielding the right of way have long been common rules of the road that most people have learned and obeyed. Until this time they have not been violations of state law. Understandably Corporal Bolin, since he and patrolman Ken Buck both operate the City's motorcycle patrol during permissible weather, are very concerned about their safety and the safety of those they stop along the side of the road. Officer Bolin suggested about a week ago that had the individual who struck the rear of the State Trooper on I-70 recently, been obeying this particular state law, this would not have occurred. This is certainly a bill to secure additional safety factors for our patrol officers and hopefully through publicity and enforcement, the driving public in Gladstone will become more aware of this law and will voluntarily comply.

Councilman Rudi remarked she finds it very sad that the City has to enact a bill such as this. It makes perfect sense to move to the right when an emergency vehicle is either coming from behind a driver or toward a driver, whenever it is safe to do so, and slow down and move over when they are along the side of the road. This is just common sense.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 15. on the Agenda. OTHER BUSINESS.

There was no further business.

Item 16. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.

Amy Newport of The Press Dispatch inquired into the menu items of the new restaurant, The Peanut.

Assistant City Manager Scott Wingerson replied it is a general fare restaurant, similar to a bar and grill.

Item 17. on the Agenda. ADJOURNMENT.

Mayor Pro Tem Wayne Beer moved to adjourn the Regular meeting. Councilman Carol Rudi seconded.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:

Cathy Swenson
Cathy Swenson, City Clerk

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

Les Smith
Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JUNE 23, 2003**

OPEN STUDY SESSION: 6:30 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 9, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION:** designating the month of July 2003, as "NATIONAL PARKS AND RECREATION MONTH".
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-44, authorizing acceptance of work under contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Rehabilitation, and authorizing final payment in the amount of \$234,738.00. Project #0391.

RESOLUTION NO. R-03-45, authorizing acceptance of work under contract with McConnell and Associates for the Tennis and Basketball Court Resurfacing; and authorizing final payment in the amount of \$5,086.03. Project #0125.

RESOLUTION NO. R-03-46, approving the contract with the City of Overland Park, Kansas, for emergency storm debris removal services in the aftermath of the tornado of May 4, 2003, in an amount not to exceed \$21,000.00.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Bubbles Wines & Spirits, 7407 N. Oak, 7 Day Package Liquor License
- Quik Trip, 2590 NE 72 Street, 7 Day Package Liquor License
- Quik Trip, 6309 NE Antioch Road, 7 Day Package Liquor License

APPROVAL OF FINANCIAL REPORTS for the month of May 2003.

REGULAR AGENDA

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

9. **RESOLUTION NO. R-03-42**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2003 through June 30, 2004 for a total Gladstone Local Share not to exceed \$21,800 from the Transportation Sales Tax Fund.
10. **FIRST READING BILL 03-20**, approving the Final Plat of "Northaven Village Condominium Sixth Plat". File #1194.
11. **FIRST READING BILL 03-21**, authorizing the execution of Certificates of Participation Series 2003 and related documents for storm water improvements under the Missouri DNR Storm Water Grant and Loan Program.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
MONDAY, JUNE 23, 2003**

PRESENT: Mayor Les Smith
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Mayor Pro Tem Wayne Beer

Mayor Les Smith opened the Regular June 23, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 9, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular June 9, 2003, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Item 4a. on the Agenda.

Mayor Les Smith read a **PROCLAMTION** designating the month of July 2003, as "*National Parks and Recreation Month*" in Gladstone, Missouri. Parks and Recreation Director Sheila Lillis accepted the proclamation, and thanked Mayor Smith and City Council members.

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as read. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-03-44**, authorizing acceptance of work under contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Rehabilitation, and authorizing final payment in the amount of \$234,738.00. Project 0391. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-03-45**, authorizing acceptance of work under contract with McConnell and Associates for the Tennis and Basketball Court Resurfacing, and authorizing final payment in the amount of \$5,086.03. Project 0125. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-03-46**, approving the contract with the City of Overland Park, Kansas, for emergency storm debris removal services in the aftermath of the tornado of May 4, 2003, in an amount not to exceed \$21,000.00. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve the **ANNUAL LIQUOR LICENSE RNEWALS** for Bubbles Wines & Spirits, 7407 N. Oak, Quik Trip, 2590 NE 72 Street, and Quik Trip, 6309 NE Antioch Road. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve the **FINANCIAL REPORTS** for the month of May 2003. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans remarked that he attended Bluesfest, Friday, June 20th, and thanked Parks and Recreation Director Sheila Lillis and the entire Parks and Recreation Department for their wonderful job. Councilman Evans thanked the volunteers, especially Terry Hoppenthaler and Anita Newsom, and members of the City Council. The Bluesfest was a very nice event, and Councilman Evans stated he is looking forward to the first Theatre in the Park performance in July. Councilman Evans concluded by saying the new Oak Grove Park Amphitheatre is outstanding.

Councilman Carol Rudi commented that she also attended Bluesfest this weekend and felt it was a wonderful event, with wonderful weather. Councilman Rudi expressed her thanks to

everyone who assisted with this event, and remarked that the Amphitheatre is great and she was pleased to see the City Seal in place on the Amphitheatre. Councilman Rudi thanked Ruth Edwards, a recent graduate of the Gladstone Public Safety Citizens Academy, who brought delicious chocolate cake for the enjoyment of those present, and invited everyone to have a piece of cake after the meeting. Councilman Rudi encouraged everyone to attend the upcoming Theatre in the Park Productions in July and August and the July 4th Celebration, all of which will be held at the Oak Grove Park Amphitheatre.

Councilman Bill Cross stated he wished to reiterate the comments of Councilman Evans and Councilman Rudi, and thanked everyone involved in the successful Bluesfest. The number of people in attendance was fantastic, and Councilman Cross remarked he hoped that Public Safety staff were not too busy at the event.

Councilman Cross mentioned that according to the May 2003 Financial Report, the sales tax revenue is up \$11,000 from this time last year.

Finance Director Cash Sweiven commented that June's sales tax has been collected, and through June, Sales Tax revenues are approximately \$14,000 over last year.

Councilman Cross stated he noticed the license and permits revenues have increased by approximately \$40,000, and asked if that increase was due to the recent tornado.

Director Sweiven replied the increase was due to two major construction permits. One permit was for senior housing and the other was for Steak & Shake restaurant.

Councilman Cross mentioned there is a 3 percent decrease in expenditures from last year, and thanked Director Sweiven for the time and effort he puts into providing such a detailed financial report.

Mayor Les Smith congratulated the Gladstone Area Chamber of Commerce on their outstanding work in another successful Bluesfest. The acts that performed at Bluesfest were phenomenal. Mayor Smith also congratulated City staff and volunteers on their hard work, and stated the Oak Grove Park Amphitheatre is a beautiful facility.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis stated he wished to reiterate City Council members' comments, and congratulated the Gladstone Area Chamber of Commerce on a successful festival. City Manager Davis stated the City appreciated being a part of the Bluesfest event and it is a great event for our community. City Manager Davis remarked that the Oak Grove Park Amphitheatre looks very nice, and he could not be more proud of the City staff and all those who worked toward its renovation. As mentioned in a newspaper article, it is truly a Northland landmark.

City Manager Davis reminded everyone of upcoming events at the Oak Grove Park Amphitheatre, the July 4th celebration, and the Theatre in the Park production of "Peter Pan", which is July 11, 12, and 13.

City Manager Davis encouraged residents to attend the July 4th celebration fireworks display, and reminded everyone that the use of fireworks by residents is not only illegal in Gladstone, but using fireworks puts people and property in danger.

Item 9. on the Agenda. **RESOLUTION NO. 03-42**, authorizing execution of a contract with the Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2003 through June 30, 2004 for a total Gladstone local share not to exceed \$21,800 from the Transportation Sales Tax Fund.

Councilman Cross moved to adopt Resolution No. 03-42, authorizing execution of a contract with the Kansas City Area Transportation Authority to provide public Transportation serving Gladstone residents for the period July 1, 2003 through June 30, 2004 for a total Gladstone local share not to exceed \$21,800 from the Transportation Sales Tax Fund. Councilman Carol Rudi seconded.

Discussion.

Councilman Rudi mentioned this is the second City Council meeting where this contract has been discussed, and she felt Council members' questions were answered very well earlier in the City Council Study Session. However Councilman Rudi stated she wished to say again she feels this is a tremendous amount of money for the number of citizens this contract serves. Councilman Rudi remarked she knows this contract is recommended by the Capital Improvements Committee, and feels City Council should act on their recommendation, but hopes in the future the Capital Improvements Committee will discuss this issue more in depth. Councilman Rudi would like to see in the future consideration of a fee increase, so citizens who use this service may share in the cost.

Councilman Cross agreed with Councilman Rudi this is a great deal of money, but it is a necessity in our city to have this service. Councilman Cross agreed with a fee increase for the people who use this service and hopes that through marketing, more people will start using public transportation.

Mayor Smith commended Councilman Rudi on the questions she provided City staff that were answered by the KCATA representative. Her questions showed a lot of thought, and Mayor Smith appreciated Councilman Rudi's efforts.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Item 10. on the Agenda. **FIRST READING BILL 03-20**, approving the Final Plat of "Northaven Village Condominium Sixth Plat". File 1194

Councilman Bill Cross moved to place Bill 03-20 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-20, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All

"aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-20 and enact the Bill as **Ordinance 3.874**. Councilman Carol Rudi seconded.

Discussion.

Councilman Carol Rudi asked how many more plats there are for this development.

Assistant City Manager Scott Wingerson replied there are at least two more plats forthcoming. One may be later this summer and one next year. There may be a different type project planned for the remaining land.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Item 11. on the Agenda. **FIRST READING BILL 03-21**, authorizing the execution of Certificates of Participation Series 2003 and related documents for storm water improvements under the Missouri DNR Storm Water Grant and Loan Program.

Councilman Carol Rudi moved to place Bill 03-21 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-21. Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-21 and enact the Bill as **Ordinance 3.875**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no further business.

Item 13. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

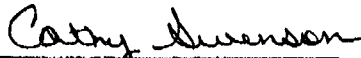
There were no questions from the News Media.

Item 14. on the Agenda. **ADJOURNMENT.**

Councilman Bill Cross moved to adjourn the Regular meeting. Councilman Joe Evans seconded.

The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (4-0)

Respectfully submitted:



Cathy Swenson, City Clerk

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



Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 14, 2003**

OPEN STUDY SESSION: 6:30 PM

REGULAR MEETING: 7:30 PM

The City Council will hold a Closed Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion.

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **APPROVAL OF REGULAR JUNE 23, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION:** designating the week of July 13-19, 2003, "NATIONAL AQUATIC WEEK".
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-47, authorizing acceptance of a Bill of Sale from Dominic Cuccia and BARSCO Mechanical conveying to the City a water main and two fire hydrants located at 6902 North Oak Trafficway.

RESOLUTION NO. R-03-48, accepting Temporary and Permanent easements from property owners in conjunction with the Rock Creek Channel Improvements, Brooktree to Gladstone Lane. Project 0123

RESOLUTION NO. 03-49, authorizing Change Order No. One for the Sanitary Sewer Cleaning and Televising Program in the amount of \$34,724.20 and authorizing the appropriation of additional funds in such amount from the Combined Waterworks and Sewerage System Fund. Project 034005

RESOLUTION NO. 03-50, authorizing acceptance of work under contract with Taylor Ball for the Construction Management Services for the design and construction of the new fire station and authorizing final payment in the amount of \$6,340.00 from the Fire/EMS Sales Tax Fund. Project 025602

RESOLUTION NO. 03-51, authorizing execution of a contract with Twin Traffic Marking Corporation for the 2003 Pavement Marking Program in the amount of \$12,349.78 from the Transportation Sales Tax Fund. Project 035035

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Wasahi, LLC, 328 NE 72nd Street, Class A&B Liquor by the Drink License
- Margarita's North, 7013 N.Oak, Class A&B Liquor by the Drink License
- Applebee's, 6069 N Antioch Road, Class A&B Liquor by the Drink License
- Smokehouse BBQ, 6304 N. Oak, Class A&B Liquor by the Drink License
- Eckerd Drug, 7101 N. Oak, 7 Day Package Liquor License
- China Buffet, 6000 N. Antioch, Beer/Wine License
- Phillips 66, 7303 N Oak, Package Beer License

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a modified pylon sign with a maximum height of 12 feet 6 inches at Ming Auto Beauty Center located at 400 NE 73rd Terrace. Applicant: Bandy Sign Service. Owner: Jahanian Daryoush. (File #1195)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, July 28, 2003, City Council Meeting at the request of Staff.

10. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Amanda Ratcliffe for operation of a Child Care Center at 203 NE 73rd Street. Applicant/Owner: Amanda Ratcliffe. (File #1192)
- 10a. **FIRST READING BILL 03-22**, approving a Special Use Permit subject to certain conditions to Amanda Ratcliffe for operation of a Child Care Center on Residential property at 203 NE 73 Street.
11. **FIRST READING BILL 03-23**, approving the Final Plat of "Replat of Lots 1, 2 and 3 of Carriage Hill 9th Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signature to said Plat for recording. (File # 1197)
12. Other Business.
13. Questions from the News Media.
14. Adjournment.

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
MONDAY, JULY 14, 2003**

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular July 14, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 23, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular June 23, 2003, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 4a. on the Agenda.

Mayor Les Smith read a **PROCLAMATION** designating the week of July 13-19, 2003, as "**National Aquatic Week**" in Gladstone, Missouri. Recreation Specialist Russ Collins accepted the proclamation, and thanked Mayor Smith and City Council members.

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Councilman Carol Rudi requested that **Resolution 03-50**, authorizing acceptance of work and final payment for the Construction Management Services for the design and construction of the new fire station be placed on the Regular Agenda for discussion as Item 5a.

Councilman Rudi asked how many easements are remaining to be acquired from property owners in conjunction with the Rock Creek Channel Improvements, Brooktree to Gladstone Lane, as referenced in **Resolution 03-48**.

City Manager Davis replied City staff is still negotiating with representatives from the Curry Company in an effort to obtain the remaining easements necessary for this project.

Mayor Pro Tem Wayne Beer requested **Resolution R-03-51**, authorizing execution of a contract for the 2003 Pavement Marking Program to be placed on the Regular Agenda for discussion as Item 5b. Mayor Pro Tem Beer inquired into the scope of the project.

City Manager Davis apologized about the information not being included in City Council members' packets and offered to make copies of the report that indicates the areas in the city that will be included in the 2003 Pavement Marking Program.

Councilman Carol Rudi moved to approve the Consent Agenda as modified. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-03-47**, authorizing acceptance of a Bill of Sale from Dominic Cuccia and BARSCO Mechanical conveying to the City a water main and two fire hydrants located at 6902 North Oak Trafficway. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-03-48**, accepting Temporary and Permanent easements from property owners in conjunction with the Rock Creek Channel Improvements, Brooktree to Gladstone Lane. Project 0123. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-03-49**, authorizing Change Order No. One for the Sanitary Sewer Cleaning and Televising Program in the amount of \$34,724.20 and authorizing the appropriation of additional funds in such amount from the Combined Waterworks and Sewerage System Fund. Project 034005. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Carol Rudi moved to approve the **ANNUAL LIQUOR LICENSE RNEWALS** for Wasahi, L.L.C., 328 NE 72nd Street; Margarita's North, 7013 N. Oak; Applebee's, 6069 N Antioch Road; Smokehouse BBQ, 6304 N Oak; Eckerd Drug, 7101 N Oak; China Buffet, 6000 N Antioch; and Phillips 66, 7303 N Oak. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. Resolution No. R-03-50, authorizing acceptance of work under contract with Taylor Ball for the Construction Management Services for the design and construction of the new fire station and authorizing final payment in the amount of \$6,340.00 from the Fire/EMS Sales Tax Fund. Project 025602.

Discussion.

Councilman Rudi asked for clarification of this resolution.

City Manager Kirk Davis replied that when the new fire station project began, Taylor Ball was contracted to perform construction management services for the design and construction of the new fire station, in addition to the services of an architect. Staff realized there was a finite budget and it was projected there would be reduced potential revenues from the economy. As the revenues were not as anticipated, Staff was looking for places to cut expenses.

City Manager Davis explained that not only was there the need to save money, but Staff felt very comfortable with the architectural services being provided and the City was able to enlist the services of an engineer to work with Public Safety and the Fire Division in project management. Given the fact the project was proceeding well and that costs needed to be cut, it was determined this was one of the places that costs could effectively be cut. This is a difference between \$139,125.00, which is the original contract amount, and \$21,600.00, which is the total amount of work completed to date, which is a savings of over \$110,000.

City Manager Davis commented that this project is making good progress without a significant amount of input in terms of value engineering from Taylor Ball, which Taylor Ball acknowledges.

Councilman Rudi thanked City Manager Davis for his explanation.

Councilman Joe Evans asked if there is a penalty clause for terminating the contract early.

City Manager Davis replied there is no penalty clause for terminating the contract early.

Councilman Carol Rudi moved to approve **Resolution No. 03-50**, authorizing acceptance of work under contract with Taylor Ball for the Construction Management Services for the design and construction of the new fire station and authorizing final payment in the amount of \$6,340.00 from the Fire/EMS Sales Tax Fund. Project 025602. Councilman Bill Cross seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5b. on the Agenda. Resolution No. R-03-51, authorizing execution of a contract with Twin Traffic Marking Corporation for the 2003 Pavement Marking Program in the amount of \$12,349.78 from the Transportation Sales Tax Fund. Project 035035.

Discussion.

Mayor Pro Tem Beer thanked City Manager Davis for the report he provided on the areas included in the 2003 Pavement Marking Program.

Mayor Pro Tem Wayne Beer moved to accept **Resolution No. R-03-51**, authorizing execution of a contract with Twin Traffic Marking Corporation for the 2003 Pavement Marking Program in the amount of \$12,349.78 from the Transportation Sales Tax Fund. Project 035035. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Roy Patton, 5810 North Garfield, stated last Thursday he was shopping at Walmart in Gladstone when one of his packages had a tag that activated a buzzer which alerted store security. All of a sudden, Mr. Patton said, he had 10 to 15 young men around him. Mr. Patton stated he had not stolen anything, but had paid for everything in his bag. The young men did not hit him, but put their bodies against him. Mr. Patton remarked he is 70 years old, has many health problems, and feels he was treated pretty roughly. Mr. Patton was held for 20 to 30 minutes, and many people passed by who must have thought Mr. Patton was a "shop lifter". Since this has happened to Mr. Patton, he has asked other people if the same thing has happened to them. Mr. Patton commented it is surprising how many people have had the same thing happen to them. When Mr. Patton brought this incident to the attention of the Walmart store manager, the only concern the store manager had was if the young men had touched Mr. Patton with their hands, which although they did not touch him with their hands, they did keep their bodies close to him.

Mr. Patton stated he did not know if Walmart has an agreement with the City of Gladstone, but it seems that Walmart feels they can "self police" themselves and have an open hand to do whatever they wish. Mr. Patton informed the City Council that he came to the meeting to inform City Council members of this incident, and stated he has a good lawyer, and does not wish to involve the City of Gladstone in a lawsuit. Mr. Patton stated the City needs to talk to Walmart for the safety of Gladstone residents, and remarked that 14 and 15 year old people have no business working as security guards. Mr. Patton continued by saying he nearly had a heart attack during the incident and feels Walmart was out of line.

Mayor Les Smith informed Mr. Patton that the City of Gladstone does not have an agreement with Walmart for anything of this sort. There are Gladstone Public Safety officers who work at Walmart when they are off duty with Gladstone. Mayor Smith asked if any of these officers were involved in the incident.

Mr. Patton replied no Gladstone Public Safety off duty officers were involved. However, he wished they had been there to assist him. Thankfully, a Walmart employee happened by and brought to the attention of the security personnel the tag that had been inadvertently left on an item in Mr. Patton's bag, which caused the buzzing sound. Mr. Patton remarked that he believes it is his right not to be seized and searched as he was.

City Manager Davis stated that the City of Gladstone does not have an agreement with Walmart. There are off duty Gladstone Public Safety officers who work there as security personnel.

Councilman Bill Cross asked if perhaps Public Safety Director Bill Adamo could go to Walmart to speak to the manager about their security practices.

Mr. Patton commented that he visited with Director Adamo and a Public Safety Captain, and feels it is not a Public Safety issue, but a City issue. The City of Gladstone needs to visit Walmart and put a stop to such practices.

Councilman Cross suggested City Manager Davis or a City representative visit with the Walmart store manager.

City Manager Davis replied he would be happy to make arrangements for such a visit.

Mayor Les Smith agreed with a courtesy visit from a City representative, but remarked that he believes the incident that Mr. Patton described, which occurred on private property, would be a civil matter between Walmart and Mr. Patton.

Mr. Patton replied that he has the civil matter under control, but is concerned for other people that visit the store.

Mayor Smith stated that a City representative will visit with the Walmart manager and will let the manager know the City does not condone such activities, and that there are citizens concerned with their security practices.

Mayor Pro Tem Wayne Beer asked Mr. Patton if he had left the building when the incident occurred.

Mr. Patton replied he had just paid for his purchases and was still inside the building, when the incident occurred.

Mayor Smith asked City Manager Davis to arrange for a City representative to visit with the Walmart manager, and to advise Mr. Patton when the contact has been made and his concerns forwarded to Walmart. Mayor Smith suggested perhaps the City's off duty officers can advise the City if there is behavior at Walmart that the City needs to address.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans thanked Parks and Recreation Director Sheila Lillis for the grand re-opening of the Oak Grove Park Amphitheatre. Councilman Evans stated he hoped City Manager Davis has a good vacation week and has an enjoyable time on his vacation.

Councilman Carol Rudi thanked the City for the fireworks display at the July 4th event. It was a great event. Councilman Rudi was told by Gladstone Fire Inspector Chuck Duddy that 85 bursts went off during the grand finale. It was very impressive and just amazing.

Councilman Bill Cross agreed with Councilman Rudi, and asked Parks and Recreation Director Sheila Lillis if more or less money was spent on fireworks this year.

Director Lillis replied the same amount of money was spent this year as last year.

Councilman Cross remarked that it is fortunate no one was hurt over the 4th of July, this year. Councilman Cross then asked City Manager Davis if there was a report on the Use Tax.

City Manager Davis replied that the first check has been received in the amount of approximately \$15,000, for a period covering, he believed, 60 days.

Councilman Cross remarked that is \$15,000 more for the City's budget, and no doubt the aquatic fund is starting to grow with money being made at the municipal pool this week.

Mayor Pro Tem Wayne Beer stated he wished to echo congratulations on the successful fireworks display and the July 4th celebration, and on the successful amphitheatre dedication. The Bluesfest was a great event also.

Mayor Les Smith extended congratulations to everyone who worked to get the amphitheatre open ahead of schedule, and he understands the fundraising is also ahead of schedule. Mayor Smith mentioned there has been a first meeting of the Initiating Committee of the citizen-based Strategic Planning Committee, which went very well. Mayor Smith asked City Manager Davis for a time-line update on the Gladstone Plaza process.

City Manager Davis replied that proposals are currently being reviewed. This is a two-part process and the second part has just been initiated, which involves background checks, interest, perhaps some more formal submissions that would allow for better evaluation of the proposals. This process is still on schedule, with activity expected to potentially come before City Council as early as September.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis thanked City Council members for their remarks regarding the July 4th event and the Oak Grove Park Amphitheatre dedication. City Manager Davis remarked he felt both events went very well and were well attended. It was estimated that 14,800 people attended Theatre in the Park this past weekend, which is a record. Funds in the amount of \$3,850 were raised at the Theatre in the Park productions of "Peter Pan" last weekend. It was obvious people were very happy with the quality of the production.

City Manager Davis reported there will be a ground-breaking ceremony for the new fire station. A date has not been set, but Public Safety is working on this and information will be coming out soon. City Manager Davis reminded City Council members the City will be hosting Antioch Middle School students who are involved in the summer BE² Program. The City is their business partner again this year and City staff will be working with the students all week.

Mayor Smith mentioned there will be a mock City Council meeting with the BE² students, tomorrow.

Mayor Pro Tem Wayne Beer asked if there would be any objection to City Council members being present during student activities.

City Manager Davis replied City Council members are invited for all activities, and especially the mock City Council meeting that will be held at 1:00 PM, tomorrow. A zoning problem will be presented to students at the mock City Council meeting.

Item 9. on the Agenda. **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a modified pylon sign with a maximum height of 12 feet 6 inches at Ming Auto Beauty Center located at 400 NE 73rd Terrace. Applicant: Bandy Sign Service. Owner: Jahanian Daryoush. (File #1195) Mayor Smith opened the Public Hearing and immediately continued it to the **Monday, July 28, 2003**, City Council meeting at the request of staff.

Item 10. on the Agenda. **PUBLIC HEARING** for a Special Use Permit subject to certain conditions to Amanda Ratcliffe for operation of a Child Care Center at 203 NE 73rd Street. Applicant/Owner: Amanda Ratcliffe. (File #1192)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by the presentation by the Applicant, and finally comments from those in Favor and those Opposed.

Staff Presentation: Assistant City Manager Scott Wingerson began by saying Ms. Ratcliffe has applied for a Special Use Permit for operation of a Child Care from the home at 203 NE 73rd Street. The proposal includes providing day care for 10 full time, non-related children during the hours of 5:00 AM to 6:00 PM, Monday through Friday. The recommended term is for one year. Assistant City Manager Wingerson reported the Planning Commission performed a site visit and unanimously recommends approval of the request.

Applicant Amanda Ratcliffe, 203 NE 73rd Street, stated that Assistant City Manager had adequately summarized her request, however, she was hoping to have the Special Use Permit approved for longer than one year.

Councilman Carol Rudi mentioned that at the Planning Commission meeting there was discussion about locks for the gates, and asked if the locks have been addressed.

Ms. Ratcliffe replied she has not checked on the locks yet, and is not sure they make a lock to fit the gate, but will either have a lock or a chain with a padlock for the gate.

There was no one who wished to speak in Favor or in Opposition to this proposal.

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

Item 10a. on the Agenda. **FIRST READING BILL 03-22**, approving a Special Use Permit subject to certain conditions to Amanda Ratcliffe for operation of a Child Care Center on residential property at 203 NE 73 Street.

Mayor Pro Tem Wayne Beer moved to place Bill 03-22 on First Reading. Councilman Bill Cross seconded.

Discussion.

Mayor Pro Tem Wayne Beer stated he was at the Planning Commission meeting when this proposal was discussed, and the only area of discussion was the child-proof locks. The Planning Commission did approve this unanimously, and Mayor Pro Tem stated he would be voting in favor of this proposal.

Councilman Carol Rudi mentioned the term of one year for a Special Use Permit is generally what takes place for a first time permit, and after that a longer period of time is generally permitted.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-22, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross. Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-22 and enact the Bill as **Ordinance 3.876**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith wished Ms. Ratcliffe the best of luck and stated he hopes to see her in a year requesting an extension to her Special Use Permit.

Item 11. on the Agenda. **FIRST READING BILL 03-23**, approving the Final Plat of "Replat of Lots 1, 2 and 3 of Carriage Hill 9th Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signature to said Plat for recording. (File #1197)

Councilman Bill Cross moved to place Bill 03-23 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-23, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-23 and enact the Bill as **Ordinance 3.877**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no further business.

Item 13. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 14. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the July 14, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Councilman Carol Rudi moved to adjourn to Closed Executive Session in the City Manager's office pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:

Cathy Svenson
Cathy Svenson, City Clerk

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

Les Smith
Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JULY 28, 2003**

OPEN STUDY SESSION: 6:45 PM

REGULAR MEETING: 7:30 PM

**The City Council will hold a Closed Session pursuant to Missouri Open Meeting Act
Exemption 610.021 (2) for Real Estate Acquisition 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, 2003 CITY COUNCIL MEETING MINUTES.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-52, authorizing the execution of a Permanent Sanitary Sewer Easement and a Temporary Construction Easement to Kings Gate at Brighton, LLC over and through the eastern portion of Happy Rock Park for the construction and maintenance of a service line connecting Kings Gate at Brighton subdivision in Kansas City, Missouri to a nearby Kansas City sanitary sewer main.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- El Patio, LLC, dba Senor Tequila's, 6502 N Oak, Class A&B Liquor by the Drink License
- El Patio, LLC, dba Senor Tequila's, 5941 N Antioch, Class A&B Liquor by the Drink License
- Nardella Inc., dba Mark & Michelle's Bar & Grill, 7102 N. Oak, Class A Liquor by the Drink License
- Tortilla Flats, 5716 NE Antioch Road, Class A Liquor by the Drink License
- Kyle's Tap Room, 6825 N Oak, Class A Liquor by the Drink License
- TEZ, Inc., dba The End Zone, 7632 N Oak, Class A Liquor by the Drink License

APPROVAL OF FINANCIAL REPORTS for the month of June 2003.

REGULAR AGENDA

6. **Communications from the Audience.**

7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, 300 NW 72nd Street, Class A&B Liquor by Drink License.
10. **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a modified pylon sign with a maximum height of 12 feet 6 inches at Ming Auto Beauty Center located at 400 NE 73rd Terrace. Applicant: Bandy Sign Service. Owner: Jahanian Daryoush. (File #1195)
11. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland. Applicant: Gladys Morison. Owner: Janice and Darrell Parrish. (File #1193)
- 11a. **FIRST READING BILL 03-24**, granting a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland.
12. **RESOLUTION NO. R-03-53**, authorizing the City Manager to execute an agreement for depository and banking services for the City of Gladstone, Missouri with United Missouri Bank.
13. **FIRST READING BILL 03-25**, repealing certain provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions clarifying the Distinction between commercial and non-commercial activities and permit requirements in the regulation of Door-to-Door Solicitors and Peddlers.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.

**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
MONDAY, JULY 28, 2003**

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular July 28, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JULY 14, 2003,
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular July 14, 2003, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5. on the Agenda. CONSENT AGENDA.

Following the Clerk's reading, Mayor Pro Tem Wayne Beer requested that **Resolution R-03-52**, authorizing the execution of a Permanent Sanitary Sewer Easement and a Temporary Construction Easement to Kings Gate at Brighton, LLC over and through the eastern portion of Happy Rock Park for the construction and maintenance of a service line connecting Kings Gate at Brighton subdivision in Kansas City, Missouri to a nearby

Kansas City sanitary sewer main be placed on the Regular Agenda for discussion as **Item 5a.**

Councilman Carol Rudi commented that in regard to the June 2003 Financial Report, she likes financial reports where the City's revenues are greater than the expenditures.

Mayor Les Smith remarked that he had mentioned to City Manager Kirk Davis that he would like to eventually see in some format the separation of the Sales Tax and the Use Tax in order to see good monthly and yearly comparisons.

Councilman Bill Cross moved to approve the Consent Agenda as amended. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for El Patio, LLC, dba Senor Tequila's, 6502 N Oak; El Patio, LLC, dba Senor Tequila's, 5941 N Antioch; Nardella, Inc., dba Mark & Michelle's Bar & Grill, 7102 N Oak; Tortilla Flats, 5716 NE Antioch Road; Kyle's Tap Room, 6825 N Oak; and TEZ, Inc., dba The End Zone, 7632 N Oak. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS** for the month of June 2003. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. **Resolution No. R-03-52**, authorizing the execution of a Permanent Sanitary Sewer Easement and a Temporary Construction Easement to Kings Gate at Brighton, LLC over and through the eastern portion of Happy Rock Park for the construction and maintenance of a service line connecting Kings Gate at Brighton subdivision in Kansas City, Missouri to a nearby Kansas City sanitary sewer main.

Discussion.

Mayor Pro Tem Wayne Beer asked Staff to elaborate on this resolution, especially as it pertains to the issue of trees.

City Manager Kirk Davis replied this easement, that would service a Kansas City neighborhood, would be located on the very eastern edge of Happy Rock Park, which is

actually in Kansas City, off of North Kensington. The request is an easement that would require the removal of some trees on the eastern edge of Happy Rock Park.

City Manager Davis explained that Assistant City Manager Scott Wingerson negotiated replacement of the trees, as outlined in a memorandum from Mr. Wingerson included in the Council packet. The memorandum states that the developer has agreed to provide and plant replacement trees as follows: each existing 8"-12" tree would be replaced by two 3" trees; each existing 12"-18" tree would be replaced by three 3" trees; and each existing 18" and larger tree would be replaced by four 3" trees.

City Manager Davis explained the area where the trees will be removed is rather secluded and the trees being removed are not of good quality. It is difficult for the public to enjoy this particular area due to the fact it is secluded. The idea is to plant the new trees in the expanded area of Happy Rock Park to assist with some buffering issues with the adjoining neighborhood to the north, and to reduce landscaping costs. This would potentially allow funds to be spent on other improvements, such as connecting the trail around the expanded area of the park. The placement of trees in the expanded area would be more conducive to public enjoyment.

Mayor Pro Tem Wayne Beer stated as this specific information is not in the resolution, he would like to be certain there is a commitment that the City would receive cash for the value of the trees, or the trees to be planted elsewhere. Councilman Beer remarked the trees cannot be planted in the easement due to the fact nothing can be put on the easement for maintenance reasons. Councilman Beer remarked he feels it is necessary to have something in writing that specifies that the trees will be planted by the developer or contractor on the expanded area of Happy Rock Park or that the City receive funds with which to purchase the trees.

City Manager Davis commented that the City's contractor, who would be working on the expansion of Happy Rock Park, would probably be asked to plant the trees in conjunction with the balance of the landscaping. The provision of the trees could be accomplished through a Development Agreement with the Kansas City contractor, or by amending this resolution, or if Council gives that direction now, Staff will make a note of it, and when Staff follows through with the contractor in Kansas City, the trees or a cash equivalent will be requested. Most probably the trees will be requested in order to coordinate at a later date with the landscaper of the expanded area of Happy Rock Park. City Manager Davis stated Staff would proceed with direction from City Council.

Mayor Pro Tem Wayne Beer stated he would be agreeable to providing direction from City Council with a consensus of Council members.

Councilman Bill Cross remarked, that based on Mr. Wingerson's memorandum, the Kansas City developer has agreed to provide replacement trees as City Manager Davis reported, and he feels that this will be guaranteed when the City is ready to plant the trees.

Mayor Pro Tem Wayne Beer moved to adopt **RESOLUTION NO. R-03-52**, authorizing the execution of a Permanent Sanitary Sewer Easement and a Temporary Construction Easement to Kings Gate at Brighton, LLC over and through the eastern portion of Happy Rock Park for the construction and maintenance of a service line connecting Kings Gate at Brighton subdivision in Kansas City, Missouri to a nearby Kansas City sanitary sewer main. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Dave Wheeler, 6417 North Flora, began by saying he and his wife have lived at 6417 North Flora for 19 years, and have previously lived at two other locations in Gladstone. Mr. Wheeler stated he has sold his home and he and his wife plan to move to an Englewood Vista Independent Senior Living home. He has made all the arrangements to move August 1st, but he understands there has been a setback with people being allowed to reside in the building in which he plans to move. Mr. Wheeler understands one conflict is the roadway, and another is the retaining wall. Mr. Wheeler continued by saying he knows there are a lot of people on a fixed income that hope to reside in this building, and they likewise have made arrangements to move. It will be difficult for him and others if they cannot move into the building as planned.

Mr. Wheeler was first going to move into his new home July 1st, but the Englewood Vista management told him he would have to wait until July 15, and then they told him that he would have to wait until August 1st. Mr. Wheeler feels the Englewood Vista management are good people, with a good background, but if there is anything the City could do to help with this process, he would appreciate it. Mr. Wheeler understands that there is concern with Public Safety vehicles, such as the ambulance and fire truck getting into the area, but perhaps something could be done with a temporary roadway, so people can move into their new homes. Mr. Wheeler feels that the Englewood Vista management people will stand by what they tell the City they will do.

Mayor Les Smith stated that since Mr. Wheeler's visit to City Hall that morning, a possible solution may be available. Mayor Smith asked Assistant City Manager Scott Wingerson to provide an update.

Assistant City Manager Scott Wingerson stated that Mr. Wheeler had described the situation accurately. The back of the Englewood Vista Senior Living facility contains two separate buildings from a code perspective. The furthest west building is not connected by a paved surface to the rest of the buildings, making fire protection and ambulance service virtually impossible to the northwest corner of the entire complex. Mr. Wingerson explained that City staff has maintained from the beginning of the project that construction of North Central, which is the street leading up to the project, and is not completely constructed yet, was critical for the City to provide emergency services to that part of the complex, and occupancy would not be granted until such time as Central was constructed.

That record goes back almost a year. However, moving forward, because there are 42 people who have units they are scheduled to move into on August 1st, City staff has been working diligently to come up with a solution to allow this to occur.

Part of the solution, reported Mr. Wingerson, is the final temporary occupancy building inspections that need to occur. These inspections will be made Tuesday, Wednesday, and Thursday of this week, based on the request by the contractor. Another issue is the temporary improvement of North Chestnut. It is Mr. Wingerson's understanding that the excavation contractor will be cutting the street to final grade, tomorrow, and the general contractor is attempting to schedule asphalt companies to install an 18-foot wide strip through the middle of where North Chestnut will be. From that point, emergency access would be afforded both coming and going on an 18 feet of width and 6 inches of depth asphalt, which should satisfy the concerns of all involved from an emergency services standpoint. Mr. Wingerson reported that a delay over the last year has been the construction of a retaining wall on the west side of North Central. The developer had to purchase additional property to get the right to build the wall and they have had trouble designing a wall that meets the City's specifications in terms of technically how the wall must be built in right-of-way in corridor situations.

Mr. Wingerson continued by saying, if City Council concurs, Staff recommends the acceptance of a temporary solution, which is the asphalt strip to allow emergency services, continue to perform and expedite the building inspections, and expedite the plan review for the retaining wall, hoping that all this comes together and is complete in the next 30 to 45 days.

Mayor Smith remarked that the issue was to get Public Safety apparatus back to the farthest west building. The City does not want people living in the back part of the project, if a fire should occur and emergency services are not able to be provided. Mayor Smith said if this temporary solution satisfies City Council, then he suggests that City Staff be given the go ahead, so Mr. and Mrs. Wheeler and the others may move into their new homes. On a personal note, Mayor Smith stated, he has been fairly disappointed with the developer from time to time and is not convinced that they lived up to doing some things in a timely manner on a lot of issues that they promised when the City approved the plan. Mayor Smith said, however, they are at a point where the City can safely say the residents will be protected.

Mayor Pro Tem Wayne Beer agreed that the developer has been less than forthcoming on many issues. One area that the developer was a bit out of bounds was promising occupancy on any date without regard to the inspections that have to occur and Public Safety access to all the buildings. Councilman Beer remarked that nonetheless, the developer has made a commitment to 42 people who, now after Friday, are without a home in many cases, and from a humanitarian standpoint and in order to take care of our citizens, it seems the City has to provide reasonable accommodations to allow them to move into their new homes. Councilman Beer stated he feels what Staff proposes, presuming that the developer is able to fulfill his commitments made of late and today, is acceptable to him.

Councilman Carol Rudi asked if the City allows this occupancy to take place, and the developer does not fulfill his commitment, what are the options for the City.

Assistant City Manager Wingerson replied that there is \$75,000 in escrow.

Councilman Rudi asked if that is enough to complete the street.

Mr. Wingerson replied, yes.

Councilman Bill Cross asked if the \$75,000 in escrow would go into effect after the first day of August if the street were not complete.

Mr. Wingerson replied, no, it would go into effect after failure to complete the improvements.

Councilman Rudi asked if the \$75,000 would cover the cost of the retaining wall.

Mr. Wingerson replied, yes.

Councilman Rudi stated that if our costs are covered, then she is agreeable to this action.

Councilman Joe Evans asked Public Safety Director Bill Adamo if he had any concerns in regard to the fire apparatus or police access to the project.

Public Safety Director Bill Adamo stated he feels his concerns are covered with the accessibility of fire and EMS equipment. The City's Fire Inspector would not sign off on this unless there is access to the building sufficient to handle the trucks, in particular the aerial truck. The initial 2 inches of asphalt that was going in was not acceptable to the City nor would it be to the residents if there were a fire and the trucks could not get to the building. The six inches of asphalt or better will work, and as long as Public Safety equipment can get into this area, there is no further concern.

Mayor Pro Tem Wayne Beer agreed that 2 inches of asphalt is little better than a walking path, and asked Director Adamo, in regard to two way access, if he is comfortable with the 18 foot width.

Director Adamo replied, yes.

Hauk Studschwing, stated he is a 25 year Gladstone resident, who is currently living with his daughter, and in regard to the \$75,000 that is in escrow, he would like to hear a definite date that work must be done by the developer. Mr. Studschwing commented that if the City is concerned the developer will not complete the work satisfactorily, he will be one of the first residents that will have his own lawyer visit with the developer.

Mayor Smith asked Mr. Wingerson if this might be a performance bond issue.

Mr. Wingerson replied that the City does hold performance bonds on the project through the permitting process, but the more expedient process is through the escrow funds. The escrow is designed for the security in completing the improvements. The escrow protects the public's interest. Mr. Wingerson remarked he could not give a definitive date at this meeting, but he will try to get this information back to the citizen and City Council as soon as possible.

Mayor Smith asked if there is a concern regarding access on North Central only for Public Safety vehicles – is there full access to the project for other vehicles.

Mr. Wingerson replied there is access for other vehicles from North Main.

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

Councilman Joe Evans stated he was looking forward to the Ground Breaking at the new fire station, tomorrow morning, and also thanked the Gladstone Area Chamber of Commerce for their donation to the Oak Grove Park Amphitheatre Fund.

Councilman Carol Rudi had nothing to say at this time.

Councilman Bill Cross had nothing to say at this time.

Mayor Pro Tem Wayne Beer had nothing to say at this time.

Mayor Les Smith offered kudos to the citizens and Staff who have worked on water bonds issues and so forth over the years, and mentioned that on July 15th of this year, the City pumped 5.95 million gallons of water. Mayor Smith stated it might be remembered in years past there has been water rationing. Apparently those problems have been addressed through the hard work and cooperation of many people.

Mayor Smith reported that on a sad note, Tamie Mills, the City's Public Information Coordinator, has resigned effective July 29th. Ms. Mills will be missed, but the City wishes her well on her future endeavors.

Mayor Smith expressed his thanks to the Gladstone Area Chamber of Commerce for their donation to the Oak Grove Park Amphitheatre Fund. Mayor Smith then read a letter of thanks from Matt Kimbrough, a 14-year-old Boy Scout, with a Star rank, who lives on North Wabash off of Antioch Road. Mr. Kimbrough thanked the City for paving Antioch Road and repairing the pothole on his street.

Mayor Smith asked City Manager Davis about the property at 57th and Antioch Road, and commented whether it be addressed as a code enforcement issue, a blight issue, or some

other issue, Mayor Smith would like to see the City's options researched for this property. It is a shame to have property in this shape in our City and especially on Antioch Road.

City Manager Kirk Davis replied there is a code enforcement issue pending, and tomorrow Staff is meeting to discuss strategy to move forward regarding the dangerous building issues. There is some interest in this property, and there may be an opportunity for redevelopment.

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

City Manager Kirk Davis mentioned that tomorrow, July 29th, at 10:00 AM, will be the groundbreaking for the new Fire Station #1, at 61st and North Oak, and he stated he hoped everyone will be able to attend. City Manager Davis stated there have recently been two successful events at the Oak Grove Park Amphitheatre, and on August 8, 9 and 10 will be the Theatre in the Park production of "*Big River*". Many kudos have been received for the Amphitheatre.

City Manager Davis offered congratulations to Officer Wick Pickard who has received a statewide award, the Missouri Police Officer of the Year Award, through the Missouri Optimists organization for his years of service and dedication to the community. Officer Pickard was nominated by his fellow officers.

City Manager Davis stated the citizens who are moving into the Englewood Vista Independent Senior Living project do potentially have a private issue with the developer. There are a series of checklists that have been on the table for a period of time. With the direction from City Council members, at this meeting, Staff will be able to address the safety issues. The City has been unwavering in addressing the safety issues, and the developer has made some promises that have not been kept. City Manager stated he wished to make it clear this is an issue of promises not kept to potential clients of the developer. The part of the City during this process has been above board, on the record, for a period of time. The City is trying to help the citizens, which is what we like to do, but the City has to be careful with the issues that were discussed tonight.

Item 9. on the Agenda. **APPROVAL OF LIQUOR LICENSE RENEWAL for Gladstone Bowl, 300 NW 72nd Street, Class A&B Liquor by Drink License.**

Mayor Les Smith stated as he has a vested interest in this business, he would not be voting on this item.

Councilman Bill Cross moved to approve the Liquor License Renewal for Gladstone Bowl, 300 NW 72nd Street. Mayor Pro Tem Wayne Beer seconded. The vote: "Aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" - Mayor Les Smith. (4-0-1)

Item 10. on the Agenda. **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a modified pylon sign with a maximum height of 12 feet 6 inches at Ming Auto Beauty Center located at 400 NE 73rd Terrace. Applicant: Bandy Sign Service. Owner: Jahanian Daryoush. (File #1195)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by the presentation by the Applicant, and finally comments from those in Favor and those Opposed.

Staff Presentation: Assistant City Manager Scott Wingerson began by saying the applicant has requested a variance from the Sign Code, which would allow the construction of a modified monument sign with a maximum height of 12 feet 6 inches. The Sign Code designates a maximum height of 7 feet for a monument sign. The proposed sign complies with all other requirements of the Sign Code. The City Council's packet includes information that indicates the existing pylon sign for the Ming Auto Beauty Center is approximately 24 feet in height. Mr. Wingerson continued by saying the applicant seeks approval of one or the other of the two designs found in City Council's packet. The primary difference in the designs is one or two poles and the one pole design is a single pole in the middle.

Mayor Pro Tem Wayne Beer inquired into the line of sight and visibility. The sign as proposed would set on the private property line adjacent to the right of way. Regardless of which design is approved, Councilman Beer asked if the sign height in that position would affect the line of sight for anyone egressing the property, and in regard to the sign height at the bottom of the sign itself to the top of the sign, would the monument sign provide proper visibility from the street given the topography of the street and property. Are there site and visibility issues if this were in fact truly a monument sign as per code.

Mr. Wingerson replied under either of the proposals, the sign would be set back to preserve the safe sight triangle for entering or exiting the property onto North Oak. With a true monument, the sign would have to move back slightly, because just a small difference between the leading edge of the sign as proposed, and the center pylon preserve the safe sight triangle. A true monument would not have a leading edge; it would be a solid rectangular shape, which would then impact the safe site triangle exiting the property onto North Oak. Mr. Wingerson continued by saying to construct a typical monument, with a maximum height of 7 feet, the sign would have to be backed slightly towards the property in order to preserve the safe sight triangle.

Mayor Pro Tem Beer asked without a variance, would this 12 foot 6 inch sign be permitted under conditions other than being placed at the property line.

Mr. Wingerson replied, yes, if the sign were classified as a pylon sign, it would be required to set back a distance of its height. For a 12 foot 6 inch sign classified as a pylon sign, the leading edge of the sign would be required to be 12 feet 6 inches, in this case east, of the property line.

Councilman Carol Rudi asked for an example in the City of a similar modified sign of this height.

Mr. Wingerson replied, the sign at Hen House and Meadowbrook Shopping Center are modified pylon signs. Basically they are pylon signs with enhanced aesthetic treatments that make them look more substantial and less like a pylon sign. Another location of a sign is Lockwood Center, which is a monument sign, however it exceeds the height limitation and is approximately 10 feet tall. There are examples of monument signs in the community that exceed the height requirement, as well as modified monuments that are treated a little bit differently.

Councilman Rudi asked if the signs at Hen House and Meadowbrook Shopping Center are approximately 24 feet.

Mr. Wingerson replied he would need to check, but he believes that the signs at Prospect Plaza, where Hen House is located, and Meadowbrook Shopping Center are in excess of 24 feet.

Mayor Les Smith commented that part of the rationale in approving those signs was the multiple tenants in the centers.

Mr. Wingerson stated that this application contains three tenants, or three different businesses.

Councilman Joe Evans asked, based on the pictures of the existing sign, is this modified monument sign moving closer to the street.

Mr. Wingerson replied slightly, and he believed the intent was, if possible, to use the existing pylon, cut it down, box it, and install the cabinet.

Councilman Evans asked if that was the east edge.

Mr. Wingerson confirmed that was correct, it would be the central point of the sign, and it would be east and west.

Applicant Ron Bandy, Bandy Sign Service, stated that in answer to a question from Councilman Beer, the setback requirements that is required by the City of Gladstone and many other cities, is that the sign must set back the same number of feet as the height of the sign. Ming Auto Beauty Center's existing sign is 24 feet in height and there is a 24-foot setback. What is proposed is to start from the farthest east leg and work west, which is back into the parking lot away from the traffic zone. Mr. Bandy explained the reason the height variance is required is because if a van or any vehicle is parked, as shown in Figure #3 included in the Council's packet, on the property adjacent to the sign, the vehicle obscures the vision of the sign and it also blocks the vision of the traffic coming out of the

parking lot. It is Mr. Bandy's suggestion to move the sign back far enough, and adjust the height of the sign, so that it is above the height of a mini van, which is about six feet tall. Mr. Bandy remarked if Council approves the first design, there would be visibility through the base of the sign. At the face of the sign, the bottom panels of the visible copy would begin at 6 feet 6 inches going up to 12 feet 6 inches as a total maximum height. The setback would be the same as a 24-foot sign.

There was no one who wished to speak in Favor or in Opposition to this proposal.

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

Mayor Pro Tem Wayne Beer moved to approve the requested variance from the Sign Code with the following modifications: staff and applicant would be allowed some flexibility in making a choice of either a true monument sign to be installed with a setback as necessary to preserve proper and safe sight triangle or to permit the 12 foot 6 inches sign with a setback of 12 foot 6 inches. Either sign as proposed would be acceptable.

Mayor Smith asked for clarification, if Councilman Beer's motion meant that either sign, for which there are drawings of in Council's packet, would be acceptable.

Councilman Beer replied that was correct, either sign is acceptable with a 12 foot 6 inches setback, or a monument sign set back at such a position as to preserve a proper and safe sight triangle for egressing traffic.

Councilman Joe Evans seconded the motion.

Councilman Evans mentioned there are two different listings, a modified pylon sign and a modified monument sign, and asked for clarification of the motion.

Councilman Beer stated the intent of his motion was to permit either of the two signs with a 12 foot 6 inches setback.

Councilman Evans stated he is trying to get clarification as the agenda lists consideration of a sign variance to allow construction of a modified pylon sign, yet in the memorandum included in City Council's packet, the sign is called a modified monument sign. Mr. Evans asked if there is a difference.

Mr. Wingerson replied no, it is just terminology. Mr. Wingerson continued by saying, if he understood Councilman Beer's motion correctly, it would be a true monument set back to preserve safe sight or either one of the signs proposed in Council's packet set back 12 feet 6 inches.

Councilman Beer replied, that is correct.

Mr. Wingerson commented that both of those options would be allowed under the Sign Code, so the variance would not be necessary.

Councilman Beer, for clarification, stated that, in fact, his motion would not be necessary.

Mr. Wingerson concurred that is correct, and in fact Mr. Brandy and Mr. Wingerson were just speaking and Mr. Brandy believes he can work with either option.

Councilman Beer withdrew his motion and Councilman Evans withdrew his second to the motion.

Mayor Smith asked Council members if they had a preference as to the style of the sign, if the applicant chooses one of the signs shown in the Council's packet.

Council members had no preference.

Mayor Smith asked if there was direction needed from Council.

City Manager Davis replied given the commitment with which the applicant has agreed, and the direction from City Council, Staff will move forward.

Item 11. on the Agenda. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland. Applicant: Gladys Morison. Owner: Janice and Darrell Parrish. (File #1193)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by the presentation by the Applicant, and finally comments from those in Favor and those Opposed.

Staff Presentation: Assistant City Manager Scott Wingerson stated the applicant has requested a Special Use Permit to allow the operation of a massage facility from the home at 7513 North Highland. The Planning Commission is recommending approval under a series of conditions as found on the draft bill. The conditions include the proposed hours of operation, which are Monday, 9:00 AM to 12:00 PM and 1:00 PM to 6:00 PM; Tuesday, 1:00 PM to 6:00 PM; Thursday, 1:00 PM to 6:00 PM; Friday, 9:00 AM to 12:00 PM, and 1:00 PM to 4:00 PM; and Saturday, 9:00 AM to 12:00 PM.

Mr. Wingerson continued by saying the term of the Special Use Permit recommended by the Planning Commission is one year, with an effective date of October 1, 2003. The request is limited to 14 clients per week, and the remaining conditions are very similar to past Special Use Permit applications City Council has seen in the past.

Applicant: Mike Keleher began by saying he represents the applicant in this proceeding. Mr. Keleher's office is located at 403 NW Englewood Road. Mr. Keleher presented two

exhibits to City Council members. The first exhibit was a brochure containing a number of letters from clients and other professionals who can attest to the benefits they have achieved from the services Ms. Morrison plans to render from this location. The second Exhibit was the report of area realtor and appraiser Rodney Holland, addressing the lack of any adverse effect on the property value and surrounding property values as a result of this activity.

Mr. Keleher continued by saying he would like to point out that there are listed in his report a number of other Special Use Permits that exist in this particular neighborhood. Mr. Keleher pointed out that the applicant accepts all the conditions that have been recommended by the Planning Commission, and he stated he wished to emphasize two of the perhaps most important conditions; one condition being the stipulation of a one year term for this Special Use Permit, if granted. The applicant feels in this time period, she will be able to prove to the neighbors that she will be a good neighbor in all respects. A second condition is the limitation of the number of patients that may be treated by Ms. Morrison to fourteen. In Mr. Keleher's research of traffic information, this number of visits by patients will generate less traffic at Ms. Morrison's residence than any other single family residence in the neighborhood, given the fact that Ms. Morrison is a single individual and has no other person residing with her.

Mr. Keleher remarked that another important point of concern they wished to address, as his client respects the concerns of her neighbors, is the petition signed by the number of residents opposing her application. Mr. Keleher spoke to two of the people that signed the petition, and both of them advised him that when they signed the petition, they were told the applicant was seeking to open a massage parlor. Mr. Keleher said that quite clearly most of us presented with those facts, would have signed the petition, as well. The two individuals with whom Mr. Keleher spoke, after learning the facts, indicated they did not oppose the application.

Mr. Keleher stated that with him this evening is the applicant, Ms. Morrison, Rodney Holland, and Kevin Snedden, who is with the Missouri State Licensing Board, who will talk about the strict standards applied to this profession. Mr. Keleher asked Ms. Morrison to step forward.

Ms. Morrison began by saying she has agreed to purchase the home at 7513 North Highland contingent upon receiving this Special Use Permit, so she may do therapeutic massage in her home. Ms. Morrison stated she spent over a year looking at homes particularly in Gladstone, but also in areas in Platte County. Ms. Morrison was looking for a home that was already situated so she would not have to do construction or make major changes in order to meet the State regulations for massage therapy. This particular residence does meet the qualifications, one being a separate area and having its own entrance separate from the home entrance. Additionally there is ample off-street parking, so there should be no need for a client to park on the street, as she is only able to work with one client at a time.

Ms. Morrison stated that Mr. Keleher mentioned traffic information, and both the City of Independence and Kansas City, Missouri use the publications published by the Institution of Transportation Engineers. In that publication, there is a chart called the Trip Generation Rate, which shows the average rate shown for the single detached family unit is ten trips per day or five round trips. Ms. Morrison mentioned that assuming there was any one day she had four appointments, that would be one trip short of the average of five trips. Other days would be scheduled well below the average trip generation rate.

Ms. Morrison said in addition, she will have a substantial investment in this property, therefore if she felt it was going to reduce property values of either this home or surrounding homes, she would not wish to purchase the property. In fact she has agreed to make several improvements to the property: to remove volunteer trees that are growing at the immediate front of the home; install a storm door at the entrance on the south side of the home entering the massage room; remove grass and weeds from the driveway; trim trees as needed or remove them as needed; clean the grass area at the back of the lot; remove all the lawn and leaf bags from the back area; spray for weeds in the lawn and edge all grass; fertilize and water the lawn, shrubs, and flowers; and clean and remove grass and weeds from the flower beds. In addition, Ms. Morrison remarked, where the garage has been enclosed, cedar was used, and the remainder of the home is brick. Ms. Morrison stated she plans to stain the cedar or hide it from view. Ms. Morrison plans to have these improvements completed by or before the spring of 2004. Depending on when she is allowed use of the property, she may be able to accomplish many of the improvements yet this fall.

Ms. Morrison commented that she currently works in North Kansas City at the Thyme Capsule Nutrition building at 2627 Burlington. There are two chiropractors in the building and a homeopathic and naturopathic doctor. Additionally, there is another massage therapist that works in the building. Ms. Morrison stated she has been working as a massage therapist for the last five and one half years, therefore her clientele is well established and she has no need to place signage at her residence. Ms. Morrison reported her clientele are referred to her by doctors and word of mouth, and her work hours do not include evening hours as she finishes at 6:00 PM. Ms. Morris continued by saying that about 95 percent of her clients are scheduled for one and one half hour appointments. Occasionally she works up to two hours or longer if needed. The remaining five percent are scheduled for 30 minute massages. Ms. Morrison explained that 30 minute massages are generally for children, and parents are always invited to be present during massages for children. Other 30 minute massages are for people with specific problems, such as a knee, hip, or carpal tunnel and so forth.

Ms. Morrison stated she is available during the noted work hours to take appointments for 27 hours per week. However, she does not book the full 27 hours, because she has client records she must keep, similar to a chiropractor or doctor. Additionally, she has preparations she must do between clients, such as changing the linens and some cleaning and so forth. Ms. Morrison remarked that even though she does not intend to work the full 27 hours, those are the hours she is available to take appointments. Over the past year, she

has averaged 10 massages per week, and she can make a living doing 10 to 12 massages per week. Ms. Morrison reported her clientele includes adults and children, and her purpose is to provide comfort and reduce pain. Ms. Morrison said she has worked on people with Cancer, Multiple Sclerosis, Lymph Edema, Fibromyalgia, migraine headaches, arthritis, pain from accidents, and people with degenerative disk disease.

James Rodney Holland, 6 NE 53 Terrace, stated he has been a real estate appraiser since 1974 and a real estate broker since 1970. Mr. Holland commented that he works predominantly in Clay County, however he also works in Platte, Jackson, Clinton, and Ray Counties. Mr. Holland explained his report is relatively short. He was asked to address a single problem or concern, which is the possibility of diminution in value as a result of the proposed operation in this residence. Mr. Holland reported that assignment is relatively easy, as when looking for diminution in residences, a reason for diminution is researched. The reason can be the placement of a commercial sign, the modification of the property to accommodate some special commercial operation; for example remove all the grass, and concrete the front yard. There are no proposals from Ms. Morrison to make any changes to the property. The property is going to be used exactly as it sits.

Mr. Holland stated he likens Ms. Morrison's operation to that of a music teacher, many of whom operate in Gladstone, and do not have Special Use Permits, because they have not modified their property. Such operations do not have signage, no special parking requirements, generate no special noise, have no noxious odors, and they do not increase a threat to the neighborhood by any other peril, so there is no reason from a broker's standpoint or from an appraiser's standpoint to see diminution in value as a result of the proposal before you. Mr. Holland explained the report sites many operations that are already in the neighborhood, such as child care facilities, beauty shop operations, and so forth. Mr. Holland reported he sees no diminution in value to those neighbors nor does he see any here.

Mr. Keleher stated that Mr. Kevin Snedden had planned to be at this meeting. He had a meeting in Kearney at 6:30 PM, and thought he could be here at this time. Mr. Keleher remarked apparently he is unable to attend, but some points he wished to make were that this profession is regulated as a health care profession, and before one massage can occur in this house, the State has to inspect it and approve it. Furthermore, if there is ever any complaint about any activity associated with massage on this property, it will be immediately investigated, and if any violation is found, the license will be revoked. Mr. Keleher stated this concluded the testimony for the applicant.

Comments from those in Favor of the Application:

Beth McClure, 5620 North Poplar Drive, stated she has known Gladys Morrison for approximately two years. During that time Ms. McClure has been a patient of Ms. Morrison, and has received relief from arthritis pain in her hips. Without this treatment, Ms. McClure stated she did not feel she would be able to move about as she does today. Ms. McClure stated she has referred many friends to Ms. Morrison, which she believes is

the greatest compliment that can be given to someone. All her friends have raved about the healing power of Ms. Morrison. Ms. McClure remarked that she felt Ms. Morrison would be a great neighbor, and she has found Ms. Morrison to always be very professional.

Deborah Katch, stated she is a nurse practitioner who works for the Federal Government, and is also a licensed massage practitioner in the state of Washington and the state of Missouri. Ms. Katch remarked that she met Ms. Morrison at some classes they took together and they worked together. Ms. Katch is also a client of Ms. Morrison, and as a nurse practitioner, Ms. Katch is very aware of the drugs that may be prescribed for pain relief, and she is also aware that they don't work after a time. Ms. Katch continued by saying she knows Ms. Morrison is a professional, and she feels Ms. Morrison and her clients would be an asset to the area.

Comments from those Opposed to the Application:

Barbara Taylor, 7503 North Highland, commented that she joined the Planning Commission in a site tour of this application, and noticed there was only one bathroom in the house, which was in the far end of the house. Ms. Taylor asked if that is agreeable for a business in a home, or does there have to have more than one bathroom. Ms. Taylor remarked that the driveway to the backyard is narrow, but it is passable. When Ms. Taylor looked at the garage at the back of the house, she thought what a wonderful place for a business. This is a ranch style home with a garage that has been changed into an office, with an exit onto the driveway, and right behind it is a glassed in room that would make a wonderful reception area.

Ms. Taylor continued by saying the garage could accommodate many therapy rooms. Ms. Taylor stated she wondered if somewhere down the road, if this is passed, and Ms. Morrison is allowed to have a Special Use Permit, can she keep coming back to City Council, enlarging, bringing more customers into her home, adding more offices and maybe more people to work in the house. Ms. Taylor commented she feels this is a valid concern, and also she is not too sure a business in the neighborhood is the way to go, and furthermore she understands the issuance of an Occupation License to work in an office or business. Ms. Taylor mentioned she has lived in her house since 1972, so she is a long time resident, and most of the people in her neighborhood have lived there between 20 and 47 years. The neighbors are not just complaining because they have nothing better to do. They have looked at it and decided that they really do not want a business in their neighborhood.

Ms. Taylor commented that the thought of a Massage Parlor or Massage Therapy was really not the issue, it was a letter she received that said Ms. Morrison was purchasing the home at 7513 North Highland, contingent on being approved for a Special Use Permit, which Ms. Taylor felt indicated Ms. Morrison does not care about the neighborhood, she just wants to start a business. Ms. Taylor remarked that this home has the potential for a good size business, and that is her main concern, and although she realizes this is a valid business, it should be in a commercial setting. Ms. Taylor noted that none of the people

that came to the meeting to praise Ms. Morrison are from Gladstone. Ms. Taylor continued by saying she has the feeling that people might think the neighborhood might be in decline, and she does not feel it is. It is a viable neighborhood, with many young people moving in when homes go up for sale, and older couples look for homes in her area due to the ranch style homes. Most of the homes sell in about 30 days. Ms. Taylor concluded by saying she wishes the neighborhood to remain residential.

Mayor Les Smith commented that as Ms. Taylor had a couple of specific questions, he would like to address them. Relative to anyone else working at the property, that is one of the stated conditions in the bill, that Ms. Morrison is the only person who could work at the location.

Ms. Taylor asked if Ms. Morrison could come back a year from now and say she wants three or four people to begin working with her.

Mayor Smith stated he would ask the City's Counselor to give his legal opinion on this, but would like to address her other question as far as physical expansion of the property for a business. That issue is covered as a condition in the proposed bill, which would not allow expansion under this Special Use Permit. Mayor Smith asked City Counselor David Ramsay to explain the process that would be required for Ms. Morrison to alter the conditions of this Special Use Permit.

City Counselor David Ramsay replied that Ms. Morrison would be required a year from now to apply either for an extension of the permit or she could ask for it to be expanded. The basis for that decision would be primarily based on the experience of the first year. Mr. Ramsay stated that currently Gladstone's occupation ordinance does not allow additional employees who are not family members, so while there are a number of home based businesses, those businesses are restricted to be operated only by members of a single family and other employees are not allowed to be working in the home. Mr. Ramsay continued by saying unless that ordinance is amended in the future, at this time there is the prohibition of additional employees and that would be in effect for Ms. Morrison.

Mayor Smith remarked that obviously this City Council cannot commit to what future City Councils might do as far as the City's home occupation ordinance, but it would require a change in the ordinance and another hearing for a change in her Special Use Permit.

Ms. Taylor asked if the most Ms. Morrison could do every year is just request a renewal of her Special Use Permit for the same hours.

Mayor Smith replied, Ms. Morrison could request whatever she wishes, but if there are problems with the property or business, it will be difficult for her to renew her Special Use Permit. Mayor Smith continued by saying it is customary to approve a first permit for a year, and then if all goes well the permit may be expanded for three to five years. There would be an opportunity for the neighborhood to address the application at that time, as well.

Ms. Taylor stated she felt that approval of this Special Use Permit may set a precedent, and suppose Ms. Morrison decides she wishes to sell the house at a later date, would she be able to say she had a business in this house and this is an ideal place for a business and that would be a selling point for the house.

Mayor Smith replied that the Special Use Permit would terminate if she sold her house, and she could sell the house, but another person would have to apply for a Special Use Permit to conduct a business in the home. Mayor Smith then asked for an answer to the question in regarding the bathroom.

Ms. Gladys Morrison replied that the house does have a full bathroom and a half bathroom. The half bathroom is right off the small bedroom and the family room, which meets the requirements of the State.

Mayor Smith asked if there was anyone else who wished to speak in opposition. There being none, Mayor Smith asked for anyone present who is opposed to this application to please raise their hands.

Note: There were six people who raised their hands.

Jean Soligo, 7502 North Highland, commented that no one is arguing with the right of Ms. Morrison to provide this service or the value of her service, and she did not think that anyone who signed the petition visualized a massage parlor, rather everyone envisioned a business in a residential neighborhood. This neighborhood is occupied by people who have lived there for years and years. Ms. Soligo stated she did not know why so much time was spent defending the profession and Ms. Morrison's character. No one argues with the profession or her character, the neighbors are just concerned that Ms. Morrison wishes to move into their neighborhood to open a business, not to be a residential neighbor. Ms. Soligo remarked that Ms. Morrison could open a business wherever she chooses; it does not need to be in their neighborhood.

Councilman Carol Rudi stated she understood there would be only 14 clients per week, and asked Mr. Wingerson if that was per ordinance or is it a Staff recommendation.

Mr. Wingerson replied all of the above. It was intended to have 14 clients per week as a condition in the bill before City Council, tonight, and it is not. Mr. Wingerson asked that in any motion on the bill tonight, that the limitation of 14 clients be included.

Councilman Rudi asked if the improvements that Ms. Morrison mentioned she was willing to make may be included as a requirement in the bill.

Mr. Wingerson replied they may be included in the bill. The Planning Commission had this same discussion and concluded that because the term of the Special Use Permit is so relatively short with one year, and if those improvements were not completed within one

year, it would be difficult to obtain the renewal of the Special Use Permit at the end of the proposed term, however, they can be added to the bill. The Planning Commission in their discussion opted not to add them to the proposed bill.

Councilman Joe Evans stated he had a question regarding the State Regulatory Board of Licensing. How does the City work with the Regulatory Board, and what is the interaction between City and State.

Mr. Wingerson replied that generally the interaction is pretty good, but there are separate and concurrent processes. The State has a licensing procedure for the operation of a business, and concurrent with that, the City has requirements for minimum safety and egress. The Fire Marshall would inspect the property and make a list of any corrections and reinspect at the end of those corrections. Mr. Wingerson continued by saying that should any correction of the Fire Marshall and State be in conflict, then the Fire Marshall and State would work that out for the safety of the clients and occupants.

Mayor Pro Tem Wayne Beer asked if there is a known count of other Special Use Permits in the neighborhood and if there is such a count, what the nature of business of those Special Use Permits.

Mr. Wingerson responded by saying it depends on the definition of neighborhood, but Mr. Holland's report included in City Council's packet indicates about six home occupations in the general area. They include a day care, carpet steam cleaning, hair salon, and a beauty shop generally in the middle of Gladstone. Mr. Wingerson said he did not have an actual count, but Mr. Holland's report mentions several Special Use Permits.

Mayor Pro Tem Wayne Beer asked, based on Mr. Wingerson's or any other Staff member's experience in Gladstone, is there any way to estimate how many non-compliant home occupations there might be in the area.

Mr. Wingerson replied there are two types of home occupations. One kind of home occupation, like we are dealing with tonight, involves a service that is provided from the home that includes traffic and services that are provided at the home. There are hundreds of Occupational Licenses that are issued to home based businesses that meet a very strict criteria and provide goods or services outside of the home. Contractors and equipment sales people are good examples of this second type. They travel to a location to provide their good or service, and simply keep the books at the home. In Gladstone, there are hundreds of these types of home occupations and there are about 75 of the Special Use Permit type Home Occupation Licenses. Mr. Wingerson commented that he could not give a number as to how many home occupations are not licensed, but there are a lot that are licensed.

Councilman Rudi asked Ms. Morrison if she understood that if this Special Use Permit is approved, it is for one year, and then she would have to go through the process again, and

if there are complaints, there is the likelihood the Special Use Permit would not be renewed.

Ms. Morrison replied she did understand that, and commented that Kevin Snedden from the State Licensing Board explained to the Planning Commission that if there is even one complaint, the State would investigate. It is not like they have to wait for six different occurrences or more than one occurrence. The investigation might be someone who would come undercover, or they might come directly to the door. Ms. Morrison stated if she were not confident that she could be a good neighbor and improve the property, she would not invest the money if she thought her livelihood would be taken away from her in a year. Mrs. Morrison remarked that the property is currently rental property and the lease will be up the first of September. The property has deteriorated over the year since she first looked at it.

Councilman Rudi asked Ms. Morrison if she would have any objection to the list of improvements being added to the bill.

Ms. Morrison replied, not at all.

Jean Soligo stated she did not know how a business in a residential neighborhood could be good for Gladstone. She realizes that Ms. Morrison is in a business in North Kansas City, and evidently that is working for her, which is wonderful, but Ms. Soligo asked how could this business be good for Gladstone in a residential neighborhood. Ms. Soligo mentioned she is curious as to the locations of beauty shops, as in her neighborhood, there are no businesses.

Mayor Smith replied that Ms. Soligo asked a good question for which he does not have a good answer. Mayor Smith stated he would state his position in just a few minutes, but in fact Special Use Permits do allow people in Gladstone who own businesses and provide services an opportunity to do so. Mayor Smith commented that Ms. Soligo's question is a rhetorical one, and he does understand what she is asking, and he personally believes the integrity of the neighborhoods should be protected at all costs.

Mr. Keleher stated he feels it serves the interest of Gladstone to take a property that is borderline blighted at the present time and turn it into a very nice residential property, in which the activity that is being asked to approve will be virtually unnoticeable.

Clara Mullix, stated she and her husband have lived in Gladstone for 30 years, and if a business is in her neighborhood, strangers will be brought into the neighborhood. Ms. Mullix stated she felt strangers are not needed in the neighborhood where the neighbors are raising their families, and it is very important not to put businesses in her neighborhood. Ms. Mullix commented that she does not know where Mr. Holland is saying all the businesses are in their neighborhood.

There being no further comments, Mayor Smith closed the Public Hearing.

Item 10a. on the Agenda. FIRST READING BILL 03-24, granting a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland.

Mayor Pro Tem Wayne Beer asked the City Counselor for guidance, if one were to place this bill on First Reading for approval, how to make that motion and include the proposed amendments in the bill, those being the limitation of 14 clients per week and the improvements the applicant has proposed.

City Counselor David Ramsay suggested the motion could simply be made to adopt the bill as proposed by City staff, with the addition of the conditions you are suggesting.

Mayor Les Smith suggested a motion could be made to approve the reading of the bill to include the additional conditions, and state the conditions, and that should be sufficient.

Mayor Pro Tem Wayne Beer moved to place Bill 03-24 on First Reading with the addition of the two following conditions: to limit the number of patients to 14 per week, and to specify the improvements as were identified by the applicant in her presentation as follows: remove volunteer trees that are growing at the immediate front of the home; install a storm door at the entrance on the south side of the home entering the massage room; remove grass and weeds from the driveway; trim trees as needed or remove them as needed; clean the grass area at the back of the lot; remove all the lawn and leaf bags from the back area; spray for weeds in the lawn and edge all grass; fertilize and water the lawn, shrubs, and flowers; and clean and remove grass and weeds from the flower beds, and stain or cover the cedar installed where the enclosed single car garage is to be used for the massage area.

Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-24, Waive the Rule and place the Bill on Second and Final Reading as amended in the first reading. Councilman Carol Rudi seconded.

Discussion

Councilman Rudi stated this is probably the hardest thing she has had to do since she has been here, and when she first heard this proposal she thought this belongs in a business and not in a home. However, the more she learned at the Planning Commission meetings and listened to information such as the number of trips generated by this business compared to the number of trips generated by an average household, and also in doing a little bit of investigation into massage therapists in general, she found that it is not unusual for massage therapists to work out of a home instead of an established business location. Councilman Rudi's understanding is that at one time there was a beauty shop in this

residence that was not licensed to be there, and that did not generate problems for the neighborhood, as there were no complaints to the City. The City did not know of the business to request that it be licensed.

Councilman Rudi continued by saying she feels Ms. Morrison's business will generate fewer cars than a beauty shop. Councilman Rudi mentioned that in the past there was a Special Use Permit that came before the Planning Commission and the City Council that was very much opposed by all the neighbors, and it took a long time to go through the hearings due to the number of neighbors who did oppose it. When the permit came up for renewal a year later, there was no one to speak in opposition, and when that Special Use Permit came up again after a period of time to be renewed, at least one of the neighbors was present to speak in favor of having the applicant as a neighbor. Councilman Rudi commented she hopes it will be the same with this situation, and she will be voting in favor of this application, although it is difficult to do, as she understands the concerns of the neighbors. Councilman Rudi continued by saying that she thinks and hopes that Ms. Morrison will be a very good neighbor and the neighbors will be glad that she is there next year.

Mayor Pro Tem Wayne Beer stated that when he first heard of the application for the Massage Therapy, what went through his mind was quite frankly a massage parlor, and he felt that would not happen. Councilman Beer remarked that he was also present at the Planning Commission meetings, and learned a lot and he felt he learned a lot at this meeting. Councilman Beer continued by saying this type of business is a low traffic generator and we know by established criteria there is likely to be significantly less traffic generated than a normal family generates. The home as it stands now is in a state of disrepair to the point of very near blight, and the proposed improvements the applicant has mentioned would only be of benefit to the community.

Councilman Beer commented that the clientele is significantly different than other Special Use Permits, which we have many of, such as the day care centers, which generate a significant amount of traffic, certainly more than in this case. In each of the cases of the day care centers, when it came time for the renewal of the Special Use Permit, Councilman Beer remarked, he could not remember any incidence in his 12 years as a Planning Commissioner or his two years on City Council, where there were any complaints at the time of renewal. Councilman Beer stated he understands this business will generate no odors and certainly no hazardous materials, and is State regulated with a State permitted process that very much parallels our own regulations and permitting processes. Councilman Beer expressed his confidence that if there are complaints in violation of the conditions of either State or City approval, that the business would be either severely reprimanded or go away.

Councilman Beer continued by saying we live in a very different time than we used to, where home businesses are becoming much more common. The business climate is much different than it used to be for a number of reasons, one of which is our unemployment issue, which has forced a lot of businesses to move to their homes, or because of the types

of businesses, the employees are dispatched by the business to their homes to do the business. Councilman Beer stated that it seems to be a trend in business to decentralize and businesses are reducing their overhead and expenses in such ways, and we are going to see more of this in the future. Councilman Beer said that given all the reasons he has stated, his vote will be in favor of this Special Use Permit.

Councilman Joe Evans stated he questions the purchase of the home being contingent on the Special Use Permit, as well as the items that were added to the list of conditions are routine maintenance that any responsible home owner would make in maintaining the value of the home. Councilman Evans continued by saying he feels this type of business belongs in a commercial property, therefore he will be voting against this application.

Mayor Smith began by saying he believed that the applicant made a very good presentation and made very valid points. Mayor Smith said he believed that, based on the testimony and exhibits given to Council, that Ms. Morrison obviously is very professional well thought of, and would operate in the facility in a manner that he believes the homeowners in the surrounding area would come back a year from now and either support or have no objections. Mayor Smith continued by saying that to him approval of Special Use Permits in residential areas is very simple, if they make sense, they look good, and they can operate well, then it is not an issue, and making improvements to the property is very valid and a good reason for approval, except if the neighborhood is opposed to it.

Mayor Smith stated what we are talking about is a residential area. If there are no objections from the neighbors in the residential area, then he feels the applicant should be given an opportunity to prove himself. If the neighborhood is opposed to the Special Use Permit, it is still a residential area, and Mayor Smith said he cannot support the Special Use Permit, and he has been consistent with this since 1982, when he first served on the Planning Commission, as well as during the three or four more terms on the Planning Commission and another term on City Council. Mayor Smith said he is willing to support Special Use Permits in a residential area, if the neighbors have no objections, if the neighbors are opposed to it, he has always voted against them, and will be doing so again. Mayor Smith remarked as it appeared there might be a split vote, and although it is not required, he asked the City Clerk to call a roll call vote.

Roll Call Vote: "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Nay" – Councilman Joe Evans, Mayor Les Smith. (3-2).

Mayor Smith stated, as a technical point, although Bill 03-24 has passed on a 3 to 2 vote, our statutes require that to give a bill more than one reading at any one City Council meeting, requires a unanimous vote of the City Council, therefore the second reading will be placed on the next City Council agenda. Mayor Smith continued by saying this bill cannot go any further this evening, but it is still alive, and invited everyone back to the next City Council meeting, although there will be no public testimony regarding this bill at that time.

Mayor Les Smith announced a five-minute break in the City Council meeting.

Item 12. on the Agenda. **RESOLUTION NO. R-03-53**, authorizing the City Manager to execute an agreement for depository and banking services for the City of Gladstone, Missouri with United Missouri Bank.

Councilman Bill Cross moved to approve **RESOLUTION NO. R-03-53**, authorizing the City Manager to execute an agreement for depository and banking services for the City of Gladstone, Missouri with United Missouri Bank. Councilman Carol Rudi seconded.

Discussion

Councilman Joe Evans began by saying he knew that there was an extensive review of the proposals of this issue, narrowing it down to the finalists, First Bank of Missouri and United Missouri Bank. Councilman Evans commented these two bids were very close with a difference in cost of only \$335.50. Councilman Evans continued by saying that he requested information regarding community involvement from First Bank of Missouri, and read a list of some of First Bank of Missouri's involvements with the City of Gladstone as follows: contributed \$25,000 to Gladstone's Streetscape, and hosted Gladstone Area Chamber of Commerce After Hours at the bank for a cost of totaling \$1,000. In 1999, First Bank of Missouri contributed \$475 to Theatre in the Park Golf Tournament; contributed \$300 to the Scarecrow 5K Walk/Run; contributed \$750 to the Gladstone Economic Betterment Council/Neighbors Helping Neighbors; contributed \$500 to the Northland Christmas Store; and contributed \$100 to the Mayor's Christmas Tree.

Councilman Evans continued by saying in the year 2000, First Bank of Missouri contributed \$400 to the Theatre in the Park Golf Tournament; contributed \$1,000 to the Gladstone Economic Betterment Council; and contributed \$390 to Theatre in the Park. In 2001, First Bank of Missouri contributed \$500 to the Northland Christmas Store; contributed \$100 to the Mayor's Christmas Tree; and contributed \$100 to Theatre in the Park. In 2002, First Bank of Missouri was a Theatre in the Park golf sponsor for \$100; contributed \$500 to the Amphitheatre Fund; \$3,450 to the Gladstone Economic Betterment Council/Gladstone's 50th Anniversary; contributed \$250 to the Northland Christmas Store; and contributed \$100 to the Mayor's Christmas Tree. In 2003, First Bank of Missouri contributed \$150 to Theatre in the Park.

Councilman Evans reported that every year First Bank of Missouri has sponsored the Gladstone Area Chamber of Commerce Golf Tournament in the amount of \$1,700, and in addition, First Bank of Missouri provided an office in the bank for the Gladstone Area Chamber of Commerce at no charge.

Councilman Evans stated he believed First Bank of Missouri has done their part for the City of Gladstone, and he would like that to be taken into consideration by City Council in selecting First Bank of Missouri as the banking services vendor for the City of Gladstone.

Councilman Carol Rudi asked if the same list was requested from United Missouri Bank.

Councilman Evans, replied yes, but he received no calls back.

Mayor Pro Tem Wayne Beer remarked that he did not go to the two banks, but he did go to the Gladstone Area Chamber of Commerce, received information from the Gladstone Parks and Recreation Department, and visited with a representative of the Gladstone Economic Betterment Council. The information Councilman Beer has only goes back two years. In those two years, the banks have been head to head on their contributions to the community, and so although his information does not show the long term commitment, in recent history, their two contributions have been close together. Councilman Beer stated he has not seen any compelling evidence that United Missouri Bank has not done anything to not earn the right to retain the contract for banking services.

Mayor Smith asked City Manager Kirk Davis if the \$335.00 difference in the net bid is based on an annual basis.

City Manager Kirk Davis replied, that is correct, it is based on an annual basis.

Mayor Smith asked when the contract expired three years ago, as he understands it, First Bank of Missouri did not have the technology in place to provide the services outlined in the City's Request for Services.

City Manager Davis agreed that is correct.

Mayor Smith asked if they now have the technology in place.

City Manager Davis replied the recommendation from the consultant indicated that both of the banks could provide all the technological services the City requires.

Mayor Smith asked what the estimated direct costs would be to change banking services.

City Manager Davis replied that he does not have a definite number, but he would guess from \$1,000 to \$1,600 to change banking services.

Finance Director Cash Sweiven agreed with that number.

Mayor Smith asked if the number would include Staff time.

Director Sweiven replied, yes.

Mayor Smith asked if changing banking services would be a huge burden to Staff.

Director Sweiven replied, no, for three staff members, it would take approximately 30 to 40 hours over a three to four week time period. Mainly the staff time has to do with the

ACH (Automated Clearing House) accounts the City has, and the changing over of mostly water accounts. There are stamps that would need to be bought and bank bags, and so forth.

Mayor Smith stated as he recalled, there was language written into the most recent banking services agreement relative to participation in the community.

Director Sweiven replied he had a report dated September 7, 2000 to share with Council from the Banking Services Committee of 2000, which reads: "United Missouri Bank has communicated it understands community involvement builds a strong community and is a civic responsibility of any financial institution. Information provided by United Missouri Bank shows the employees who would be servicing the City of Gladstone are currently involved in lower profile community activities, such as membership in the Gladstone Area Chamber of Commerce, volunteering for Bluesfest, Gladfest, participation in North Kansas City School District programs, helping families in Clay County, and also United Missouri Bank actively participates in State and Municipal organizations, such as Missouri Municipal League and Missouri Government Finance Officers Association. United Missouri Bank has stated they will maintain their current level of civic involvement and intends to enhance their participation to more high profile activities within the Gladstone community".

Director Sweiven reported the stance of the Banking Services Committee, from three years ago, was that they knew United Missouri Bank was involved at a lower level, but they expected a higher level of involvement. Director Sweiven commented he did not know how to measure this, but believes that United Missouri Bank's civic involvement is higher than three years ago.

Director Sweiven mentioned that in a letter from the Banking Services Committee Chairman to James Shevling of United Missouri Bank, it states that the Committee would like to stress that it feels that more can be done in supporting the City of Gladstone over the next three years. Director Sweiven commented that he does not feel that letter relates to what United Missouri Bank has or hasn't done over the last three years, but the Committee indicated they thought there was some value to the fact that if you receive the City's business once, that means something, but if you receive it twice, that means even more, and so while they appreciated what United Missouri Bank has done, they expect even more if United Missouri Bank was chosen again.

Mayor Smith asked if First Bank of Missouri ever had the City's banking services in the past.

City Manager Davis replied, yes, for a number of years until 1991, when Commerce Bank received the award.

Mayor Smith asked if there were performance problems with First Bank of Missouri back then.

City Manager Davis replied he did not recall any big issues.

Mayor Smith stated he does not know the degree of community involvement of United Missouri Bank, but he knows of Mr. Shevling's personal involvement, and more could not be asked of an individual than Mr. Shevling has offered. As a representative of the bank, Mr. Shevling has always provided assistance to the community, when he has been asked. However, he generally offers assistance without being asked.

Mayor Smith remarked he understands Councilman Evans remarks, and he agrees a little bit that First Bank of Missouri is the closest thing we have had to a hometown bank in Gladstone. Gladstone Bank, since its inception, has not just given money but also time to the community. They were not in a position to provide the services the City required three years ago, and now that they are, do they deserve some loyalty from us. Mayor Smith commented that United Missouri Bank, in his understanding, has done a great job in providing the services the City has required, and Mayor Smith understands both sides of the issue.

Councilman Bill Cross remarked that he remembers three years ago the decision by City Council to change banks, and it was brought to the City Council members' attention the issue of involvement. Councilman Cross mentioned that facts and figures from First Bank of Missouri are accurate, and it makes it extremely difficult to make a decision, but as Mayor Smith mentioned, there is a very active group now from United Missouri Bank.

Mayor Pro Tem Wayne Beer stated he does his banking with First Bank of Missouri and has done so for 32 years, and in that time he has been satisfied with their services. There is truly a lot to be said with a hometown bank providing services to this City government, and he truly understands that. Councilman Beer commented, on the other hand, the City did commission a Banking Services Selection Committee, and one of the purposes in commissioning the committee was to remove politics from the process of selecting banks and banking services, and he would not like to think the City is delegitimizing our selection committee and the implications it could have in future committees. Councilman Beer commented that at the same time the City Council has the ultimate responsibility of making these decisions. Councilman Beer stated his decision still stands that United Missouri Bank has done nothing to suggest to City Council to eliminate them from a contract for banking services.

Mayor Smith stated there is a motion on the table to approve a contract with United Missouri Bank, and suggested to Councilman Evans that the way to conclude this issue would be if Councilman Evans would like to make a motion to amend Resolution R-03-53 to read First Bank of Missouri, and then Council may vote on that motion, and if it passes, then Council will vote on the resolution as amended, and if it does not pass, then Council will vote on the resolution as it reads, naming United Missouri Bank.

Councilman Joe Evans made a motion to amend Resolution R-03-53 and authorize the City Manager to execute an agreement for banking services for the City with First Bank of Missouri.

Mayor Smith seconded the motion, and asked the City Clerk to call a Roll Call vote.

Roll Call Vote: "aye" – Councilman Joe Evans, Mayor Les Smith. "Nay" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. (2-3).

Mayor Smith stated the amendment has been defeated and there is now a motion on the table for Resolution R-03-53, authorizing the City Manager to execute an agreement for depository and banking services for the City of Gladstone, Missouri with United Missouri Bank, and asked if there was any further discussion. There being none, the vote was taken.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 13. on the Agenda. **FIRST READING BILL 03-25**, repealing certain provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions clarifying the distinction between commercial and non-commercial activities and permit requirements in the regulation of Door-to-Door Solicitors and Peddlers.

Mayor Pro Tem Wayne Beer moved to place Bill 03-25 on First Reading. Councilman Bill Cross seconded.

Discussion

Mayor Smith stated there was a great deal of discussion regarding this issue at the last City Council meeting, and there is a new proposed bill before City Council, tonight. Mayor Smith asked if City Council members would have any interest in giving this bill a First Reading only this evening and placing this on the next Council Meeting agenda as an Open Study Session item for discussion, so Council members will have the opportunity to ask any questions they might have.

Councilman Bill Cross and Mayor Pro Tem Wayne Beer agreed.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Smith stated this bill will be carried forward, and the second reading will be on the next City Council agenda and there will be a Study Session item on this issue.

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no further business.

Item 13. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

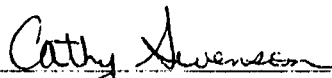
Item 14. on the Agenda. **ADJOURNMENT.**

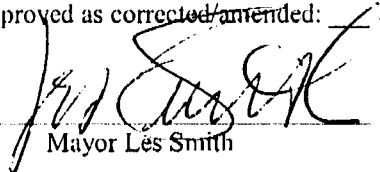
There being no further business to come before the July 28, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Mayor Pro Tem Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's office pursuant to Missouri Open Meeting Act Exemption 610.021 (2) for Real Estate Acquisition Discussion. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: X
Approved as corrected/amended: _____

Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 11, 2003**

OPEN STUDY SESSION 6:30 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel and Exemption 610.021 (2) for Real Estate Acquisition Discussion.

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **APPROVAL OF REGULAR JULY 28, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION: RECOGNIZING THE CLAY COUNTY PUBLIC HEALTH CENTER'S 50-YEAR ANIVERSARY.**
5. **CONSENT AGENDA**

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

- Smokin Joe's, LLC, 6004 B NE Antioch Road, Class A&B Liquor by the Drink License
- Kwik Shoppe, 7603 N Oak Trafficway, 7 Day Package Liquor License
- HyVee, 7117 N. Prospect, Package Liquor License
- The Groove, 316 NE 72 Street, Class A Liquor by the Drink License
- Conoco Food Mart, 5810 N. Antioch, Package Liquor License

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING BILL 03-24, granting a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland.**

10. **SECOND READING BILL 03-25**, repealing certain provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions clarifying the distinction between commercial and non-commercial activities and permit requirements in the regulation of Door-to-Door Solicitors and Peddlers.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
REGULAR MEETING
MONDAY, AUGUST 11, 2003**

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular August 11, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR JULY 28, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular July 28, 2003, City Council Meeting Minutes as presented. Mayor Pro Tem Wayne Beer seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 4a. on the Agenda. PROCLAMATION: Recognizing the Clay County Public Health Center's 50-Year Anniversary.

Mayor Les Smith read a Proclamation recognizing the Clay County Public Health Center's 50-Year Anniversary. Freddie Nichols, Trustee and Treasurer of the Clay County Public Health Center accepted the Proclamation.

Mayor Smith offered congratulations and thanked Ms. Nichols for her service to the County.

Ms. Nichols thanked the Mayor and Council members and stated she has learned many things in her position at the Health Center, and Clay County citizens may rest assured the Health Center is doing a good job. Ms. Nichols remarked that it is wonderful the partnerships that have been made, which is also a good thing that has developed from the Homeland Security effort. Ms. Nichols stated the Proclamation would hang in a place of distinction at the Clay County Public Health Center.

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

Following the Clerk's reading, Mayor Pro Tem Wayne Beer moved to approve the Consent Agenda as presented. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Wayne Beer moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Smokin' Joe's, 6004 B NE Antioch Road; Kwik Shoppe, 7603 North Oak Trafficway; HyVee, 7117 North Prospect; The Groove, 316 NE 72 Street; and Conoco Food Mart, 5810 N Antioch. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Anne Alexander, 6767 North Askew Circle, began by saying she was a reluctant resident of Gladstone, but now is convinced that Gladstone is one of the best run cities in the Country. Ms. Alexander mentioned that Parks and Recreation Director Sheila Lillis is featured in ART, which is a magazine published by Grand Communications, a division of the Kansas City Star. The article is about art in the suburbs, and is a really nice plus for our area.

Spencer Hunley, 5436 North Virginia Avenue, made available to the Mayor and City Council a listing of "Missouri Facts" and stated he is a Senior at North Kansas City High School, and will be graduating in 2004. Mr. Hunley explained he is requesting a resolution

from the Gladstone City Council in support of changing the current Missouri Day to a more appropriate day in the school calendar. Mr. Hunley reported the State of Missouri Board of Education requires the study of the State of Missouri during the 4th grade year, when most children are nine years of age. When Mr. Hunley was in the 4th grade, he and his classmates made a special book about Missouri during the course of their studies, and his parents took him to visit President Truman's Independence home. However, Mr. Hunley remarked, he was bored with a visit to a home where "someone used to live", until his mother reminded him that Harry Truman was born in Lamar, Missouri and had been a nine year old boy just like Mr. Hunley was at the time. Mr. Hunley stated that got his attention, along with the facts that Missouri had two NFL football teams, two Major League baseball teams, and the Hubble Space Telescope was named after a boy that was born in Marshfield, Missouri, Edwin Powell Hubble.

Mr. Hunley continued by saying the list of famous people from Missouri went on to include: composer, Burt Bacharach; Bob James, composer to the theme from the television series "Taxi"; Ginger Rogers; Walter Cronkite; Dick Van Dyke; Eugene Field, who wrote "Little Boy Blue Come Blow Your Horn"; George Washington Carver; and Yogi Berra, who earned the most baseball World Series rings - a total of 5. Mr. Hunley remarked that the prestigious Davis Cup is named for Dwight Davis of St. Louis, which is the home of the first tennis courts built with lights for night time playing.

Mr. Hunley commented that when we celebrate Missouri, we celebrate General Omar Bradley; General "Blackjack" Pershing, the only 6 star general in the history of the United States; the world's first school of journalism, located at the University of Missouri; the only United States World War I memorial in the United States; and the first daily newspaper, which was the St. Louis Herald. Mr. Hunley reported that Missouri is number one in the United States with the most caves open to the public, and is the home of Cliff Edwards, the voice of Jiminy Cricket in Disney's "Pinocchio". Mr. Hunley stated his enthusiasm for Missouri has made him very proud to be a Missourian.

Mr. Hunley continued by saying that Mrs. Anna Korn loved Missouri. She believed that Missouri needed "...time for schools to honor the state and for the people of the state to celebrate the achievements of all Missourians." Her work was rewarded in 1915, when a law was passed setting aside a special Missouri Day, in the month of October, for students, teachers, as well as Missourians to celebrate the day. The day has no specific historical significance, and it has been moved twice from the original day and still has no historical significance, Mr. Hunley reported. Missouri Day is currently the third Wednesday in October, which is approximately 10 to 15 days before Halloween.

Teachers following the current curriculum guidelines, will study Missouri after the winter break holidays, which allows them to take field trips to visit the state legislature while it is in session, and most 4th grade classes take these field trips near the first part of May. Mr. Hunley suggested the best time to celebrate Missouri would be the week of May 8th, which would be at the beginning of the patriotic citizen holidays. This is also when the Department of Tourism celebrates Missouri and kicks off the tourism season in Missouri.

Mr. Hunley commented this is a perfect time to plant a Dogwood tree, go bird watching for Missouri Eastern Bluebirds, do a little spelunking in a cave, visit a historical site, eat a Twinkie or Cherry Mash (Missouri made of course), or drink a Bib-label-lithiated lemon-lime soda, known better as 7 UP.

Mr. Hunley remarked he believes, economically, Missouri will greatly benefit by this change in date, and suggested that communities celebrate their Missouri native daughters and sons, or products made in their communities. For the past eight years, Mr. Hunley and his family have given gifts that are made in Missouri, and this year, when they attended the 101st Missouri State Fair, they bought Missouri pecans, Missouri sorglney (sorghum & honey mix), Missouri coffee, Missouri root beer, Missouri spices and Missouri roasted corn on the cob. Mr. Hunley stated he feels many of our Missouri inventions, achievements, native sons and daughters, resources, businesses and history are "very under promoted", and it is time we all become "MO PROUD", and change Missouri Day to the week of May 8th, and bring the excitement of Missouri to all its citizens.

Mr. Hunley concluded by saying the City of Gladstone can help achieve this goal by a resolution in support of Missouri Day being celebrated the week of May 8th. Mr. Hunley concluded by saying the Missouri State Legislature wants to hear from communities, citizens, and all who support this change.

Mayor Pro Tem Wayne Beer mentioned that his spouse is a graduate from North Kansas City High School, as well as both of his sons, and Councilman Beer taught at North Kansas City High School for 24 years. Councilman Beer stated that Mr. Hunley has made his connection as a Hornet even more proud then he has been in the past.

Councilman Bill Cross remarked that he taught even more years then Councilman Beer at North Kansas City High School, and there were people in the room who were students in his Missouri History class. Councilman Cross thanked Mr. Hunley for sharing the information regarding Missouri and Missouri Day, which has made for an informative and enjoyable evening.

Mayor Les Smith thanked Mr. Hunley, and asked City staff to have a resolution supporting Mr. Hunley's request at the next City Council meeting.

Pete Hall, 5621 North Clinton Place, stated he was representing some of the senior citizens of Clay County and mentioned that a five cent tax levy will be on the November 4, 2003, ballot. Mr. Hall reported this five cent tax levy would equate to a little less than \$11.00 for \$100,000 assessed valuation, and 100 percent of this tax would support a senior citizens service fund. Twenty-six counties in Missouri have passed this tax, and Platte County passed the same levy approximately seven years ago. Mr. Hall explained this tax would assist in keeping senior citizens in their homes and independent longer, by providing services such as minor home repair, health care on a minor basis, nutrition, and transportation. Mr. Hall mentioned several months ago a survey was conducted as to the needs of older adults and caregivers in Clay County. The survey results indicated there

were needs in Gladstone, as well as Clay County. Mr. Hall stated he is the Chair of a group of citizens who are working to pass this levy, and he will talk to each City Council in Clay County to ask for resolutions of support for the senior citizens service fund, and to encourage anyone who wishes to participate or discuss this effort, to please contact Mr. Hall.

Councilman Bill Cross asked if there was a meeting this Wednesday, regarding this effort.

Mr. Hall replied, there would be a meeting Wednesday, at the Clay County Court House.

Mayor Smith asked if this levy passed, would some of the services provided to Clay County seniors, including Gladstone residents, be some of the same services that would possibly have been funded from the City of Gladstone budget.

City Manager Kirk Davis, replied that is correct, and although discussions have been held concerning senior citizen transportation, there would be little reason to move forward at this time, as it would be redundant with the program that is being proposed by the County.

Mr. Hall remarked this program does not increase County government; the only person who works directly with the funds will be the Treasurer. The County Commission will appoint a seven-member board who will select the services and oversee the fund. Mr. Hall stated one of his biggest concerns is the cost to businesses and the cost to the citizens of Clay County. However, it costs the taxpayers much more to place an individual in a nursing home or similar facility, opposed to keeping them in their home. It is hopeful through this proposed senior citizens service effort, other services may be coordinated that are already available in Clay County, and create a one-stop shop for senior citizens.

Mr. Hall commented that he is excited about this opportunity, although a tax increase is not something anyone likes. This proposed tax is very small, yet would provide a great service, and will save money.

Mayor Pro Tem Wayne Beer stated it is difficult to convince him to increase taxes. However, he is convinced this tax is in everyone's best interest. It is a small tax, but has the potential to do a great deal of good.

Mayor Smith asked City staff to have a resolution for consideration on the next City Council agenda.

Mayor Smith asked City Council members to discuss their visits to cities and public entities while delivering proclamations of thanks from our city for the help we received following the May 4, 2003 tornado.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans stated he had the privilege of delivering proclamations from our community to Kansas City, North Kansas City, Lee's Summit, and Lenexa, and in each instance, the City Council was very pleased to see a representative from the City of Gladstone hand deliver and read the proclamation. Councilman Evans remarked he was well received and offered kudos to whoever first thought of this brilliant act of customer service from one community to another.

Mayor Les Smith explained to the audience that the City of Gladstone received assistance from surrounding communities following the tornado of May 4, 2003, and City Council members thought it appropriate to deliver, on behalf of the citizens of Gladstone, proclamations of appreciation to the communities who assisted our City. City Council members shared the duties of delivering the proclamations to the various communities and public entities.

Councilman Carol Rudi reported that she and Mayor Pro Tem Wayne Beer delivered proclamations to Raytown, Grandview, and Gardner, Kansas, where they were greeted with amazement that our City Council would take the time to personally deliver the proclamations to their communities. Councilman Rudi stated it was interesting to visit the other cities and to meet their Council members.

Councilman Rudi continued by saying she read in a Missouri Municipal League newsletter that there might be potential lawsuits opposing the enforcement of the Use Tax, which it would seem could affect our city if those lawsuits were won. Councilman Rudi asked if it has been considered to put some of the Use Tax revenue in escrow. Although Councilman Rudi realizes some of the money will be used for a traffic officer, until this is resolved, she felt perhaps the City should hold some funds in escrow.

Councilman Rudi mentioned she read an article from the National League of Cities that addressed the Internet Tax moratorium. The article stated that Congress is being urged to make the moratorium permanent, and the National League of Cities was encouraging people to contact their Congressmen to encourage them to consider this issue very carefully. Councilman Rudi asked that the City to take a position on this.

Councilman Rudi commented that there was a memo in City Council's packet regarding demolition and clean up following the May 4th tornado. In the memo it was mentioned moving forward with some code enforcement issues in some of those areas where it seems progress is not being made. Councilman Rudi stated she is in favor of moving forward with code enforcement so long as those people affected are not in the process of working with their insurance company, finance company, building contractor, and so forth. However, if people are just walking away from property that is in violation of our City codes, then she is in favor of code enforcement.

Councilman Rudi inquired into the street and retaining wall issues related to the Englewood Vista Independent Senior Living housing, and asked how many people have moved into the facility.

Assistant City Manager Scott Wingerson replied the eastern portion of the 18 foot wide roadway, that was discussed at the City Council meeting two weeks ago, has been installed to allow Public Safety access to the area. Based on that action, 42 units were inspected for their final occupancy inspection, which was granted on approximately August 1st. Community Development has reviewed an additional set of retaining wall plans that were incomplete, and it is hoped to have the final set tomorrow, which will allow the retaining wall to be constructed to finish the roadway.

Mayor Smith mentioned that there was at least one ambulance call at the back building of the facility this past weekend that used the access road.

Mayor Smith commented there was an article in one of the local newspapers last week that mentioned less than favorable comments directed toward City staff from the Englewood Vista Independent Senior Living developer, AHM, from Dallas, Texas. The article mentions the developer stating he had to complete some access roads to the Englewood Vista Independent Senior Living project, and the fact that access roads had to be installed to provide ambulance and fire equipment access to the back building of the project, before people could occupy the building. The article also mentions the developer stated there may have been safety concerns, but they had to watch their costs. Mayor Smith stated that if the time came that the City of Gladstone traded lives for a developer's money, then the City is not doing its job. Mayor Smith asked that the message be relayed to City staff that they are doing their jobs very well, because we have already protected people that live in this facility.

Councilman Bill Cross stated he was fortunate to deliver four proclamations. Councilman Cross mentioned he was particularly well received by a group in Pleasant Valley, where there were eight Council members, and law enforcement personnel present. It was a very nice evening. The Clay County Sheriff's office was very appreciative of Councilman Cross visiting their meeting and the presentation of the proclamation. The Clay County Commission and a large group of people were present at a meeting at the Clay County Court House, where he received a standing ovation, and pictures were taken. The City of North Kansas City also were very appreciative, and a large number of people were present when Councilman Cross delivered their proclamation.

Councilman Cross mentioned that the Clay County Public Health Center's 50th Anniversary celebration was very nice and very well attended. Councilman Cross, Councilman Rudi, and Mayor Pro Tem Beer enjoyed the evening, and Councilman Cross congratulated Freddie Nichols on her work with the Clay County Public Health Center.

Councilman Cross complimented Parks and Recreation Director Sheila Lillis on the Big River performances held August 8th, 9th, and 10th, and stated he was able to attend two of

the three nights and the attendance was wonderful. Councilman Cross mentioned it was nice to see such a large cast with so many people participating in the performances.

Mayor Pro Tem Wayne Beer stated, as Councilman Rudi mentioned, they delivered proclamations to Raytown, Grandview, and Gardner, Kansas, and truly the reception they received was outstanding. In fact they received standing ovations, as well. Councilman Beer mentioned that he made a commitment that if any of the communities who assisted us suffered the same kind of issues as Gladstone, the City of Gladstone would assist them.

Councilman Beer congratulated Freddie Nichols on the outstanding job the Clay County Public Health Center does and stated he very much enjoyed the 50th Anniversary celebration.

Councilman Beer mentioned that there was recently an addition to the Dispatch newspaper called "The Best of the Northland", and Gladstone fared exceptionally well in the publication. Mayor Smith and his business, the Gladstone Bowl, were recognized as the Best in the Northland. The City of Gladstone was named Best in the Northland in a large number of categories. Councilman Beer concluded by saying Gladstone should be very proud.

Mayor Les Smith remarked the "Best in the Northland" plaques received by Public Safety and Parks and Recreation will be presented to those departments at the next City Council meeting. It is hoped a number of City staff will be in attendance, and appreciation will be shown for all the good work they do.

Mayor Les Smith stated he was in attendance to deliver proclamations to Kansas City, North Kansas City, Lee's Summit, Grain Valley, Overland Park, and Shawnee. He, too, was impressed with the response he received. Staff from the City of Kansas City invited Councilman Evans and him to the podium, where they received a standing ovation from the Kansas City Council. The cities showed their appreciation to Gladstone's City Council members for delivering the proclamations at their meetings. The cities also said very nice things about their interaction with Gladstone's department heads and staff.

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

City Manager Kirk Davis commented he appreciated Mayor Smith's comments in regard to the remarks from the developer, AHM, in the recent newspaper article about the Englewood Vista Independent Senior Living facility. The comments twisted the facts, but ultimately at the end of the article, the true motivations were apparent.

Item 9. on the Agenda. **SECOND READING BILL 03-24**, granting a Special Use Permit subject to certain conditions to Gladys Morrison for operation of a Massage Facility on property at 7513 North Highland.

Mayor Smith stated a legal protest petition has been filed that does apply to the issue at hand, and in the opinion of the City Counselor, is a valid petition. By City and State Statutes, it will require four "yes" votes by City Council to approve this Bill.

Mayor Pro Tem Wayne Beer moved to place Bill 03-24 on its Second and final reading. Councilman Joe Evans seconded.

Mayor Pro Tem Beer commented last week his position was to approve this Special Use Permit, however given the level of neighborhood opposition, as well as the protest petition, he feels he has to honor the wishes of the opposing neighbors, and will be voting "no" on this Special Use Permit.

Councilman Carol Rudi suggested that if this Bill does pass, she would like City Counselor Ramsay to find a way to monitor the status of Ms. Morrison's license, and if it does not pass, the City still needs to look into this, because in the future there may be a similar type of application. This is done with day care facilities, and Councilman Rudi feels it should be a practice to monitor anything that is licensed by the State. Councilman Rudi also mentioned that not only would the list of improvements to the property itemized in the conditions of the Special Use Permit need to be completed, but the property would need to continue to be maintained.

Councilman Rudi stated she is very torn on this issue, and has been from the beginning. She feels Ms. Morrison and the massage facility would be a good addition to the neighborhood and would not create a problem. Councilman Rudi wishes to do as the neighbors wish, but did not agree with the position they have taken, so has not yet decided how she will vote.

Mayor Les Smith commented that he voted against this Special Use Permit at the last meeting, although he has always been a supporter of small businesses. Mayor Smith apologized to Ms. Morrison that he could not support her request, although he is certain she would run a good business and has a good client list, many of whom Mayor Smith knows. Mayor Smith stated he felt certain that if Ms. Morrison's Special Use Permit was approved, and she came back a year from now for a renewal of the permit, there would not be the objections there are now. However, Mayor Smith stated, in the meantime until the neighbors become comfortable with the massage facility, they will be uncomfortable in their homes. Every time a car pulls into the driveway and every time Ms. Morrison has a visitor in the evening, the neighbors will be counting cars, and wondering what is occurring, which does not allow the neighbors to enjoy their homes.

Mayor Smith remarked he does not feel it is City Council's place to tell the neighbors they cannot enjoy their homes on a daily basis. Mayor Smith stated he feels the argument the property is not currently being maintained is valid, and he feels confident Ms. Morrison would fulfill all the conditions listed on the Special Use Permit. However, the neighbors would rather have the property the way it is, then have a business located there, and Mayor Smith feels he has to respect the neighbors' wishes. Mayor Smith mentioned he does hope

City staff has looked at the property to determine if there are code compliance issues that need to be addressed. Mayor Smith apologized, but he cannot vote in favor of this Special Use Permit for the reasons he mentioned.

Roll Call Vote: All "nay" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (0-5).

Mayor Smith informed the audience Bill 03-24 was not approved.

Item 10. on the Agenda. **SECOND READING BILL 03-25**, repealing provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions clarifying the distinction between commercial and non-commercial activities and permit requirements in the regulation of Door-to-Door Solicitors and Peddlers.

Mayor Pro Tem Wayne Beer moved to place Bill 03-25 on its Second and final reading. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-25 and enact the Bill as **Ordinance 3.878**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **OTHER BUSINESS.**

There was no further business.

Item 12. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 13. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the August 11, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Mayor Pro Tem Wayne Beer moved to adjourn to Closed Executive Session in the City Manager's office pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel and Exemption 610.021 (2) for Real Estate Acquisition Discussion. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:

Cathy Swenson
Cathy Swenson, City Clerk

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

Les Smith
Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, AUGUST 25, 2003**

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, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **SPECIAL PRESENTATION TO THE PARKS AND RECREATION DEPARTMENT AND THE PUBLIC SAFETY DEPARTMENT.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-54, accepting Temporary Construction Easements and Quit Claim Deeds from property owners in conjunction with the North Main Street Reconstruction Project. (0215)

RESOLUTION NO. R-03-55, accepting Temporary Construction Easements, Permanent Easements, and Right-of-Way Parcels from property owners in conjunction with the Northeast 76th Street Reconstruction Project. (98014)

RESOLUTION NO. R-03-56, in support of Proposition-A, to be voted upon by the citizens of Clay County establishing a levy on Real Property of .05 cents per each one hundred dollars of assessed valuation for the purpose of providing services to persons sixty years of age or older.

RESOLUTION NO. R-03-57, in support of changing the established "Missouri Day" from the third Wednesday in October to the second week in May.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:

Johnny Cascone Northland, Inc. dba Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.

APPROVAL OF FINANCIAL REPORTS for the month of July 2003.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**

8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on setting the annual rate of levy for the 2003 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.5368/\$100.00 valuation.
- 9a. **FIRST READING BILL 03-26**, setting the annual rate of levy for the 2003 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.5368/\$100.00 valuation.
10. **FIRST READING BILL 03-27**, 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 new speed limit of 35 miles per hour for the speed zone along and upon North Antioch Road from Pleasant Valley Road and 64th Street to the north city limits.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

MONDAY, AUGUST 25, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular August 25, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 11, 2003,
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular August 11, 2003, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

**Item 4a. on the Agenda. SPECIAL PRESENTATION TO THE PARKS AND
RECREATION DEPARTMENT AND THE PUBLIC SAFETY DEPARTMENT.**

Mayor Les Smith remarked that every year the Dispatch-Tribune Newspapers publishes a ballot for the "Best in the Northland", and it is very exciting that we have our own City departments who have received this recognition as "Best in the Northland".

Mayor Smith and City Council members stepped to the front of the Council Dais, where Mayor Smith invited Fire Bureau Commander Doug Scheffner to step forward to accept the Dispatch-Tribune Newspapers "Best in the Northland" *Best Fire Department* award. Following the presentation, Fire Bureau Commander Scheffner thanked the Mayor and City Council on behalf of the Fire Division.

Mayor Smith invited Law Enforcement Bureau Commander Mike Couch to step forward to accept the Dispatch-Tribune Newspapers "Best in the Northland" *Best Police Department* award. Following the presentation, Law Enforcement Bureau Commander Mike Couch thanked the Mayor and City Council, and remarked the officers with him were a small representation of the men and women who represent the law enforcement officers, who along with fire personnel, protect the City of Gladstone 24 hours a day, 7 days a week. Captain Couch introduced police officers, Chris Morales, Bill Willoughby, Sergeant Stan Dobbins, Corporal Jeff Self, Sergeant Steve Jackson, and Corporal Jeff Bolin.

Mayor Smith commented that the majority of the letters he receives are from people commending both the Police and Fire personnel. Mayor Smith stated Gladstone's Public Safety Department does a phenomenal job as made apparent by their response following the May 4, 2003, tornado, when the Department went above and beyond the call of duty to serve the citizens of Gladstone. This shows not only what a great Public Safety department we have, but also what great people there are in the Department. Mayor Smith thanked the Public Safety Department on behalf of all Gladstone residents.

Mayor Smith invited Parks and Recreation Director Sheila Lillis to step forward to accept the Dispatch-Tribune Newspapers "Best in the Northland" *Happy Rock Park - Best Tennis Court* award, and *Happy Rock Park -- Best Place to Jog* award. Director Lillis invited Parks Supervisor Matt Hoops to accept the awards. Director Lillis invited Parks and Recreation staff members, Tina Spallo, Rise' McGarvey, and Russ Collins to step forward to accept from Mayor Smith and City Council the *Best Parks and Recreation Department* award. Mayor Smith thanked Director Lillis and the Parks and Recreation Staff for their good work and congratulated them on their well-deserved awards. Director Lillis thanked Mayor Smith and City Council.

City Manager Kirk Davis commented that a nice thing about these awards is that it provides the opportunity to recognize people who do not always receive recognition, and the opportunity to thank the people who are day in and day out providing outstanding service to the residents of Gladstone.

Mayor Smith agreed, and stated the recognitions are certainly well deserved.

Item 5. on the Agenda.

CONSENT AGENDA.

Councilman Bill Cross mentioned that in regard to Resolution R-03-56, which supports Proposition-A, a tax levy for the purpose of providing services to persons sixty years of age or older, he supports this levy, which will benefit all citizens and particularly Senior

Citizens. Councilman Cross encouraged City Council to support this effort, and thanked Pete Hall for his work on this issue, which will benefit the entire county.

Councilman Cross addressed a question to Finance Director Cash Sweiven by asking if the sales tax revenue is down \$27,000 from last year.

Director Sweiven replied that was correct.

Councilman Cross asked Director Sweiven if this was what he anticipated.

Director Sweiven replied he did anticipate the sales tax revenue decline, and stated it is mainly from the non-retailers, such as the motor vehicle sales tax and utility sales tax. On the retail side, revenues are holding strong, but there is a dip in motor vehicle sales tax.

Mayor Pro Tem Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Wayne Beer moved to approve **RESOLUTION R-03-54**, accepting Temporary Construction Easements and Quit-Claim Deeds from property owners in conjunction with the North Main Street Reconstruction Project. (Project 0215). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-55**, accepting Temporary Construction Easements, Permanent Easements, and Right-of-Way Parcels from property owners in conjunction with the Northeast 76th Street Reconstruction Project. (Project 98014). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-56**, in support of Proposition-A, to be voted upon by the citizens of Clay County establishing a levy on Real Property of .05 cents per each one hundred dollars of assessed valuation for the purpose of providing services to persons sixty years of age or older. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-03-57**, in support of changing the established "Missouri Day" from the third Wednesday in October to the second week in May. Councilman Carol Rudi seconded. The vote: All "aye" --

Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Pro Tem Wayne Beer moved to approve the **ANNUAL LIQUOR LICENSE** renewal for Johnny Cascone Northland, Inc. dba Tommy's, 6221 North Chestnut. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Pro Tem Wayne Beer moved to approve the **FINANCIAL REPORTS** for the month of July 2003. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith provided an approved copy of Resolution R-03-56 to Pete Hall, who requested City Council support of Proposition-A at the August 11, 2003, City Council meeting.

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

David Peironnet, 6204 North Park, began by saying he lives in the Meadowbrook area, and he is concerned with the Renaissance North development and the effects of increased Tax Increment Financing awards as they would occur on the City of Gladstone and the cost of delivering services in and around the area. Mr. Peironnet stated he was concerned about his own tax bill.

Mr. Peironnet stated there appears to be a number of issues raised by the City of Gladstone, which have not been adequately resolved by the developer or by the City of Kansas City's Tax Increment Financing Commission. Mr. Peironnet felt these need to be resolved so Gladstone tax payers are not forced to divert essential resources away from vital services, such as repairing water lines, the parks, and keeping unlawful advertising off the street corners. Mr. Peironnet remarked he often visits the Maplewoods Reserve and it is one of the finest examples of a nature reserve anywhere in this region, and feels the City does a fine job maintaining this area. Mr. Peironnet stated he supports the preserve, enjoys it, and on occasion picks up trash in the preserve, and feels preserving this area's assets are essential.

Mr. Peironnet stated his concern is Tax Increment Financing will have negative effect in terms of adding to the costs of delivering services, and he is particularly disturbed and angered by the position of the developers on this project. When this project was approved in 1999, the developers explicitly promised to never come back to the Tax Increment Financing Committee for more money, and now they have, because they say things have changed. Mr. Peironnet stated he failed to comprehend why this absolute assurance clearly

and explicitly appearing in the official minutes of that meeting, can be just thrown aside in such a blatant manner. If tax payers are expected to stand behind a commitment, so should developers.

Mr. Peironnet continued by saying if developers are allowed to throw away their commitments, then in his view, so should the taxpayers, thus forcing this project to go back to "point zero", and take the initial \$11.1 million and start over from "point zero". Mr. Peironnet commented that if a simple claim that "things have changed" is sufficient for the developers to throw away a commitment, then surely the taxpayers can demonstrate that tax revenues are now insufficient to meet all the burdens put upon them, much less giving away more revenues while the cost of delivering services is increased. Mr. Peironnet mentioned he is also most deeply concerned that the alleged benefits of this project as well as other Tax Increment Financing projects are improperly stated. There have been audits performed by the City of Kansas City's auditor, Paul Funkhouser, in which the work of the Kansas City Economic Development Corporation and the Tax Increment Financing Commission have been sharply criticized. Mr. Peironnet commented that if one were not aware of these audit reports, he would encourage securing a copy to examine.

Mr. Peironnet stated that Tax Increment Financing was initially a well intentioned concept for rebuilding parts of town that were blighted or needed costly work or clean-up. Tax Increment Financing projects are supposed to help make improvements in areas which would otherwise remain useless. Mr. Peironnet commented that the problem he sees is the definition of blight has been perverted to the point that farmland and pastures are now eligible. Unfortunately these are precisely the areas where the cost of delivering services are disproportionately great.

Mr. Peironnet mentioned that as a voter and tax payer he expects the Gladstone City Council to take some kind of action, although he realizes the decision has been made elsewhere. Mr. Peironnet felt it is not good enough to say "somebody else is making the decision, so there is nothing I can do about it." Mr. Peironnet stated he was calling upon the Gladstone City Council to formalize its concerns by sending a letter to each voting member of the Tax Increment Financing Commission explicitly spelling out their concerns, and if the concerns cannot be resolved, then the letter should encourage a "no" vote. Mr. Peironnet encouraged Gladstone City Council members to initiate discussions with other agencies, such as the North Kansas City School District, to formalize a policy toward Tax Increment Financing. Mr. Peironnet summarized by saying he was concerned about the increase in demand for services without a concurrent increase in revenue.

Mr. Peironnet commented that he is very interested in the proposal of Proposition-A. When his father was still living, he would have benefited by some additional support, yet Mr. Peironnet stated he had to ask the question as a tax payer and voter, if dollars are voted on for one purpose and then diverted, can he vote for it, which is a question he has to ask himself.

Mayor Les Smith informed Mr. Peironnet that Gladstone City Council members have some grave concerns regarding this project, and are waiting to see the outcome of the Kansas City audit. Mayor Smith stated the Gladstone City Council has a concern in that this project directly impacts Northeast 76th Street, which was initially shown in the developer's plans to be improved to some degree. Kansas City is putting an emphasis on Maple Woods Parkway, with no regard given to improving Northeast 76th Street. The City Of Gladstone fears that as traffic increases on Northeast 76th Street, the City will be forced to improve the street without benefit of sales tax or increased property tax to pay for the improvements. Mayor Smith stated Council members are disappointed that Kansas City did not look ahead to assist Gladstone in this situation. Mayor Smith mentioned City Manager Davis reported, today, that there is currently being proposed 450,000 square feet of retail, while the initial proposal was for approximately 190,000 square feet of retail.

City Manager Kirk Davis agreed that the initial proposal was for approximately 190,000 to 220,000 square feet of retail, and there is a constant evolution in the make up of this project. City Manager Davis reported there have not yet been plans formally filed for the Gladstone portion.

Mayor Smith stated the City of Gladstone does have some real concerns with this project, and he does feel that Gladstone's concerns should be recognized, and perhaps the news media could assist in this area, as this could turn out to be a bad situation for Gladstone. Improvements to Northeast 76th Street could be a \$350,000 to \$400,000 project for Gladstone. Mayor Smith informed Mr. Peironnet that there has not been a plan submitted to Gladstone for the portion of the project in Gladstone, which is very small and intended to be single family residential. Mayor Smith remarked that the City of Gladstone would be asking some very serious questions of this project.

Mr. Peironnet mentioned that Kansas City has asked the developers for additional numbers. The sharpest criticism from Paul Funkhouser's office toward the Kansas City Economic Development Corporation and the Tax Increment Financing Commission relates to poor valuation and assessment of those numbers. Mr. Peironnet stated the actual performance of many of the Tax Increment Financing projects over the past number of years has significantly fallen below their projection, so he encouraged Gladstone to take a far more proactive approach then to wait for the numbers, because that is precisely the area in which the Kansas City Economic Development Corporation has been criticized. The Kansas City Economic Development Corporation is not verifying the numbers, and are failing miserably in this area. Mr. Peironnet suggested assistance from the news media might be helpful.

Councilman Bill Cross thanked Mr. Peironnet for the letter he sent and stated City representatives have met with the developer. Councilman Cross stated that City Manager Kirk Davis and Assistant City Manager Scott Wingerson have worked diligently on this issue. Councilman Cross asked Mr. Peironnet if he has sent letters to the Northland area Kansas City Council members, and suggested that might be of help, as Councilman Cross has been very impressed by the letters written by Mr. Peironnet.

Mr. Peironnet replied he has not written to Kansas City Council members, as he is a Gladstone resident, but he has written to the North Kansas City School District Board of Education and to Clay County representatives to the Tax Increment Financing Commission.

Councilman Cross mentioned that City Manager Davis is meeting with the North Kansas City School District Board of Education one day, and Councilman Cross follows up the next day with a meeting with them, where no doubt Councilman Cross and City Manager Davis will discuss their concerns regarding this issue.

Mayor Smith commented that North Agnes, which ties into Northeast 76th Street, was allowed to be built in a flood plain.

Mr. Peironnet replied he found this interesting, given the fact that the original objectives were to address some of the flooding issues, and this seems to be another instance where what they said and what they did is a phenomenal discrepancy. Mr. Peironnet stated he felt what is being dealt with is a bunch of liars, and he could be quoted on his statement.

Mayor Smith stated that at some point in time when Gladstone's portion of the road is improved, and the newly built portion in Kansas City has to be brought out of the flood plain, that road will actually have to be rebuilt, and with whose money is a good question.

Councilman Carol Rudi encouraged Mr. Peironnet to write to the Kansas City Council members, because although Mr. Peironnet does not vote for them, he knows people who do, and there is an influence there.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans stated he thought it was wonderful that Gladstone Public Safety received the "Best in the Northland" *Best Fire Department and Best Police Department* awards. They are, as always, doing their job very well. Councilman Evans expressed his appreciation to Director Lillis and the Parks and Recreation Department, and commended them on their fabulous work.

Councilman Carol Rudi requested an update on the recent Kansas City water break on North Oak Trafficway.

City Manager Davis replied he was very pleased with Kansas City's response and the speed with which they repaired the water line and the road, realizing there is a big event planned in Gladstone this week with Harley Davidson celebrating its 100th Anniversary, and activities planned at the Worth Harley Davidson store in the area of the water break. City Manager Davis stated he feels Kansas City should be encouraged to move the water line from under the road.

Mayor Smith commented he heard Kansas City plans to commence work on the water line replacement perhaps in the spring of 2004.

City Manager Davis replied Kansas City has said that in the past, and the City of Gladstone would like to have a commitment to that fact. City Manager Davis continued by saying this impacts what Gladstone is doing to its water line improvements farther to the north, and ultimately what the City of Gladstone does in regard to the overlay of the road. The overlay of the road is planned to be done after the water line improvements, which involves Gladstone moving its water line out from under the road. City Manager Davis stated he hopes to see both Kansas City's project and Gladstone's project timed somewhat consistently.

Councilman Rudi mentioned Mr. Peironnet brought up a good point regarding Proposition-A, and stated the Clay County Commissioners will appoint a committee to oversee the Senior Services Fund. That committee's biggest challenge will be to ascertain that the funds will not be diverted to some other issue, and knowing how the funds will be used. Councilman Rudi asked Pete Hall to pass this information on to the appropriate people.

Councilman Bill Cross commented that at the last meeting he attended with Pete Hall, where the Clay County Commissioners were present, it was encouraging they reinforced what Councilman Rudi stated.

Councilman Cross asked City Manager Davis if after the first Kansas City water line break was repaired on North Oak Trafficway, another break occurred in just a few hours.

City Manager Davis replied that was correct, the second break occurred about 20 feet from the first break, which is not unusual, as has been witnessed with Gladstone water line breaks.

Councilman Cross stated, in seeing how many cities and communities have to ration water, he is proud to live in Gladstone, where there is no water rationing.

Mayor Pro Tem Wayne Beer had no comments at this time.

Mayor Les Smith asked City Manager Davis to prepare a letter for his signature to the Mayor of Kansas City on behalf of City Council, thanking them for their quick response to their water line break. Mayor Smith also asked City Manager Davis to have at the next City Council meeting an update on City Council's goals and objectives.

Mayor Smith stated, in light of the economy and the decreasing City sales tax revenues, an idea was proposed to the Gladstone Area Chamber of Commerce President, Amy Harlin, and asked City Manager Davis if this idea was taken to the Chamber Board meeting.

City Manager Davis replied in concept, a comprehensive business assistance plan was decided to move forward. The idea will be reviewed, taking into consideration what the

City and the Gladstone Area Chamber of Commerce both do and possibly combining some efforts.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis commented Friday, August 29th, will be the Ballet in the Park performance at Oak Grove Park, and the Municipal Pool closes Labor Day. City Manager Davis remarked that there are a number of Planning Commission public hearings and activities that are coming up in the next few weeks.

Mayor Smith asked, in regard to Renaissance North, if there are any traffic counts for Northeast 76th Street prior to the development, and asked that traffic counts be obtained, now, before Maplewoods Parkway is opened. Even just rush hour tallies, such as a couple of hours in the morning and a couple of hours in the evening would be helpful. Mayor Smith suggested getting traffic counts again after Maplewoods Parkway is opened. Once the development is in place, if those numbers are drastically different, it would demonstrate the impact on Northeast 76th Street.

City Manager Davis agreed; a traffic count basis needs to be established. It could not be done before, because the road was closed. There may be some traffic counts from the past; he will investigate that. City Manager Davis stated he does feel there will be an impact, and unfortunately there is not a revenue source to pay for improvements.

Item 9. on the Agenda.

PUBLIC HEARING on setting the annual rate of levy for the 2003 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.5368/\$100.00 valuation.

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by comments from those in Favor and those Opposed.

City Manager Kirk Davis began by saying City Council members are well versed in how the property tax assessment and valuation formulas work, but for the sake of record, the City's 2003 valuation for total assessed property is \$335,438,471, which includes new construction, but not personal property growth. The 2003 assessed valuation represents a 7.1 percent increase compared to the previous year's increase of 4.7 percent increase.

City Manager Davis continued by saying that due to State statutes, the City is limited to the lesser of actual growth (7.1 percent), the Consumer Price Index (2.2 percent), or 5 percent. As a result, the maximum property tax rate permitted for Tax Year 2003 is projected to decrease to \$.5368 per \$100 assessed property valuation based on the 2.2 percent Consumer Price Index. City Manager Davis stated that applying the \$.5368 property rate tax to the assessed valuation, and adding the collection rate, the City will be slightly above budget in the amount of \$8,000. City Manager Davis stated this is the lowest property tax rate he has seen in the fifteen years he has been in Gladstone.

As there were no questions or comments, Mayor Smith closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 03-26**, setting the annual rate of levy for the 2003 Real Estate and Personal Property taxes within the corporate limits of Gladstone, Missouri at \$.5368/100.00 valuation.

Councilman Carol Rudi moved to place Bill 03-26 on its first reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-26, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-26 and enact the Bill as **Ordinance 3.879**. Mayor Pro Tem Wayne Beer seconded.

Councilman Carol Rudi remarked that this is an erosion of our property taxes, and asked if the only way the City has to improve the situation is to increase the levy rate.

City Manager Davis replied, that was correct.

Roll Call Vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 10. on the Agenda. **FIRST READING BILL 03-27**, 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 new speed limit of 35 miles per hour for the speed zone along and upon North Antioch Road from Pleasant Valley Road and 64th Street to the north city limits.

Councilman Bill Cross moved to place Bill 03-27 on its first reading. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-27, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith inquired into the speed limit from Missouri Highway #1 (M-1) to Pleasant Valley Road.

City Manager Davis replied the speed limit is 35 miles per hour.

Councilman Carol Rudi discussed this issue with some citizens, who think 35 miles per hour in the proposed area is an excellent idea, and the existing 45 miles per hour was too high.

Councilman Bill Cross stated several law enforcement officers have mentioned the same thing to him and have said they are glad to see the change in the speed limit.

The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-27 and enact the Bill as **Ordinance 3.880**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **OTHER BUSINESS.**

There was no further business.

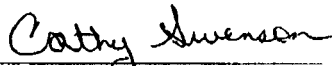
Item 12. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

Item 13. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the August 25, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: 
Approved as corrected/amended:


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 8, 2003**

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 25, 2003 CITY COUNCIL MEETING MINUTES.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-58, authorizing execution of a contract with Shaughnessy Fickel and Scott Architects, Inc. in the amount of \$150,000.00 for Architectural and Engineering Services in connection with the design of the Public Works Master Plan Implementation Project. (016030)

RESOLUTION NO. R-03-59, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 59th Terrace Drainage Improvements Project. (0209).

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:

Gladstone Mart & Liquor, 7020 North Oak Trafficway, 7 Day Package Liquor License.

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 located at 4901 Old Pike Road. Applicant: Suter-Sambol, LLC. Owner: Credit Suisse Leasing, c/o the Home Depot. (File # 1200).
- 9a. **FIRST READING BILL 03-28**, approving a Site Plan at 4901 Old Pike Road. (File #1200)

10. **FIRST READING BILL 03-29**, repealing Ordinance No. 3.845 (Section 29-6 of the City Code) and enacting a new ordinance establishing water service rates for the City of Gladstone, Missouri.
11. **FIRST READING BILL 03-30**, an Ordinance repealing portions of Ordinance Number 3.406 codified as Section 3-3 of the Gladstone City Code, and enacting in lieu thereof new provisions establishing the hours during which packaged liquor, malt liquor, and non-intoxicating beer may be sold on Sundays.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



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

MONDAY, SEPTEMBER 8, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular September 8, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 25, 2003,
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular August 25, 2003, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5. on the Agenda. CONSENT AGENDA.

Councilman Carol Rudi asked for removal of **Resolution No. R-03-59** from the Consent Agenda.

Mayor Les Smith stated that Resolution No. R-03-59 would be moved to Item 5a. on the Regular Agenda.

Councilman Carol Rudi moved to approve the Consent Agenda as amended. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to approve **RESOLUTION R-03-58**, authorizing execution of a contract with Shaughnessy Fickel and Scott Architects, Inc. in the amount of \$150,000.00 for Architectural and Engineering Services in connection with the design of the Public Works Master Plan Implementation Project (016030). Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Carol Rudi moved to approve the **ANNUAL LIQUOR LICENSE** renewal for Gladstone Mart & Liquor, 7020 North Oak Trafficway. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. **RESOLUTION R-03-59**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 59th Terrace Drainage Improvements Project (0209).

Councilman Carol Rudi moved to approve **RESOLUTION R-03-59**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 59th Terrace Drainage Improvements Project (0209). Mayor Pro Tem Wayne Beer seconded.

Councilman Rudi stated she asked this item to be removed from the Consent Agenda, as she had some questions regarding the project. Councilman Rudi stated, she has been made aware there have been some home sales in the area, and asked how an easement is affected if it is granted by a previous owner rather than a current owner.

Public Works Director Andy Noll replied that not all necessary easements for this project have been obtained, but the ones that have been obtained have been brought to City Council for approval, as there are some properties for sale in the area of this project. As long as the easement is recorded before the transfer of ownership or closing of the property, the easement is in force, otherwise, the easement would need to be negotiated with the new property owner.

Councilman Rudi asked when the project would begin.

Director Noll replied there has been a delay due to acquiring some of the necessary easements in the area, and the utility relocations. The majority of the necessary utility relocations have just been completed. A pre-construction conference will now be scheduled prior to work beginning. A few easements still need to be acquired. It is expected for construction to begin in about three weeks.

Councilman Rudi asked that the affected residents be notified as to the status of this project. Many have been waiting to do lawn work due to the project, and are trying very hard to cooperate.

Director Noll stated he would send out a progress update to the residents.

Councilman Rudi suggested in the future, if projects are delayed, such updates be provided to the affected residents.

Director Noll, agreed, and stated that will be included in the project process in the future.

City Manager Kirk Davis commented that as Council recalls, this is the project where there are some property owners upstream that affect this project, who have been a little more difficult to deal with in terms of getting easements and understanding the project. For the downstream residents that are directly impacted by the project, it may seem like the project has taken a long time, but it has been largely due to easement acquisition.

Mayor Les Smith agreed with Councilman Rudi's idea of regular updates to the residents. With the 72nd Street Project, regular newsletters were sent to the residents. If a project is delayed, updates to the residents should be provided.

Councilman Bill Cross asked if there are still residents who have slowed down the project by not providing necessary easements.

City Manager Davis replied City staff is still in negotiations for easements with some of the residents.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Bob Box, Commander of the Bennett and Dennis Herrick Memorial Post 626, began by saying he came to the City Council meeting prepared to deliver a lengthy dissertation, but he was informed by a wise lady it is not the length but the substance of the message that is important. Mr. Box commented the wise lady, his wife, told him the Sermon on the Mount and the Gettysburg Address only took three minutes, and he is nowhere in that league. Mr. Box stated members of his Post have all served their country in uniform and are here to serve the nation, the state, and particularly the community. Mr. Box continued

by saying the Post is available for assistance in anything the City Council or the City needs. Mr. Box said his wife also told him to know when to shut-up and sit-down. Mr. Box thanked the City Council.

Mayor Smith thanked Mr. Box for his generous offer.

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

Councilman Joe Evans asked if anything has been done with the City's entryway signage.

City Manager Davis replied a proposal has been received for six signs. At one time it was planned to have stone signs with engraving, but those bids came in substantially higher than the funds allocated in the budget. City staff has been in negotiations to slightly change the design of the signs and reduce the costs to bring them back in line with the budget. City Manager Davis stated a resolution should be coming before City Council in a short time, to move forward with the entryway signs.

Councilman Carol Rudi had no comments at this time.

Councilman Bill Cross stated that at the last City Council meeting it was mentioned the Public Safety portable vehicle speed detector was not working. It is now working in Councilman Cross's neighborhood, and he appreciates the Public Safety staff getting the speed detector operable again.

Councilman Cross informed the audience City Council members have attended the Missouri Municipal League Conference, which is currently being held in Kansas City, and the meetings have been very educational.

Mayor Pro Tem Wayne Beer, had no comments at this time.

Mayor Les Smith asked if there were significant storm drainage issues following the last storm.

City Manager Davis replied there were three sewer back-ups, two of which were caused by laterals, one of which the origination is still to be determined. Given the amount of rain and the dry surface conditions, there was not a great deal of run-off.

Mayor Smith remarked he drove around Gladstone following a heavy rain, and water seemed to be contained in the banks, including the new detention basin. There was water over the road on 76th Street in the Renaissance North project, so it appears drainage problems were moved down stream.

Mayor Smith stated he attended an Emergency Preparedness Seminar at the Missouri Municipal League Conference where two different communities, Stockton and Parsons, Kansas, had presenters on what happened when tornadoes struck their communities.

Mayor Smith reported that Gladstone is far ahead of the curve compared to what happened with those folks. The presenters talked about an emergency plan they had not dusted off in 10 or 20 years, and they discussed lessons they learned that were already in our Emergency Preparedness book.

Mayor Smith stated he wanted to commend City Manager Davis and Staff for being so well prepared when the tornado struck Gladstone. Mayor Smith shared some information with the Emergency Preparedness panel and he became part of the panel, when he had answers for so many questions from the audience based on what City Manager Davis and Staff were able to accomplish following the May 4, 2003 tornado.

Mayor Smith offered congratulations to Bill and Mary Cross on the birth of their grandchild, and also to Amy Harlin, Executive Director of the Gladstone Area Chamber of Commerce, and her husband on the birth of their son.

Mayor Smith stated he understands there is a property on Antioch Road that the City has determined has dangerous buildings on site, and the process is underway to get those remedied or demolished. Mayor Smith asked City Manager Davis if that was correct.

City Manager Davis replied that is correct.

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

City Manager Kirk Davis remarked he is pleased to be making a presentation to the American Society of Public Administrators in October.

City Manager Davis reported the Gladstone Veterans of Foreign Wars, Post 10906 and their Ladies Auxiliary will be conducting a flag dedication ceremony on Thursday, September 11th at 2:00 PM. President Bush has declared September 11th as Patriot Day, 2003, and flags will be flown at half-staff at his request.

City Manager Davis offered his congratulations to Grandpa Cross.

Item 9. on the Agenda. **PUBLIC HEARING** on a request for a Site Plan Revision on property located at 4901 Old Pike Road. Applicant: Suter-Sambol, LLC. Owner: Credit Suisse Leasing, c/o the Home Depot. (File #1200).

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by a presentation by the Applicant and finally comments from those in Favor and those Opposed.

Staff Presentation

City Counselor David Ramsay began by saying in the absence of Assistant City Manager Scott Wingerson, he will be making the City Staff presentation. Counselor Ramsay stated

the original Site Plan for the convenience center and gasoline station was approved about three months ago and is located just south of the Home Depot on Old Pike Road. The applicant has returned to request an amendment to add a single bay automatic car wash to the rear of their building. This request was presented to the Planning Commission last Monday night, where there was little discussion, as it does not change the Site Plan in terms of building location, setbacks, or even landscaping. The Planning Commission approved for recommendation to City Council the amendment to the Site Plan with a vote of 8-0.

Counselor Ramsay referenced the proposed Ordinance in the City Council's packet that lists the same conditions as were listed in the previous Ordinance that approved the site development, so it is just a restatement of those conditions with the addition of approving this extra wing on the previously approved building for a drive-through car wash.

Mayor Pro Tem Wayne Beer asked if an increase in the traffic count is anticipated.

Counselor Ramsay replied no, and in fact that question was asked at the Planning Commission meeting, and it was indicated by Assistant City Manager Wingerson that it was not anticipated there would be any change in the traffic count.

Applicant Presentation

Brian Suter, 12838 Palmer Road, Kansas City, Kansas, stated he was the developer for this project, and basically all that is changed in this Site Plan is the car wash. Mr. Suter remarked as far as traffic, the car wash just adds an extra service to what is currently being offered.

Mayor Smith asked what the car wash building will look like on the back side.

Mr. Suter replied it will match the store, which is a mix of cultured stone and maybe a little bit of stucco type dry-vit.

Councilman Cross asked if it will look like the facility at 112th Street.

Mr. Suter replied it will look very similar, but actually better.

There was no one who spoke in Favor or Opposition.

Item 9a. on the Agenda. **FIRST READING BILL 03-28**, approving a Site Plan at 4901 Old Pike Road. (File #1200)

Councilman Bill Cross moved to place Bill 03-28 on its first reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-28, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-28 and enact the Bill as **Ordinance 3.881**. Mayor Pro Tem Wayne Beer seconded.

Roll Call Vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith stated the bill has been approved and wished good luck to Mr. Suter on this project.

Councilman Cross asked how soon the project will be completed.

Mr. Suter replied he is awaiting approval from Kansas City for the small portion that is located in Kansas City.

Item 10. on the Agenda. **FIRST READING BILL 03-29**, repealing Ordinance No. 3.845 (Section 29-6 of the City Code) and enacting a new ordinance establishing water service rates for the City of Gladstone, Missouri.

Councilman Bill Cross moved to place Bill 03-29 on its first reading. Councilman Carol Rudi seconded.

Mayor Smith asked City Manager Davis to discuss this Bill.

City Manager Davis began by saying as Council recalls from the budget process, there was discussion about a ten-cent water increase, and this is following through on that issue, and is consistent with the budget. This increase will generate about \$85,000 annually and is broken down between three different programs. One program is the Capital Maintenance Program at the Water Plant. A bond issue was done a couple of years ago for \$1.1 million because improvements were needed at the Water Plant. This money will help to stay on top of those improvements, and to replace equipment in a more efficient and consistent fashion.

The second program is the Meter Replacement Program. City Manager Davis stated meters are slowing down and there is water loss as a result of worn out or stuck meters. Funds in the amount of \$20,000 would be set aside to replace meters annually. City Manager Davis stated the third issue is the fact the City's insurance coverage changed substantially, going from a deductible of \$1,000 to \$25,000 beginning in fiscal year 2004. The water rate is going from \$2.69 to \$2.79 per 1,000 gallons, which is an increase of about \$7.20 annually for the average water bill.

Mayor Smith stated this water rate would keep Gladstone in about the middle range of the other cities in the metropolitan area, and yet Gladstone has as high of an aggressive maintenance plan as any community.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-29, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-29 and enact the Bill as **Ordinance 3.882**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **FIRST READING BILL 03-30**, an Ordinance repealing portions of Ordinance Number 3.406 codified as Section 3-3 of the Gladstone City Code, and enacting in lieu thereof new provisions establishing the hours during which packaged liquor, malt liquor, and non-intoxicating beer may be sold on Sundays.

City Counselor Ramsay reported Gladstone's alcoholic beverage ordinance has been amended several times, the most recent amendment in 1994. The City's current ordinance allows the sale of liquor by the drink and package sales from 6:00 AM through 1:30 AM the following morning, Monday through Saturday. With respect to consumption, the ordinance states it shall be unlawful to permit the drinking or consumption of intoxicating liquor, malt liquor, and intoxicating beer by any person between the hours of 1:30 AM and 6:00 AM, Monday through Saturday, and between the hours of 1:30 AM Sunday, and & 6:00 AM, Monday, the exception being certain Sunday sales.

Mayor Pro Tem Beer expressed surprise that liquor by the drink sales may begin as early as 6:00 AM, and stated this may be an issue addressed at a later date.

Mayor Pro Tem Wayne Beer moved to place Bill 03-30 on its first reading. Councilman Joe Evans seconded.

Counselor David Ramsay stated he did not believe there are any businesses in Gladstone selling liquor by the drink as early as 6:00 AM.

Mayor Smith replied there might be businesses selling liquor by the drink that early, but no one knows of it.

Mayor Pro Tem Wayne Beer remarked the question might arise if in fact there are businesses that sell liquor by the drink as early as 6:00 AM, and if there are, how are they identified. This issue should be discussed at a later date.

Counselor Ramsay commented that a survey could be conducted of the Liquor License holders to determine their hours of operation.

Mayor Pro Tem Beer mentioned that the existing ordinance could be taking into account night workers who, when getting off work, stop to have a drink like anyone else might after work at 5:00 PM.

Counselor Ramsay stated the proposed ordinance simply adopts the extended Sunday hours for package liquor.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-30, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-30 and enact the Bill as **Ordinance 3.883**. Councilman Joe Evans seconded.

Mayor Smith stated, for clarification, because the State has allowed the sale of package liquor at an earlier hour on Sunday, the City of Gladstone is doing the same. This does not apply to liquor by the drink; one could not purchase a drink at a bar or restaurant at an earlier hour on Sunday.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 12. on the Agenda. **OTHER BUSINESS.**

There was no further business.

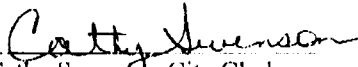
Item 13. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 14. on the Agenda. **ADJOURNMENT.**

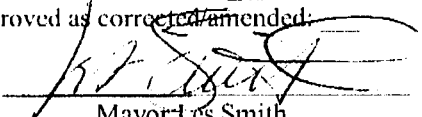
There being no further business to come before the September 8, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: _____

Approved as corrected/amended: _____


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 22, 2003**

*****Revised*****

OPEN STUDY SESSION: 6:00 PM

REGULAR MEETING: 7:30 PM

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, Exemption 610.021 (2) for Real Estate Acquisition Discussion, and Exemption 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 SEPTEMBER 8, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION** designating the week of September 22-27, 2003 as "**RACE EQUALITY WEEK**" in the City of Gladstone.
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-60, authorizing the purchase of a Breathing Air System for the New Fire Station from Midwest Breathing Air Systems, Wapello, Iowa, for a total purchase amount of \$23,321.36.

RESOLUTION NO. R-03-61, authorizing acceptance of work under contract with Vance Brothers, Inc. for the 2003 Intermediate Maintenance Program and authorizing final payment in the amount of \$13,502.63 for Project 035003.

RESOLUTION NO. R-03-62, authorizing acceptance of work under contract with O'Donnell Way Construction, LLC for the 2003 Street Overlay Program and authorizing final payment in the amount of \$7,463.06 for Project 045001.

RESOLUTION NO. R-03-63, authorizing execution of a contract in a total amount not to exceed \$23,499.50 with Phillips Paving Company for the Happy Rock Trail Replacement, Phase One, Project 045032.

RESOLUTION NO. 03-64, authorizing acceptance of work under contract with Twin Traffic Marking Corporation for the 2003 Pavement Marking Program and authorizing final payment in the amount of \$16,774.58 for Project 035035.

RESOLUTION NO. 03-65, accepting Temporary Construction Easements, Permanent Easements, and Right-of-Way Parcels from property owners in conjunction with the Northeast 76th Street Improvements, North Oak to North Troost Project. (985014)

RESOLUTION NO. 03-66, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the 67th & Forest Storm Drainage Improvements Project. (045033)

RESOLUTION NO. 03-67, authorizing execution of a contract in an amount not to exceed \$662,211.00 with Harmon Construction, Incorporated for the City Hall Addition and Renovation Project. (036015)

RESOLUTION NO. 03-68, expressing the concerns of the City Council as to the proposal pending before the United States Congress to extend and enlarge the Internet Tax Moratorium.

APPROVAL OF NEW SIX DAY PACKAGE LIQUOR LICENSE, Aldi, Inc.; 7604 North Oak; Managing Officer: Kristine Curtney.

APPROVAL OF FINANCIAL REPORTS for the month of August 2003.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Jo Marie Armilio for operation of a Real Estate Office at 6212 NE Antioch Road. Applicant: Jo Marie Armilio. Owner: Ande Company, LLC. (File #1198)
- 9a. **FIRST READING BILL 03-31**, approving a Special Use Permit subject to certain conditions to Jo Marie Armilio for operation of a Real Estate Office at 6212 NE Antioch Road. (File #1198)
10. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202)

- 10a. **FIRST READING BILL 03-32**, approving a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. (File #1202)
11. **PUBLIC HEARING** on a request to rezone from R-1 (Residential) to RP-2 (Planned Two-Family Residential) at property located at the corner of NE 72nd Street and N. Monroe and legally described as Lot 12, Glaywoods Subdivision. Applicant/Owner: City of Gladstone. (File #1205)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, October 13, 2003, City Council Meeting pending a recommendation from the Planning Commission.

12. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Joyce Vogt for operation of an in-home Nail Salon at 2201 NE 56 Terrace. Applicant/Owner: Joyce Vogt. (File #1203)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, October 13, 2003, City Council Meeting pending a recommendation from the Planning Commission.

13. **PUBLIC HEARING** on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, October 13, 2003, City Council Meeting pending a recommendation from the Planning Commission.

14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

MONDAY, SEPTEMBER 22, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular September 22, 2003 City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR SEPTEMBER 8, 2003, CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular September 8, 2003, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5. on the Agenda. CONSENT AGENDA.

Mayor Pro Tem Wayne Beer asked for removal of **Resolution No. R-03-62** from the Consent Agenda.

Mayor Les Smith stated that **Resolution No. R-03-62** would be moved to **Item 5a.** on the Regular Agenda.

Councilman Bill Cross moved to approve the Consent Agenda as amended. Mayor Pro Tem Wayne Beer seconded.

Mayor Pro Tem Wayne Beer stated in regard to **Resolution 03-67**, authorizing execution of a contract in an amount not to exceed \$662,211.00 with Harmon Construction, Incorporated for the City Hall Addition and Renovation Project, there were two alternates to the bid; Alternate #2 provides for the completion of the project four weeks ahead of the base bid date of April 29, 2003, at no additional cost. Councilman Beer asked what the incentive would be for the contractor to complete the project four weeks ahead of schedule with no additional cost.

Assistant City Manager Scott Wingerson replied the architect for the project believed a completion date of early May was appropriate, yet as an alternate, City staff wanted to see if there would be an additional expense to expedite the construction and have the project completed in early April. Most of the bidders showed no cost for the earlier completion date. The incentive for the bidders was to receive the award of the project.

Councilman Beer stated, in his experience, a financial incentive is needed in order for a contractor to complete a project at an earlier date. Councilman Beer expressed his surprise that a contractor would complete a project at an earlier date without a financial incentive.

Assistant City Manager Scott Wingerson commented that the date is a completion day contract not a working day contract, and there is the opportunity for discussion of liquidated damages should the contractor not perform the work as contracted, excluding unforeseen circumstance. Mr. Wingerson reported Staff is happy with the bid, which came in under the architect's estimate.

Councilman Bill Cross noted the Sales Tax was up \$4,000 from this time last year, and the Use Tax was \$17,000 this month opposed to under \$10,000 last month. Councilman Cross asked Finance Director Cash Sweiven if this was encouraging.

Director Sweiven replied it was encouraging.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to approve **RESOLUTION R-03-60**, authorizing the purchase of a Breathing Air System for the New Fire Station from Midwest Breathing Air Systems, Wapello, Iowa, for a total purchase amount of \$23,321.36. Mayor Pro Tem

Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. R-03-61**, authorizing acceptance of work under contract with Vance Brothers, Inc. for the 2003 Intermediate Maintenance Program and authorizing final payment in the amount of \$13,502.63 for Project 035003. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. R-03-63**, authorizing execution of a contract in a total amount not to exceed \$23,499.50 with Phillips Paving Company for the Happy Rock Trail Replacement, Phase One, Project 045032. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. 03-64**, authorizing acceptance of work under contract with Twin Traffic Marking Corporation for the 2003 Pavement Marking Program and authorizing final payment in the amount of \$16,774.58 for Project 035035. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. 03-65**, accepting Temporary Construction Easements, Permanent Easements, and Right-of-Way Parcels from property owners in conjunction with the Northeast 76th Street Improvements, North Oak to North Troost Project. (985014) Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. 03-66**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the 67th & Forest Storm Drainage Improvements Project. (045033) Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. 03-67**, authorizing execution of a contract in an amount not to exceed \$662,211.00 with Harmon Construction, Incorporated for the City Hall Addition and Renovation Project. (036015) Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION NO. 03-68**, expressing the concerns of the City Council as to the proposal pending before the United States Congress to extend and enlarge the Internet Tax Moratorium. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve a new **Six Day Package Liquor License** for **Aldi, Inc.**; 7604 North Oak; Managing officer, Kristine Curtney. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to accept the **Financial Reports** for the month of **August 2003**. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 5a. on the Agenda. **RESOLUTION R-03-62**, authorizing acceptance of work under contract with O'Donnell Way Construction, LLC for the 2003 Street Overlay Program and authorizing final payment in the amount of \$7,463.06 for Project 045001.

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION R-03-62**, authorizing acceptance of work under contract with O'Donnell Way Construction, LLC for the 2003 Street Overlay Program and authorizing final payment in the amount of \$7,463.06 for Project 045001. Councilman Carol Rudi seconded.

Mayor Les Smith stated 72nd Street and North Broadway are included in this project, and he was confident that if there had been another owner of the property on the northeast corner of 72nd Street and North Broadway other than the Mayor of Gladstone, they would have been adamantly complaining and requesting damages for the fact the contractor provided virtually no traffic control.

Mayor Smith stated every time the contractor had 72nd Street or North Broadway shut down, which occurred five different days, his property became a raceway. Mayor Smith said he was a fan of racing, but not through his business parking lot. Mayor Smith continued by saying dump trucks, asphalt trucks, and construction equipment drove through his parking lot, and Mayor Smith was told that a dump truck driving once across the parking lot, which has four inches thick asphalt, was equivalent to 10,000 cars. Mayor Smith suggested that traffic control be written into all future contracts, and he hopes this does not happen to any other property owners in the future.

City Manager Kirk Davis stated traffic control is written into contracts, however potentially more time should be taken in looking at the impact on adjacent property owners.

Mayor Smith stated that late in an evening when the contractor was finishing the project, in seven minutes, there were 31 cars that drove through Mayor Smith's parking lot. Mayor Smith remarked his intent is that this does not happen to any other property owner in the future.

City Manager Davis stated that on this one particular night, one issue was that there was an effort to finish the project on a Friday, and the contractor was working late. City Manager Davis advised Public Works Director Andy Noll and Staff to keep the contractor on the job, so the road would not be closed over the weekend. It was past 5:00 PM, and traffic was backed-up past Highway 169 one way, and several blocks down 72nd Street the other way, and people became impatient and cut through the parking lot. Because the decision was made on a Friday night, there was not thought to manually control the traffic signal versus electronically.

Mayor Smith stated that future projects will be coming up, including work on North Oak, and he wanted to be sure this does not happen to other property owners.

The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans had no comments at this time.

Councilman Carol Rudi stated that at the last Cable TV Advisory Board meeting, one of the members suggested there might be a possibility that some of the youths in our area may use homes damaged by the tornado as haunted houses. Councilman Rudi suggested perhaps extra patrols might be scheduled to watch for such activities. Councilman Rudi inquired about injured Gladstone officers.

City Manager Kirk Davis replied one officer remained on duty and one officer is being checked for an injury to his right knee.

Councilman Rudi stated she wished them well. Councilman Rudi mentioned Council members have received a letter from Mr. Peironnet requesting someone from the City to attend the meeting for Renaissance North on September 26th. Councilman Rudi is unable to attend, but she hopes another Council member is able to attend this meeting, and possibly at least one staff member. Councilman Rudi asked if arrangements could be made whereby Council could be shuttled to the Gladfest parade staging site on Saturday, October 4th, as there is no parking available at the staging site.

City Manager Davis replied Parks and Recreation Director Sheila Lillis will be shuttling other people that day, and Director Lillis will contact City Council members and let them know the logistics of transporting them to the parade staging site.

Councilman Bill Cross stated that preparations for Gladfest look good, and he is glad to see Gladfest signs in place at various points in the community.

Mayor Smith commented that he has been in attendance at the last two Gladfest meetings, and those involved are doing a very good job, and Gladfest should be a huge success.

Mayor Pro Tem Wayne Beer stated Mr. Peironnet did a very good job in his letter of covering the same concerns as the City has with the Renaissance North project, and he has the meeting on his schedule to attend, and he is hoping others can attend as well.

Mayor Les Smith had no comments at this time.

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

City Manager Kirk Davis reported Gladfest will be held October 3rd, 4th, and 5th, and City Hall will be closed a half day on October 3rd. City Manager Davis thanked the City Council for the opportunity to attend the Pittsburgh Leadership Exchange with other members of the Kansas City community. There was an article about this in Sunday's paper. City Manager found the meetings rewarding, and learned more about how to fund metropolitan wide assets and activities. The vast majority of the cost was funded by a grant from the Community Foundation. City Manager Davis reported there would be a Staff Leadership Retreat on September 30th at the North Kansas City Community Center.

Item 9. on the Agenda. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Jo Marie Armilio for operation of a Real Estate Office at 6212 NE Antioch Road. Applicant Jo Marie Armilio. Owner: Ande Company, LLC. (File #1198)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by a presentation by the Applicant and finally comments from those in Favor and those Opposed.

Staff Presentation

Assistant City Manager Scott Wingerson began by saying the applicant requests a Special Use Permit to allow the operation of a Real Estate Office from the home at 6212 NE Antioch Road. Mr. Wingerson stated in City Council's packet were several items including a draft ordinance listing the conditions that are typical for a Special Use Permit of this nature. Also enclosed are a Staff Report and draft minutes from the Planning Commission meeting. Commissioner Newsom made a very articulate motion in the affirmative to approve this request. Her recommendation as an individual Commissioner

was to vote "no" on the affirmative motion. Mr. Wingerson stated the draft minutes reflect the motion accurately, but do not reflect the outcome accurately. The Planning Commission is recommending to City Council not to approve this request. The Commission had several concerns, traffic safety being a primary one, and parking being a secondary concern, with an additional concern being lack of improvement to the property, and overall land use from a single family home. There was a 0-10 vote on an affirmative motion. The Planning Commission recommends to City Council to deny this request.

Applicant Presentation

There was no one present to represent the applicant.

Comments from those in Favor or Opposed of the Application

There was no one who spoke in Favor or Opposition.

Mayor Smith Closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 03-31**, approving a Special Use Permit subject to certain conditions to Jo Marie Armilio for operation of a Real Estate Office at 6212 NE Antioch Road. (File #1198)

Mayor Pro Tem Wayne Beer moved to place Bill 03-31 on its first reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0) The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-31, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded.

Discussion

Mayor Pro Tem Wayne Beer stated that the location where this property is located, North Wabash and Antioch, is an extremely busy intersection. Councilman Beer continued by saying because of the configuration of the intersection, the placement of the house on the property, the restrictive size of the property, and the potentially high intensity use of the property, in his opinion, this is not a good use for this property. It is Councilman Beer's opinion this Special Use Permit request does not fit the property and his intention is to vote "no".

Councilman Carol Rudi reported she attended the Planning Commission meetings where this Special Use Permit was discussed. The discussion included the fact that the number of employees at any one time would be restricted to two, however, there are five people who would actually be working there. Councilman Rudi has observed at least four cars parked

at the site at one time, and cars parked in the street, as well. Councilman Rudi asked if this business is currently operating without a permit.

Assistant City Manager Scott Wingerson replied, yes.

Councilman Rudi stated she would be voting "no" on this issue.

Roll Call Vote: All "nay" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (0-5)

Councilman Cross asked if this business would be asked to cease operation.

Assistant City Manager Wingerson replied he believes Ms. Armilio has made arrangements for a more traditional office space, and he will be visiting with her later this week.

Item 10. on the Agenda. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202)

Mayor Smith opened the Public Hearing and explained the hearing process would be as stated for the previous Public Hearing.

Staff Presentation

Assistant City Manager Wingerson began by saying the Planning Commission recommends that this request not be approved based on two factors, one factor is protection of the children from an existing pond in the back of the property, and the other factor is egress onto NE 76th Street from the existing single family home driveway. Based on these concerns, the applicant has provided the following information today: "We would like to request and remand this Special Use Permit back to the Planning Commission in order to address several safety concerns. Our intention is to work out problems related to NE 76th Street access and a fenced-in area away from the pond".

Mr. Wingerson stated it is the request of the applicant to return this request to the Planning Commission for an additional Public Hearing.

Mayor Smith asked when this request would come back before the City Council.

Assistant City Manager Scott Wingerson replied he believed this request would come before City Council at the October 27, 2003, City Council meeting.

Mayor Pro Tem Wayne Beer made a motion to remand this issue back to the Planning Commission and to continue this Public Hearing to the October 27, 2003, City Council meeting. Councilman Carol Rudi seconded. All "aye" -- Councilman Joe Evans.

Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith closed the Public Hearing.

Item 10a. on the Agenda. **FIRST READING BILL 03-32**, approving a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. (File #1202)

There was no action on the Bill.

Item 11. on the Agenda. **PUBLIC HEARING** for a request to rezone from R-1 (Residential) to RP-2 (Planned two-Family Residential) at property located at the corner of NE 72nd Street and North Monroe and legally described as Lot 12, Glaywoods Subdivision. Applicant/Owner: City of Gladstone. (File #1205)

Mayor Smith opened the Public Hearing and immediately continued it to the **Monday, October 13, 2003**, City Council meeting pending a recommendation from the Planning Commission.

Item 12. on the Agenda. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Joyce Vogt for operation of an in-home Nail Salon at 2201 NE 56 Terrace. Applicant/Owner: Joyce Vogt. (File #1203)

Mayor Smith opened the Public Hearing and immediately continued it to the **Monday, October 13, 2003**, City Council meeting pending a recommendation from the Planning Commission.

Item 13. on the Agenda. **PUBLIC HEARING** on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)

Mayor Smith opened the Public Hearing and immediately continued it to the **Monday, October 13, 2003**, City Council meeting pending a recommendation from the Planning Commission.

Item 14. on the Agenda. **OTHER BUSINESS.**

There was no other business.

Item 15. on the Agenda. **QUESTIONS FROM THE NEW MEDIA.**

There were no questions from the News Media.


Item 16. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the September 8, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Councilman Joe Evans moved to adjourn to Closed Executive Session in the City Manager's office pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, Exemption 610.021 (2) for Real Estate Acquisition Discussion, and Exemption 610.021 (3) for Personnel Discussion. Mayor Pro Tem Wayne Beer seconded the motion.

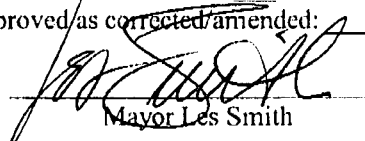
Roll Call Vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted:

Approved as corrected/amended:


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 13, 2003**

CLOSED EXECUTIVE SESSION: 6:00 PM

The City Council will hold a Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, Exemption 610.021 (2) for Real Estate Acquisition Discussion, and Exemption 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 SEPTEMBER 22, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION** designating the month of October 2003 as National Breast Cancer Awareness Month.
- 4b. **PROCLAMATION** designating October 24-31, 2003 as National Red Ribbon Week and calling on all Americans to support a drug free nation.
- 4c. **PROCLAMATION** recognizing the efforts of the Northland Assistance Center.
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-69, declaring certain City owned Fire/EMS Bureau equipment as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy.

RESOLUTION NO. R-03-70, authorizing acceptance of work under contract with Burns & McDonnell for the 72nd Street Reconstruction Design and authorizing final payment in the amount of \$4,214.50. (Project 9417).

RESOLUTION NO. R-03-71, authorizing the Sister City Commission of the City of Gladstone to pursue a Sister City relationship with Tlaquepaque, Mexico.

RESOLUTION NO. 03-72, authorizing execution of a contract with Zimmer Companies Inc. for Real Estate Services.

RESOLUTION NO. 03-73, amending the 2004 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and Authorizing expenditures of funds.

RESOLUTION NO. 03-74, accepting Temporary Construction Easements, Permanent Easements, and Right-Of-Way parcels from property owners in conjunction with the Northeast 76th Street Reconstruction Project. (985014).

RESOLUTION NO. 03-75, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67th & Forest Storm Drainage Project. (045033).

RESOLUTION NO. 03-76, authorizing acceptance of work under contract with Camp Dresser and McKee for the Rock Creek Channel Improvements and Prospect Detention Basin at 68th Street (design); and authorizing final payment in the amount of \$27,132.00.

RESOLUTION NO. 03-77, authorizing execution of a contract in a total amount not to exceed \$945,945.29 with Rose-Lan Contractors for the Rock Creek Channel Improvements; Project 0123.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
 - 7a. Capital Improvements Committee Appointment
8. **Communications from the City Manager.**
9. **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Joyce Vogt for operation of an in-home Nail Salon at 2201 NE 56 Terrace. Applicant/Owner: Joyce Vogt. (File #1203)
- 9a. **FIRST READING BILL 03-33**, granting a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a Nail Salon on Property at 2201 NE 56th Terrace. (File #1203)
10. **PUBLIC HEARING** on a request to rezone from R-1 (Residential) to RP-2 (Planned Two-Family Residential) at property located at the corner of NE 72nd Street and N. Monroe and legally described as Lot 12, Glaywoods Subdivision. Applicant/Owner: City of Gladstone. (File #1205)
- 10a. **FIRST READING BILL 03-34**, amending Ordinance No. 2.292 and being an ordinance elating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri. (File #1205)

11. **PUBLIC HEARING** on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, October 27, 2003, City Council Meeting pending a recommendation from the Planning Commission.

12. **FIRST READING BILL 03-35**, repealing Ordinance 2.170, codified under Chapter 30 of the Gladstone City Code, and enacting in lieu thereof new provisions concerning the carrying of firearms and other weapons, concealed and nonconcealed, within buildings owned by the City of Gladstone.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

MONDAY, OCTOBER 13, 2003

CLOSED EXECUTIVE SESSION

Mayor Les Smith opened the Public Meeting at 6:00 PM in the Gladstone City Council Chambers. City Council members present were: Mayor Les Smith, Mayor Pro Tem Wayne Beer, Councilman Bill Cross, and Councilman Joe Evans.

Mayor Pro Tem Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, exemption 610.021 (2) for Real Estate Acquisition Discussion, and exemption 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

Roll Call Vote: All "aye" -- Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, and Mayor Les Smith (4-0)

City Council members present at the Closed Executive Session were: Mayor Les Smith, Mayor Pro Tem Wayne Beer, Councilman Bill Cross, and Councilman Joe Evans.

Mayor Les Smith opened the Regular October 13, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Councilman Carol Rudi

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

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

Item 4. on the Agenda. **APPROVAL OF THE REGULAR SEPTEMBER 22, 2003, CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular September 22, 2003, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 4a. on the Agenda. **PROCLAMATION** designating the month of October 2003 as National Breast Cancer Awareness Month.

Mayor Les Smith read a proclamation designating the month of October 2003 as National Breast Cancer Awareness Month.

Item 4b. on the Agenda. **PROCLAMATION** designating October 24-31, 2003 as National Red Ribbon Week and calling on all Americans to support a drug free nation.

Mayor Smith invited Councilman Bill Cross, who is a member of the Teaching and Reaching Youth (TRY) organization to present the proclamation.

Councilman Cross read a proclamation designating October 24-31, 2003 as National Red Ribbon Week and calling on all Americans to support a drug free nation.

Item 4c. on the Agenda. **PROCLAMATION** recognizing the efforts of the Northland Assistance Center.

Mayor Smith read a proclamation recognizing the efforts of the Northland Assistance Center. Reverend Loyd Gentry, a member of the Northland Assistance Center, accepted the proclamation, and thanked the Mayor and City Council.

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

Mayor Pro Tem Wayne Beer moved to approve the Consent Agenda as presented. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

CONSENT AGENDA DETAIL

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION R-03-69**, declaring certain City owned Fire/EMS Bureau equipment as "Surplus City Property" and authorizing its disposal under the provisions of the City of Gladstone Purchasing Policy.

Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. R-03-70**, authorizing acceptance of work under contract with Burns & McDonnell for the 72nd Street Reconstruction Design and authorizing final payment in the amount of \$4,214.50. (Project 9417). Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. R-03-71**, authorizing the Sister City Commission of the City of Gladstone to pursue a Sister City relationship with Tlaquepaque, Mexico. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-72**, authorizing execution of a contract with Zimmer Companies, Inc. for Real Estate services. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-73**, amending the 2004 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund budgets for the City of Gladstone, Missouri and authorizing expenditures of funds. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-74**, accepting Temporary Construction Easements, Permanent Easements, and Right-of-Way parcels from property owners in conjunction with the Northeast 76th Street Reconstruction Project (985014). Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-75**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67th & Forest Storm Drainage Project. (045033). Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-76**, authorizing acceptance of work under contract with Camp Dresser and McKee for the Rock Creek Channel improvements and Prospect Detention Basin at 68th Street (design); and authorizing final payment in the amount of \$27,132.00. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION NO. 03-77**, authorizing execution of a contract in a total amount not to exceed \$945,945.29 with Rose-Lan Contractors for the Rock Creek Channel Improvements. Project 0123. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans thanked the volunteers who worked on the Gladfest Parade, and stated, once again, they did a very good job.

Councilman Bill Cross stated he agreed with the comments from Councilman Evans and said Gladfest was a success, and he appreciated Terry Hoppenthaler, Gladfest Chairman, and all who helped coordinate the Gladfest activities. Councilman Cross thanked the Gladfest Committee for the commemorative Gladfest tile that was given to City Council members. Councilman Cross expressed his appreciation in being able to attend the Mid American Regional Council Insurance Trust (MARCIT) Annual Meeting and Fall Training Conference in Tan-Tar-A, on October 10th and 11th, where representatives from the City learned about legal liability and insurance matters.

Mayor Pro Tem Wayne Beer stated he wished to echo the comments of Councilman Evans and Councilman Cross and expressed his appreciation for another successful Gladfest, by saying "Good Job!" to all involved.

Mayor Les Smith stated he wished to commend City Manager Davis, City staff, and the City Council in their outstanding leadership in the realm of prudent financial management. The City has survived some difficult times without drastic cuts in services, and is probably one of the few cities to do that. Mayor Smith thanked Terry Hoppenthaler for her outstanding work as Gladfest Chairman, and thanked her for the commemorative tile. Mayor Smith informed the audience Terry Hoppenthaler is the Gladfest Chairman, and is a Gladstone Area Chamber of Commerce volunteer. Gladfest is a collaborative effort between the Chamber and the City. Mayor Smith stated festivals are good for the community, and this was another fine one this year.

Mayor Smith displayed a plaque for all to see that was received by the City from MARCIT at the Annual Meeting and Fall Training Conference in recognition of the City being one of the nine initial members of MARCIT. Mayor Smith asked City Manager Davis to explain what MARCIT is and its significance to our community.

City Manager Kirk Davis began by saying Mid-America Regional Council Insurance Trust (MARCIT) is a self-funded pool of municipalities and government entities in both Missouri and Kansas. There are three major pools of funding, the Health Fund, Workman's Compensation, and Property and Casualty. City Manager Davis explained by Gladstone being involved with MARCIT, the City has saved literally millions of dollars over a 20-year period. The City of Gladstone has a position on the Board, and there are City staff members active in various working committees. City Manager Davis continued by saying MARCIT is not an insurance company; it is an insurance trust that is a pool of municipalities and other governmental entities that provide insurance services to those agencies. City Manager Davis reported that a Workman's Compensation dividend would be declared this year.

Item 7a. Capital Improvements Committee Appointment

Mayor Smith stated a recommendation has been received from the Gladstone Special Road District #3 to appoint Lee Bussinger to the Capital Improvements Committee.

Councilman Bill Cross moved to appoint Lee Bussinger to the Capital Improvements Committee. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

City Manager Kirk Davis thanked Terry Hoppenthaler, Gladfest Chairman, and Chamber members for another fine Gladfest event this year.

Item 9. on the Agenda.

PUBLIC HEARING for consideration of a Special Use Permit subject to certain conditions to Joyce Vogt for operation of an in-home Nail Salon at 2201 NE 56 Terrace. Applicant/Owner: Joyce Vogt. (File #1203)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by a presentation by the Applicant and finally comments from those in Favor and those Opposed.

Staff Presentation

Assistant City Manager Scott Wingerson stated the applicant requests a Special Use Permit to allow the operation of a nail salon from the home at 2201 NE 56 Terrace. The term proposed is one year with a four day per week operation from 9:00 AM to 6:00 PM. Mr. Wingerson reported the Planning Commission held Public Hearings, performed a site visit, and recommends to City Council approval of this request. The Planning Commission voted to approve this application by a vote of 8 in favor, 1 opposed, and 1 abstention.

Applicant Presentation

Joyce Vogt, 2201 NE 56 Terrace, stated she has worked with nails for 27 years, and for 25 years had an occupation license in several different businesses in Gladstone. Ms. Vogt continued by saying her home has a perfect place in the basement for a nail salon. It is very expensive to rent a space in a salon, so moving her business to her home seemed to be tailor made. Ms. Vogt stated she has talked to all her neighbors, has circulated a petition, and the neighbors have no problem with her having a nail salon business. Ms. Vogt stated she has one customer at a time and has ample parking.

Mayor Smith asked Ms. Vogt how many clients she expected to have on a daily basis.

Ms. Vogt replied, possibly six at the most.

Comments from those in Favor of the Application

Diane McGuire, 5725 N Askew, began by saying she does not live in Ms. Vogt's neighborhood, but has been a realtor for 18 years in the Northland, and has sold homes in Ms. Vogt's neighborhood. Ms. McGuire stated she has friends who live in Ms. Vogt's neighborhood, who could not attend tonight but they have attended other public meetings to speak in favor of this application. Ms. McGuire stated, in her opinion, this business would not impact the neighbors; there would at most be a possible ten-minute overlap of time when two vehicles might be in the driveway, as one client is arriving and another leaving. Ms. McGuire concluded by saying she was pleased that the City Council is considering this application.

Mayor Smith stated, in fairness, it appears there were three letters sent to the City opposed to the application and a petition signed by 13 neighbors in support of the application.

Comments from those Opposed to the Application

There was no one to speak in opposition to the application.

Mayor Smith closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 03-33**, granting a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a Nail Salon on property at 2201 NE 56 Terrace. (File #1203)

Councilman Bill Cross moved to place Bill 03-33 on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-33, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded.

The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-33 and enact the Bill as **Ordinance 3.884**. Mayor Pro Tem Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 10. on the Agenda. **PUBLIC HEARING** on a request to rezone from R-1 (Residential) to RP-2 (Planned Two-Family Residential) at property located at the corner of NE 72nd Street and North Monroe and legally described as Lot 12, Glaywoods Subdivision. Applicant/Owner: City of Gladstone. (File #1205)

Mayor Smith opened the Public Hearing and explained the hearing process would be as stated for the previous Public Hearing.

Staff Presentation

Assistant City Manager Wingerson began by saying this is property owned by the City of Gladstone that was acquired through the reconstruction of Northeast 72nd Street from North Bellefontaine to Northeast Antioch Road. This property was acquired through a federal process and provided the ability to construct retaining walls as well as provide access to several two-family dwellings to the west of this property. Mr. Wingerson stated a zoning application was forwarded to the Planning Commission seeking to change the zoning from its current R-1 classification to that of RP-2. Directly to the east of the property is a development of two-family units – duplexes. Directly to the west are duplexes, further to the north are duplexes, and directly to the south is Kingston Court, which is owner occupied attached housing. Mr. Wingerson continued by saying the proposed zoning change seems to fit in from a use and planning standpoint.

Mr. Wingerson reported this information was presented to the Planning Commission, who performed a site visit, and their recommendation is 11 votes in favor and 0 votes opposed. Mr. Wingerson stated through the public hearing process, there was testimony about an access easement that is at the north of the property, which is an ingress/egress easement that serves two duplexes further to the west. The Planning Commission asked if it were possible to dedicate that easement as right-of-way. Mr. Wingerson said the answer to that question is, yes, however he would caution that the value of the property would be marginally reduced, but the City would be responsible for the maintenance of an ingress/egress easement, which is really a private sector's responsibility. Mr. Wingerson stated if the City Council would like to dedicate the easement as right-of-way, the platting process would be initiated to allow that dedication to occur. He believes a private sector approach to that kind of issue would be appropriate, and whoever ends up purchasing the property and developing it, would be responsible to provide access to each other.

Mayor Pro Tem Wayne Beer stated part of the discussion at the Planning Commission meeting had to do with the ingress/egress easement also being a fire protection access, and the reason that was brought up was that improper parking could inhibit proper fire emergency access to those areas and apartments on the other side. Councilman Beer asked if the City were to take the route of granting right-of-way, would that issue become a city enforcement parking issue, but by providing the owner to be responsible for the parking issues and providing emergency access, is there some way to assure emergency access is not inhibited by allowing the owner to maintain that responsibility.

Mr. Wingerson replied if the easement was dedicated as right-of-way and enforced as a City street, and the City Council established "No Parking" zones along what is currently ingress/egress easement, then, yes, the City could enforce that portion of it. Mr. Wingerson stated the current ingress/egress easement, since the reconstruction of 72nd Street, has worked to serve the duplexes to the west. Mr. Wingerson concluded by saying that in conversations with Fire Chief Scheffner and Fire Inspector Duddy, both are convinced that if a fire occurred, it would be fought in the front of the building, from 72nd Street, or from the North Monroe side, as there are fire hydrants located in those areas in both cases.

There was no one present to speak in Favor or Opposition of the application.

Mayor Smith closed the Public Hearing.

Item 10a. on the Agenda. **FIRST READING BILL 03-34**, amending Ordinance No. 2,292 and being an ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri. (File #1205)

Councilman Bill Cross moved to place Bill 03-34 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-34, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-34 and enact the Bill as **Ordinance 3.885**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 11. on the Agenda. **PUBLIC HEARING** on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned)

at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)

Mayor Smith opened the Public Hearing and immediately continued it to the Monday, **October 27, 2003**, City Council meeting pending a recommendation from the Planning Commission.

City Manager Kirk Davis reported this issue would be discussed at the Planning Commission meeting, at 7:00 PM, next Monday, October 20th. The meeting time has been changed from 7:30 PM to 7:00 PM.

Item 12. on the Agenda. **FIRST READING BILL 03-35**, repealing Ordinance 2.170, codified under Chapter 30 of the Gladstone City Code, and enacting in lieu thereof new provisions concerning the carrying of firearms and other weapons, concealed and non-concealed, within buildings owned by the City of Gladstone.

Mayor Pro Tem Wayne Beer moved to place Bill 03-35 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-35, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-35 and enact the Bill as **Ordinance 3.886**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 13. on the Agenda. **OTHER BUSINESS.**

There was no other business.

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

There were no questions from the News Media.

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

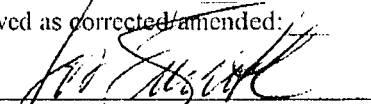
There being no further business to come before the October 13, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted:

Approved as corrected/amended:


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 27, 2003**

OPEN STUDY SESSION: 7:00 PM

REGULAR MEETING: 7:30 PM

CLOSED EXECUTIVE SESSION

Closed Executive Session will immediately follow adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021(3) for Personnel Discussion.

AMENDED A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **APPROVAL OF REGULAR OCTOBER 13, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION: DESIGNATING NOVEMBER 1, 2003 AS "FAMILY LITERACY DAY" IN GLADSTONE. SPONSOR: WILLIAM BOYDSTON CHAPTER NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-78, accepting work under contract with Seal-O-Matic Paving Company, Incorporated for the 2003 Full Depth Replacement Program and authorizing final payment in the amount of \$22,856.93. Project # 035002.

RESOLUTION NO. R-03-79, authorizing execution of a contract with J & N Utilities for a total amount not to exceed \$262,835.31 for the Replacement of Three Water Mains located at NE 57th Terrace and North Flora, North Garfield and North Euclid Avenue, and Northeast 67th Street and North Campbell Avenue. Project 024092.

APPROVAL OF BUILDING PERMIT for construction of a new fascia for existing property at 7204 North Oak Trafficway. (BP 03-1220)

APPROVAL OF FINANCIAL REPORT for the month of September 2003.

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 R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)
(Continued from the October 13, 2003 Council Meeting)

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, November 10, 2003, City Council Meeting pending a recommendation from the Planning Commission.

10. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202)
(Continued from the September 22, 2003 Council Meeting)

AUDIENCE NOTE: This Public Hearing is tabled indefinitely and referred back to the Planning Commission for further consideration.

11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

MONDAY, OCTOBER 27, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Carol Rudi
Councilman Joe Evans

Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Councilman Bill Cross
City Manager Kirk Davis

Mayor Les Smith opened the Regular October 27, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR OCTOBER 13, 2003, CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Wayne Beer moved to approve the Regular October 13, 2003, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: "Aye" Councilman Joe Evans, Mayor Pro Tem Wayne Beer, Mayor Les Smith. "Abstain" Councilman Carol Rudi. (4 Ayes; 1 Abstention)

Item 4a. on the Agenda. PROCLAMATION designating November 1, 2003 as "Family Literacy Day" in Gladstone. Sponsored by the William Boydston Chapter National Society Daughters of the American Revolution.

Mayor Les Smith read a proclamation designating November 1, 2003 as National "Family Literacy Day" in Gladstone, and presented the proclamation to Freddie Nichols, Regent, of the William Boydston Chapter National Society Daughters of the American Revolution. Mayor Smith thanked Ms. Nichols for the service her organization provides to the community.

Ms. Nichols thanked Mayor Smith and City Council members for this recognition, and stated members of her organization participate in Youth Friends, are involved in Living History projects, and take an opportunity whenever possible to read to children. Ms. Nichols suggested to grandparents who live some distance from their grandchildren to read a book into a tape recorder and send the tape and the book to their grandchildren. Not only does the child have the opportunity to hear a story from someone other than their parent, but also they have a recording of their grandparent's voice. Ms. Nichols concluded by saying that her organization works very hard on a variety of projects and will continue to work in the classroom.

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

Councilman Carol Rudi moved to approve the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to approve **RESOLUTION R-03-78**, accepting work under contract with Seal-O-Matic Paving Company, Incorporated for the 2003 Full Depth Replacement Program and authorizing final payment in the amount of \$22,856.93. Project 035002. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-79**, authorizing execution of a contract with J & N Utilities for a total amount not to exceed \$262,835.31 for the 2003 Full Depth Replacement of Three Water Mains located at NE 57th Terrace and North Flora, North Garfield and North Euclid Avenue, and Northeast 67th Street and North Campbell Avenue. Project 024092. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve a **Building Permit** for construction of a new fascia for existing property at 7204 North Oak Trafficway. (BP 03-1220). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve the **Financial Report** for the month of September 2003. Councilman Joe Evans seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

REGULAR AGENDA

Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

There were no communications from the audience.

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

Councilman Joe Evans offered his condolences to City Manager Kirk Davis and his family on the death of his father. Councilman Evans stated that based on the memorandum from Parks and Recreation Director Sheila Lillis, the grant application for trail development sounds very promising. Councilman Evans encouraged Director Lillis to keep up the good work.

Councilman Carol Rudi offered her condolences to City Manager Davis and his family, and expressed her appreciation for a wonderful Gladfest. Councilman Rudi congratulated Gladfest Chairman Terry Hoppenthaler on a job well done.

Mayor Pro Tem Wayne Beer inquired into the date the Water Main Replacement project would begin. The contract for this project was authorized earlier in the agenda under Resolution No. R-03-79.

Public Works Director Andy Noll replied the project should begin in three to four weeks, with completion anticipated in three to four months. Some items will be completed in the spring.

Mayor Pro Tem Beer commented that based on the Financial Report for September 2003, the General Fund revenues are up six percent from a year ago, with the expenses also up by six percent. The good news is that the General Fund revenues still exceed the expenses. Councilman Beer continued by saying the Combined Water and Sewerage Fund revenues are up nine percent, with the expenses up fourteen percent. The good news is that the revenues still exceed expenses.

Mayor Les Smith offered his condolences to City Manager Davis and his family. Mayor Smith stated he was honored to narrate Oak Park High School's Halloween Concert last night. This was a fantastic program, with the students and adults alike enjoying the concert, with Robbie Hale as the director. Mayor Smith stated he accepted the invitation to narrate the program at the encouragement of City Clerk Cathy Swenson, who said it was a wonderful program. Mayor Smith encouraged next year's Mayor to accept the invitation if it is offered, as it was a most enjoyable opportunity, and he was very impressed by the program.

Item 8. on the Agenda.

COMMUNICATIONS FROM THE CITY MANAGER.

Assistant City Manager Scott Wingerson began by saying the City staff's thoughts and prayers are with City Manager Davis and his family. In City Manager Davis's absence, it is requested City Council not adjourn to Closed Executive Session for Personnel Discussion as noted on the agenda, and reschedule the Closed Executive Session when City Manager Davis returns. Mr. Wingerson reported the Brush Disposal event is scheduled for November 7th through the 9th. Mr. Wingerson reminded everyone not to exit the City Hall by the north entrance (employee entrance), as construction has been taking place in the area and there is a large hole at the bottom of the steps.

Item 9. on the Agenda.

CONTINUED PUBLIC HEARING: on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204) (Continued from the October 13, 2003 Council Meeting)

Mayor Smith opened the Public Hearing and immediately continued it to the Monday, November 10, 2003, City Council Meeting, pending a recommendation from the Planning Commission.

Item 10. on the Agenda.

PUBLIC HEARING: for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202) (Continued from the September 22, 2003 Council Meeting)

Mayor Smith opened the Public Hearing, and tabled it indefinitely, referring the application for the Special Use Permit back to the Planning Commission for further consideration.

Item 11. on the Agenda.

OTHER BUSINESS.

There was no other business.

Item 12. on the Agenda.

QUESTIONS FROM THE NEW MEDIA.

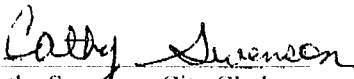
There were no questions from the News Media.


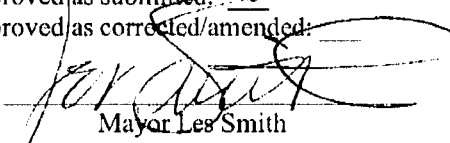
Item 13. on the Agenda.

ADJOURNMENT.

There being no further business to come before the October 27, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: 
Approved as corrected/amended: 

Mayor Les Smith



**SPECIAL CITY COUNCIL MEETING
GLADSTONE, MISSOURI
THURSDAY, OCTOBER 30, 2003**

SPECIAL MEETING: 5:30 PM

A G E N D A

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

AGENDA

4. **RESOLUTION R-03-80**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Oak Grove Park.
5. **RESOLUTION R-03-81**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Happy Rock Park.
6. Questions from the News Media.
7. Adjournment.



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

THURSDAY, OCTOBER 30, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Carol Rudi
Councilman Joe Evans

City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Councilman Bill Cross
City Manager Kirk Davis
Assistant City Manager Scott Wingerson

Mayor Les Smith opened the Special October 30, 2003, City Council Meeting at 5:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. RESOLUTION R-03-80, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Oak Grove Park.

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION R-03-80**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications

and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Oak Grove Park. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 5. on the Agenda. **RESOLUTION R-03-81**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Happy Rock Park.

Mayor Pro Tem Wayne Beer moved to approve **RESOLUTION R-03-81**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and the Chairman of the Parks and Recreation Advisory Board to execute all necessary applications and other documents to seek a Grant-In-Aid under the Missouri Department of Natural Resources & Water Conservation Fund for construction, improvement and maintenance of walking trails in Happy Rock Park. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 6. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

Kelli Houx, of the Sun News asked why it was necessary to hold a Special City Council meeting.

Parks and Recreation Director Sheila Lillis replied Staff is working on a trail grant application through the Land and Water Conservation Fund of the Missouri Department of Natural Resources, and recently realized formal resolutions for both of the items on the agenda (R-03-80 and R-03-81) were necessary documentation for the grant application. The deadline for the grant application is tomorrow, October 31, 2003, which is why it was necessary to have a Special City Council meeting tonight. This is a 45 percent matching grant through the Department of Natural Resources.

Director Lillis reported it is Staff's hope to use grant money to remove the existing 12-year old, four-foot trail in Oak Grove Park and replace it with an eight-foot trail. Director Lillis continued by saying approximately 1,800 linear feet of trail has been replaced at Happy Rock Park, increasing the trail width from four feet to eight feet in the replaced area. It is hoped to replace the remainder of the trail, which is three-quarters of a mile.


Ms. Houx asked if there were cost estimates.


Director Lillis replied she did not have those estimates with her, but would provide them to Ms. Houx after the meeting.

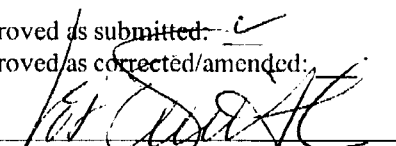
Item 7. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the October 30, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Special Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted: 
Approved as corrected/amended:


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 10, 2003**

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 610.021(1) for Litigation and Privileged Communications Discussion,
610.021(2) for Real Estate Acquisition Discussion, 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 OCTOBER 27, 2003 AND SPECIAL OCTOBER 30, 2003 CITY COUNCIL MEETING MINUTES.**

5. **CONSENT AGENDA**

RESOLUTION NO. R-03-82, authorizing acceptance of work under contract with Phillips Paving Company for the Happy Rock Trail Replacement and authorizing final payment in the amount of \$28,691.75 for Project 045032.

RESOLUTION NO. R-03-83, authorizing acceptance of work under contract with Wilson Plumbing Company for the 67th and Garfield Drainage Improvements, and authorizing final payment in the amount of \$2,654.07 for Project 0124.

APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:

Stone Canyon Pizza, 6433 North Prospect, Class A & B Liquor by the Drink License.

APPROVAL OF BUILDING PERMIT for the addition of a parking lot and the enlarging of a parking lot at Linden West Elementary School at 7333 North Wyandotte.
(BP File No. 03-1227)

APPROVAL OF BUILDING PERMIT for the addition of drive thru lanes and interior model of Central Bank of Kansas City, 7101 North Oak Trafficway.
(BP File No. 03-1113)

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 R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204)
- 9a. **FIRST READING BILL 03-36**, amending Ordinance No. 2.292 and being an ordinance relating to Zoning Ordinance Regulations and the establishments of Use Districts within the City of Gladstone, Missouri.
- 9b. **FIRST READING BILL 03-37**, approving a Site Plan in conjunction with a rezoning for property north of and adjacent to Shady Lane; east of and adjacent to Gladstone Plaza.
10. **RESOLUTION NO. R-03-84**, authorizing execution of a Cooperative Agreement with the Maplelane Homeowners' Association to provide for the maintenance and transfer of the sanitary sewer lift station, sewer lines, and appurtenances within the Maplelane Subdivision to the City of Gladstone.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

MONDAY, NOVEMBER 10, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

ABSENT: Councilman Joe Evans

Mayor Les Smith opened the Regular November 10, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Les Smith introduced Boy Scout Troop 354, from Meadowbrook United Methodist Church, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Item 4. on the Agenda. APPROVAL OF THE REGULAR OCTOBER 27, 2003, AND SPECIAL OCTOBER 30, 2003 CITY COUNCIL MEETING MINUTES.

Councilman Carol Rudi moved to approve the Regular October 27, 2003, and Special October 30, 2003 City Council Meeting Minutes as presented. Mayor Pro Tem Wayne Beer seconded the motion. The vote: "Aye" Councilman Carol Rudi, Mayor Pro Tem Wayne Beer, Mayor Les Smith. "Abstain" Councilman Bill Cross. (3 Ayes; 1 Abstention)

Item 5. on the Agenda.

CONSENT AGENDA.

Following the Clerk's reading, Mayor Les Smith asked that the Building Permit for Central Bank be removed from the Consent Agenda and moved to Item 5a. on the agenda.

Councilman Carol Rudi moved to approve the Consent Agenda as amended. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

CONSENT AGENDA DETAIL

Councilman Carol Rudi moved to approve **RESOLUTION R-03-82**, authorizing acceptance of work under contract with Phillips Paving Company for Happy Rock Trail Replacement and authorizing final payment in the amount of \$28,691.75 for Project 045032. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve **RESOLUTION R-03-83**, authorizing acceptance of work under contract with Wilson Plumbing Company for the 67th and Garfield Drainage Improvements, and authorizing final payment in the amount of \$2,654.07 for Project 0124. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for Stone Canyon Pizza, 6433 North Prospect, for a Class A & B Liquor by the Drink License. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for the addition of a parking lot and the enlarging of a parking lot at Linden West Elementary School at 7333 North Wyandotte (BP File No. 03-1227). Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

REGULAR AGENDA

Item 5a. on the Agenda.

APPROVAL OF BUILDING PERMIT for the addition of drive thru lanes and interior remodel of Central Bank of Kansas City, 7101 North Oak Trafficway.

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for the addition of drive thru lanes and interior remodel of Central Bank of Kansas City, 7101 North Oak Trafficway (BP File No. 03-1113). Mayor Pro Tem Wayne Beer seconded.

Mayor Smith explained he asked this item be removed from the Consent Agenda so he could abstain from the vote.

The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer. "Abstain" Mayor Les Smith. (3 Ayes; 1 Abstention).

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

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

Councilman Carol Rudi had no comments at this time.

Councilman Bill Cross had no comments at this time.

Mayor Pro Tem Wayne Beer stated he was part of a delegation that returned late last night from Tlaquepaque, Mexico, a suburb of Guadalajara. Tlaquepaque is similar to Gladstone as to how Gladstone relates to Kansas City. The delegation discussed with Tlaquepaque officials a potential Sister City relationship between Gladstone and Tlaquepaque. Councilman Beer remarked that he will not say much more at this meeting, as there will be a report from the Sister City Commission and the delegation that visited Tlaquepaque, however one of the delegation's agenda items was to bring back a gift of appreciation to the City Manager. Councilman Beer presented a Mexican serape to City Manager Kirk Davis.

City Manager Davis thanked Councilman Beer.

Councilman Beer continued by saying he had a gift, an agricultural product of Mexico - Tequila, for Mayor Les Smith.

Mayor Les Smith thanked Councilman Beer. Mayor Smith had no further comments at this time.

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

City Manager Kirk Davis reported 1,800 loads of brush were received at the Brush Disposal event last weekend. That brings the total loads of brush received this year to 4,500 to 4,600 loads. This service is well received.

Mayor Les Smith thanked City Manager Davis and reported that the Mayor's Holiday Tree Lighting Ceremony will be held at 6:00 PM, on Tuesday, November 25th, in front of the First Bank of Missouri on Antioch Road. The funds raised will be split again this year between Neighbors Helping Neighbors and the Northland Christmas Store. Mayor Smith invited all to attend and stated Lara Moritz and Bryan Busby from Channel 9 News will be on hand at this event.

Item 9. on the Agenda. **CONTINUED PUBLIC HEARING:** on a request to rezone from R-3 (Garden Apartment Residential District) to RCHP (Residential Cluster Housing-Planned) at property located at Shady Lane and North Oak Trafficway. Applicant: Reveda Development, LLC. Owner: Edith Investment Company, Inc. (File #1204).

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by a presentation by the Applicant and finally comments from those in Favor and those Opposed.

Staff Presentation

Scott Wingerson, Assistant City Manager, began by saying the applicant is requesting a zoning change from the current zoning of R-3, which is Garden Apartments, to RCHP, which is Residential Cluster Housing-Planned District, and concurrent with the zoning change request is a site plan approval request. The applicant and developer is Reveda Development, LLC and the property is currently owned by Edith Investment Company, Inc., which is part of Edith Wolfe's holdings. The engineer is Construction Engineering Services, Inc.

Mr. Wingerson stated the subject property is generally described as being located east and adjacent to Gladstone Plaza, north of and adjacent to Shady Lane, and a small portion of this project is located in the Village of Oakview. The land, itself, is generally considered developable, and the major feature is a storm water channel in the southeast area of the property adjacent to St. Charles Borromeo Church. Mr. Wingerson continued by saying the surrounding property uses are R-1 Single Family to the north, Single Family to the south, Single Family to the east, and C-1, Gladstone Plaza, to the west. This property has been zoned RP-3 since 1968.

Mr. Wingerson reported the developer plans to construct 124 single-family units, accompanied by a small clubhouse and a residential style swimming pool. This translates to an overall density of approximately 5.6 units per acre. Since the initial public hearing, the plan has been revised in two significant areas. First, northern access has been changed from North Campbell to North Holmes. That makes this part of the plan consistent with the North Oak Corridor Study in connecting a future Civic Center to Gladstone Plaza and the residential development and beyond. Mr. Wingerson stated the developer has also agreed to provide access to a revitalized Gladstone Plaza.

Mr. Wingerson reported there are several planned zoning variations being requested: provide a minimum rear yard setback of 15 feet on the north and south of the project; provide minimal front yard setbacks of zero to 10 feet; and install sidewalk on one side of each of the proposed streets. The preliminary stormwater study has been completed and it does reflect the standards of the City. Additional engineering technical work will need to be done and it is proposed that City staff perform the review for the City of Gladstone and the Village of Oakview. A traffic study has been performed which includes not only the impact to the residential portion of the property, but also the impact on a small commercial component that is located in the Village of Oakview. The developer has agreed to comply with the results of the traffic study.

Mr. Wingerson continued by saying Staff is recommending approval of the zoning change, contingent on the conditions included in the proposed Bill. Mr. Wingerson highlighted some of the conditions as follows: North Holmes shall be extended and include compliance with City specifications, and an entry median provided; street lights shall be installed and stormwater plans shall be developed and approved by the City; water and sewer plans shall be developed and approved, with water and sewer mains located behind the curbs; cul-de-sacs shall include a 50 foot turning radius for fire protection equipment; the traffic study should address all the items mentioned tonight, as well as what is listed in the Planning Commission minutes.

Mr. Wingerson continued by saying conditions in the proposed bill also include: a snow plowing area shall be grated at the western end of the northern most street, which provides access to Gladstone Plaza, to aid in snow plowing; a privacy fence shall be installed around the development and maintained in perpetuity by the Homes Association; sidewalks shall be provided along the north side of Shady Lane, across the entire project frontage, to the west drive of St. Charles Borromeo Church. Mr. Wingerson reported that Staff is asking to have the opportunity to review all engineering related to improvements on Shady Lane to ensure the consistency of the planned improvements to the rest of Shady Lane as Gladstone Plaza redevelops. Staff will review conditions after the streets are built and some of the units are occupied to determine the recommendation for the placement of a four way stop at Northeast 66th Terrace and North Holmes.

Mr. Wingerson continued to identify the conditions listed in the proposed Bill by saying the City shall review and approve all engineering related to the stormwater basin, and in addition, should the side slopes of the detention basin exceed a 3 to 1 slope, a decorative three foot fence shall be installed around the proposed detention basin; the Kansas City standard street naming convention shall be used in naming streets; and the fence that is installed along the St. Charles Borromeo Church property be installed as soon as feasibly possible. Mr. Wingerson concluded by saying the Planning Commission recommends approval for this proposal by a vote of 12-0.

Mayor Smith inquired into the process whereby the City was advised of the concerns of St. Charles Borromeo Church, and have those concerns been addressed to their satisfaction.

Mr. Wingerson replied there have been a variety of ways the church's concerns have been forwarded to the City. Communication came by way of Father Jack McClure, Pastor, of St. Charles Borromeo Church, Richard Sales of the church, and Lynn Bronnick, a Gladstone resident, who advises the church. City staff has talked to members of a church Board who advise the church on issues. City staff has talked to Planning Commission members who are members of the church, but most importantly the church wrote a letter to the Village of Oakview and to the Planning Commission listing their concerns. Mr. Wingerson said the church's concerns have been addressed.

Applicant Presentation.

Richard Eisner, a Principal of Reveda Development, LLC., began by saying he is the developer of this project, and his company has been active in this area for approximately eight or nine years. His company has built projects in Leawood, Olathe, and are currently building a project in Lee's Summit. Mr. Eisner stated he felt the concept they have introduced into this area has been very successful. This proposal is for a maintenance provided community, which specializes in ranch style, single story living. The nature of the concept has particular appeal to "empty nesters", active retirees, single professionals, and people who are concerned with maintenance issues and do not want to walk stairs. Mr. Eisner continued by saying they are very proud of the homes they have built, and members of the Planning Commission have visited some of the communities his company has built, and have been favorably impressed.

Councilman Carol Rudi asked why it is proposed to have sidewalks on only one side of the street.

Mr. Eisner replied all the communities, Olathe, Leawood, Lee's Summit, have put sidewalks on one side of the street, which has proven more than satisfactory. Mr. Eisner stated he felt this approach services the needs of the community very well, and he feels the additional green space serves the community more than the additional sidewalk.

Mayor Smith stated he supports sidewalks on both sides of the street.

Councilman Rudi remarked the green space is important here, too, considering the setbacks that are being suggested.

Mayor Smith agreed.

Councilman Rudi asked Mr. Eisner if all the communities he has built have had the same setbacks.

Mr. Eisner replied yes, all the communities have had various setbacks, and the setbacks suggested are quite normal. Mr. Eisner pointed out that the site plan shows the largest "footprints" possible for the buildings. The buildings actually constructed will be smaller than those footprints in most cases. Mr. Eisner explained his company builds according to

demand. When the pads are built for the buildings, his company builds the largest pad they can, so they can build anything the market demands. Typically the market does not demand the largest homes, which is 2,160 square feet. An optimistic projection would be 15 to 20 percent of the homes might be that size. Most of the homes will be smaller, therefore the footprints will be smaller. Mr. Eisner continued by saying that there will be more green in the area and there will be more setback, although he cannot predict where or how many.

Councilman Rudi asked in how many of the other communities were a "zero" setback used.

Mr. Eisner replied that typically the setback would be 15 feet from the curb. The setback from the right-of-way could be a minimum of four feet or greater.

Councilman Rudi asked if Mr. Eisner brought a landscaping plan.

Mr. Eisner shared a copy of the landscaping plan and stated the Planning Commission members who have visited the other communities have had very positive remarks about the landscaping.

Councilman Wayne Beer asked if owners do build a smaller footprint than the maximum size, would the difference in square footage affect the rear yard setback as opposed to altering the front yard setback. Councilman Beer asked if the building lines for the units themselves would all be in a line and the rear yards vary.

Mr. Eisner replied it depends on the site, it will be balanced out from front and back, and each building will be looked at and placed in the most favorable way. The buildings will not necessarily all be in one line. For example, if a smaller footprint is constructed, and it is 15 feet, 7 feet may be taken from the front and 8 feet from the back. It will be balanced with what is around it and the lay of the land for the most attractive layout.

Councilman Beer stated he was able to attend both Planning Commission meetings and the site visit, and he feels that most of the concerns of the church and the surrounding residents, as well as Planning Commission members, have been addressed. Councilman Beer said a number of Planning Commission members did go to see some of the communities and were very favorably impressed.

Mayor Smith remarked that when redevelopment of Gladstone Plaza was first discussed, discussion included this property. Concerns included stormwater, especially how it impacts the residents in Oakview and our city. Mayor Smith stated the stormwater plans should improve the downstream conditions. Traffic has been addressed by the contractor, who is willing to comply with whatever issues may come from the Traffic Study. The privacy fence and the landscaping plans have been addressed. The ingress and egress to the north at Northeast 66th Street will be researched. Mayor Smith stated he believes all

the issues have been addressed, and he believes the contractor has been willing to address all the concerns and requests of St. Charles Borromeo Church.

Mayor Pro Tem Wayne Beer stated that Gladstone has had some poor stormwater planning in many years past and we have been struggling with those problems for a long time. Millions of dollars were spent to correct stormwater problems. As a result, Gladstone is very sensitive to stormwater issues, and we want the residents of the Village of Oakview to know we are sensitive to the issues, and we want them to know this project will not cause any additional problems because of water runoff from this project in our City.

Comments from those in Favor or Opposed to the Application.

There was no one to speak in favor or opposition to the application.

Councilman Rudi stated her concern with this project is the setbacks. The City of Gladstone has one project that has setbacks of 15 feet, which is probably the smallest setbacks we have. At this point, Councilman Rudi stated she feels we should take a chance with this project, but does not want to set a precedent for future development if this turns out to be something we do not like. Councilman Rudi encouraged the developer to do a really good job.

Mayor Smith stated many good things have been heard about the developer and his company, and the final conclusive evidence was that Mayor Smith's mother visited the developer's project in Lee's Summit and was impressed. Mayor Smith remarked that the City has recently gone through a project on Englewood Road with an out-of-town developer who said they would take care of everything through the whole process and have let the City down. The City is hoping Mr. Eisner will not do that. Mayor Smith stated he believes Mr. Eisner has found City staff excellent to work with, City staff has the feasibility of the development in mind, as well as protecting the interest of the citizens. Hopefully Mr. Eisner will work well with Staff. However, the City will be following this project carefully, but from the information received, this project promises to go well.

Councilman Rudi stated there are areas in Gladstone that have sidewalks only on one side of the street, so she is willing to accept the green space as proposed and not worry about sidewalks on both sides of the street.

Mayor Smith closed the Public Hearing.

Item 9a. on the Agenda. **FIRST READING BILL 03-36**, amending Ordinance No. 2.292 and being an ordinance relating to Zoning Ordinance Regulations and the establishments of Use Districts within the City of Gladstone, Missouri.

Councilman Carol Rudi moved to place Bill 03-36 on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-36, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-36 and enact the Bill as **Ordinance 3.887**. Mayor Pro Tem Wayne Beer seconded.

Councilman Rudi remarked to Mr. Eisner she appreciated the way he has worked with City staff to bring issues into compliance with the requests of the City.

Mayor Pro Tem Wayne Beer stated he would like to echo Councilman Rudi's comments and remarked the neighbors in the Village of Oakview have placed their trust in the City of Gladstone that this will be a good project for them as well as Gladstone. Councilman Beer concluded by saying that it was important to him that the City was able to gain that trust, and that the City follow through to maintain that trust.

Mayor Smith stated the City also has a commitment to the businesses in the Gladstone Plaza Shopping Center, especially those that have been there for some time and have made an investment there. This project compliments them well and the City will continue that commitment and provide a quality area in an older part of town.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 9b. on the Agenda. **FIRST READING BILL 03-37**, approving a Site Plan in conjunction with a rezoning for property north of and adjacent to Shady Lane; east of and adjacent to Gladstone Plaza.

Councilman Carol Rudi moved to place Bill 03-37 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-37, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-37 and enact the Bill as **Ordinance 3.888**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (4-0)

Item 10. on the Agenda. **RESOLUTION NO. R-03-84**, authorizing execution of a Cooperative Agreement with the Maplelane Homeowners' Association to provide for the maintenance and transfer of the sanitary sewer lift station, sewer lines, and appurtenances within the Maplelane Subdivision to the City of Gladstone.

Councilman Rudi stated she has a concern with this resolution relating to paying to the Maplelane Homeowners' Association the balance of any escrowed funds at the expiration of 15 years as outlined in the proposed Maplelane Homeowners' Association Cooperative Agreement on Page 2, Item 3B.

Councilman Carol Rudi moved to approve **RESOLUTION NO. R-03-84**, authorizing execution of a Cooperative Agreement with the Maplelane Homeowners' Association to provide for the maintenance and transfer of the sanitary sewer lift station, sewer lines, and appurtenances within the Maplelane Subdivision to the City of Gladstone with the amendment to delete Item 3B. on Page 2. Mayor Pro Tem Wayne Beer seconded.

Councilman Rudi stated that she felt that after 15 years, if there is money remaining in the account, that the City will need the funds for replacement of the Lift Station in the future. Councilman Rudi feels the City is doing a nice thing in accepting the Lift Station as part of the City's sanitary sewer process, but she does not feel any remaining funds should be returned.

Mayor Pro Tem Wayne Beer stated he agrees with Councilman Rudi, and by the end of 15 years, we are talking about an aging system. The City will have taken on an obligation, that at the time of the project's origination, about which there was a great deal of discussion, both on the Planning Commission level, by the City engineers, and the developer of this project. This Lift Station was put in over the City's objections, because the City has had problems previously with Lift Stations of this nature. The Lift Station went in with the understanding it would be the obligation of the Homeowners' Association in perpetuity. Councilman Beer stated if the City is to take on this obligation, he suspects at the end of 15 years time, it could be very costly to the City. To return the escrow at that point, Councilman Beer feels, would be imprudent, and he feels the escrow should not be returned.

Councilman Rudi asked if City staff would be able to maintain this Lift Station.

Public Works Director Andy Noll replied there is Staff experienced with this type of work, and there is Staff who carry their current Waste Water Class C license that is needed to work with this type of issue. City staff does have the proper licenses and experience to maintain the Lift Station.

Assistant City Manager Scott Wingerson stated Mr. Boor, the President of the Maplelane Homeowners' Association, was present as well as several members of the Board. The 15 year time period from the City's perspective comes from developer required escrows where the City is requiring an escrow to meet some public improvement demand. The 15 years is

based on the fact that in order for the City to require an escrow there has to be some public purpose which has to be demonstrated over a period of time or it ceases to be a true public interest. Mr. Wingerson continued by saying this is really a left-over provision from other escrow agreements, and it is his understanding Council may change the term or delete it as Councilman Rudi suggested, or leave it alone without any ramifications as a negotiated cooperative agreement.

Mayor Smith asked if it is known how the homeowners feel about deleting this provision.

Assistant City Manager Wingerson replied Mr. Boor is accepting of deleting this provision.

Councilman Bill Cross asked how long the Lift Station has been in operation.

Mayor Pro Tem Wayne Beer replied that development will be approximately 9 years and has had the responsibility of the Lift Station for that period.

Councilman Cross inquired into the cost per year of maintaining the Lift Station.

Mayor Pro Tem Beer replied he does not believe those costs have been determined.

Mayor Smith stated in meeting minutes he read, it was presented to the developer the option to put in a Lift Station and have the homeowners maintain it in perpetuity or to put in a traditional sewer line that would have been approximately 12 to 15 feet deep. The City staff had concerns at that time of maintaining a line that deep. Mayor Smith stated he hopes the City never accepts another future Lift Station. The most recent instance of this matter being raised is someone wrote a letter to Mayor Smith, and Mayor Smith agreed to take the matter forward and Mr. Wingerson has gone forward with the matter.

Mayor Smith said the fact of the matter is this is a residential area inhabited by mostly older citizens, who tend to worry. The issue with them is not having to worry if the red light is going to come on saying the Lift Station is not working, and who is going to take care of it. They do not want to have to worry about the continual maintenance and how much it will cost in the future. Mayor Smith stated he feels it is worthwhile for the City to accept the maintenance of the Lift Station and eliminate a bad situation in accepting the Lift Station in the first place, and it will ease the minds of those residents.

Councilman Beer stated he agrees with taking over the Lift Station, but he does not want to see the City incur an obligation greater than is reasonable given the conditions of the development at the time it was proposed.

Mayor Smith remarked he felt this was a prudent move on the part of Councilmen Rudi and Beer in requesting the deletion of this item, and he supports this deletion. Mayor Smith stated there is a motion and a second to approve an amended Resolution R-03-84, with the amendment to be the deletion of Item 3B. Mayor Smith asked for a vote.

The vote: All "aye" -- Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (4-0).

Item 11. on the Agenda. OTHER BUSINESS.

There was no other business.

Item 12. on the Agenda. QUESTIONS FROM THE NEW MEDIA.

There were no questions from the News Media.

Item 13. on the Agenda. ADJOURNMENT.

There being no further business to come before the November 10, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.


Mayor Pro Tem Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, exemption 610.021 (2) for Real Estate Acquisition Discussion, and exemption 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

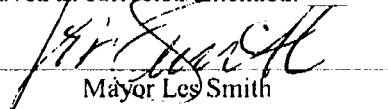
Roll Call Vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, and Mayor Les Smith (4-0)

Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: 
Approved as corrected/amended:


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, NOVEMBER 24, 2003**

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 NOVEMBER 10, 2003 CITY COUNCIL MEETING MINUTES.**
5. **CONSENT AGENDA**

RESOLUTION NO. R-03-85, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Rehabilitation Project. Project 034094.

RESOLUTION NO. R-03-86, authorizing execution of a contract with Dennis Johnson Construction, Inc. for the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Improvements, Pipeline Replacements. Project 034093.

RESOLUTION NO. R-03-87, authorizing acceptance of work under contract with Dobson-Davis Company for the Mill Creek Sanitary Sewer Manhole Rehabilitation, and authorizing final payment for Project 034092.

RESOLUTION NO. R-03-88, adopting a "Positive Performance Management Policy" for the City of Gladstone, Missouri and amending the Gladstone City Employee Handbook to incorporate such policy.

RESOLUTION NO. R-03-89, authorizing the City to reimburse itself for expenditures made for Real Property purchases from future revenues realized from bonds, notes, leases, or other obligations of the City of Gladstone.

RESOLUTION R-03-90, authorizing the City Manager to negotiate loans for the City in amounts totaling no more than \$1,000,000.00 for Real Property Purchases for economic development and other public purposes.

APPROVAL OF FINANCIAL REPORT for the month of October 2003.

APPROVAL OF BUILDING PERMIT for the Linden West Elementary School Gymnasium addition and exterior/interior remodel.

REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 03-38**, an ordinance calling a Primary Election for Tuesday, February 3, 2004 for the election of one position to the Gladstone City Council; describing the form of the ballot; and directing the City Clerk to submit certification of such election to the Clay County Board of Election Commissioners pursuant to RSMo., 115.125.
10. **CITY COUNCIL ACCEPTANCE OF FY 2002-2003 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**
11. **FIRST READING BILL 03-39**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone for north and south bound traffic on North Cherry Lane from the intersection of Northeast 71st Street and North Cherry Lane south to Oakhill Day School.
12. **FIRST READING BILL 03-40**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Stop" Sign location at Northeast 70th Terrace and North Bellefontaine.
13. **FIRST READING BILL 03-41**, amending Ordinance No. 3.865 to reduce the land area of the Gladstone Plaza redevelopment area.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

MONDAY, NOVEMBER 24, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular November 24, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR NOVEMBER 10, 2003 CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular November 10, 2003 City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5. on the Agenda.

CONSENT AGENDA.

Following the Clerk's reading, Councilman Carol Rudi stated she had a question regarding Resolution No. R-03-88 adopting a "Positive Performance Management Policy" for the City Employee Handbook, and asked if there were any major changes in the draft copy given to Council members.

Human Resources Administrator Charlene Leslie replied there is not a major change; the wording that was added is specific to the application under the first, second, and third level notices. The phrases added are "should an employee choose not to commit to change their performance or not commit to owning their performance, then that action could still take place." Ms. Leslie continued by saying an example would be under the third level notice, subheading "application," the sentence reads now "if an employee refuses to make a total commitment to meeting expectation, his or her failure to do so may result in immediate discharge."

Councilman Bill Cross stated he would like to bring to Council's attention the Financial Reports for the month of October 2003. He noticed in the Financial Report that sales tax was down six percent from a year ago. Councilman Cross asked Finance Director Cash Sweiven if he recalled what the sales tax was the month before and if it was down six percent or close to that.

Finance Director Cash Sweiven replied the City's sales tax was not down six percent last month, it was down three percent. Sales tax was down six percent this month due to one business in town taking a one time credit or recaptured some sales tax from previous years. That is the reason there is a decrease from three percent to six percent.

Bill Cross moved to approve the Consent Agenda as read. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

CONSENT AGENDA DETAIL

Councilman Bill Cross moved to approve **RESOLUTION R-03-85**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Rehabilitation Project. Project 034094. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-03-86**, authorizing execution of a contract with Dennis Johnson Construction, Inc. for the Old Maids Creek, Cave Creek and East Creek Sanitary Sewer Improvements, Pipeline Replacements. Project 034093. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-03-87**, authorizing acceptance of work under contract with Dobson-Davis Company for the Mill Creek Sanitary Sewer Manhole Rehabilitation, and authorizing final payment for Project 034092. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-03-88**, adopting a "Positive Performance Management Policy" for the City of Gladstone, Missouri and amending the Gladstone City Employee Handbook to incorporate such policy. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-03-89**, authorizing the City to reimburse itself for expenditures made for Real Property purchases from future revenues realized from bonds, notes, leases, or other obligations of the City of Gladstone. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-03-90**, authorizing the City Manager to negotiate loans for the City in amounts totaling no more than \$1,000,000.00 for Real Property Purchases for economic development and other public purposes. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to accept the **FINANCIAL REPORT** for the month of October 2003. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Councilman Bill Cross moved to approve a **BUILDING PERMIT** for the Linden West Elementary School Gymnasium addition and exterior/interior remodel. Councilman Carol Rudi seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 6. on the Agenda.

COMMUNICATIONS FROM THE AUDIENCE.

Linda Blocker, 221 N. Hickory Circle, began by saying that two weeks ago several volunteers helped to clean up tornado debris from the south end of the Hickory Hills development, which some may recognize as the Sharhag property. Ms. Blocker introduced

fellow neighbors that were present at the meeting: Nancy and Kenny Bell, 5801 North Broadway; Art Pfaff, 205 NW 59th Street; and Mike Short, 5813 North Broadway. Ms. Blocker stated as a neighborhood they would like to thank Art Hammen, Executive Director of Gladstone Neighbors Helping Neighbors, for organizing the project. Ms. Blocker shared pictures that Mr. Hammen had taken the day of the clean-up. Ms. Blocker continued by saying she and her neighbors would like to thank the City of Gladstone for the use of two dump trucks, and a front loader, and also expressed thanks to the two City employees who assisted in the clean-up. Ms. Blocker stated that even with the assistance of Mr. Hammen, the volunteers, and the neighbors, the work probably could not have been accomplished without the front loader, which picked up approximately 15 loads.

Ms. Blocker thanked Mayor Les Smith, saying this showed the Gladstone City Council really does care about how the City looks, and as one drives down North Broadway it is so nice to see the landscape on the right hand side. Ms. Blocker thanked Assistant City Manager Scott Wingerson for his assistance in coordinating efforts with Gladstone Neighbors Helping Neighbors and the City. Ms. Blocker remarked her husband, Bob Blocker, was also in the audience.

Ms. Blocker read notes from neighbors who were not able to attend, and began with a note from Danny and Teresa Velasquez, 308 NW 59th Street, who thanked the City for "their kind and caring efforts in helping the Hickory Hills neighborhood in their clean-up efforts from the tornado," and wrote "it was greatly appreciated and will not be forgotten." Michael Hallisey and John Stump, 217 North Hickory Circle, wrote the work looks "awesome" and said thank you very much for the assistance. Joe and Sandy Spruytte, 305 NW 59th Street, wrote a card offering a "big thank you." Jon and Carol Herbig, 201 NW 59th Street, wrote they were sorry they could not be at the City Council meeting, but asked their gratitude be extended to everyone at the City and all the volunteers for all the work they did. "It was hard work but what a wonderful opportunity to get to know some of the neighbors and the City better." Ms. Blocker stated John and Kay Lazar, 213 North Hickory Circle, are elderly and were not able to attend the meeting, but asked their appreciation be extended to the City. Ms. Blocker introduced Keith Roney, 202 North Hickory Circle, who was present in the audience, and stated almost all the neighbors of Hickory Hills were either present at the Council meeting, or wrote a note of thanks.

Councilman Bill Cross stated he and Councilman Wayne Beer would like to mention that many of the Hickory Hills neighbors are teachers or educators and have worked hard their entire lives.

Mayor Smith stated he did not know the City employees who assisted with the Hickory Hills cleanup, but asked Assistant City Manager Scott Wingerson to please pass along thanks for what a wonderful job they did. Mayor Smith reported the neighborhood prepared a lunch and the employees joined in with neighbors and volunteers to enjoy the meal. Mayor Smith stated credit for the successful project goes to Mr. Wingerson and Mr. Hammen.

Art Hammen, 7117 North Norton, began by saying he was present at the Council meeting to represent Gladstone Gladstone Neighbors Helping Neighbors, and thanked Ms. Blocker for her kind words. The project in Hickory Hills was a classic example of Gladstone Neighbors Helping Neighbors working together with members of the neighborhood to solve problems. Without the assistance of the City and the equipment, this would not have been possible. The City's participation is certainly appreciated.

Mr. Hammen expressed his appreciation to all who have supported the Mayor's Holiday Tree Program, and reported in the fall and winter of 2000, Gladstone Neighbors Helping Neighbors launched a weatherization and insulation campaign at which time twenty two Gladstone homeowners were provided assistance. Volunteers reinsulated attics, which is a primary source of heat loss and heat gain. Mr. Hammen stated caulking, weather stripping, water heater insulation, blankets and similar energy saving measures were also provided to those in need. These weatherization and insulation improvements totaled more than \$15,000 and are providing long-term relief from high energy bills for both winter and summer months. This is a benefit that will be enjoyed by Gladstone residents for years to come.

Mr. Hammen said that he present tonight to announce that again this year Gladstone Neighbors Helping Neighbors will offer a weatherization and insulation program. There have been significant increases in the cost of natural gas this fall, and to help combat these cost increases, Gladstone Neighbors Helping Neighbors has negotiated an agreement with Kansas Home Insulation to reinsulate attics at a savings of about one half of the regular price. Mr. Hammen reported applications are now being accepted and will be approved based on current state income guidelines. Applications will be accepted as long as funds are available.

Mr. Hammen stated previously a grant was received from the City; this time, however, services will be provided from Gladstone Neighbors Helping Neighbors own resources. The proceeds from the Mayor's Holiday Tree Program will help to fund this program. All improvements are made at no cost to the homeowners. Mr. Hammen explained the goal is to provide long-term relief by assisting in providing reduced energy consumption both winter and summer for Gladstone homeowners. In addition, each home will be checked for working smoke detectors and smoke detectors will be installed as needed. Mr. Hammen encouraged everyone to get the word out about this service. The biggest challenge to helping people of Gladstone is to let them know that this service is available to them. Applications may be submitted to Gladstone Neighbors Helping Neighbors. Mr. Hammen thanked the City Council members and the City for their support, and especially for supporting this year's Mayor's Holiday Tree Program.

Councilman Bill Cross asked if a City staff member could prepare a press release for Mr. Hammen.

City Manager Kirk Davis replied he would get with Mr. Hammen regarding a mid-year press release for Gladstone Neighbors Helping Neighbors, which should come directly from Gladstone Neighbors Helping Neighbors.

Mayor Pro Tem Wayne Beer stated he has had the great fortune to volunteer with Gladstone Neighbors Helping Neighbors and has found it to be a great organization, and is proud to have had involvement with it. Councilman Beer remarked he was not at the recent storm damage clean-up in Hickory Hills, as he was not aware of it, but feels it is a very good thing and as a citizen of Gladstone, it is much appreciated.

Councilman Carol Rudi stated she is happy the Gladstone Neighbors Helping Neighbors program is being made possible without the need of a City grant.

David Horax, B & H Automotive, stated he and Mark Bossert are the owners of B & H Automotive in Gladstone, which also has a tow service, and were present to comment on the Tow Service contract for which bids have recently been requested. Mr. Horax stated his company has all the necessary means as Glad Rents to meet the required response time. Mr. Horax reported they have a fenced lot with video recording on the lot, and feels the camera is as much of a deterrent as dogs.

Mr. Mark Bossert provided copies of the current Tow Contract to Council members, and in referencing the price sheet, asked how important the price of services is to City Council members and the City, not to mention honesty and integrity. Mr. Bossert pointed out on the contract the definitions of a Police-Ordered Tow. Mr. Bossert pointed out Item D. of the contract, which discusses tow charges, and referred back to the price sheet, and asked how much a tow should be. In Mr. Bossert's opinion, based on the existing contract, any type of tow should be \$15.00. Mr. Bossert pointed out on the second page of the contract, under Item 14., the contractor is required to provide a monthly report, which indicates the release and/or disposition of each vehicle towed by the contractor.

Mr. Bossert asked Law Enforcement Captain Mike Couch if he had seen the price sheet before tonight. Captain Couch replied, yes. Mr. Bossert pointed out Item 13. in the contract which states the contractor shall provide a Towing Service Information Sheet, which includes tow costs, to all customers. Mr. Bossert stated he has not visited a City Council meeting previously, when the tow contract has been renewed. He has been in business for 20 years, and the only reason one can stay in business is to run an honest business. Mr. Bossert said Glad Rents bought tow trucks six years ago and are handed the City's tow contract. Mr. Bossert stated he felt his business is in the best location for a tow service in Gladstone, as he is at the far end of the City, with no surrounding residential homes. Noise is not a problem and ingress and egress is very convenient.

Mr. Bossert shared a copy of a tow bill from Glad Rents he received from one of his customers, and pointed out in the upper corner there is written GPS for Gladstone Public Safety, which Mr. Bossert felt indicated a police ordered tow.

Mr. Horax asked City Council members to compare the prices on the bill to the price sheet's listed amounts to be charged for a tow.

Mr. Bossert stated he has had several people call him in the last week saying they had called Glad Rents inquiring into towing costs and were told the charge for towing is \$30 and there is a \$10 per day storage fee. The tow bill, Mr. Bossert said, shows \$20 for a single day storage. Mr. Bossert continued by saying he has seen \$230 or \$240 tow bills from Glad Rents for police ordered tows, where the insurance company would be paying the bill. Mr. Bossert suggested the City demand copies of the tow bills to see what is being charged to citizens.

Mr. Horax stated tow fees would also be shown in the required monthly reports. Mr. Horax stated he and Mr. Bossert would be happy to provide their driver's licenses for clearance, but they have no other tow truck drivers. They have the trucks and can always get the drivers. They would have to get drivers of good character that their insurance carrier would cover. Mr. Horax explained they do not want to hire people unless they can put them to work.

Mayor Smith stated, as Mr. Horax and Mr. Bossert are aware, information regarding the City tow service was provided by the Public Safety Department to City Council members at an Open Study Session earlier in the evening. City staff will be asked to research the concerns Mr. Horax and Mr. Bossert have brought up, and this issue will be on the next City Council meeting's agenda.

Item 7. on the Agenda.

COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Joe Evans thanked the neighbors of Hickory Hills, Art Hammen of Gladstone Neighbors Helping Neighbors, and City staff for working together to beautify a section of our City that was in dire need of clean-up. This was another example of how great citizens of Gladstone work with City staff with the resources Gladstone has to beautify our city.

Councilman Carol Rudi extended best wishes for everyone for happy and safe holidays and reported there will be a City Council meeting next Monday, December 1st.

Councilman Bill Cross commended Finance Director Cash Sweiven and his staff in providing such valuable information on the City's financial status. Councilman Cross stated it is great to have such a competent person in his position. Councilman Cross thanked the people who participated in the Boards and Commissions interviews last week, and stated it is wonderful there are so many people in our City willing to give of their time and talent. It is great to have outstanding people come forward to volunteer to serve on any Board or Commission. Council Cross concluded by saying a former Board member, Bill Duncan, passed away recently. Mr. Duncan worked so hard for the City for so many years and will be missed. He was a great gentleman.

Mayor Pro Tem Wayne Beer stated he had no comments at this time.

Mayor Les Smith stated Finance Director Cash Sweiven is so proficient at what he does, he presented financial seminars at the Missouri Municipal League conference a couple of years ago. Mayor Smith thanked Director Sweiven and his staff for all their efforts.

Mayor Smith mentioned this is the 51st fall season the City has received phone calls about people blowing leaves into the streets and storm drains, and asked what is being done this year to educate our residents.

City Manager Kirk Davis replied a dedicated program has not been discussed nor have press releases been sent encouraging people not to blow leaves into the street or storm drains. It has been epidemic each year. The City has cleaned the worst areas of leaves this fall. City Manager Davis stated there has not been a prescribed program this year to tell people not to blow their leaves into streets or storm drains.

Mayor Smith suggested a press release be sent regarding this issue. Mayor Smith invited everyone to the Mayor's Holiday Tree Lighting Ceremony, Tuesday, November 25th, beginning at 6:00 PM, at the First Bank of Missouri on Northeast Antioch Road. Three school choirs, past mayors and council members will be present.

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

City Manager Kirk Davis wished everyone a happy Thanksgiving.

Item 9. on the Agenda. **FIRST READING BILL 03-38**, an ordinance calling a Primary Election for Tuesday, February 3, 2004 for the election of one position to the Gladstone City Council; describing the form of the ballot; and directing the City Clerk to submit certification of such election to the Clay County Board of Election Commissioners pursuant to RSMo. 115.125.

Councilman Bill Cross moved to place **Bill 03-38** on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-38, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-38 and enact the Bill as **Ordinance 3.889**. Mayor Pro Tem Wayne Beer seconded.

Mayor Les Smith inquired into the deadline for a City Council candidate to remove their name from the ballot.

City Clerk Cathy Swenson replied the last date a candidate may remove their name from the ballot in the City Clerk's office is tomorrow morning before the Clerk certifies the election with the Clay County Election Board. After that, a candidate must remove their name from the ballot at the Clay County Election Board. A Clay County Election Board judge reported a candidate's name may be removed from the ballot up to eight weeks before the primary election. If ballots have been printed, the charge to reprint the ballots must be paid by the candidate. Ballots are usually printed by eight weeks before an election.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 10. on the Agenda. **CITY COUNCIL ACCEPTANCE OF FY 2002-2003 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**

Councilman Bill Cross moved to accept the FY 2002-2003 City of Gladstone Annual Financial Report. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0).

Item 11. on the Agenda. **FIRST READING BILL 03-39**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone for north and south bound traffic on North Cherry Lane from the intersection of Northeast 71st Street and North Cherry Lane south to Oakhill Day School.

Mayor Pro Tem Wayne Beer moved to place **Bill 03-39** on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 03-39, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 03-39 and enact the Bill as **Ordinance 3.890**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 12. on the Agenda. **FIRST READING BILL 03-40**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Stop" Sign location at Northeast 70th Terrace and North Bellefontaine.

Councilman Bill Cross moved to place **Bill 03-40** on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 03-40, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 03-40 and enact the Bill as **Ordinance 3.891**. Mayor Pro Tem Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 13. on the Agenda. **FIRST READING BILL 03-41**, amending Ordinance No. 3.865 to reduce the land area of the Gladstone Plaza redevelopment area.

Councilman Carol Rudi moved to place **Bill 03-41** on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 03-41, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 03-41 and enact the Bill as **Ordinance 3.892**. Councilman Bill Cross seconded.

Mayor Smith mentioned that for those who have followed the Gladstone Plaza Redevelopment issue, there are 20 acres of vacant property attached to the east of the shopping center, and development will begin soon on the vacant parcel. This ordinance removes that part of the land from the redevelopment area.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 14. on the Agenda. **OTHER BUSINESS.**

There was no other business.

Item 15. on the Agenda. **QUESTIONS FROM THE NEW MEDIA.**

There were no questions from the News Media.

Item 16. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the November 24, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

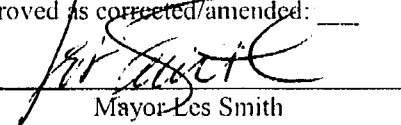
Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended: _____


Mayor Les Smith

**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, DECEMBER 1, 2003**

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 NOVEMBER 24, 2003 CITY COUNCIL MEETING MINUTES.**

REGULAR AGENDA

5. **RESOLUTION NO. R-03-91**, authorizing acceptance of work under contract with Kaw Valley Engineering for the NE 76th Street Reconstruction (Design); and authorizing final payment for Project 9814.
6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. **Board and Commission Appointments/Reappointments.**
8. **Communications from the City Manager.**
9. **CONTINUED PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202).

AUDIENCE NOTE: Applicant withdrew application due to sale of property.

10. **PUBLIC HEARING:** on a request to rezone from C-2 (Commercial) to CP-2 (Commercial-Planned) property located at 6320 North Oak Trafficway. Applicant: Mission River, LLC. Owner: Larry K. Myers and Connie S. Myers-Botwin Family Partners, L.P. (File No. 1209)
- 10a. **FIRST READING BILL 03-42**, amending Ordinance No. 2.292 and being an ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri.
- 10b. **FIRST READING BILL 03-43**, approving a Site Plan in conjunction with rezoning of property located at 6320 North Oak Trafficway.

11. **PUBLIC HEARING:** on a request to rezone from R-1 (Residential) to CP2(Commercial Planned) on property located at 2404 and 2412 NE 72nd Street. Applicant: Apex Management Systems, Incorporated. Owner: Shirley Lee Wethered, 2404 NE 72nd Street, and Gilbert and Harriet Chesterton, 2412 NE 72nd Street. (File No. 1210).

AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, January 12, 2004, City Council meeting, at the request of the applicant.

12. **PUBLIC HEARING:** concerning the development plan submitted by WCP Gladstone Plaza, LLC. In response to the request by the City of Gladstone for qualifications and proposals for the development of the Gladstone Plaza Redevelopment area, generally located in the Northeast quadrant of North Oak Trafficway at NE 64th Street.
13. **RESOLUTION NO. R-03-92,** preliminarily approving the development plan submitted by WCP Gladstone Plaza, LLC. in response to the request by the City of Gladstone for qualifications and proposals for the development of the Gladstone Plaza Redevelopment area, generally located in the Northeast quadrant of North Oak Trafficway at NE 64th Street by the City of Gladstone and authorizing the City Manager to begin negotiation of a Development Contract for the implementation of the preliminarily approved plan.
14. **RESOLUTION NO. R-03-93,** authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc., 6800 North Oak Trafficway, for vehicle towing and storage services for the two year period January 1, 2004 through December 31, 2005, and the City shall have the option to extend the term of the agreement for one additional 12-month period.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



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

MONDAY, December 1, 2003

PRESENT: Mayor Les Smith
Mayor Pro Tem Wayne Beer
Councilman Bill Cross
Councilman Carol Rudi
Councilman Joe Evans

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor David Ramsay
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular December 1, 2003, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

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

Item 4. on the Agenda. APPROVAL OF THE REGULAR NOVEMBER 24, 2003 CITY COUNCIL MEETING MINUTES.

Councilman Bill Cross moved to approve the Regular November 24, 2003 City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

REGULAR AGENDA

Item 5. on the Agenda. **RESOLUTION NO. R-03-91**, authorizing acceptance of work under contract with Kaw Valley Engineering for the NE 76th Street Reconstruction (Design) and authorizing final payment for Project 9814.

Councilman Bill Cross moved to accept **RESOLUTION NO. R-03-91**, authorizing acceptance of work under contract with Kaw Valley Engineering for the NE 76th Street Reconstruction (Design) and authorizing final payment for Project 9814. Councilman Carol Rudi seconded. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 5a. on the Agenda. **APPROVAL OF A NEW CLASS "A" LIQUOR BY THE DRINK LICENSE FOR PRIME TIME, 6948 NORTH OAK TRAFFICWAY, FRANK GABEL, MANAGING OFFICER.**

Councilman Bill Cross moved to approve a new Class "A" Liquor by the Drink License for Prime Time, 6948 North Oak Trafficway, Frank Gabel, Managing Officer. Councilman Joe Evans seconded. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

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

Councilman Joe Evans had no comments at this time.

Councilman Carol Rudi had no comments at this time.

Councilman Bill Cross commented that the new signage the City has put up looks great. Councilman Cross noted the attendance was very good at the Gladstone Mayor's Holiday Tree Lighting, and the event went very well. Bryan Busby mentioned in the 5:00 News that he enjoyed being a part of the Mayor's Holiday Tree Lighting.

Mayor Pro Tem Wayne Beer had no comments at this time.

Mayor Les Smith thanked all who participated in the Mayor's Holiday Tree Lighting, which was a wonderful event. Mayor Smith asked City Manager Davis the status of the right-of-way acquisitions for the NE 76th Street Project.

City Manager Kirk Davis replied as of last Friday, there were seven temporary construction easements and right-of-way parcels still to acquire for the project from North Troost to North Oak. Out of 70 plus parcels for this project, there are only seven more to acquire.

Great progress has been made with easement acquisition over the last two to three weeks. It is still planned to break ground the first part of the year.

Mayor Smith asked City Manager Davis if it would be correct to say the seven remaining residents could soon be holding up the project.

City Manager Davis replied that is correct.

Item 7a. on the Agenda. **BOARD AND COMMISSION APPOINTMENTS AND REAPPOINTMENTS.**

Mayor Pro Tem Wayne Beer moved to approve the Board and Commission appointments effective January 1st, 2004, as listed, and read the following list:

<u>PLANNING COMMISSION</u>		<u>TERM EXPIRATION</u>
Reappointment	Mike Steffens	December 2007
	Mary Abbott	December 2007
New Appointment	Larry Whitton	December 2007

CAPITAL IMPROVEMENTS PROGRAM COMMITTEE

Reappointment	Don McLaughlin	December 2006
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BOARD OF ZONING ADJUSTMENT

New Appointment	Jerry Menefee	June 2008
Restructure of Positions:	Lance Turner to Active Member	June 2005
	Staci Hagen to 1 st Alternate	June 2007
	Jerry Connors to 2 nd Alternate	June 2004

UNIFORM CODES BOARD OF APPEALS

Reappointment	Roger Buckner	December 2006
	Ken Christeson	December 2006

PARKS AND RECREATION ADVISORY BOARD

Reappointment	John Houlihan	December 2006
	Freddie Nichols	December 2006
New Appointment	Freshman Student Member Emily Kraft - Oak Park High School	October 2006

CABLE TV ADVISORY BOARD

Reappointment	James P. Collier	December 2006
	Tim Robertson	December 2006
New Appointment	Larry Thrasher	December 2004

RECYCLING AND SOLID WASTE COMMITTEE

Reappointment	Mary Jo Payton	December 2006
	Robert Settich	December 2006
New Appointment	Burt Comstock	December 2006

SISTER CITIES COMMISSION

Reappointment	Jim Furlong	December 2007
	Teresa Metz	December 2007
	Erich Woitascyk	December 2007
New Appointment	Fred Franzen	December 2005

Chair George Campbell

Councilman Carol Rudi seconded. The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Mayor Smith made the following announcement of **Chairmen** of Boards and Commissions that are Mayor designates:

Reappointment	Pete Hall	Capital Improvements Program Committee
Reappointment	Chuck Logan	Code Board of Appeals
New Appointment	Don Horton	Recycling and Solid Waste Committee

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

City Manager Kirk Davis wished everyone a happy holiday season.

Item 9. on the Agenda. CONTINUED PUBLIC HEARING : for consideration of a Special Use Permit subject to certain conditions to Toni Faust for operation of a Montessori School at 903 NE 76 Street. Applicant/Owner: Toni Faust. (File #1202).

Mayor Smith opened the Public Hearing, and announced the applicant has withdrawn their application due to the sale of the property.

Mayor Smith closed the Public Hearing.

Item 10. on the Agenda. **PUBLIC HEARING:** on a request to rezone from C-2 (Commercial) to CP-2 (Commercial-Planned) property located at 6320 North Oak Trafficway. Applicant: Mission River, LLC. Owner: Larry K. Myers and Connie S. Myers -- Botwin Family Partners, L.P. (File No. 1209)

Mayor Smith opened the Public Hearing and explained the hearing process that City Staff will make their presentation, followed by a presentation by the Applicant and finally comments from those in Favor and those Opposed.

Staff Presentation

Scott Wingerson, Assistant City Manager, began by saying the applicant is requesting a zoning change from C-2 to CP-2, and also seeks a site plan approval for redevelopment of an existing retail center. The retail center is commonly known as the location of Smokehouse Barbeque and Dominic's Pasta at 64th and North Oak. The proposed development proposes the demolition of a portion of the existing center, construction of a new Walgreen's facility and renovation of the entire center. Mr. Wingerson stated he wished to draw attention to several conditions in the draft site plan ordinance as follows:

A true or modified monument sign shall be utilized to serve the development and an existing retaining wall shall be replaced or repaired.

A wood privacy fence will be utilized, buffering the neighborhood, as well as a decorative metal fence along 64th Street.

There are several closed ingress/egress points along North Oak, which are recommended to be permanently closed, with curb, gutter and sidewalk.

A stormwater escrow of \$7,000 shall be provided prior to issuance of permits, as this is located at the top of a detention basin.

Mr. Wingerson stated Staff is recommending approval to the City Council and the Planning Commission also recommends approval by a 9-0 vote. Mr. Wingerson reported the applicant was present and would explain the overall development as well as changes suggested by the Planning Commission that are incorporated into the site plan.

Applicant Presentation

Matt Werner, Architect for H.T. Paul Company, 201 S. Kansas Avenue, Topeka, Kansas, stated he was at the City Council meeting representing the applicant, Mission River, LLC., and the Walgreen Company. Mr. Werner reported Paul Licossi, the developer for the shopping center and his architect, Jeff DeGasperi and Leon Osborn, Kaw Valley Engineering, the engineer for the entire project were present at the meeting. Mr. Werner stated he was in agreement with all the conditions that Mr. Wingerson listed for this project, and he had with him a revised site plan with revisions recommended by the Planning Commission. Mr. Werner discussed the site plan, indicating parking areas, a drive-through pharmacy on the west side, and a green space area along North Oak Trafficway and 64th Street. The new entrance on 64th Street will be very close to where it is now. The Walgreen monument sign has been reduced from the originally proposed 15 foot sign to a 7 foot sign. Mr. Werner introduced Jeff DeGasperi, who would provide information regarding the upgrades proposed for the shopping center.

Jeff DeGasperi, began by saying some of the refurbishing to the existing center that are proposed are: the walls will be primarily brick with stone accents, there would be green metal awnings, the roofs will be refurbished to all the same color, and the landscaping will be addressed. Mr. DeGasperi continued by saying Dominic's Pasta will also receive the same treatments with brick walls, stone accents, stone base, and the roof will be repainted the same as the other buildings.

Councilman Joe Evans asked if any improvements would be made to the rear of the building.

Mr. DeGasperi replied no building portions would be removed from the back side. The back sides will be cleaned and repainted, but no major improvements are planned for the backs of the buildings.

Councilman Carol Rudi asked if the green space now proposed meets with the Planning Commission recommendation.

Mr. Wingerson replied the Planning Commission requested the developer match the Walgreen's green space further to the south all the way through the shopping center to create a consistent streetscape and implement some of the goals of the streetscape plan. The revision is consistent with what the Planning Commission has asked. Mr. Wingerson stated the second part of the Commission request was to provide 90 degree angle parking in the main parking field adjacent to North Oak, rather than angle parking. The thought being this would be more efficient and more user friendly compared to the existing configuration. The plan reflects this change.

Councilman Rudi asked if parking spaces would be lost due to the proposed green space.

Mr. Wingerson replied the existing configuration has more parking spaces than required by City codes. The Walgreen facility has more parking spaces than required by code, so overall the site is compliant with 90 degree parking, when added to the overall site.

Mr. Werner reported 13 parking spaces were lost with the reconfiguration in the front of the building, but with the overall total configuration, there will be more parking spaces than required by City code.

Mayor Smith asked if there was anyone to speak in favor or opposition of the proposal, or anyone who had any questions.

Larry Kotcher, representing the Thrift Store, asked how many entrances will be available while construction is taking place.

Mr. Werner replied the two entrances that exist now will always be available – there will be no change.

There being no further comments, Mayor Smith closed the Public Hearing.

Item 10a. on the Agenda. **FIRST READING BILL 03-42**, amending Ordinance No. 2.292 and being an ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri.

Mayor Pro Tem Wayne Beer moved to place **Bill 03-42** on its first reading. Councilman Bill Cross seconded. The vote: All “aye” – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of **Bill 03-42**, Waive the Rule and place the Bill on the Second and Final Reading. Councilman Bill Cross seconded. The vote: All “aye” – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of **Bill 03-42** and enact the Bill as **Ordinance 3.893**. Councilman Bill Cross seconded.

Mayor Pro Tem Beer stated he attended the Planning Commission meeting when this proposal was presented and would like to reinforce that the Planning Commission did make recommendations and the developer has fully addressed those recommendations. Councilman Beer continued by saying he felt this is a project that will be of benefit to the particular corner where it is located and the area in general. Councilman Beer stated he would be voting in favor of this project, and this project should do well in providing services to the community.

Mayor Les Smith stated the demographics have changed in the west side of town and there is not a lot of service being provided to the residents in the west side. Mayor Smith stated the City has encouraged development and redevelopment on the west side, and he is pleased the developer is willing to make this investment in our community.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 10b. on the Agenda **FIRST READING BILL 03-43**, approving a Site Plan in conjunction with rezoning of property located at 6320 North Oak Trafficway.

Councilman Bill Cross moved to place **Bill 03-43** on its First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of **Bill 03-43**, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of **Bill 03-43** and enact the Bill as **Ordinance 3,894**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 11. on the Agenda. **PUBLIC HEARING** on a request to rezone from R-1 (Residential) to CP2 (Commercial Planned) on property located at 2404 and 2412 NE 72nd Street. Applicant: Apex Management Systems, Incorporated. Owner: Shirley Lee Wethered, 2404 NE 72nd Street, and Gilbert and Harriet Chesterton, 2412 NE 72nd Street. (File No. 1210).

Mayor Smith opened the Public Hearing and immediately continued the Public Hearing to the Monday, January 12, 2004, City Council meeting, at the request of the applicant.

Mayor Smith called a five minute recess to allow the next applicant to set up for the following Public Hearing.

Item 12. on the Agenda. **PUBLIC HEARING** concerning the development plan submitted by WCP Gladstone Plaza, LLC. In response to the request by the City of Gladstone for qualifications and proposals for the development of the Gladstone Plaza Redevelopment area, generally located in the Northeast quadrant of North Oak Trafficway at NE 64th Street.

Mayor Smith opened the Public Hearing and explained the hearing process would be the same as announced earlier.

Staff Presentation

Assistant City Manager Scott Wingerson began by presenting to City Clerk Cathy Swenson the response to the Request for Proposals that was authorized by City Council, the legal notice for the Public Hearing for tonight's Public Hearing, and a draft of the approved plan from Reveda that City Council approved approximately one month ago. Mr. Wingerson stated Richard Eisner, the developer was present at the meeting.

Mr. Wingerson stated a number of steps have led up to this point. First, in 1993, the City Council adopted the Comprehensive Plan that guides land use decisions for the City. In 1993, it indicated a need to look at Gladstone Plaza as a redevelopment opportunity. In 2001, the City Council adopted the North Oak Corridor Study that provided a clear focus as to the need to redevelop Gladstone Plaza. The project was seen as catalytic to the health and future of the entire North Oak corridor.

Mr. Wingerson continued by saying in May 2003, the City Council held public hearings and declared Gladstone Plaza and related property as blighted. That same night the City Council also passed an ordinance, which created a 353 Redevelopment Area, and required that redevelopment proposals be solicited. From that time through July and into October, Request for Proposals were published, issued, prepared, and submitted by area developers. In November 2003, the City Council approved a residential development that is known now as Reveda on the undeveloped property associated with Gladstone Plaza. At the last meeting, City Council amended the redevelopment area and removed the Reveda project from consideration.

Mr. Wingerson stated a Public Hearing is being held at this City Council meeting for the purpose of selecting a developer and to allow the City Manager to begin negotiations towards the development contract. Overall, the presentation being given tonight will include introductory comments by Staff, a review of the development proposal and a recommendation by the Zimmer Company, the proposed developer, who will make a presentation concerning the retail portion of the project. There will be brief closing comments, and finally, an opportunity for questions from City Council. Mr. Wingerson pointed out the presentation and plan are found in the notepad that was provided to City Council last week. The proposed plan meets the goal of the Comprehensive Plan, the North Oak Corridor Study and the Request for Proposal authorized by the City Council. The plan will evolve over time should City Council accept the recommendation, and it does provide significant new retail opportunities, improve vehicular circulation, pedestrian accommodation, enhance the landscaping, and provide sustainability over time. Mr. Wingerson introduced Dan Musser of Zimmer Company.

Applicant Presentation

Dan Musser, Senior Vice President of Zimmer Real Estate Services, began by saying his company has been a consultant to the City of Gladstone to assist Staff in the selection of a re-developer for Gladstone Plaza. Mr. Musser stated there was a two-tier selection process that was begun by issuing approximately 70 Request for Qualifications to solicit interested developers. The list was put together from the experience of Zimmer Company and also included firms who had previously expressed interest in the project over the past couple of years, and who had expressed interest in similar projects Zimmer Company has been involved with in the Kansas City area. There were eight firms who expressed interest, and very detailed Request for Proposals were prepared with pertinent data for the potential developers. Mr. Musser stated there were many follow-up conversations with the original 70 firms and the final eight firms to try to determine questions and to have an understanding for their participation. The proposal of WCP Gladstone Plaza, LLC., was evaluated based upon the published criteria and selected for recommendation to City Council for approval as the re-developer of Gladstone Plaza.

Mr. Musser continued by saying during the process, WCP Gladstone Plaza, LLC. met several times with his company and City staff to provide more detail, to discuss the residential component that was originally a part of their proposal and then was removed from their proposal. The project they are proposing tonight is approximately 216,000 square feet with anchor and junior box tenants, which they will explain in more detail. Mr. Musser stated the existing pad sites for Rod's Hallmark and the bank are proposed to remain in place. The site is planned to be integrated for both vehicular and pedestrian traffic, with the adjacent residential development. WCP Gladstone Plaza, LLC. is a partnership of JP Realty, Inc. and Walton Construction and includes Gould Evans Goodman Associates, LC as the design architect and Stinson Morrison Hecker, LLP as their law firm. Mr. Musser reported the development team has extensive experience in re-development of shopping centers, commercial, and other forms of similar projects, that include the Chouteau Crossing, The Crossroads of Independence, State Line Station, and a recently announced Blue Parkway Town Center in urban Kansas City, Missouri.

Mr. Musser stated with City Council's approval this evening, the next steps will be City staff, with the assistance of Zimmer Company, finalizing the deal points and beginning the negotiation of the development agreement, including the re-developer's financing plan, and coordinating their design plan with the adjacent housing development. The developer will immediately begin discussion with the property owner on acquisition and begin formal leasing activities upon designation. Mr. Musser concluded by saying based upon the fact that the project as proposed by WCP Gladstone Plaza, LLC. is the type of project the City of Gladstone, through the Request for Proposal process solicited, and based upon their experience in similar projects and existing tenant relationships, he recommends approval of WCP Gladstone Plaza, LLC. as the re-developer of Gladstone Plaza.

Mr. Musser introduced Dennis Thompson and Jeff Peterson from the development team.

Dennis Thompson, WCP Gladstone Plaza, LLC, stated he would be sharing a Power Point presentation and referred to a handout that was provided, which follows the presentation. Mr. Thompson stated due to the hour and the time allotted he would move directly to the heart of the development points.

Mr. Thompson stated the residential component of the proposed development process is no longer part of the team presentation and has been removed. The Power Point presentation will include current and future tenant interest, the financing plan source and use of funds, and finally a presentation summary. Mr. Thompson reported the goal for the presentation is to articulate their project vision, which is important to the plan for re-development and best use for the site. Another goal is to document the experience of their team. Mr. Thompson said his company is not learning at the City's expense, and this team as designers, builders, and developers have worked previously together on other projects. It is their hope to build a sense of trust and cooperation from the development team to the City Council, the Mayor, and the end users in the City, through the planning and zoning group. Mr. Thompson stated he wished to express their sincere interest in becoming a team partner.

Mr. Thompson introduced Jeff Peterson, of JP Realty, Inc. and Rick Foster, Senior Vice President and Partner of Walton Construction Company, and reported Mr. Foster will be the builder responsible for getting this project done. Mr. Thompson stated there was also in attendance at the meeting Jeff Lewis of Gould Evans Goodman Architects and Paul Campa, who is representing the legal firm of Stinson Morrison Hecker, LLP. Mr. Thompson pointed out the project listing of the team's experience. There are many projects on which the team has worked together successfully, one being the Zona Rosa Retail Village. Mr. Thompson invited the Mayor and City Council to visit this site for a personal tour to see the progress going on there.

Mr. Thompson continued by saying Walton Construction Company is known in the community for building projects that provide betterment to the community, such as the American Royal, Bartle Hall, retail offices, elementary school projects, and higher learning projects. Mr. Thompson said the team's reputation is very well known and their reputation has been built on demanding projects with tough schedules and tough budgets, and they have those types of projects in their portfolio.

Beginning the Power Point presentation, Mr. Thompson discussed the project approach by first saying the most important phase is Phase I – the concept. Mr. Thompson said they understand this is a work in progress. His team has a concept, but they understand the City of Gladstone, the current tenants and prospective tenants have needs. Therefore, they will allow the project to evolve and try to accommodate the needs of the current users, the City, and any future tenants. Phase II will be the predevelopment phase, where after the initial concept is presented, the development team will go through the City's planning and zoning regulations to follow the normal process. Phase III will be the development process of actually laying out the budgeting for the project, the schedule, when tenants will come on line, and when the phasing of all the buildings will be complete. Phase IV is the

Construction phase. It is expected to be 12 months from start to finish for the construction. The Zona Rosa project is being built in record time of less than 12 months, and is a \$70 million project. Phase V is a plan for operations, management and maintenance of the site.

Mr. Thompson continued by saying the proposed retail development is currently 216,000 square feet and will include appropriate vehicular circulation patterns, pedestrian bypass, natural buffers, and landscaping, making the site well improved. Mr. Thompson pointed out one retail area shown on a diagram, denoted as "Retail A", was shown as 135,000 square feet. This area may be split if a "big box" tenant is not attracted who would take the entire area. There is a plan in place where this area may be turned and could be split to accommodate more than one tenant. Developers will be mindful there are residences behind the project, so the backs of buildings will not be built to the front of residents' windows.

Mr. Thompson pointed out "Retail C" and "Retail D" shown on the diagram are planned as two separate buildings, but depending on the tenant mix, those two buildings may be backed together, and accommodate different parking patterns and layout. Mr. Thompson pointed out the Midwest Bank and Rod's Hallmark locations, and stated attention will be made to keep current businesses in the development as well as attract appropriate businesses that will make this retail development work.

Mr. Thompson stated the tenant categories in which interest has been expressed are: supermarket, dry cleaner, salons, restaurants, apparel, hardware, home improvement, video, electronics, and general retail. A great deal of interest has been expressed, but as is common, most people ask they be contacted when the plan is approved.

Mr. Thompson began discussion of the Financing Plan by saying the use of funds is essentially for the retail shopping center. Costs include land costs; site work, including City streets; building construction; indirect costs, such as design and other consultant fees; financing costs, both permanent and construction loans; gross total costs, and net total development costs. Mr. Thompson reported some of the sources of financing will be conventional lending, which is basically a mortgage on the property; TIF (Tax Increment Financing) funds that might be available; TDD - Transportation Development Districts funding; Industrial Revenue Bonds; and CID - Community Improvement District funding. Mr. Thompson stated everything possible will be done to assist the City in making this a very economical project and good project.

There being no questions at this time, Mr. Thompson concluded by saying the development team is experienced, capable and prepared to move forward. The team is focused on meeting and executing the City's development goals. Mr. Thompson thanked the Mayor and City Council for the opportunity to make this presentation.

Assistant City Manager Scott Wingerson stated he would briefly like to mention, in summary, there is an impressive City staff team put together to lead this project, who have spent a great deal of time on the project. The Staff team is led by City Manager Kirk

Davis, City Counselor David Ramsay, Economic Development Administrator Lynn McClure, Christine Treat Bushyhead, Attorney, of White Goss Bowers March Schulte & Weisenfels, and Dan Musser of the Zimmer Company. Mr. Wingerson thanked the development team led by Mr. Peterson for taking an interest in Gladstone and for investing in what promises to be an exciting future for Gladstone Plaza.

Mr. Wingerson continued by saying City Council is being asked to approve Resolution R-03-92, which is on the agenda. This resolution provides preliminary approval for the development plan presented at this meeting, and allows the City Manager to begin negotiations toward presenting to City Council a development contract, which will spell out the details as to how Gladstone Plaza will be re-developed.

Mayor Smith asked if there was anyone to speak in favor or opposition of the proposal, or if there was anyone who had any questions.

As there was no one to speak in favor or opposition of the proposal, and there were no questions, Mayor Smith closed the Public Hearing.

Item 13. on the Agenda. **RESOLUTION NO. R-03-92**, preliminarily approving the development plan submitted by WCP Gladstone Plaza, LLC. in response to the request by the City of Gladstone for qualifications and proposals for the development of the Gladstone Plaza Redevelopment area, generally located in the Northeast quadrant of North Oak Trafficway at NE 64th Street by the City of Gladstone and authorizing the City Manager to begin negotiation of a Development Contract for the implementation of the preliminarily approved plan.

Councilman Carol Rudi moved to approve **RESOLUTION NO. R-03-92**, preliminarily approving the development plan submitted by WCP Gladstone Plaza, LLC. in response to the request by the City of Gladstone for qualifications and proposals for the development of the Gladstone Plaza Redevelopment area, generally located in the Northeast quadrant of North Oak Trafficway at NE 64th Street by the City of Gladstone and authorizing the City Manager to begin negotiation of a Development Contract for the implementation of the preliminarily approved plan. Councilman Bill Cross seconded.

Mayor Pro Tem Wayne Beer stated he knows there is a ways to go before acceptance of the entire project, but what has been seen is clearly in compliance with several issues the City has proposed in the past, including the Streetscape Plan, the Comprehensive Plan, and the North Oak Corridor Study. Councilman Beer stated this is a project that has the potential to attract the appropriate businesses and services to that part of our community, which has suffered with some lack of businesses and services that this project has the potential for satisfying. The developer and his team are obviously capable to handle a project of this scope and it is clear they are very capable in such matters. They have demonstrated a great deal of vision for the community and it appears they have met the issues of flexibility where necessary. It also appears they have been able to attract a significant amount of

pertinent interest. Councilman Beer concluded by saying for these reasons, he will be voting in favor of this resolution.

Councilman Carol Rudi stated she appreciated the concern of the developer for the existing tenants of Gladstone Plaza.

Mayor Les Smith thanked the development team for their willingness to invest in our community. Mayor Smith stated it is time for serious re-development in this community, especially along the North Oak Street corridor. Some people present have been working on North Oak redevelopment plans for 13 to 15 years. Mayor Smith stated it is obvious the development team is capable and willing to provide that serious re-development investment. The citizens on that side of our community are not being provided the services they need, and there is not vacant ground to provide the services, so we are forced to look to re-development issues. Mayor Smith thanked the development team for their presentation and their willingness to invest in the community.

The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 14. on the Agenda **RESOLUTION NO. R-03-93**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc., 6800 North Oak Trafficway, for vehicle towing and storage services for the two-year period January 1, 2004 through December 31, 2005, and the City shall have the option to extend the term of the agreement for one additional 12-month period.

Mayor Pro Tem Wayne Beer moved to accept **RESOLUTION NO. R-03-93**, authorizing the City Manager to execute a Tow Service Agreement with Glad Rents, Inc., 6800 North Oak Trafficway, for vehicle towing and storage services for the two-year period January 1, 2004 through December 31, 2005, and the City shall have the option to extend the term of the agreement for one additional 12-month period. Councilman Carol Rudi seconded.

David Horrocks and Mark Bossert, B & H Automotive, 700 C NE 76th Street, approached the podium and thanked the Mayor and City Council for the opportunity to make remarks. Mr. Horrocks asked who enforces the City's towing contract and how much is a tow supposed to cost in the current contract. Mr. Horrocks stated, when they were preparing their proposal for the new contract, they were not provided the monthly reports for the current contract, so they were not able to see what they would need to do to fulfill the contract for the citizens of Gladstone.

City Manager Kirk Davis replied the Public Safety Department monitors the City's towing contract.

Mr. Horrocks provided copies of tow bills from Glad Rents, who is the current towing provider for the City of Gladstone, and stated based on these bills, he felt Glad Rents was in breach of contract as to what they should be charging.

Mark Bossert pointed out on the bills what he thought were discrepancies in charges according to the existing contract. Mr. Bossert stated it was his understanding, according to the contract, when the police order a tow, the tow rate must be adhered to, but outside the city limits, mileage charges apply. However, the tow rate should be the same, whether or not it was ordered by the police. Mr. Bossert continued by saying according to City soliciting laws pertaining to tow truck drivers, if a tow truck driver even drives by an accident scene, parks in a parking lot, stands with a sign, or anything of that nature, anything even suggesting solicitation to anyone with an accident, who is stuck on the side of the road, or has a flat tire, the tow company is subject to a \$500 fine. Mr. Bossert asked how long Glad Rents has had a police radio.

Captain Mike Couch, Law Enforcement Bureau, replied Glad Rents has had a police radio less than one year.

Mr. Bossert asked if the reason Glad Rents had a police radio was to expedite their arrival to an accident scene.

Captain Couch replied the police radio provides better communication and it provides the ability to get Glad Rents' tow trucks to a site more quickly.

Mr. Bossert asked if he were correct, Glad Rents would not have to be called to a scene, they would just show up by having the benefit of a police radio.

Captain Couch replied most of the time Public Safety dispatchers phone or page Glad Rents; the police radio is just another form of communication.

Mr. Horrocks stated in the City's soliciting law, no tow truck should arrive at an accident scene until they are dispatched.

Captain Couch stated he was not aware of instances that Glad Rents was at a scene before they were dispatched.

Mr. Horrocks stated he felt the Glad Rents bills indicate the tow truck was at the accident scene before they were dispatched, because of the price charges on the sheet. If they were dispatched by an owner, why would the tow truck take the vehicle back to the storage lot. Mr. Horrocks stated when someone calls his company, they want their vehicle taken directly somewhere, instead of a storage lot.

Mr. Bossert stated he felt this whole issue needs further investigation.

Mr. Horrocks suggested the City's towing contract not be awarded to one person, but go on a rotating basis, which is the policy of the Highway Patrol and other municipalities.

Mr. Bossert stated, in his opinion, since Glad Rents has a police radio, it should be considered every call they hear on the radio that they have responded to in the last year, was a police ordered tow and their charges should be based on the towing contract.

Captain Couch disagreed with Mr. Bossert's statement, and said the police radio is a communication tool and he does not know that they monitor the radio.

Mayor Les Smith stated he knows Mr. Bossert and knows both gentlemen present run a reputable business. Mayor Smith said Public Safety is charged with handling very traumatic and chaotic situations and the City depends on them to handle situations, and the City listens to their recommendation. City staff has recommended the City enter into a contract with Glad Rents. Mr. Bossert and Mr. Horrocks have brought up some valuable points at the last City Council meeting and this meeting, and there is going to be very careful monitoring of the tow bills and strict compliance, or the tow contract will be canceled and it will be reopened for bid. Mayor Smith stated another issue that has been brought up is the solicitor's ordinance and asked City Counselor Ramsay to take a look at this ordinance, give the City Council an opportunity to review it at a Study Session early in January, and make any necessary recommendations. Mayor Smith continued by saying a tow truck company driving down the road should not be cited for solicitation.

Mr. Bossert, indicating distributed tow bills, made note that tickets should have printed numbers, in successive order and not hand written numbers. Hand written numbers make for double ticketing and anything could be written, making things more confusing.

Mr. Horrocks asked when bids have gone out, and before a recommendation is made, are not all applicants supposed to have all sites and tow trucks looked at, as well as all people available.

Captain Couch replied the proposal City Council is now discussing, (B & H Automotive), included a site inspection, which was done to ensure the tow company represented here was able to provide the services the City needed. Services such as the capability to tow large vehicles, which this company is not able to do, to inspect their site to be sure it is secure, which Public Safety believes is not secure, and to review what their capabilities were.

Mr. Horrocks stated his company was not looked at before the recommendation was made, nor was the other bidder, Arrow Tow, who Mr. Horrocks said was present at the meeting. Mr. Horrocks said Arrow Tow was not contacted at any time.

Mr. Bossert stated a company is not going to buy large tow trucks, equipment, hire people, or do things they would not do if they do not have the contract. Mr. Bossert suggested in future bidding processes for a tow contractor, the City include a letter of credit from a bank or some other financial entity indicating they would loan money to the tow company to meet the requirements of the contract.

Mayor Smith stated the City wants this process to be fair. Glad Rents has done a good job. However, if there is any blatant violation of the contract such as in the billings, from this date forward, then the City will have an issue with them. At this time, Glad Rents has provided good service, and according to City records, there have been no or few complaints. Glad Rents responds very well when they are called, and they take the job very seriously.

Mayor Smith continued by saying good points have been made that the City needs to look at from the viewpoint of making sure the process is fair to those who may not have the equipment Glad Rents has, because they already have the contract. Mayor Smith stated he was in favor of incorporating some of those suggestions. Mayor Smith said for now we need compliance of this contract. Whatever is needed to set up a monitoring system for compliance, needs to be done.

Mr. Bossert asked what was the cost of a police ordered tow under the existing contract. Mr. Bossert, referring to the current contract, asked if a tow was \$15 for an impounded vehicle or \$30.

Captain Couch replied if the towing company does a regular tow and uses a flat bed truck, the cost is \$30. It depends on the type of truck that is used.

Mr. Bossert stated he thought, by reading the contract, the charge should be \$15, and his lawyer agreed. A tow truck must be used to have tow charges, whether it is a flat bed or a wheel lift. Mr. Bossert suggested the tow prices should be posted where people have their vehicles impounded, and the police should give a copy of the tow prices to people when they get a release form from the police station. A copy of the tow charges should be posted on the wall in Public Safety so people can see it. Mr. Bossert said he has had many people ask him what the tow price was supposed to be.

Mayor Pro Tem Wayne Beer agreed with Mayor Smith that he sees some areas, when it comes time for bidding the next contract, that need consideration, including the ability to monitor costs. Councilman Beer said he felt it was important to look at revocation of a contract for violation of conditions of the contract. Of course, there may be honest mistakes made, depending on the tow truck driver and his ability to understand or remember the exact conditions. If it becomes a blatant violation of the contract, the contract should be revoked and the process re-bid, and that contractor not permitted to submit a new proposal until some time down the road to be determined. Councilman Beer stated he would be voting in favor of this resolution as presented.

The vote: All "aye" Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

Item 15. on the Agenda. OTHER BUSINESS.

There was no other business.


Item 16. on the Agenda. **QUESTIONS FROM THE NEW MEDIA.**

There were no questions from the News Media.

Item 17. on the Agenda. **ADJOURNMENT.**

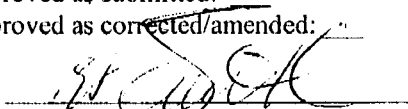
There being no further business to come before the December 1, 2003, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting.

Respectfully submitted:


Cathy Swenson, City Clerk

Approved as submitted:

Approved as corrected/amended:


✓ Mayor Les Smith